



**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2436-22

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF
CHELTENHAM TOWNSHIP, MONTGOMERY COUNTY,
PENNSYLVANIA AMENDING SECTION 295-1904 ENTITLED
“BOARD OF HISTORICAL ARCHITECTURAL REVIEW
(BHAR)” AND SECTION 295-1805 ENTITLED “PUBLIC WORKS
COMMITTEE OF THE BOARD OF COMMISSIONERS”**

WHEREAS, the Cheltenham Township Zoning Code was comprehensively amended in 2017;
and

WHEREAS, since that time, it has been brought to the attention of the Board of Commissioners that the subject matter of the Board of Historical Architectural Review is more appropriately reviewed by the Building and Zoning Committee and that the wording of the Zoning Code should be amended accordingly.

NOW, THEREFORE, the Board of Commissioners of the Township of Cheltenham hereby ordains and enacts as follows (deleted text indicated by ~~strikeout type~~ and new text underscored):

SECTION I. Amendment to the Code.

Section 295-1804 “Board of Historical Architectural Review (BHAR)”, Subsection B. “Powers and Duties of the Board of Historical Architectural Review” is hereby amended as follows (deleted text indicated by ~~strike-out type~~ and new text indicated by underscoring):

§295-1804. BOARD OF HISTORICAL ARCHITECTURAL REVIEW (BHAR)

B. Powers and Duties of the Board of Historical and Architectural Review.

Each BHAR shall have the following powers and duties with respect to all ground, building and structures within its District:

- (1) To recommend to the ~~Public Works Committee~~ Building & Zoning Committee of the Board of Commissioners parcels of vacant ground necessary to preserve and protect within the Historical District.
- (2) To recommend on the advisability of issuing certificates of appropriateness relative for the alteration, erection, reconstruction, restoration, relocation, or demolition, in whole or in part, of any building or structure in said Historical District.
- (3) To recommend to the ~~Public Works Committee~~ Building & Zoning Committee of the Board of Commissioners such changes in the Historical District that will promote the cultural, economic, and general welfare of said District.
- (4) To recommend to the ~~Public Works Committee~~ Building & Zoning Committee of the Board of Commissioners appropriate actions to take on proposed subdivisions/land developments wholly or partly located within an Historical District.

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SECTION II. Amendment to the Code.

Section 295-1805 “Public Works Committee of the Board of Commissioners” is hereby amended as follows (deleted text indicated by strike-out type and new text indicated by underscoring):

§295-1805. ~~PUBLIC WORKS~~ BUILDING & ZONING COMMITTEE OF THE BOARD OF COMMISSIONERS

The ~~Public Works~~ Building & Zoning Committee shall be responsible for reviewing and taking action regarding applications for projects, approving or disapproving the issuance of the certificate of appropriateness, except as otherwise set forth in the preceding Section.

SECTION III. Amendment to the Code

Section 295-1806 “Review Criteria” is hereby amended as follows (deleted text indicated by strike-out type and new matter indicated by underscoring):

§295-1806. ~~REVIEW CRITERIA.~~

When considering an application for a Certificate of Appropriateness for new construction, alteration, erection, reconstruction, restoration, relocation or demolition of any project located within the Historical Architectural Review Overlay District, the BHAR and ~~Public Works~~ Building & Zoning Committee, shall use the latest edition of the Secretary of the Interior’s Standards for Rehabilitation which are hereby adopted by reference, as the basis for determining the recommendations of approval or disapproval of an application.

SECTION IV. Amendment to the Code

Section 295-1807 “Review Procedures for Certificate of Appropriateness Applications” is hereby amended as follows (deleted text indicated by strike-out type and new matter indicated by underscoring):

§295-1807. REVIEW PROCEDURES FOR CERTIFICATE OF APPROPRIATENESS APPLICATIONS

A. Certificate of Appropriateness Review Procedures for: Alteration, Erection, Reconstruction, or Restoration of Buildings or Structures within Designated Historical Districts; Erection of New Structures and Improvements of Vacant Ground within Designated Historical Districts; Land Developments and Subdivision of Land within Designated Historical Districts:

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4. The BHAR shall review the materials submitted by the applicant, using the criteria set forth herein, and either table the discussion or forward their recommendation for approval or disapproval to the ~~Public Works~~ Building & Zoning Committee of the Board of Commissioners of Cheltenham Township for consideration at its next regularly meeting. The BHAR, on the basis of the information received at the meeting and from its general background and knowledge, shall indicate to the applicant the changes in plan and specifications, if any, which, in the opinion of the BHAR, would protect the distinctive historical character of the District and justify the granting of a Certificate of Appropriateness. If the BHAR recommends approval or disapproval of the application, it shall do so in writing and a copy outlining the recommendation for approval or disapproval shall be provided to the applicant.
5. Upon receipt of the recommendation of the BHAR, the ~~Public Works~~ Building & Zoning Committee of the Board of Commissioners of Cheltenham Township shall review the application for a Certificate of Appropriateness at its next regularly scheduled meeting and shall make a determination of approval or disapproval. If the ~~Public Works~~ Building & Zoning Committee approves the application, with or without conditions, the Township

shall issue a COA to the applicant for the work covered by the application.

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7. If the ~~Public Works~~ Building & Zoning Committee disapproves the COA for the work covered by the application, it shall do so in writing. A disapproval shall be promptly confirmed in writing at a subsequent meeting of the Board of Commissioners, and copies shall be given to the applicant and to the Pennsylvania Historical and Museum Commission.

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B. Certificate of Appropriateness Review Procedure for Demolition or Relocation of a Building or a Structure within a Historical District:

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6. The BHAR shall review the materials submitted by the applicant, using the criteria set forth above, and either table the discussion or forward their recommendation for approval or disapproval to the ~~Public Works~~ Building & Zoning Committee of the Board of Commissioners of Cheltenham Township for consideration at its next regularly scheduled meeting. The BHAR on the basis of the information received at the meeting and from its general background and knowledge, shall indicate to the applicant the changes in the plan and specifications, if any, which, in the opinion of the BHAR, would protect the distinctive historical character of the District and justify the granting of a Certificate of Appropriateness. If the BHAR recommends approval or disapproval of the application, it shall do so in writing and a copy outlining the recommendation for approval or disapproval shall be provided to the applicant.
 7. Upon receipt of the recommendation of the BHAR, the ~~Public Works~~ Building & Zoning Committee of the Board of Commissioners of Cheltenham Township shall review the application for a Certificate of Appropriateness at its next regularly scheduled meeting and shall make a determination of approval or disapproval. If the ~~Public Works~~ Building & Zoning Committee approves the application, with or without conditions, the Township shall issue a COA to the applicant for the work covered by the application.
- ...
9. If the ~~Public Works~~ Building & Zoning Committee disapproves the COA for the work covered by the application, it shall do so in writing. Disapproval shall be promptly confirmed in writing at a subsequent meeting of the Board of Commissioners, and copies shall be given to the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would satisfy the conditions for protecting the distinctive historical character of the District. Upon receipt of the written disapproval of the Board of Commissioners, the Director of Planning and Zoning shall disapprove the application for a building permit and so advise the applicant. The applicant may appeal the disapproval as provided by law.

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SECTION V. Amendment to the Code.

Section 295-1812 “Criteria and Procedure for Establishing Economic Hardship” is hereby amended as follows (deleted text indicated by strike-out type and new matter indicated by underscoring):

§295-1812. CRITERIA AND PROCEDURE FOR ESTABLISHING ECONOMIC HARDSHIP

A. No COA involving a claim of economic hardship shall be recommended by the BHAR, nor approved by the ~~Public Works~~ Building & Zoning Committee of the Board of Commissioners issued by the Township unless the applicant provides evidence of and the ~~Public Works~~ Building & Zoning Committee finds that all of the following conditions are true:

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SECTION VI. Disclaimer.

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of Cheltenham Township, Montgomery County 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.

SECTION VII. Severability.

The provisions of this Ordinance are severable, and if any Section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid, or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired thereby.

SECTION VIII. Repealer.

Any ordinance or part of any Ordinance conflicting with the provisions of this Ordinance shall be deemed and the same are hereby repealed to the extent of such conflict.

SECTION IX. Failure to Enforce Not a Waiver.

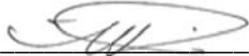
The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION X. Effective Date

This Ordinance shall take effect and be in force as soon after adoption as is permitted by law.

DULY ORDAINED AND ENACTED this 20th day of **April, 2022**, by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, in lawful session duly assembled.

ATTEST:



Robert Zienkowski
Township Manager and Secretary

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

By: 
Daniel B. Norris, President