

Cheltenham Township, believing that public input is appropriate on any item 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.

BUILDING AND ZONING COMMITTEE

Morton J. Simon, Jr. – Chairman
J. Andrew Sharkey – Vice Chairman
Irv Brockington – Member
Baron B. Holland – Member
Daniel B. Norris – Member
Brad M. Pransky – Member
Ann L. Rappoport – Member

**Wednesday, October 4, 2017
8:00 PM
Curtis Hall**

AGENDA

1. Action on Zoning Hearing Board Agenda Item for October 16, 2017 (see attached).
2. Receipt of the Planning Commission Meeting Minutes for September 25, 2017 (see attached).
3. Review of Zoning Hearing Board Decision (see attached).
4. Report of the Building Inspector for September, 2017 (see attached).
5. Old Business
6. New Business
 - a. Consider recommending the adoption of an Ordinance amending Chapter 215, Property Maintenance, Section 215-2, Modification of Standards, of the Cheltenham Township Code of Ordinances to include provisions to deter demolition of a structure by neglect and recommending that the Board of Commissioners authorize advertisement of its intention to consider the adoption of said Ordinance at its regularly-scheduled meeting on November 15, 2017 (see attached).
7. Announcement of Public Hearing for Considering Adoption of New Zoning Ordinance and Map – November 15, 2017, Curtis Hall, 7:30 P.M.
8. Citizen's Forum
9. Adjournment

Bryan T. Havir
Township Manager

Action on Zoning Hearing Board

Agenda Item for October 16, 2017

NOTICE

NOTICE IS HEREBY GIVEN that an application for Zoning Relief for 7704 Lafayette Avenue, Elkins Park, PA 19027 will be reviewed by the following Township Committee which will offer a recommendation to the Zoning Hearing Board:

- a. Cheltenham Township Planning Commission on Monday, September 25, 2017, at 7:30 P.M. at the Township Board Room, at 8230 Old York Road, Elkins Park, PA 19027.**
- b. Cheltenham Township Building and Zoning Committee on Wednesday, October 4, 2017, at 8:00 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.**

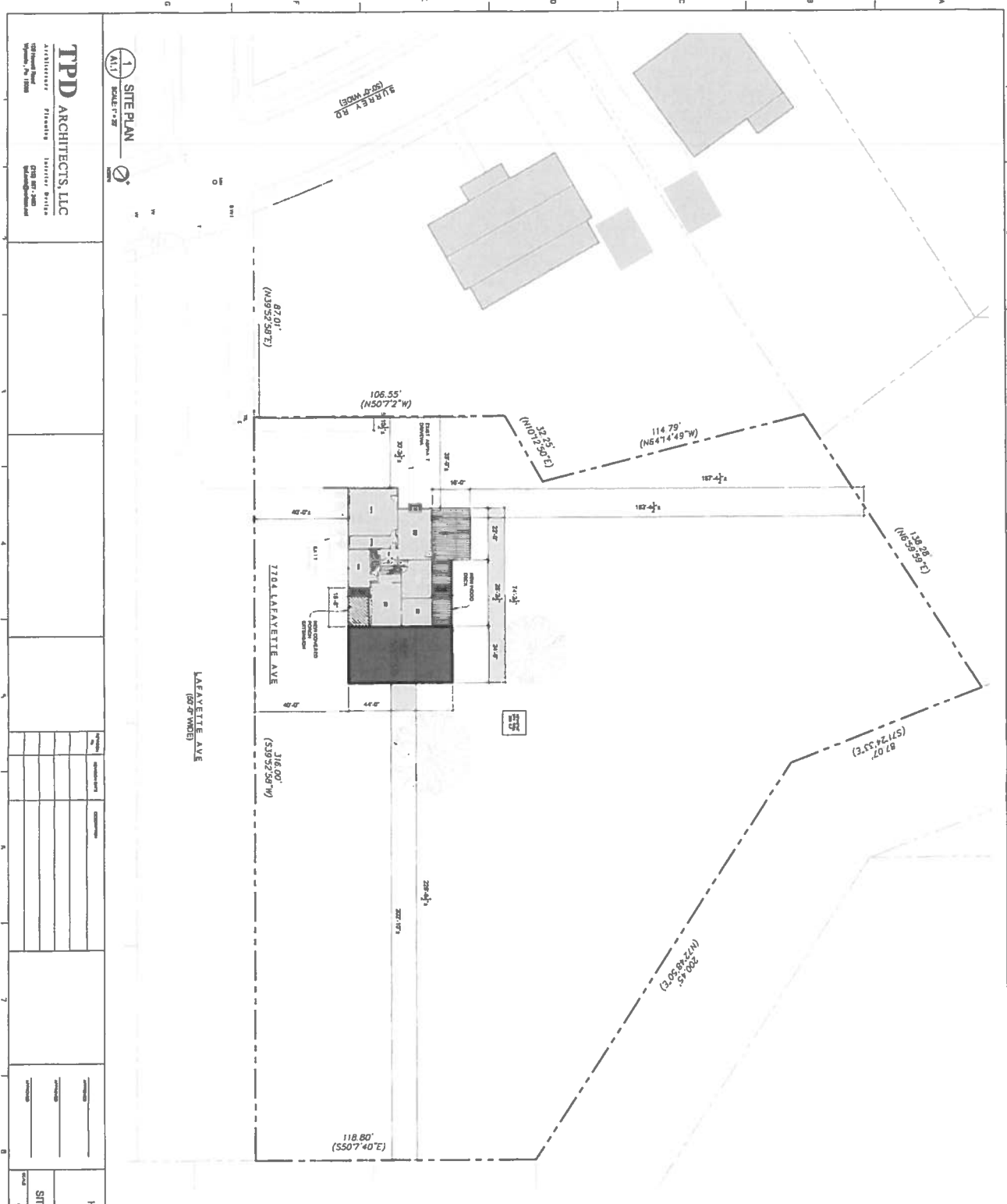
This application will be heard by the Zoning Hearing Board on Monday, October 16, 2017, at 7:30 P.M. at Curtis Hall, at Curtis Arboretum, Greenwood Avenue and Church Road, Wyncote, PA 19095.

APPEAL NO. 17-3580: Appeal of Aula and Jocelyn Harris, owners of the premises known as 7704 Lafayette Avenue, Elkins Park, PA 19027 from the Decision of the Zoning Officer for a variance from Section 295-2., definition of family, to allow for the installation of a second cooking facility, in a new proposed addition, in place of the allowed one in the single-family detached dwelling located in the R-4 Residential Zoning District.

The above application, including site plans, is on file in the Township Administration Building, Planning and Zoning Department, Room 204, 8230 Old York Road, Elkins Park, PA, 19027 and are open for review, Monday through Thursday, 8:00 AM to 4:30 PM and Friday, 8:00 AM to 12:00 PM.

Anyone requiring a special accommodation to participate in the meeting should notify the Public Information Officer at 215-887-1000 ext. 230, five (5) days prior to the meeting.

**ZHB #17-3580
Zoning Officer**



PROJECT DATA:

PROJECT LOCATION: 7704 LAFAYETTE AVE, ELYSIUM PARK, PA 19027

PROJECT ID NO: 21-01-0000-01

TAX MAP ID NO: 2104-014

LAND USE CODE: 1101

LAND USE: R - SINGLE-FAMILY

LOT NO: 1

LOT SIZE: 87.07' (S71.71°E) x 328.53' (E)

MUNICIPALITY: CHELTENHAM

ZONING CLASSIFICATION: R4

OWNER: MR. & MRS. HARRIS

ARCHITECT: TPD ARCHITECTS, LLC
 7704 LAFAYETTE AVE
 ELYSIUM PARK, PA 19027
 (610) 338-1111

PROJECT DESCRIPTION: 1. ADDITION OF 1,100 SQ. FT. TO EXISTING 1,100 SQ. FT. LIVING/ADDITION TO THE EXISTING 2 BDRM RESIDENCE.

ZONING INFORMATION:

PROPOSED ADDITIONAL SQUARE FOOTAGE:

EXISTING BUILT-UP FOOTPRINT: 1,100 SF

NEW ADDITION FOOTPRINT: 1,100 SF

TOTAL BUILT-UP FOOTPRINT: 2,200 SF

TOTAL LOT AREA: 28,700 SF

COVERS NOT INCLUDE NEW SET OR WOOD DECK

REMARKS: FOOTPRINT MAY NOT EXCEED 20% OF TOTAL LOT.

TOTAL LOT SIZE: 87.07' (S71.71°E) x 328.53' (E) = 28,700 SF

REMARKS: - DIMENSIONS FOOTPRINT: 34'0" (S) x 100' (W) (APPROXIMATE)

EXISTING BUILT-UP FOOTPRINT: 1,100 SF

NEW ADDITION FOOTPRINT: 1,100 SF

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TOTAL LOT AREA: 28,700 SF

COVERS NOT INCLUDE NEW SET OR WOOD DECK

REMARKS: FOOTPRINT MAY NOT EXCEED 20% OF TOTAL LOT.



1 OVERALL SITE PLAN
 A1.2 SCALE: 1" = 40'

TPD ARCHITECTS, LLC
 1800 Lehigh Valley Blvd.
 Allentown, PA 18103
 (610) 481-2400
 info@tpdarchitects.com

NO.	DESCRIPTION	DATE

NO.	DESCRIPTION	DATE

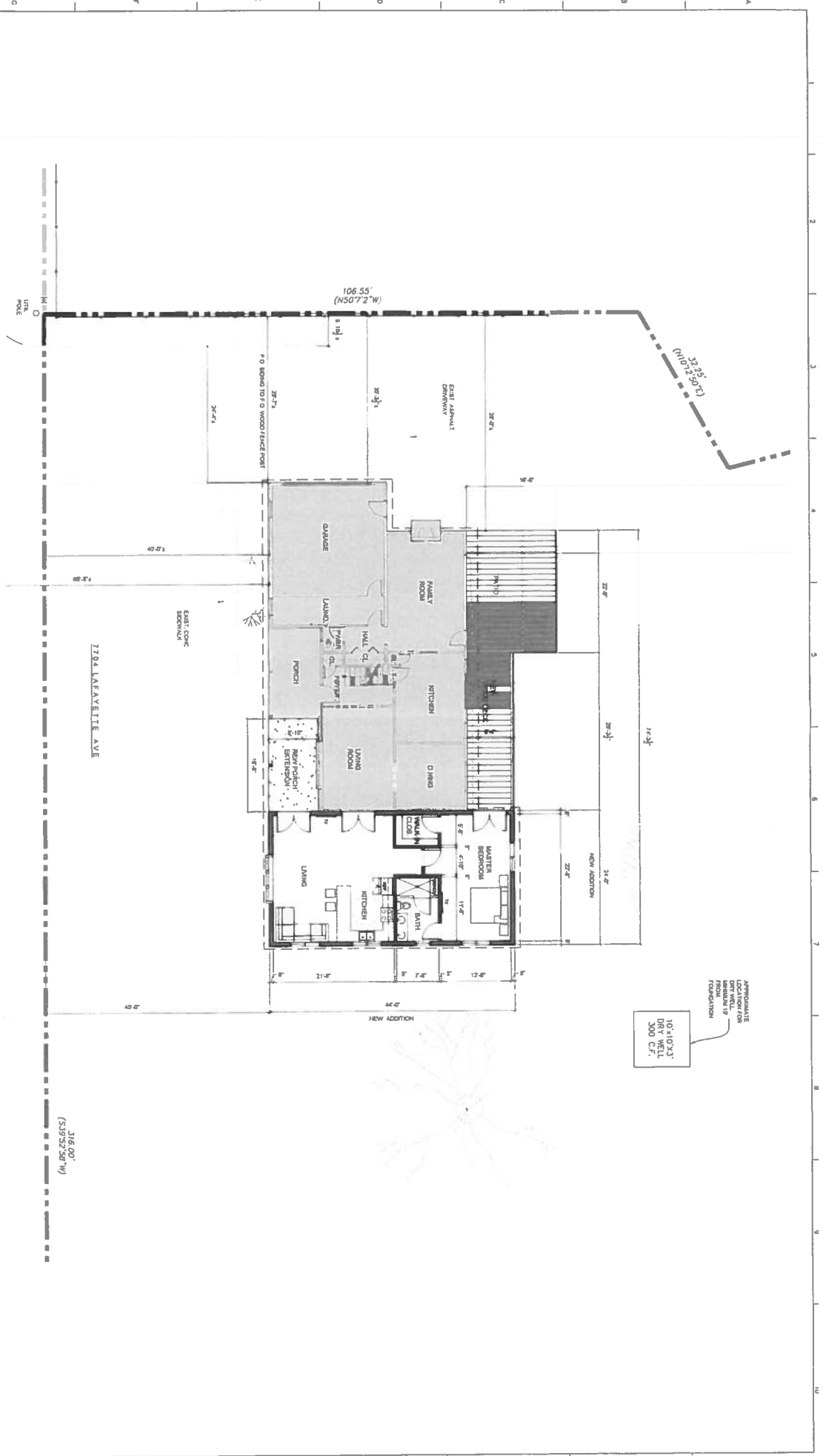
HARRIS RESIDENCE ADDITION
 7704 LAFAYETTE AVE
 EXLOND PARK, PA 18027

OVERALL SITE PLAN
 1" = 40'
 AUGUST 1, 2017

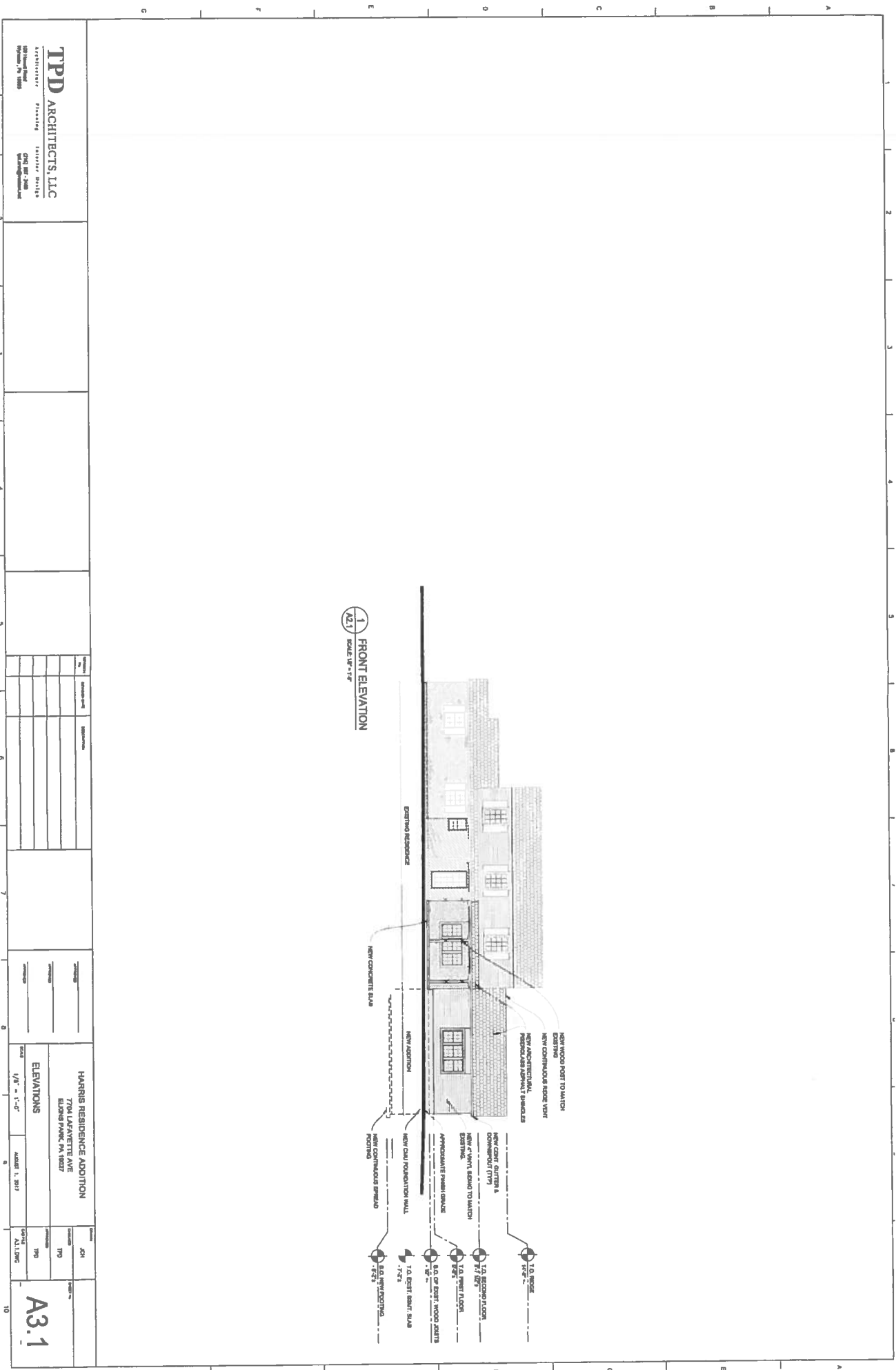
DATE	BY

A1.2

1 FLOOR PLAN
 AS1



REV.	DESCRIPTION	DATE



1 FRONT ELEVATION
A3.1 SCALE: 1/8" = 1'-0"

TPD ARCHITECTS, LLC 180 Washington Avenue Philadelphia, PA 19106 Tel: 215-462-8888 www.tpdarchitects.com	Project Name: _____ Project Number: _____	Date: _____	Scale: _____
		Sheet No.: _____	Total Sheets: _____
HARRIS RESIDENCE ADDITION 7701 LAVANETTE AVE ELKERS PARK, PA 19027		Designer: _____	Checker: _____
ELEVATIONS DATE: 1/8" = 1'-0" REVISION: 1, 2011		ARCH: _____	CIVIL: _____
A3.1		DRAWN BY: _____	CHECKED BY: _____

Harris Residence
7704 Lafayette Ave, Melrose Park, PA 19027
September 1, 2017

Existing Conditions Photographs



Front Elevation – Looking North



Harris Residence
7704 Lafayette Ave, Melrose Park, PA 19027
September 1, 2017

Side Elevation – Looking West



Front / Side Elevation – Looking West



Side / Rear Elevation – Looking South

Harris Residence
7704 Lafayette Ave, Melrose Park, PA 19027
September 1, 2017

PROJECT DATA:

PROJECT DESCRIPTION: THE OWNERS WOULD LIKE TO CONSTRUCT A 1,056 SF, 1 STORY ADDITION TO THE EXISTING 2 STORY RESIDENCE TO HOUSE MRS. HARRIS PARENTS.

PROJECT LOCATION: 7704 LAFAYETTE AVE
ELKINS PARK, PA 19027

PARCEL ID 31-00-16384-00-1

TAX MAP ID NO: 31034 014

LAND USE CODE: 1101

LAND USE: R - SINGLE FAMILY

LOT NO: 1

LOT SIZE: 67,367 SF (67,949 PER MONTCO WEBSITE)

MUNICIPALITY: CHELTENHAM

ZONING CLASSIFICATION: R4

OWNER: MR. AULA HARRIS
MRS. JOCELYN HARRIS

ARCHITECT: TPD ARCHITECTS, LLC
109 HEWETT RD
WYNCOTE, PA 19095
(215) 887-2460

ZONING INFORMATION:

PROPOSED ADDITION SQUARE FOOTAGE:

EXISTING BUILDING FOOTPRINT 1,844 SF

NEW ADDITION FOOTPRINT 1,056 SF

NEW COVERED PORCH EXTENSION 147 SF

TOTAL SQUARE FOOTAGE 3,047 SF

(DOES NOT INCLUDE NEW 587 SF WOOD DECK)

TOTAL LOT SIZE: 67,367± SF (67,949 SF PER MONTCO WEBSITE)

TOTAL EXISTING + PROPOSED FOOTPRINT: 3,047 SF (4.5% OF TOTAL LOT)

DIMENSIONAL REQUIREMENTS FOR R4 ZONING DISTRICT VS. EXISTING

Harris Residence
7704 Lafayette Ave, Melrose Park, PA 19027
September 1, 2017

LOT DIMENSIONS:

MINIMUM LOT AREA: 10,000 SF
EXISTING LOT AREA: 67,367± SF (67,949 SF PER MONTCO WEBSITE)

MINIMUM LOT WIDTH: 70'-0"
EXISTING LOT WIDTH: 316'-0"
MAXIMUM BUILDING HEIGHT: 3 STORIES OR 40'-0"
EXISTING BUILDING HEIGHT: 2 STORIES (30'-0"±)

SETBACKS:

MINIMUM FRONT YARD: 40'-0"
EXISTING FRONT YARD: 40'-0"±
PROPOSED FRONT YARD: 40'-0"±

MINIMUM SIDE YARDS: 30'-0" AGGREGATE; NEITHER SIDE SHOULD BE SET BACK LESS THAN 10'-0".

EXISTING WEST SIDE YARD: 30'-2 1/2"±
PROPOSED WEST SIDE YARD: 30'-2 1/2"±

EXISTING EAST SIDE YARD: 226'-8 1/2"±
PROPOSED EAST SIDE YARD: 202'-10"±

MINIMUM REAR YARD: 25'-0"
EXISTING REAR YARD: 183'-4 1/2"±
PROPOSED REAR YARD: 167'-4 1/2"±

MAXIMUM IMPERVIOUS SURFACE MAY NOT EXCEED 40% OF TOTAL LOT:

EXISTING IMPERVIOUS SURFACE 3,808 SF
NEW IMPERVIOUS SURFACE 1,203 SF
TOTAL SQUARE FOOTAGE 5,011 SF (7.4% OF TOTAL LOT)

Planning Commission Minutes

Dated September 25, 2017

The regular meeting of the **PLANNING COMMISSION** was held this evening at the Township Administration Building. The following Planning Commission members were present: Dave Conly, Thomas Cross, Tom DiBenedetto, Carl Freedman, Irwin Goldfrab, and Hannah Mazzaccaro. Also present were Henry Sekawungu, Director of Planning & Zoning, Robert Habgood, Assistant to the Planning & Zoning Director, and Brian Olszak, Montgomery County Planning Commission.

Mr. Cross called the meeting to order at 7:31 p.m.

1. Acceptance of minutes of the Planning Commission meeting dated August 28, 2017.

Mr. Cross motioned to accept the minutes. Mr. Goldfrab seconded, and the motion passed unanimously.

2. Review of CTDA 17-02, 7600-7604 Woodlawn Avenues, Minor Subdivision for a Lot Line Adjustment.

Mr. Andrew Fylypovych, attorney for the applicant, provided background on the proposed plan to move the existing lot line between the two properties and give more land to 7604 Woodlawn Avenue. Mr. Fylypovych advised that there would be no demolition of any of the existing dwellings and no new construction.

Discussion ensued with respect to existing non-conformities for the minimum lot size and setbacks for 7604 Woodlawn Avenue and that the proposed lot line adjustment would eliminate some of these non-conformities.

Discussion also ensued with respect to the existing driveway easement in the rear of the two properties. Mr. Fylypovych advised that the driveway easement is recorded and that same would remain in effect.

Mr. DiBenedetto made a motion to recommend approval. Mr. Goldfrab seconded and the motion passed unanimously.

3. Review of CTDA 15-03, Ashbourne Meadows, Minor Subdivision of a Lot Line Adjustment for an Additional 0.81 acres to be included to Lot C.

Mr. Sekawungu provided background on the proposed lot line adjustment to include an additional 0.81 acres of ground to the Township. The area where for the lot line adjustment is being used to deposit soil from the current sewer project and that the work would not affect the riparian buffer.

Discussion ensued with respect to the stabilization of the soil for the steep slopes, trail connectivity with the County comprehensive trail and start date of the Ashbourne Meadows Development in 2018.

Ms. Mazzaccaro made a motion to recommend approval. Mr. Goldfrab seconded and the motion passed unanimously.

4. Review of Proposed Ordinance Amending Chapter 295 entitled “Zoning” for “Medical Marijuana Dispensaries”.

Mr. Sekawungu summarized the proposed Ordinance that would allow for the use within the Township.

Mr. Olszak advised that the use would only be allowed by the granting of a Special Exception.

Discussion then ensued with respect to the proposed location where the use would be allowed, and if proposed elsewhere, the Zoning Relief requirements, the Section on Severability, in that if part of the Ordinance is held illegal, invalid or unconstitutional by the court that rest of the Ordinance remains in effect.

Discussion also ensued with respect to some of the wording within the proposed Ordinance as follows:

- That the words “purports to” in the second paragraph be removed.
- That the word “promulgated” in the third paragraph be changed to “established”.
- That the word “products” be added after “marijuana” in the first sentence on page two.

Mr. Cross made a motion to recommend approval of the proposed Ordinance conditioned upon the changes to the wording as noted. Mr. DiBenedetto seconded and the motion passed unanimously.

5. Review of Zoning Hearing Board Agenda for October 16, 2017.

APPEAL NO. 17-3580: Mr. Habgood summarized the request for zoning relief for applicant Aula and Jocelyn Harris, owners of the premises located at 7704 Lafayette Avenue, Elkins Park, PA 19027 for a variance to allow for the installation of a second cooking facility, in a new proposed addition, in place of the allowed one in the single-family detached dwelling in the R-4 Residential Zoning District.

Mr. DiBenedetto recused himself for this Appeal, as he is representing the applicant and provided additional background in that the applicant is proposing to construct an addition for their in-laws to live with them but also install a second cooking facility in the addition to allow the in-laws some independence.

Discussion ensued with respect to prior similar uses and concerns related to future use of the additional unit as an apartment and removal of the cooking facility when the property is sold and there is no longer any need for the in-law suite.

Mr. Cross made a motion to recommend approval. Ms. Mazzaccaro seconded and the motion passed unanimously.

APPEAL NO. 17-3581: Mr. Habgood summarized the request for zoning relief by the applicant Silvio Luis Da Paz, owner of the premises known as 1108 Arboretum Road, Wyncote, PA 19095 to allow for the parking of Class 3 Commercial/Construction (C/C) vehicle(s) in the driveway of the residential property located in the R-4 Residential Zoning District.

Mr. Habgood provided information on the definition of the Class 3 C/C vehicles and why the work van is considered a Class 3 C/C vehicle too, along with the flatbed truck.

Mr. Da Paz advised that he has a construction business, with hours of operation being 7:00 am to 6:00 pm. He stated that he had one (1) helper and that sometimes both vehicles were used during the day but at times only one (1) vehicle was used.

Discussion ensued with respect to the other recent appeals that have been brought before the Planning Commission and the decision by the Zoning Hearing Board (ZHB). The Planning Commission was advised that the applicant of one appeal withdrew his request for Zoning Relief and that the ZHB granted relief for one (1) Class 3 C/C vehicle to remain on the property but that the second one had to be removed.

The Planning Commission advised Mr. Da Paz that he should discuss his requested relief with his immediate neighbor that would be most impacted by the parking of the Class 3 C/C vehicles, to determine if they could possibly work out an agreement before going to the ZHB.

Mr. Cross made a motion to recommend no action. Mr. DiBenedetto seconded and the motion passed unanimously.

6. **Old Business** – None.
7. **New Business** – Mr. Sekawungu provided copies of the latest red lined version of the Draft Zoning Ordinance and advised that the Board of Commissioners would have a Public Hearing to consider adoption of the proposed Zoning Ordinance at their meeting on Wednesday, November 15, 2017. Mr. Sekawungu advised that the proposed Zoning Ordinance and map would be on the Planning Commission's October Meeting Agenda for a formal recommendation. Also, links for the various drafts of the proposed Zoning Ordinance and map that are on the Township's website, would be forwarded to the Planning Commission.
8. **Adjournment** – Mr. Cross motioned to adjourn the meeting at 8:36 p.m., seconded by Mr. DiBenedetto.



Bryan Havir
Township Manager

Submitted by: Robert J Habgood

**Review of the
Zoning Hearing Board Decision**

IN AND BEFORE THE ZONING HEARING BOARD OF CHELTENHAM
TOWNSHIP, PENNSYLVANIA

IN RE: Arcadia University

APPEAL NO. 17-3577

ORDER

AND NOW, this *11* day of *September* 2017, upon consideration of the request of Arcadia University., owner of the premises known as 450 South Easton Rd., Glenside, PA 19038, the Cheltenham Township Zoning Hearing Board conditionally grants the following:

- a. Your request for a variance under Section 295-7, use regulations to allow for the construction of an accessory Institutional use of a sports playing field press box has been conditionally granted;
- b. Your request for a variance under Section 295-10., yard regulations to allow for a front yard setback of 15' in place of the allowed 75' has been conditionally granted; and
- c. The granting of these variances are conditioned upon the structure being constructed as depicted in the exhibits offered to the zoning hearing board and that no signage is to be added to the proposed field press box as testified to by the applicant.

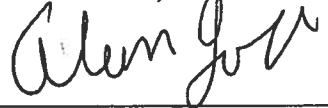
CHELTENHAM TOWNSHIP ZONING HEARING BOARD



AMEE R. FARRELL, CHAIRPERSON



PETER R. LABIAK, VICE CHAIRPERSON



ALAN GOLD, ALTERNATE MEMBER

Report of the Building Inspector

For September, 2017

COMMISSIONERS OF CHELTENHAM TOWNSHIP
ELKINS PARK, PA 19027

COMMISSIONERS OF CHELTENHAM TOWNSHIP
REPORT OF THE BUILDING INSPECTOR FOR SEPTEMBER, 2017


	# PERMITS	TOT. FEES	\$ VALUE
RESIDENTIAL			
RENOVATIONS / ALTERATIONS	54	16,821	841,050
MULTI-FAMILY			
RENOVATIONS / ALTERATIONS	0	0	0
COMMERCIAL			
RENOVATIONS / ALTERATIONS	28	26,105	1,305,250
INSTITUTIONAL			
RENOVATIONS / ALTERATIONS	0	0	0
FENCE	4	206	206
SEPTEMBER, 2017	86	43,132	2,146,506
SEPTEMBER, 2016	53	29,954	1,473,396
YEAR-TO-DATE 2017	603	334,927	16,586,263
TOTAL 2016	1,090	316,570	15,642,058
HEATING & AIR CONDITIONING			
SEPTEMBER, 2017	16	7,318	365,900
SEPTEMBER, 2016	9	2,400	120,000
YEAR-TO-DATE 2017	96	31,372	1,568,600
TOTAL 2016	102	40,464	2,023,200
ELECTRICAL			
SEPTEMBER, 2017	11	6,135	306,750
SEPTEMBER, 2016	11	2,540	127,000
YEAR-TO-DATE 2017	80	44,120	1,811,550
TOTAL 2016	163	64,172	2,798,408
PLUMBING			
SEPTEMBER, 2017	15	3,930	196,500
SEPTEMBER, 2016	11	11,660	583,000
YEAR-TO-DATE 2017	95	27,066	1,869,300
TOTAL 2016	146	35,994	1,799,700
FOG PERMITS			
SEPTEMBER, 2017	15	4,000	4,000
SEPTEMBER, 2016	12	4,500	4,500
YEAR-TO-DATE 2017	68	19,250	19,250
TOTAL 2016	78	23,500	23,500

COMMISSIONERS OF CHELTENHAM TOWNSHIP
ELKINS PARK, PA 19027

COMMISSIONERS OF CHELTENHAM TOWNSHIP
REPORT OF THE BUILDING INSPECTOR FOR SEPTEMBER, 2017

GRADING PERMITS

SEPTEMBER, 2017	2	600	600
SEPTEMBER, 2016	2	400	400
YEAR-TO-DATE 2017	9	2,200	2,200
TOTAL 2016	17	4,000	4,000



Henry Sekawungu
Director - Planning and Zoning

New Business

Township of Cheltenham

Montgomery County, Pennsylvania

Board of Commissioners

Morton J. Simon, Jr., *President*
Daniel B. Norris, *Vice President*
Irv Brockington
Baron B. Holland
Brad M. Pransky
Ann L. Rappoport
J. Andrew Sharkey

Township Manager

Bryan T. Havir



Administration Building

8230 Old York Road
Elkins Park, PA 19027-1589

Phone: 215-887-1000
FAX: 215-887-1561
www.cheltenhamtownship.org

MEMORANDUM

TO: Building & Zoning Committee

FROM: Bryan T. Havir, Township Manager
Alyson Elliott, Assistant Township Manager

RE: Amendment to Chapter 215, Property Maintenance: Demolition by Neglect

DATE: September 28, 2017

Please find a copy of an amendment to Chapter 215, Property Maintenance, attached to this memorandum for your review and consideration. This proposed amendment is the result of a recent workshop meeting regarding the proposed Local Landmarks Ordinance. The amendment proposes to prohibit demolition by neglect in all structures throughout the Township, not just those structures that are considered local landmarks.

The proposed amendment adds a definition for “neglect” to International Property Maintenance Code (IPMC) and, under the Demolition section of the IPMC, includes a section prohibiting property owners from neglecting one or more structures causing them to deteriorate to such a state where the best option is demolition. A definition for neglect does not exist in any applicable Township ordinances – existing or proposed.

At the September Building & Zoning Committee meeting, it was suggested that this proposed ordinance be similar to language proposed in the Local Landmark Ordinance and/or the Comprehensive Zoning Rewrite. In consultation with the Township Solicitor and similar demolition by neglect ordinances, the proposed ordinance is designed to mesh with the existing IPMC while tying in with existing ordinances. Specifically, it requires property owners to maintain their properties in compliance with relevant property maintenance codes – including the Zoning Ordinance.

If the Building & Zoning Committee supports the proposed ordinance amendment the committee will need recommend to the full board approval and authorization to advertise its intent to consider its adoption at the Board of Commissioners November 15, 2017 meeting.

Thank you.

Attachment

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. ____-17

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP, MONTGOMERY
COUNTY, PENNSYLVANIA AMENDING CHAPTER 215,
ENTITLED “PROPERTY MAINTENANCE,” §215-2,
ENTITLED “MODIFICATION OF STANDARDS” OF THE
CHELTENHAM TOWNSHIP CODE OF ORDINANCES TO
INCLUDE PROVISIONS TO DETER DEMOLITION OF A
STRUCTURE BY NEGLIGENCE**

WHEREAS, the Township of Cheltenham (the “Township”), pursuant to the provisions of “The First Class Township Code”, 53 P.S. §§56502.10, 56502.19, 56502.20, 56502.26, 56502.27 and 56502.52 is authorized to enact and enforce ordinances relating to the maintenance, occupation, sanitation, use and inspection of buildings and structures as necessary for the health, safety, general welfare and cleanliness of the Township, and to prohibit the presence of any nuisance or dangerous structures within the Township; and

WHEREAS, the Board of Commissioners declares and finds that there are now, and may in the future be, neglected residential, commercial, industrial and other nonresidential buildings and structures in the Township that become dilapidated, unsafe, unhygienic and inadequately maintained; and

WHEREAS, the Board of Commissioners finds that property owners who defer or avoid normal maintenance and repair activities designed to ensure a building or structure remains safe, habitable, sanitary and aesthetically pleasing may create potential fire hazards and cause or contribute to blight on the surrounding properties, so as to jeopardize or be injurious to the health, safety, prosperity and general welfare of the residents of the Township, and so as to create a public and/or private nuisance; and

NOW, THEREFORE, the Board of Commissioners of Cheltenham Township hereby amends the Cheltenham Township Code to add the following:

SECTION I. Amendment to the Code

§215-2.A.(31) Add new Section 110.5:
Demolition by neglect. It shall be unlawful for a property owner or others having legal possession, custody or control of a property in the Township: (1) to neglect the property and allow the condition of the property to incur such deterioration as to be beyond the point of feasible repair; or (2) to allow the

property to become dangerous, unsafe, insanitary, or otherwise unfit for human occupancy. The property owner shall maintain the property in compliance with all relevant property maintenance codes, including Chapter 110 Building Construction, Chapter 151 Fire Prevention, Chapter 188, Nuisances, Chapter 215, Property Maintenance, Chapter 283 Vacant Building Registry, and Chapter 295, Zoning, of the Cheltenham Township Code of Ordinances.

SECTION II. Amendment to Code.

§215-2.A.(15) In Section 202 General Definitions, add a new definition as follows:

NEGLECT – A lack of routine maintenance and repair action by a property owner or others having legal possession, custody or control of a property that causes a building or structure to become vulnerable to decay by exposure to the elements and/or vandalism. Some common conditions exhibited by neglected buildings or structures, include but are not limited to:

- deteriorated foundations, walls, floors, ceilings, or rafters; or
- ineffective waterproofing of roofs, walls, or foundations, including broken doors and windows and/or deteriorated brick, mortar, or stucco or pervasive, deteriorated paint; or
- signs of rot or decay, such as holes, rotted wood or any deterioration that creates a hazardous condition; or
- lack of maintenance of the surrounding environment, such as retaining walls and outbuildings.

SECTION III. 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 IV. 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 V. 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 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. 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 15th day of **November 2017**, by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, in lawful session duly assembled.

ATTEST:

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

Bryan T. Havir
Township Manager and Secretary

By: _____
Morton J. Simon, Jr., *President*