

June 3, 2015
Curtis Hall

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Chairman Morton J. Simon, Jr. presiding. Members present were Commissioners Holland, McKeown, Norris, Rappoport, and Sharkey.

Staff present were Alyson Elliott, Assistant Township Manager; Henry Sekawungu, Director of Planning/Zoning; and Bryan T. Havir, Township Manager. Also present was Joseph Bagley, Esq., Solicitor. A Public Attendance List is attached.

Mr. Simon called the meeting to order at 9:00 p.m.

1. Zoning Hearing Board agenda items for review – None.
2. Upon motion of Mr. McKeown, the Planning Commission Special Meeting Minutes dated May 28, 2015 were unanimously received.
3. Upon motion of Mr. McKeown, the Select Committee Minutes dated May 26, 2015 were unanimously received.
4. The Committee considered an amendment to the Township Code that repeals the Age Restricted Overlay District section of the Zoning Code. Mr. Sharkey stated that the intent of said legislation has not been met, and he cited certain developments such as Laverock Hill, Kerlin Farm, Ashbourne Meadows, and Federation Housing, as examples. He believed that said legislation has been used as a hammer rather than a development tool, and he supported repealing it before it causes additional problems.

Public Comment

Frank Lindy stated that the Mandel Campus is directly across the street from Federation Housing and wants to attract Federation Housing to its campus in order to save the campus. He did not believe other uses such as retail would be viable for the site and a vacancy at this corridor would be a negative for the Township. He noted that development such as Federation Housing do not burden the School District.

David Cohen believed that the development of the Mandel Campus will take a long time. He supported repeal of the legislation; it is disruptive to the community; a text amendment is an option for developers.

Brad Pransky, a member of the Ad Hoc Zoning Committee, believed that an open mind needed to be kept when projects are presented, and he supported Mr. Sharkey.

Mr. Sharkey sympathized with Mr. Lindy but believed that the risk is too great for the Township in keeping said legislation.

It was Mr. Simon's opinion that the intent of the legislation was to get ratables for the Township without any great impact, and he supported it in theory. He stated that developers and neighbors cannot be satisfied, and it is not possible to write an age-restricted ordinance that is suitable to everyone. He supported its repeal.

Upon motion of Mr. Sharkey, the Committee was unanimously resolved to hold the Public Hearing, as stated at the May 20, 2015 meeting of the Board of Commissioners, on June 17, 2015 to consider and possibly adopt an Ordinance amending the Code of the Township, Chapter 295 entitled "Zoning", Article XXXIII, entitled "Age-Restricted Overly District", also known as Sections 295-240 through 295-244, to repeal Article XXXIII in its entirety (see attached).

5. The Committee reviewed a draft amendment to the Township's Ordinance regulating signs. Mr. Bagley reviewed the Ordinance, which addresses certain short comings in the Township's existing Ordinance such as billboards in certain areas and amends the current Ordinance so as to make it stronger and more vital.

Recommendation to the Board of Commissioners: Upon motion of Mr. Sharkey, the Committee unanimously recommended to the Board of Commissioners the adoption of a Resolution authorizing a Legal Notice scheduling a Public Hearing on Wednesday, July 15, 2015, at 7:30 p.m., at Curtis Hall, to consider and possibly adopt an Ordinance amending the Zoning Code by repealing Chapter 295, Section 197.B.(1), entitled "Industrial District" to modify certain off-premises advertising sign requirements and Section 197.E. entitled "Signs in the Commercial Enhancement Districts" to modify the Certificate of Appropriateness process for signs (see attached).

6. Upon motion of Mr. McKeown, the Report of the Building Inspector for the Month of May, 2015 was received.

7. Recent Zoning Hearing Board (ZHB) decisions to review – None.

8. Under Old Business – None.

9. Under New Business: The Committee took note of the Arts in the Park event scheduled for June 7, 2015 at High School Park, 10 a.m. – 5 p.m.

10. Citizens' Forum: Residents in the vicinity of Bishop McDevitt High School expressed concerns about improvements being made to that school's field and its use by Arcadia University.

Earl Stamm stated that he was told that the planned improvements did not need Township approval. He wanted to know what was being done. He felt the Campus Overlay District section of the draft Zoning Code Ordinance is a problem.

Mr. Simon responded that the draft Zoning Code Ordinance to which Mr. Stamm referred has not yet been reviewed, and Arcadia University has withdrawn its appeal to the Zoning Hearing Board. Mr. Sharkey suggested that Mr. Havir contact Arcadia University to ascertain what kind of work is being planned for the field.

Joe Hansen stated that he spoke with the President of Bishop McDevitt who told him that Arcadia University was regrading the field, installing a sprinkler system, and will be playing intramural games.

Mr. McKeown questioned whether or not the Township can control how the school uses its field. Ms. Rappoport questioned the receipt of income in accordance with Bishop McDevitt's non-profit status. Mr. Bagley advised that the Township could question the activities taking place. Ms. Rappoport believe the activities should be reviewed. It was Mr. Simon's opinion that the first step should be to find out Arcadia University's intentions for the field.

Al Chapman stated that Bishop McDevitt's Unrelated Business Income would have to be in excess of 20% of their income. He supported Mr. Hansen's comment on the use of the field. Mr. Bagley stated that Unrelated Business Income is defined by federal law and not related to the County Real Estate law.

Lee Simon was concerned about the Campus Overlay District section of the draft Zoning Code Ordinance, and the reason Arcadia University withdrew its Land Development Plan because the school thought that this section of the draft Zoning Code Ordinance might be more beneficial to them. Mr. Simon explained that the draft Ordinance to change the Zoning Code has not yet been reviewed or discussed among the Commissioners, and is only in the 'draft' stage at this time. Mr. Norris replied that said Ordinance has not yet been seen by the Commissioners. Mr. Sharkey stated that the issue of the athletic field is not a zoning issue.

There being no further business, upon motion of Mr. Sharkey, the meeting was adjourned at 9:45 p.m.



Bryan T. Havir
Township Manager

per Anna Marie Felix

**TOWNSHIP OF CHELTENHAM
RESOLUTION NO. _____**

A RESOLUTION AUTHORIZING THE TOWNSHIP ADMINISTRATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AND POSSIBLY ADOPT AN ORDINANCE TO AMEND ARTICLE XXXV OF THE CHELTENHAM TOWNSHIP ZONING ORDINANCE, ENTITLED "SIGNS," SPECIFICALLY §295.197.B.(1) INDUSTRIAL DISTRICTS TO MODIFY CERTAIN OFF-PREMISES ADVERTISING SIGN REQUIREMENTS IN THE G - MANUFACTURING & INDUSTRIAL DISTRICTS AND §295.197.E. SIGNS IN COMMERCIAL ENHANCEMENT DISTRICTS TO MODIFY THE CERTIFICATE OF APPROPRIATENESS PROCESS FOR SIGNS IN THE COMMERCIAL ENHANCEMENT DISTRICTS

WHEREAS, the Township of Cheltenham, Montgomery County, Pennsylvania desires to amend Article XXXV of its Zoning Ordinance entitled "Signs," specifically §295-197B.(1) Industrial Districts to modify certain off-premises advertising sign requirements in the G-Manufacturing and Industrial Districts and §295-197E. Signs in Commercial Enhancement Districts to modify the Certificate of Appropriateness process for signs in the Commercial Enhancement Districts; and

WHEREAS, the Pennsylvania Municipalities Planning Code (MPC) requires municipalities to hold a public hearing in accordance with public notice prior to the consideration and adoption of an amendment to the Township's Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Cheltenham, Montgomery County, Commonwealth of Pennsylvania that the Township Administration is authorized to advertise a public hearing for Wednesday, July 15, 2015, at 7:30 p.m. (prevailing time) at Curtis Hall, 1250 West Church Road, Wyncote, Pennsylvania, 19095 to consider and possibly vote to adopt an Ordinance to amend Article XXXV of its Zoning Ordinance entitled "Signs," specifically §295-197B.(1) Industrial Districts to modify certain off-premises advertising sign requirements in the G-Manufacturing and Industrial Districts and §295-197E. Signs in Commercial Enhancement Districts to modify the Certificate of Appropriateness process for signs in the Commercial Enhancement Districts.

BE IT FURTHER RESOLVED, that the advertisement shall appear in the *Times Chronicle* on Sunday, June 28, 2015, and Sunday, July 5, 2015.

I HEREBY CERTIFY that the foregoing resolution was adopted by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, at its public meeting held at Curtis Hall, 1250 West Church Road, Wyncote, Pennsylvania, 19095, under my hand and the Seal of the Township of Cheltenham, this seventeenth day of June, A.D., 2015, in the year of the Township of Cheltenham the one hundred sixteenth.

Resolved and adopted this 17th day of **June, A.D., 2015**.

ATTEST:

TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS

Bryan T. Havir
Township Manager and Secretary

By: _____
Harvey Portner, President

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. - _____

AN ORDINANCE OF THE TOWNSHIP OF CHELTENHAM AMENDING ARTICLE XXXV OF THE ZONING ORDINANCE ENTITLED "SIGNS" SPECIFICALLY §295-197.B.(1) ENTITLED "INDUSTRIAL DISTRICTS" (G MANUFACTURING AND INDUSTRIAL DISTRICTS) TO MODIFY CERTAIN OFF-PREMISES ADVERTISING SIGN REQUIREMENTS IN THE G-MANUFACTURING AND INDUSTRIAL DISTRICT AND §295-197.E. ENTITLED "SIGNS IN THE COMMERCIAL ENHANCEMENT DISTRICTS" TO MODIFY THE CERTIFICATE OF APPROPRIATENESS PROCESS FOR SIGNS IN THE COMMERCIAL ENHANCEMENT DISTRICTS

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 XXXV entitled "Signs", Section 295-197B.(1) sign types, area, height, illumination and the number of signs is amended as follows, additions marked in bold and deletions crossed out:

(1) Sign types, area, height, illumination and the number of signs shall conform to the following:

<u>Sign Type</u>	<u>Maximum Sign Area</u>	<u>Maximum Sign Height</u>	<u>Illumination</u>	<u>Number of signs</u>
Monument	20 square feet	6 feet	Internal/external	One per property
Off-Premises Advertising Signs or Billboards	200 square feet	25 feet	Special-exception from-ZHB. External illumination only. Animated, flashing,	One per property; no more than two sign faces per off-premises

revolving, scrolling, rotating, oscillating, and LED signs are prohibited. Any external illumination of an off-premises advertising sign or billboard shall be shielded as necessary to direct light onto the sign without spillover on any side of the sign.

Parallel Wall	10% of square footage of façade; 100 square feet maximum	Not to exceed eaves line or top of parapet wall	Internal/external	One per tenant space
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- (1)(a) Each ~~free-standing billboard~~ **off-premises advertising sign** shall be located not less than 500 feet from any other ~~billboard~~ **off-premises advertising sign** and not less than 200 feet from a residential zoning district, nor shall it overhang any public right-of-way. **An off-premises advertising sign shall not be located on a lot less than 10,000 square feet.**

[All other portions of the table in Section 295-197B.(1) not amended above are hereby restated and ratified.]

SECTION II – Amendment to the Code

Chapter 295 of the Codified Ordinances of the Township entitled “Zoning”, Article XXXV entitled “Signs”, Section 295-197.E. issuance of Certificates of Appropriateness for signs in Commercial Enhancement Districts is amended as follows, additions marked in bold and deletions crossed out:

Signs in the Commercial Enhancement Districts. Any signage within the Commercial Enhancement Districts, as defined in the Cheltenham Township Commercial District Enhancement Plan, as approved and amended by the Board of Commissioners, shall require a **Certificate of Appropriateness (COA)** in addition to the above requirements. The COA is to be

issued by the ~~Building and Zoning Committee~~ Director of Planning and Zoning based on recommendations by the Township's Economic Development Task Force (EDTF). Signs must meet the design guidelines of the Commercial Enhancement Districts. No sign permit will be issued without first receiving the COA.

SECTION III – 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 IV – 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 V - Repealer

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

SECTION VI - 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 15th day of July, 2015.

CHELTENHAM TOWNSHIP

By: _____
Harvey Portner, President,
Board of Commissioners

Attest: _____
Bryan Havir, Township Manager/Secretary



PUBLIC ATTENDANCE LIST
PUBLIC SAFETY COMMITTEE – 7:30 P.M.
PUBLIC AFFAIRS COMMITTEE – 7:45 P.M.
BUILDING AND ZONING COMMITTEE – 8:00 P.M.
Wednesday, June 3, 2015
Curtis Hall

NAME <i>(Please Print Clearly)</i>	ADDRESS <i>(Please Print Clearly)</i>	E-MAIL and/or TELEPHONE <i>(Please Print Clearly)</i>
IRAN PRANSKY	Wesley RD EIP	
S Strahs		
Al Chapman	Waverly Road	
Mary Gibson	200 Gribbel Rd	
Lee Simon	200 Gribbel Rd	
MAURICE WRIGHT	215 GRIBBEL RD	
Earl Stamm	209 Gribbel Rd	estamm@ verizon.net
DAVID L. CARLEN	321 GELBOW AVE	



PUBLIC ATTENDANCE LIST
PUBLIC SAFETY COMMITTEE – 7:30 P.M.
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BUILDING AND ZONING COMMITTEE – 8:00 P.M.
Wednesday, June 3, 2015
Curtis Hall

NAME <i>(Please Print Clearly)</i>	ADDRESS <i>(Please Print Clearly)</i>	E-MAIL and/or TELEPHONE <i>(Please Print Clearly)</i>
Joe & Elaine Hanson	196 Gribble Rd	