

Cheltenham Township, believing that public input is appropriate on any items coming before the Commissioners, will recognize any citizen wishing to address a specific item prior to the vote on that issue. In order to be recognized, please raise your hand.



COMMISSIONERS' MEETING
Wednesday, February 17, 2016
Curtis Hall
7:30 p.m.

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. Approval of the Board of Commissioners' Regular Meeting Minutes dated January 20, 2016.
4. Acceptance of the Executive Summary Financial Report of the Manager/Secretary for the month of January, 2016.
5. Acceptance of the Accounts Paid Report for the month of January, 2016.
6. Presentation of a Resolution to Joseph and Colleen Coll, owners of the Glenside Pub, honoring the 50th Anniversary of the pub.
7. Presentation of a Community Service Award to Sam Rucket recognizing his attainment of the rank of Eagle Scout.
8. Presentation of a Community Service Award to Bret Harris recognizing his attainment of the rank of Eagle Scout.
9. Presentation of a Resolution to Public Works employee Mark Mills for heroic behavior during the blizzard of January 23-24, 2016.
10. Presentation of Commendations to members of the Cheltenham Township Police Department and Upper Dublin and Upper Moreland Townships and Borough of Hatboro Police Departments:

Merit

Det. Ronald Cupo
Det. James McClelland

Certificate of Commendation

Sgt. Brian Griffin
Ofc. Thomas Byrne
Ofc. Stewart Coyle
Ofc. Bobby Richardson

Unit Citation

Lt. John Frye	Ofc. Brett Paul –
Sgt. Brian Griffin	Hatboro Police SWAT
Sgt. Joseph O’Neill	Ofc. Michael Milligan –
Sgt. Richard Schaffer	Upper Dublin SWAT
Sgt. James Slavin	Ofc. Scott Metheny –
Sgt. John Slavin	Upper Moreland SWAT
Sgt. Andrew Snyder	
Sgt. Jesse Tyler	
Ofc. Kevin O’Donnell	
Ofc. Christopher Pachuta	

11. a. **PUBLIC HEARING:** To hear any and all comments regarding the adoption of an Ordinance amending the Code of the Township by adding a new Chapter 291 entitled “Stormwater Management Ordinance for the Wissahickon Creek Watershed in Cheltenham Township” implementing the requirements of the Wissahickon Creek Watershed Stormwater Management Plan (due to size, the Ordinance is not attached to agenda but will be available at the meeting as a separate document and also on the Township’s website).
- b. Consider adoption of an Ordinance amending the Code of the Township by adding a new Chapter 291 entitled “Stormwater Management Ordinance for the Wissahickon Creek Watershed in Cheltenham Township”.
12. a. **PUBLIC HEARING:** To receive any and all comments regarding the adoption of an Ordinance to create the “Off Premises Advertising Sign Overlay District” to regulate the installation and operation of off-premises advertising signs or billboards and amend the Township’s Zoning Map accordingly (see attached and the Township website).
- b. Consider adoption of an Ordinance amending the Township Zoning Code, Chapter 295 and the Township’s Zoning Map creating an “Off Premises Advertising Sign Overlay District” (see attached and Township website).
13. a. **PUBLIC HEARING:** To receive any and all comments regarding the adoption of an Ordinance amending the Code of the Township of Cheltenham, Chapter 295 thereof, entitled “Zoning,” Article XXI, entitled “Floodplain Overlay Conservation District” for the purpose of complying with the National Flood Insurance Act Of 1968, as amended, and associated regulations by, among other things, adopting the updated Floodplain Insurance Rate Map of the Township (see attached and Township website).

- b. Consider adoption of an Ordinance amending the Township Zoning Code, Article XXI entitled “Floodplain Overlay Conservation District” for the purpose of complying with the National Flood Insurance Act of 1968 and adopting the updated Floodplain Insurance Rate Map of the Township (see attached and Township website).
14. Review of the Public Works Committee Regular Meeting Minutes dated February 10, 2016.
- a. Approval of a Certificate of Appropriateness for La Mott Board of Historical and Architectural Review Application No. L16-164 for the restoration of the Cedar Lane Streetscape.
 - b. Approval of Cheltenham Township Development Application No. 15-10 for the Cedarbrook Middle School, 300 Longfellow Road, Wyncote, PA.
 - c. Approval of Cheltenham Township Development Application No. 15-11 for the Cheltenham Mall, 2385 W. Cheltenham Avenue, Wyncote, PA.
 - d. Adoption of a Resolution authorizing the Township Manager to execute all required contract documents and reimbursement grant agreements for the Elkins Park West Commercial District Phase I Streetscape Transportation Alternative Program (TAP) Grant.
 - e. Adoption of a Temporary License and Right-of-Way Easement Agreement for Horace F. Hankinson in the amount of \$5,000, covering the period October 1, 2015 until December 31, 2017.
 - f. Consent to assign Springfield Township Wastewater Service Agreement to Bucks County Water and Sewer Authority.
 - g. Rejection of bids for the Masonry and Roof Reconstruction Project at Curtis Hall.
 - h. Adoption of a Resolution commending Public Works Department employee Mark Mills for heroic behavior (see attached).
 - i. Authorize a Legal Notice indicating that the Commissioners will hold a Public Hearing on March 16, 2016 to consider and possibly adopt an Ordinance amending the Zoning Code to require one or more of the uses listed in Section 295-258.d. in conjunction with Multiple Dwelling Use in the M4 Zoning District, to modify density in the M4 zoning district and to permit certain additional uses consisting of retail shop, bank, personal care business, professional service business, municipal building, indoor recreation and mixed use building (see attached).
 - j. Ratification of the hourly rate of \$125.00 for Sean P. Kilkenny, Esq., the newly appointed Zoning Hearing Board Solicitor for calendar year 2016.
15. Review and acceptance of the Public Safety Committee Regular Meeting Minutes dated February 3, 2016.
- a. Adoption of an Ordinance amending Chapter 285 of the Code entitled “Vehicles and Traffic”.
 - b. Adoption of a Resolution authorizing an annual disbursement to fund the Township’s contribution as a participant in the Montgomery County SWAT – Eastern Region.

16. Review and acceptance of the Public Affairs Committee Regular Meeting Minutes dated February 3, 2016.
 - a. Adoption of a Resolution for the Disposition of Municipal Records.
 - b. Authorize the scheduling of a Public Hearing on Wednesday, February 17, 2016 to consider and possibly adopt a TEFRA (“Tax Equity and Fiscal Responsibility Act”) Resolution authorizing approval of the projects to be financed by Salus University’s bond issue (see attached).
 - (i) **PUBLIC HEARING:** To hear any and all comments regarding the adoption of a TEFRA Resolution approving projects by Salus University to be financed by the university’s bond issue (see attached).
 - (ii) Consider adoption of a TEFRA (“Tax Equity and Fiscal Responsibility Act”) Resolution authorizing approval of the projects to be financed by Salus University’s bond issue (see attached).
17. Review and acceptance of the Building and Zoning Committee Regular Meeting Minutes dated February 3, 2016.
18. Review and acceptance of the Pension Board Regular Meeting Minutes dated February 5, 2016.
19. Review and acceptance of the Parks and Recreation Regular Meeting Minutes dated February 10, 2016.
20. Old Business.
21. New Business.
22. Citizens’ Forum.
23. Adjournment.



Bryan T. Havir
Township Manager

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. _____
"Off-Premises Advertising Sign Overlay District"**

AN ORDINANCE AMENDING THE CHELTHENHAM TOWNSHIP ZONING MAP TO CREATE THE "OFF-PREMISES ADVERTISING SIGN OVERLAY DISTRICT" TO REGULATE THE INSTALLATION AND OPERATION OF OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS IN CHELTHENHAM TOWNSHIP; AND AMENDING THE CODIFIED ORDINANCES OF CHELTHENHAM TOWNSHIP, CHAPTER 295 (ZONING) TO AMEND ARTICLE I (OBJECTIVES AND TERMINOLOGY), SECTION 2 (DEFINITIONS AND WORD USAGE) TO DELETE THE TERM "BILLBOARD" IN ITS ENTIRETY AND REPLACE WITH A NEW DEFINITION FOR "OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS"; AMEND ARTICLE XXV (SIGNS), SECTION 193 (DEFINITIONS) TO DELETE THE EXISTING DEFINITION OF "ADVERTISING SIGN" IN ITS ENTIRETY AND REPLACE IT WITH A NEW DEFINITION FOR "OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS"; AND ADD A NEW ARTICLE XXXVI ENTITLED "OFF-PREMISES ADVERTISING SIGN OVERLAY DISTRICT" SETTING FORTH THE PERMITTED HEIGHT AND LOCATION OF OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS; THE NUMBER OF SIGNS PERMITTED PER LOT; THE PERMITTED CONTENT FOR OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS; LIGHTING REGULATIONS; MINIMUM LOT SIZE REQUIREMENTS; LANDSCAPING REQUIREMENTS; AND MAINTENANCE REQUIREMENTS.

The Board of Commissioners of Cheltenham Township does hereby **ENACT** and **ORDAIN**:

SECTION I: Zoning Map Amendment.

The Cheltenham Township Zoning Map is hereby amended to identify the Off-Premises Advertising Sign Overlay District as an overlay district in addition to the underlying zoning district on those properties depicted on the plan attached hereto as Exhibit "A."

SECTION II: Amendment to Code.

The Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning), Article I (Objectives and Terminology), Section 2 (Definitions and word Usage), Paragraph C is hereby

amended to delete the existing term and definition of "Billboard" and replace it with the following term and definition:

Off-Premises Advertising Sign or Billboard – a sign which directs attention to a business, commodity, service, entertainment or facility not located, conducted, sold or offered upon the premises where such sign is located.

SECTION III: Amendment to Code.

The Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning), Article XXV (Signs), Section 193 (Definitions), Paragraph B(1) is hereby amended to:

1. Delete the existing term and definition of "Advertising Sign" and replace it with the following term and definition:

Off-Premises Advertising Sign or Billboard – a sign which directs attention to a business, commodity, service, entertainment or facility not located, conducted, sold or offered upon the premises where such sign is located.

2. Amend the existing definition of "Billboard" to read "—See "Off-Premises Advertising Sign or Billboard."

SECTION IV: Amendment to Code.

The Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning), is hereby amended to add the following new Article XXXVI, entitled "Off-Premises Advertising Sign (OPAS) Overlay District":

Article XXXVI. Off-Premises Advertising Sign (OPAS) Overlay District.

- A. Purpose and intent. The purpose of this Section is to provide an area for the placement of off-premises advertising signs or billboards in the Township. The goals of this Section are to:
- (1) Provide clear guidelines and regulations for the placement of off-premises advertising signs or billboards.
 - (2) Provide standards for construction of off-premises advertising signs or billboards.
 - (3) Provide for the location of off-premises advertising signs or billboards so that such signs are not adverse to the health, safety and welfare of the public.

B. General regulations.

- (1) Billboards Permitted. Billboards may be permitted by special exception in the OPAS Overlay District subject to the requirements contained in this Section and §295.209 and §295.209.1. All Billboards erected within the OPAS Overlay District prior to the enactment of this Ordinance shall be deemed a permitted use. For all Billboards erected within the OPAS Overlay District prior to the enactment of this Ordinance, no special exception shall be required unless there is a change or alteration of the Billboard of a dimension or other characteristic which is regulated by this Ordinance.
- (2) Size of Billboard Face. A Billboard face may not exceed 380 square feet per side in area.
- (3) Height. Billboards shall not exceed 40 feet, 6 inches feet in height. The height shall be measured from the grade of the immediately adjoining street, road, highway or alley to which the Billboard is oriented to the highest part of the Billboard.
- (4) Location of Billboard. Subject to the last sentence of this Section B(4), Billboards shall be located no closer than 20 feet from any property line, and shall not be located closer than 25 feet from any street or road measured from the ultimate right-of-way of such street or road. Billboards shall not be closer than 500 feet from another billboard measured linearly regardless of whether one of the signs is located in another municipality. No billboard or portion thereof shall be permitted within the clear sight triangle at any intersection of a driveway with a street. No billboard shall be erected within a 100 foot radius of the nearest property line of any of the following: historic site, school, church or other religious institution, retirement or nursing home, cemetery, government building, community center or public park, playground or recreational area. No billboard shall be located within 600 feet of any existing residential dwelling regardless of whether the residence is located in Cheltenham Township or any surrounding municipality.
- (5) Number of Billboards Per Lot. There shall be no more than one (1) Billboard per lot.
- (6) Content. No Billboard shall advertise any adult or sexually-oriented businesses or materials, contain any obscene or profane language, emit any sound, or, otherwise display any content prohibited by 18 Pa. C.S.A. §5903. Billboards shall not advertise alcohol or tobacco products.

- (7) Mechanical Billboards. No part of the Billboard shall revolve, rotate, oscillate, or otherwise move.
- (8) Lighting. Illumination of Billboards shall follow the standards and requirements of the Illuminating Engineering Society of North America (IESNA) and shall be subject to review and approval of the Township. To the extent that there is a conflict between a standard and/or requirements of the IESNA and the provisions of this Section B(8), the provisions of this Section B(8) shall control. Illumination of all Billboards shall be by external illumination or Light Emitting Diode (LED) only. Flashing, scrolling, fading, brightening or animated text or video is prohibited. The copy or image on an LED Billboard shall not change more than eight (8) times per minute. All copy or image changes shall be instantaneous and shall not fade in or out of the digital active area. Any external illumination shall be shielded as necessary to direct light onto the Billboard without spill over on any side of the Billboard. External illumination shall not flash, strobe or otherwise move. Any resulting glare generated by a Billboard shall not exceed 1/8 foot-candle, as measured on the ground at the curb line or shoulder, so as not to impair the vision of any motor vehicle driver or otherwise interfere with a driver's operation of his or her motor vehicle. A Billboard or its structure may be illuminated 24 hours per day.
- (9) Luminance. At no point shall the luminance of any Billboard exceed the following:
- (a) Billboards using external illumination shall not exceed 1.75 watts per square foot of board face.
 - (b) The luminance of an LED Billboard, and any other internally illuminated Billboard, shall not exceed 75 nits per Billboard between sunset and sunrise.
 - (c) The luminance of an LED Billboard, and any other internally illuminated Billboard, shall not exceed 500 nits per Billboard between sunrise and sunset.
- (10) Lot size.
- (a) For all Billboards erected within the Township prior to the enactment of this Ordinance, there shall be no minimum lot size.
 - (b) For all Billboards erected after the enactment of this Ordinance, the minimum lot size for a property on which a Billboard may be located is 10,000 sq. ft.
- (11) Construction and Maintenance of Billboard. All Billboards shall be constructed in accordance with industry-wide standards established by

the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All Billboards shall be structurally sound and maintained in good condition. If the Billboards are not structurally sound or maintained in good condition, the Billboards shall be immediately removed at the sole cost and expense of the owner of the Billboard. If a Billboard is determined by the Township Engineer to be a public safety hazard, the Township shall notify the owner of the property on which the Billboard is located and provide the owner written notice by certified mail, sent to the owner's last known address, to immediately repair or remove the Billboard. If the Billboard is not repaired or removed within 3 days of the date of the notice, the Township may remove the Billboard, and the cost thereof shall be paid by the owner of the property on which the Billboard is erected. The Township may file a lien against the property or take any action permitted by law to collect the cost of removal if it is not paid by the owner of the property. If the Billboard is removed for lack of maintenance, it shall be considered discontinued and subject to the provisions of Section 15 below.

- (12) Billboard Face Arrangement. When two Billboard faces are used in a back-to-back arrangement, they shall be parallel, directly aligned with each other, and not more than five (5) feet apart. When a V-type Billboard face arrangement is used for two Billboard faces of any billboard, the Billboard faces shall not be located more than 15 feet apart at the furthest point nor shall the interior angle be greater than 45 degrees. The rear side of any single-face, Billboard shall be of one neutral color which shall be specified in the order of the Zoning Hearing Board. There shall be no more than two (2) Billboard faces per Billboard.
- (13) Agreement of Property Owner. No part or foundation or support of any Billboard shall be placed on, in or over any private property without the written agreement of the property owner. The agreement shall be presented as part of the application for said Billboard permit but the consideration or price figures bargained between the private parties may be redacted.
- (14) Owner Identification. All Billboards shall be identified on the structure with the name and address of the owner of each Billboard. Billboards within an area regulated by Chapter 445 of the Pennsylvania Code shall further be identified with a permit number or tag issued by the Pennsylvania Department of Transportation.
- (15) Discontinued Billboard. A Billboard shall be considered a discontinued Billboard when it has carried no message for a period of 180 consecutive days, or when such Billboard no longer identifies a bona fide business, commodity, service, entertainment or facility, or when the

majority of the message on such Billboard has deteriorated to the condition that it is not clearly discernable. A Billboard which has been discontinued shall be presumed to be abandoned and shall constitute an illegal Billboard. Any period of time for which the discontinued use of a Billboard is proved to be caused by government actions, labor strikes, material shortages or acts of god, and without any contributing fault of the owner of the Billboard or user of the Billboard, shall not be calculated toward the number of days of discontinued use. Any discontinued Billboard shall be removed at the expense of the owner of the Billboard. In the event that the owner of the Billboard cannot be ascertained after the Township's reasonable inquiry, the discontinued Billboard and structure shall be removed at the expense of the owner of the property on which the Billboard is erected.

- (16) Additional Regulations. In addition to the requirements contained in Section B of this Ordinance, all Billboards shall comply with any and all applicable zoning regulations not specifically established herein and any and all Township, State and/or Federal statutes and/or regulations, including, but not limited to, the Federal Highway Beautification Act, as amended, Cheltenham Township Administrative Building and Property Maintenance codes, and all applicable Pennsylvania Department of Transportation regulations. In the event any other applicable regulation is in conflict with the provisions of this Section B, the more strict regulation shall apply.
- (17) Submission Requirements. In addition to the requirements set forth in the zoning ordinance, plans submitted for Billboards shall show the following:
- (a) The location of the proposed Billboard on the lot with the required Billboard setbacks from the property line and the ultimate right-of-way.
 - (b) The location of the proposed Billboard on the lot and radii of 600 linear feet, 500 linear feet, and 100 linear feet from the proposed Billboard location.
 - (c) The location and species of existing trees over four (4) inches in diameter and those that are proposed to be removed.
- (18) Landscaping. Landscaping shall only be required in the case of (1) a newly constructed Billboard or (2) modification(s) to an existing Billboard which require(s) a new land development application or require(s) new zoning relief. Landscaping shall be provided and maintained at and around all Billboards in the OPAS Overlay District, in accordance with a landscaping plan to be submitted at the time of the use application, so the area in the immediate vicinity of the Billboard

structure presents an appearance that is attractive to passing motorists. Such landscaping plan shall, to the extent practicable, present an attractive and logical scheme which incorporates a variety of low-growing evergreen and deciduous plantings, providing year round vitality and visual interest. Such landscape plan shall take into consideration the need for access to the Billboard structure with necessary equipment, as well as visibility of the advertising faces as viewed by the traveling public. The landscaping plan will be required to meet the following minimum requirements and shall be submitted, reviewed and approved by the Township Engineer and the Shade Tree Advisory Committee:

- (a) Five evergreen trees with a height of five feet to six feet planted within a forty-foot radius on the sides and rear of the base of the Billboard;
 - (b) Four flowering trees with a height of eight feet to 10 feet planted within a fifty-foot radius on the sides and rear of the base of the Billboard; and
 - (c) One shrub tree with a height of three feet to four feet for each three lineal feet of road frontage along the parcel or 40 shrubs, whichever is greater, to be placed in front of the Billboard.
 - (d) All trees four caliper inches in diameter or greater that are removed due to the construction or erection of a Billboard shall be replaced on site at a ratio of one (1) replacement tree for each tree removed, using native species, no less than three (3) inches caliper in diameter.
 - (e) Applicants unable to comply with the full extent of the requirements of this Section due to site conditions, may at the discretion of the Shade Tree Advisory Committee and the Township Engineer, plant all or a portion of the required landscaping on another part of the subject property or at a suitable location, as agreed to by the Township.
- (19) Maintenance of Landscaping. All landscaping shall be maintained in a good and safe condition. If any approved landscaping is found by the Township to be in poor condition, the Township shall notify the owner of the property on which the Billboard and landscaping are located and provide the owner 60 days written notice certified mail, sent to the owner's last known address, to correct to the condition of the landscaping to the satisfaction of the Township. If the condition of the landscaping is not corrected within 60 days of the date of the notice, the Township may perform such work as is necessary to bring the landscaping into a good and safe condition, and the cost thereof shall be

paid by the owner of the property on which the Billboard and landscaping are located. The Township may file a lien against the property or take any action permitted by law to collect the cost of any corrective action taken by the Township if it is not paid by the owner of the property.

(20) Public Service Messages on Electronic Billboards.

(a) Alerts. The operator of a Billboard shall post Amber (also known as Child Abduction Emergency), police and emergency management alerts (Alerts) whether received from the Township Police Department, the Pennsylvania State Police, the National Missing and Exploited Children Association or other official, government emergency services or security department authorized to issue emergency alerts, and, accordingly, the billboard shall be permitted to operate 24 hours per day. Alerts shall, promptly after receipt, run not less than one time per minute for the duration of an emergency.

(b) Public Service Messages. The operator of a billboard shall provide the Township with the opportunity to post a minimum of 30 Public Service Messages on the billboard sign each hour, seven (7) days per week, exclusive of Alerts. The Township may post Public Service Messages announcing the following activities: Cheltenham Township events, community events which are conducted in Cheltenham Township, Cheltenham Township School District events, welcome announcements for new businesses opening in Cheltenham Township (for a duration of no more than two (2) weeks), and other similar public service announcements (Public Service Message). The Township shall be responsible for providing to the billboard operator the messages in an adaptable format at the Township's costs. The content of the Township's requested Public Service Messages shall be subject to the operator's reasonable approval and not exceed one advertising slot on rotation of every 60 seconds of advertising.

(21) Nothing in this Ordinance shall be construed to repeal or limit Cheltenham Township Code 295-197.B.(1) regulating billboards in Industrial Districts.

SECTION VI: Severability.

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such

illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION VII: Failure to Enforce not a Waiver.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION VIII: Effective Date.

This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION IX: Repealer.

Except as otherwise provided in Section IV above, specifically, Article XXXVI, Section B, Subsection (21), all other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

SECTION X: Disclaimer.

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of the Township of Cheltenham, County of Montgomery or Commonwealth of Pennsylvania. Nothing in this Ordinance shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed. **ORDAINED AND ENACTED** by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, this 17th day of February, 2016.

CHELtenham TOWNSHIP

By: _____
Morton J. Simon, Jr., President,
Board of Commissioners

Attest: _____
Bryan T. Havir,
Township Manager/Secretary

CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. - _____

AN ORDINANCE OF THE TOWNSHIP OF CHELTENHAM AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM, CHAPTER 295 THEREOF, ENTITLED "ZONING," ARTICLE XXI ENTITLED "FLOODPLAIN OVERLAY CONSERVATION DISTRICT" FOR THE PURPOSE OF COMPLYING WITH THE NATIONAL FLOOD INSURANCE ACT OF 1968, AS AMENDED, AND ASSOCIATED REGULATIONS BY, AMONG OTHER THINGS, ADOPTING THE UPDATED FLOODPLAIN INSURANCE RATE MAP OF THE TOWNSHIP.

NOW THEREFORE, the Board of Commissioners of Cheltenham Township does hereby ENACT and ORDAIN the following:

SECTION I – Amendment to the Code

Chapter 295 of the Codified Ordinances of the Township entitled "Zoning", Article XXI entitled "Floodplain Overlay Conservation District," is amended as follows, additions marked in bold, underline and deletions crossed out:

- A. §295-154.C. – "Promote the general health, welfare, and safety of the ~~Community~~ **Township** by preventing development in areas prone to flooding."

- B. §295-155.C. – "The Floodplain Conservation District shall be delineated according to FEMA's ~~Flood Insurance Rate Map~~ FIRM for Cheltenham Township **effective as of March 2, 2016** which is hereby made a part of this article, and additional area based on soils as described in § 295-155A(2). The FIRM is available for inspection at the ~~municipal~~ **Township Planning and Zoning** office."

- C. §295-159 – "EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by ~~the a-community~~ **Township**."

- D. §295-159 – “NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by ~~a community~~ **the Township**.”
- E. §295-159 – “POST-FIRM STRUCTURE: A structure for which construction or substantial improvement occurred after ~~December 31, 1974, or on or after the community’s~~ **Township’s** initial FIRM dated May 20, 1976, ~~whichever is later,~~ and, as such, would be required to be compliant with the regulations of the NFIP.”
- F. §295-159 – “PRE-FIRM STRUCTURE: A structure for which construction or substantial improvement occurred on or before ~~December 31, 1974, or before~~ **the Township’s** initial FIRM dated May 20, 1976, and, as such, would not be required to be compliant with the regulations of the NFIP.”
- G. §295-160.B. – “The Floodplain Conservation District shall also include areas with soils listed in § 295-155C, along with any Community-**Township**-identified flood hazard areas.”
- H. §295-161.C. – revise paragraph to include the bolded and underlined words: “No new construction or development **in the Floodway** shall be allowed unless a permit is obtained from the Department of Environmental Protection regional office.”
- I. §295-162 – revise paragraph to include the bolded and underlined words: “The Floodplain Conservation District may be revised or modified by **the** Township Board of Commissioners where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, ~~a community~~ **the Township** shall notify FEMA of the changes by submitting technical or scientific data.”
- J. §295-162.1 – revise paragraph to read as follows (delete stricken words and add bolded and underlined words): “Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Cheltenham ~~Planning Commission~~ **Township Zoning Officer**, and any party aggrieved by this decision or determination may appeal to the Township **Zoning Hearing** Board ~~of Commissioners~~. The burden of proof shall be on the appellant.”
- K. §295-162.2 – revise paragraph to read as follows (delete stricken words and add bolded and underlined words): “Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the ~~community~~ **Township** shall review flood hazard data affecting the lands

subject to boundary changes. The community Township shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.”

- L. §295-162.6.H. (add bolded and underlined words): H. Any modification, alteration, reconstruction or improvement of any kind which removes an existing tree(s) of 4 caliper inches or greater in diameter on the site shall require replacement trees which shall be planted equal in number to the total diameter in caliper inches of trees proposed to be removed from the site plus additional trees (from a list selected by the Shade Tree Advisory Commission (“STAC”) or the equivalent agency if STAC does not exist) so that a minimum of one new tree (4 caliper inch diameter minimum) for every 900 square feet of impermeable structure modified, altered, reconstructed or improved shall be planted on the site in addition to all other landscaping and buffer required by other applicable Township Codes. Proper care and maintenance of the said replacement trees shall be deemed to be part of the term “planted”.
- M. §295-162.7.C (added bolded and underlined words): C. (2) All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is less, shall comply with the requirements of 295-162.13.C.(9).
- N. §295-162.13.C (added bolded and underlined words): C. (9) A plotted census of all existing trees of 4 caliper inches or greater in diameter on the site and identifying those trees which would be removed by the construction, enlargement or expansion proposed. The Applicant shall also demonstrate on the plan the location of replacement trees which shall be planted equal to the total diameter in caliper inches of trees proposed to be removed from the site plus additional trees (from a list selected by STAC or the equivalent agency if STAC does not exist) so that a minimum of ten (10) trees per acre within the Floodplain District on the site shall be planted in addition to all other landscaping and buffer required by other applicable Township Codes. Proper care and maintenance of the said replacement trees shall be deemed to be part of the term “planted” as used in this provision.
- O. §295-162.16 – revise paragraph to read as follows (delete stricken words and add bolded and underlined words): “Permits Required. A permit issued by the Floodplain Administrator under §295-162.16 shall be required before any construction or development is undertaken within the Floodplain Conservation District. In the case of a proposed hospital, nursing home, jail, prison, or manufactured home park, the permit referenced herein would be the Special Permit of §295-162.12-17.”
- P. §295-162.22 – revise paragraph to read as follows (delete stricken words and add bolded and underlined words): “~~Work on the proposed construction~~ The start of construction under the permit issued by the Floodplain Administrator under

§295-162.16, shall begin within 180 days after the date of issuance and shall be completed within 12 months after the date of issuance of said permit otherwise said ~~or the permit~~ shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The term “start of construction” shall be understood as defined in §295-159 of this article.”

- Q. §295-162.23.A.(4) – revise paragraph to read as follows (delete stricken words and add bolded and underlined words): “Be served upon the property owner or his agent, as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served ~~with such notice~~ by any ~~other~~ method authorized or required by the laws of this state; and”
- R. §295-162.23.B. – revise paragraph to read as follows (delete stricken words and add bolded and underlined words): “Penalties. Any person who fails to comply with any or all of the requirements or provisions of this article or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the Township ~~municipality~~ shall ~~pay a fine~~ may have a civil judgment payable to Cheltenham Township of not less than \$300 nor more than \$1,000 per violation, plus costs of prosecution entered against them. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the ~~proper~~ enforcement of this article. The imposition of a ~~fine or penalty~~ judgment for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated, or any structure or building constructed, reconstructed, enlarged, altered, substantially improved or relocated, in ~~noncompliance with violation of~~ violation of this article may be declared by the Township ~~Board of Commissioners~~ to be a public nuisance and may be abatable as such.”
- S. §295-162.24.C. – revise paragraph to read as follows (delete stricken words and add bolded and underlined words): “Any person aggrieved by any decision of the Township Board of Commissioners may seek relief therefrom by appeal to court, as provided by the laws of this ~~State~~ Commonwealth including the Pennsylvania Flood Plain Management Act.”

SECTION II– Severability

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION III – Failure to Enforce Not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION IV - Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

SECTION V - Effective Date

This Ordinance shall take effect and be in force from and after its approval as permitted by law.

ORDAINED AND ENACTED into an Ordinance this 17th day of February, 2016.

CHELTENHAM TOWNSHIP

By: _____
Morton J. Simon, Jr., President,
Board of Commissioners

Attest: _____
Bryan Havir, Township Manager/Secretary

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. - _____

**AN ORDINANCE OF THE TOWNSHIP OF CHELTENHAM
AMENDING THE ZONING CODE TO REQUIRE THREE OR
MORE OF CERTAIN OF THE USES LISTED IN SUBSECTION
295-258.D. IN CONJUNCTION WITH MULTIPLE DWELLING
USE IN THE M4 ZONING DISTRICT, TO MODIFY DENSITY IN
THE M4 ZONING DISTRICT, TO MODIFY THE AMOUNT OF
PERMISSIBLE 3-BEDROOM MULTIPLE DWELLING UNITS, TO
DELETE APARTMENT HOTEL USE, AND TO PERMIT
CERTAIN ADDITIONAL USES CONSISTING OF RETAIL SHOP,
BANK, PERSONAL CARE BUSINESS, PROFESSIONAL SERVICE
BUSINESS, AND MUNICIPAL BUILDING.**

WHEREAS, the Historic Preservation, Cultural and Artistic Use, and other Multiple Uses District ("M4 Zoning District") was adopted by the Board of Commissioners of Cheltenham Township by Ordinance on August 5, 2014; and

WHEREAS, during the development and drafting of a comprehensive zoning ordinance amendment certain enhancements for a proposed new district have come to the attention of the Board of Commissioners which the Board would like to incorporate into the M4 District.

WHEREAS, the Board of Commissioners of Cheltenham Township has determined to modify certain of the requirements and add certain requirements to the Use Regulations in the M4 Zoning District; and

NOW, THEREFORE, the Board of Commissioners of Cheltenham Township, in session duly assembled, does hereby **ENACT** and **ORDAIN** as follows:

SECTION I – Amendment to the Code

Section 295-258 of the Codified Ordinances of Cheltenham Township is hereby amended to add a new Subsection F. as follows (new terms in bold):

- F. Notwithstanding anything herein to the contrary, Multiple Dwellings shall be permitted in the M4 District only if, in addition to the uses and square footage required by Subsection 295-258.B. : (1) three (3) or more of the uses listed in Subsection D, except D.5 and D.8, are included in the master plan; (2) such Subsection D uses are developed at the same time as the Multiple Dwellings and as part of the lot, or lots under common ownership, which contain Historic Resources; (3) such Subsection D uses occupy no less than fifteen thousand (15,000) square feet in the aggregate; (4) only a single use of those listed in each Subsection D.1. through D.18. shall be a permitted use for**

purposes of this Subsection F (e.g. a restaurant and tea room cannot be separate qualifying uses); and (5) a hotel shall count as separate use but shall not count toward the required square footage of fifteen thousand (15,000) square feet in the aggregate, provided further, however, that a separate use permissible under this Article within the hotel shall count as a use and as part of the minimum square footage within the meaning of clauses (1) and (3) above.

SECTION II – Amendment to the Code

Subsection 295-258.C.1. of the Codified Ordinances of Cheltenham Township is hereby amended in its introductory paragraph as follows (new terms in bold, deleted terms crossed out):

- C. 1. Notwithstanding anything herein to the contrary **except for any additional dwelling units permitted if a hotel is developed under Subsection D.4. below**, there shall be no more than **ninety (90)** ~~two hundred and fifty (250)~~ units of Multiple Dwellings per tract held in common ownership at the date of establishment of the M4 District. Multiple Dwellings are permitted in the M4 District, subject to a maximum density of **three (3)** ~~eight (8)~~ dwelling units for each one (1) acre of Developable Acreage, but in the aggregate no more than such **ninety (90)** ~~two hundred and fifty (250)~~ units of Multiple Dwellings per tract held in common ownership at the date of establishment of the M4 District, subject further to subsections 1.a., 1.b., **and 1.c.** below and the **increase** ~~reduction~~ in units of Multiple Dwellings in accordance with Subsection D.4. below.

SECTION III – Amendment to the Code

Subsection 295-258.C.1.a.(iv) is hereby amended as follows (new terms in bold, deleted terms crossed out):

- (iv) The units of Multiple Dwellings permitted by this Article shall be not more than 1, 2 or 3-bedrooms, with the 3-bedroom dwelling units comprising no more than **ten percent (1040%)** of the total number of dwelling units in a building.

SECTION IV – Amendment to the Code

Subsection 295-258.D. of the Codified Ordinances of Cheltenham Township is hereby amended by modifying a portion of existing Section D.4, deleting Sections D.10 and D.11 and adding Subsections D.10 to D.16, as follows: (new terms in bold, deleted terms crossed out):

4. ~~Apartment-hotel lodging, up to eighteen (18) units per acre or hHotel lodging up to thirty-two (32) units per acre~~ but in no event more than **125 250 units rooms** in the aggregate per tract, defined as all contiguous lots in common ownership at the date this District is established. In a building containing or attached to an ~~apartment-hotel or a hotel, or on the same lot, ...~~The total number of Multiple Dwelling units, ~~hotel rooms and apartment hotel units, on the tract~~

~~described in this paragraph, shall be a maximum of five hundred (500) less the number of Multiple Dwelling units required to be deducted due to the calculation under Section 295-258 C.1.a.(iii) above from the maximum number of Multiple Dwelling units (250 or less, as applicable). For example, if there are 40 acres of Developable Acreage on the tract held in common ownership at the date of establishment of the M4 District, at 8 units per acre of Developable Acreage, a maximum of 250 units would be allowed subject to the calculation pursuant to Section 295-258.C.1.a.(iii) above. If fifty (50) hotel units are proposed by the developer, then pursuant to Section 295-258.C.1.a.(iii), the number of Multiple Dwelling units permitted on the tract held in common ownership at the date of establishment of the M4 District would be reduced by one (1) unit for each two (2) hotel units, resulting in a maximum number of Multiple Dwelling units of 225 units with 50 hotel units. If a hotel is included in the master plan and developed under this Subsection D.4., the number of Multiple Dwelling units otherwise permitted in this District shall be increased by one (1) unit for each ten (10) hotel rooms but not exceeding ten (10) additional Multiple Dwelling units.~~

10. Retail Shop. A small shop or a store where the single principal use of the premises is the retail sale of goods and merchandise, and whose marketplace draw is considered as largely local in scope or services:

- a. there shall be no outdoor display or storage unless permitted by district regulations;
- b. the making or selling of cooked food shall not be permitted as an accessory use;
- c. only one (1) business enterprise is permitted on the premises or lot;
- d. the gross leasable floor area devoted to retail use and storage is less than 5,000 sq. ft.; and
- e. the retail use employs no more than two (2) employees per 1,000 sq. ft. of gross leasable floor area of the retail shop.

11. Bank. A financial establishment where the primary use is the processing of credit or monetary transactions, including a savings and loan association, credit union, and other financial establishment.

12. Personal Care Business. By special exception, a personal care business requiring direct, physical contact with the customer in the performance of a personal service, and shall include such uses as barber, beautician, and nail manicurist. Such uses generally require a license from the State Department of Professional Occupations.

13. Professional Service Business. Such use shall include businesses which typically offer service in conjunction with the sale of goods. Such uses differ from retail in that the customer area is usually separated from the service area, and some form of laboratory, fabrication area or processing area is necessary. Such use includes but is not limited to shoe repair, tailor, photography studio, copying service, eyeglass labs, and other similar uses, unless otherwise provided for in this Zoning Code.

14. Municipal Building.

15. In addition to any other accessory use expressly permitted in this District, any accessory use on the same lot with and customarily incidental to any of the above permitted uses.

16. Any use of the same general character as any of the uses hereinbefore specifically permitted when authorized as a special exception, but not to include any use permitted only in a less-restricted district.

SECTION V – Severability

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION VI – Failure to Enforce Not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION VII - Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

SECTION VIII - Effective Date

This Ordinance shall take effect and be in force from and after its approval as permitted by law.

ORDAINED AND ENACTED into an Ordinance this ____ day of _____, 2016.

CHELTENHAM TOWNSHIP

By: _____
Morton J. Simon, Jr., President,
Board of Commissioners

Attest: _____
Bryan Havir, Township Manager/Secretary

PUBLIC NOTICE

NOTICE is hereby given that the Board of Commissioners of Cheltenham Township, at its public meeting on March 16, 2016 at 7:30 p.m. (prevailing time) at Curtis Hall, Church Road and Greenwood Avenue, Wyncote, Pennsylvania, will consider and could vote to adopt an ordinance of the Township of Cheltenham amending the Zoning Code to require three or more of the uses listed in Subsection 295-258.D in conjunction with multiple dwelling use in the M4 Zoning District, to modify density in the M4 Zoning District, to delete apartment hotel use, to modify the amount of permissible 3-bedroom Multiple Dwelling Units, and to permit certain additional uses consisting of retail shop, bank, personal care business and professional service business, and municipal building.

Copies of the full text of the proposed ordinance are available for examination during normal business hours at the offices of *Times Chronicle*, 290 Commerce Drive, Fort Washington, Pennsylvania 19034, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401 and the Cheltenham Township Administration Building, 8230 Old York Road, Elkins Park, Cheltenham, Montgomery County, Pennsylvania 19027 where a copy of the proposed ordinance may be obtained for a charge not greater than the cost thereof.

JOSEPH M. BAGLEY, ESQUIRE
WISLER PEARLSTINE, LLP
Solicitors for Cheltenham Township

CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

RESOLUTION NO. _____

A RESOLUTION OF CHELTENHAM TOWNSHIP
APPROVING THE ISSUANCE OF BY THE NORTH PENN
HEALTH HOSPITAL AND EDUCATION AUTHORITY OF ITS
TAX-EXEMPT BOND FOR A FACILITY LOCATED IN
CHELTENHAM TOWNSHIP, MONTGOMERY COUNTY,
PENNSYLVANIA; AND AUTHORIZING THE TAKING OF
ALL SUCH ACTS NOT INCONSISTENT WITH THE
PROPOSED RESOLUTION.

WHEREAS, the North Penn Health Hospital and Education Authority (the "Authority") has approved the application (the "Application") of Salus University and the Pennsylvania College of Optometry Foundation (collectively, "Applicant") for aid in financing a project, as described below, pursuant to the Pennsylvania Municipal Authorities Act (53 Pa.C.S.A. §5601 et.seq., as amended) (the "Act");

WHEREAS, the project consists of (i) currently refunding the Authority's \$9,435,000 Salus University Revenue Bond Series 2012, (ii) financing certain renovations to the facilities of Salus University including renovating certain laboratory space, classrooms, clinical sites and office space; (iii) financing certain other capital improvements, renovations and repairs to the facilities of Salus University; and (iv) paying bond issuance expenses and related costs and expenses;

WHEREAS, the Authority and the Applicant have requested Cheltenham Township to approve the issuance by the Authority of the Authority's bond in the amount not to exceed \$25,000,000, pursuant to Sections 103 and 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), to provide funds, together with other available funds, which will be used to finance the costs of the Project; and

WHEREAS, pursuant to public notice, the Authority has conducted a hearing on said Application at which hearing all interested persons were invited to attend and comment.

NOW, THEREFORE, the Board of Commissioners of Cheltenham Township hereby RESOLVES, as follows:

1. The issuance by the Authority of its bond in the amount not to exceed \$25,000,000 to assist Applicant in the financing of the Project, is hereby approved.

2. The Board of Commissioners of Cheltenham Township is authorized and directed to deliver this Resolution on behalf of Cheltenham Township and to do all other acts as

may be necessary to carry this Resolution into effect, provided, however that Cheltenham Township shall incur no liability hereby.

3. The President of the Board of Commissioners is hereby appointed and directed as the applicable representative of the Board of Commissioners of Cheltenham Township for purposes of signing a certification of applicable representative pursuant to the Act and the Code. The said applicable representative is authorized to execute all such approvals, applications, and/or other documents necessary or convenient to facilitate the project contemplated herein.

4. Nothing contained herein shall cause Cheltenham Township to incur any liability, general or otherwise, by reason of this project or the obligation of the Authority to finance the same, not shall the same be deemed to pledge the credit or general taxing power of Cheltenham Township.

5. The proper officers hereof and of the Authority, to the extent said authorization is necessary, are hereby authorized to execute any and all documents and to do and take any and all other acts and actions as may be necessary to comply with the provisions and intentions of this Resolution and the implementation thereof.

6. This approval is for the exclusive purposes of designating the applicable representative of Cheltenham Township and providing the approval of the development of the project by the governing body of the location of the project as required by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), and the Act. It does not constitute any zoning, land use, land development or other approval.

7. All prior resolutions or parts thereof inconsistent herewith, are hereby repealed.

ADOPTED this 17th day of February, 2016.

CHELTENHAM TOWNSHIP

By: _____
President

[TOWNSHIP SEAL]

Attest: _____
Township Manager