

April 2, 2014
Curtis Hall

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Chairman Art Haywood presiding. Members present were Commissioners Norris, Rappoport, Sharkey, and Simon. Also present was Ex-Officio Member Portner.

Staff present were Henry Sekawungu, Planning and Zoning Director; and Bryan T. Havir, Township Manager. Also present was Andrew Freimuth, Esq. A Public Attendance List is attached.

Mr. Haywood called the meeting to order at 8:15 p.m.

1. The Committee reviewed and took action on the Zoning Hearing Board (“ZHB”) Agenda items for April 21 and April 29, 2014 as follows:

APPEAL NO 3484 – Appeal of Excel Auto Repair and Collision lessee of premises known as 546-552 Township Line Rd., Cheltenham, PA 19012 from the Decision of the Zoning Officer for Zoning Relief in order to operate a used motor vehicle sales agency from their existing non-conforming auto repair and collision service business at this location which is zoned Class C-3 Commercial and Business District.

Mr. Sekawungu reported that the Planning Commission recommended denial based on a lack of information relating to ingress and egress. As a result, the applicant has requested a Continuance.

Upon motion of Mr. Haywood, the Committee unanimously directed the Township’s Planning and Zoning Director to advise the Zoning Hearing Board that it recommends the grant of a Continuance, and if a Continuance is not granted, the Committee recommends denial based on a lack of information.

APPEAL NO. 3485: Appeal of Christopher Keiner and Susan Van Horn, owners of premises known as 7741 Union Ave., Elkins Park, PA from the Decision of the Zoning Officer for a variance in accordance with the rules and regulations of the Class R-5 Residence District as outlined in CCS 295-46.B.(1) for a lesser side yard of 2.4’ instead of the required 8’ in order to construct a single story addition with basement and partially covered porch at the rear of the residence. The house is an existing non-conforming structure.

Mr. Keiner was present. Mr. Sekawungu reported that the Planning Commission recommended no action. Mr. Keiner stated that the house is 130 years old, and he reviewed the planned addition for a new kitchen with a full basement and presented the site plan of the existing house and the new addition. In response to a question from Mr. Norris, Mr. Keiner stated that he has both verbal and written support from neighbors. In response to questions from Mr. Haywood, Mr. Sekawungu stated that there were no issues on this appeal from his perspective.

Upon motion of Mr. Haywood, the Committee unanimously directed the Township's Planning and Zoning Director to advise the Zoning Hearing Board that the Committee takes no action on this appeal.

APPEAL NO. 3482: Appeal of Dale & Kristen Stirzel, owner of premises known as 8232 Cadwalader Ave., Elkins Park, PA, from the Decision of the Zoning Officer for a variance in accordance with the rules and regulations of the Class R-4 Residence District for the following zoning relief in order to build a one story addition and deck at the rear of the house:

1. CCS 295-38 for a building area of 27.4 % instead of the maximum 20% allowed and;
2. CCS 295-39.B.(1) for a lesser side yard setback of 8' +/- on the northeast side and 3' +/- on the southwest side instead of the minimum 10' and aggregate 30' required.

Mr. Sekawungu reported that the applicants have revised their original plan to include a new setback of 5-feet, which received the approval of the Planning Commission.

Ms. Kristen was present and distributed the new plan, discussed removal of the fence, landscaping, and compliance with the Planning Commission's recommendations. In response to a question from Mr. Norris, Ms. Kristen stated that neighbors' have no objections, and she provided their letters of support to the Planning and Zoning Department.

In response to a question from Mr. Portner, Mr. Sekawungu stated that he had no issues with the appeal from his perspective.

Upon motion of Mr. Simon, the Committee unanimously directed the Township's Planning and Zoning Director to advise the Zoning Hearing Board that the Committee takes no action on this appeal.

APPEAL NO. 3468: (Continued) Applicant is the equitable owner of a 3.65+ acre parcel of ground with frontage on Ogontz Avenue, Limekiln Pike, MacDonald Avenue and Clubhouse Lane. The property is located in a C1 Zoning District and is currently vacant.

Applicant proposes to develop the property for a WaWa Convenience Store containing 5,585 square feet with fueling stations. In this regard, Applicant requests the following zoning relief:

1. A variance under Section 295-98 of The Cheltenham Zoning Ordinance of 1929, as amended (the "Ordinance") so as to permit the property to be used as a Wawa convenience store containing 5,585 square feet with fueling stations;
2. A variance under Section 295-102 of the Ordinance for a reduction in the width of the 15 foot wide buffer along a public highway. The area

between the proposed driveway and the Limekiln Pike right-of-way is 11.1 feet;

3. A variance under Section 295-101.A of the Ordinance to permit a canopy along Limekiln Pike to be located less than 60 feet from Limekiln Pike;
4. An interpretation under Section 295-221.B.(5)(a) of the Ordinance or, in the alternative, a variance under Section 295-221.B.(5)(a) of the Ordinance, to permit parking to be located between the building and the street;
5. A variance under Section 295-221.F of the Ordinance so as to increase the allowable parking area. The convenience store and the fueling stations use requires 31 parking spaces. Applicant is proposing 66 parking spaces, which is in excess of the maximum parking standard;
6. A variance under Section 295-221.K.(1) of the Ordinance so as to permit service and loading behind the building. Applicant proposes to have the loading on the side of the building (along Clubhouse Lane);
7. A variance under Section 295-196.A.(3) of the Ordinance so as to permit five (5) directional signs, each exceeding 4 square feet; and
8. Variances under Section 295-197.C.(1)(a) of the Ordinance, so as to permit: (a) two (2) free-standing, internally illuminated, double sided signs with LED price changer, one (1) containing 189.04 square feet with a height of 40 feet (located on Ogontz Avenue), and one (1) containing 99.94 square feet with a height of 25 feet (located on Limekiln Pike); (b) three (3) parallel wall signs with logo, one (1) containing 66.69 square feet (facing Limekiln Pike), one (1) containing 37.47 square feet on the rear of the building (facing the Clubhouse Lane/MacDonald Avenue intersection); and (c) an additional 3.92 square feet of parallel wall signage (pump signage), as per the attached signage plan, all of which parallel wall signs total 108.08 square feet, which total exceeds the maximum square footage permitted;
9. A variance under Section 295-221.B.(5)(b) of the Ordinance so as to permit off-street parking on the corner lots;
10. A variance under Section 225-221.C.(2)(c) of the Ordinance so as to permit the width of driveway entrance along Limekiln Pike to exceed 24 feet in width. The proposed driveway width is 30 feet;
11. A variance under Section 225-223 of the Ordinance so as to permit the trash enclosure to be located approximately 20 feet from the rear yard setback area. The rear setback requirement is 50 feet;

12. To the extent that it is determined that the right-of-way line is located on the conservation easement boundary, Applicant requests additional relief under paragraphs 2 and 3 above as the setbacks may change; and
13. Applicant seeks such other variances, special exceptions and interpretations as may be required in order to develop the property in accordance with the plans submitted by Applicant.

Upon motion of Mr. Haywood, the Committee unanimously agreed to take no further action other than what was previously stated.

2. Upon motion of Mr. Sharkey, the Committee unanimously accepted the Planning Commission Regular Meeting Minutes dated March 24, 2014.

3. The Committee reviewed recommendations by the Economic Development Task Force (“EDTF”) for signage as follows:

- a. 9 Wesley Avenue, Glenside. Upon motion of Mr. Sharkey, the Committee unanimously approved the issuance of a Certificate of Appropriateness for an awning sign.

4. The Committee reviewed recent Decision(s) of the Zoning Hearing Board as follows:

APPEAL NO. 3478: Appeal of Annie Nguyen, owner of premises known as 621 Boyer Rd., Cheltenham, PA, from the Decision of the Zoning Officer for a variance in accordance with the rules and regulations of the Class R-5 Residence District as outlined in CCS 295-46.C for a lesser rear yard setback of 3’ instead of the minimum required 15’ and CCS 295-46.B.(1) for a lesser side yard of 7’ instead of the required 8’ in order to install a 8’ x 16’ shed.

The Zoning Hearing Board granted applicant’s request for relief subject to a condition.

Upon motion of Mr. Sharkey, the Committee unanimously agreed to take no action.

5. Upon motion of Mr. Portner, the Committee unanimously received the Report of the Building Inspector for March, 2014.

6. **Under Old Business:** Representatives of Hansen Properties, Bud Hansen and Ross Weiss, Esq., gave a presentation on the concept plan for the proposed development known as “Falcon Hill” on Willow Grove Avenue, Laverock. Cheltenham Township Land Planning Consultant Ken Amey was present.

A presentation was made (see attached). Mr. Weiss and Mr. Hansen stated that the purpose of this plan was for informational purposes only, no application is being made; input from the Committee was being sought only for the density of plan and not the plan itself. He

reviewed acreage; the site's location in two (2) Townships; previously proposed plans; specifics of the conceptual plan developed by the Township's Land Planner Ken Amey; the results of a market analysis that single family homes are more desirable than carriage homes for this neighborhood; would not devalue the current properties; specific styles of homes from different builders were used as concept homes for the site; there will be two (2) product types due to the difference in the tax bases between the two (2) Townships, e.g. the lots in Cheltenham are smaller and the house prices lower; the mansion would be demolished since there is insufficient parking to make it an event facility, and to do so would mean that the trees would have to be removed; there could be a connection to the Cresheim Trail but Springfield Township opposed this; the existing shared driveways and structures would remain; there would be one (1) ingress and egress off of Willow Grove Avenue; Ranch House Lane in Springfield Township would be for emergency access; there would be 17-acres of open space; steep slopes and stormwater management were reviewed.

Public Comments

- Wendy Blutstein was concerned that Cheltenham has the density and traffic.
- A resident did not understand what the function of a land planner. He asked and was told that the distance between houses would be 20-feet. Mr. Amey explained the function of a land planner.
- Stacey Wyman questioned why the square footage of the homes was different. Mr. Hansen responded that not all of the homes will be the same size.
- Ivan Sleets was concerned about the width of Willow Grove Avenue.
- Deb Priest was concerned about the entrances/exits at the development.

At the request of Mr. Haywood, Mr. Weiss and Mr. Hansen responded to the Planning Commission's ("PC") comments as follows: the Chair of the PC did not like having one (1) entrance/exit, that being on Willow Grove Avenue but the Springfield residents did not want Ranch House Lane used as alternate entrance/exit; Hansen's traffic engineer and PennDOT do not anticipate traffic issues; the PC did not like the closeness of the homes but Hansen believes this is what would sell; the way the land falls does not make the development very visible. Mr. Hansen stated that the mansion is an albatross and has to be removed; the development's density is appropriate for the zoning district; they want to maintain a substantial distance from Rt. 309; the wall along Willow Grove Avenue will be retained.

It was Mr. Amey's opinion that the mansion needs to be retained with a purpose, not just because it is a house; relocating five (5) homes at the gateway to the community could be an improvement and steep slopes would be respected; the single entrance/exit was appropriate but could be further explored; there could be more curvature in the development's roads; more overflow parking is needed.

Mr. Sharkey asked for a Fiscal Impact Study and suggested that this conceptual plan be presented to the School District.

Ms. Rappoport did not like the distinction between Cheltenham and Springfield Townships; did not believe the product served the Township; there is a housing mix on the same

street; the density of the plan does not serve the Township well, especially since FEMA considers Cheltenham with having the highest density in the county; retention basins are in the green space, which minimizes the purpose it serves; the road in Springfield Township has a median; possible traffic backups could occur in the neighborhood; she questioned why some homes did not have a first floor master bedroom. Ms. Rappoport wanted to see a residential re-adaptive reuse for the mansion. Mr. Hansen stated that he would preserve the mansion if there was a use. He said the building is expensive to rehab, and a Homeowners Association will not be able to maintain it.

Mr. Norris asked if the mixture of homes was an option and how the homeowner's fees would be assessed. Mr. Hansen responded that the tax situation is a problem, i.e., selling the exact same home in both Townships is a problem, and the homeowner's fees would be less in Cheltenham than in Springfield.

In response to a question from Mr. Simon, Mr. Hansen stated that the Homeowners Association would maintain the open space and landscaping.

Public Comment

- Scott Laughlin stated that the current plan for 93-units is not acceptable to neighbors. He reviewed the reasons. He presented a concept plan that neighbors submitted in June 2013 and a petition signed by neighbors in both Townships. The Commissioners noted that the plan was not shown to them. He opposed Mr. Amey's recommendations as disregarding both the underlying zoning Ordinances for market rate homes and the impact of the Preservation Overlay District, and it promoted density. Residents formed a Save Laverock Hill Steering Committee and engaged a Land Planner who advised the committee that development of this property could be done without any variances of approximately 40 single-family houses in both townships. The committee asked for the design of an alternative plan that would provide some density bonus to the developer in exchange for several critical requirements of the community. Mr. Laughlin stated that this plan represents a significant density bonus in exchange for functional and usable open space, the preservation of all historic resources, and a reasonable rate of return for the developer on their investment. According to Mr. Laughlin this plan was presented to both Townships and to Hansen properties but there has been no further communication.

Mr. Sharkey asked for input on the future of the mansion. Mr. Laughlin responded that parking is a problem and trees would have to be removed from the green space to create additional parking.

In response to a question from Mr. Simon, Mr. Laughlin stated that the neighbors' plan calls for smaller lots in Cheltenham.

- Ms. Shore felt the plan was a fantasy, poorly engineered, and the developer wants rezoning to make money.

- Mr. Taylor felt that the presentation was good, he understood how the developer could want to move forward and not continue paying taxes and maintaining the property that is not developed. He asked what the possible revenue from the development would be and why the two townships could not have the same size homes. Mr. Hansen responded that the total revenue to the Township would be approximately \$600,000 per year, and due to the tax differential, different product types are being offered.

It was Mr. Haywood's opinion that since this is the first time the Commissioners have seen the neighbors' plan, additional time was needed for them and Staff to review it. Mr. Weiss stated that the developer's goal is to get an expression of willingness to amending the Zoning Code to permit this density, and he was willing to return to a future meeting.

7. Ms. Rappoport asked if any questions regarding the draft Zoning Code were received via the Township website. Mr. Havir stated that the Public Information Officer has been monitoring the site, and no questions/comments have been received thus far.

8. Under Old Business: The Committee discussed a draft Flood Plain Conservation Overlay District Ordinance. Drew Shaw and Joseph Nixon, County Planners, were present. Mr. Shaw gave a presentation on the Ordinance (see attached). He reviewed the FEMA Map Modernization; National Flood Insurance Program ("NFIP") requirements; current municipal ordinances; DCED's suggested provisions; FEMA's minimum requirements; FEMA standards; floodplain management; issues for properties in the floodplain; uses permitted/prohibited in a floodplain district; activities in a floodplain area that require special permits; administration of an Ordinance. Mr. Shaw stated that activities in a floodplain area that require special permits; administration of an Ordinance.

There was discussion regarding the composition of soil as it relates to being flood prone; the granting of variances and special requirements; and water surface elevation of the base flood. Mr. Shaw advised that DCED, the County, and FEMA approval are all part of the review process for any Ordinance in this regard.

Mr. Sharkey asked that the residents concerns be capsulated. Mr. Shaw stated that there is great concern about flooding; the Township's flooding problems are stormwater related and the purpose of this Ordinance is not to address that; the purpose of this Ordinance is solely to enable residents to qualify for flood insurance.

Ms. Rappoport asked how the base flood elevation is determined. Mr. Shaw stated that it is an engineering process. Ms. Rappoport stated that she has issues with keeping flooding and stormwater separate since stormwater affects flooding. She asked about measures that could be taken. Mr. Shaw responded that the Township's stormwater management ordinance that complies with Act 167 addresses stormwater management.

Public Comments

- Robert Hyslop stated as follows: he questioned the allowance of the base flood increase; it should be more clearly stated that certain design and construction standards

are applicable to new construction and not to existing replacement/repairs; he requested a copy of Section 295-227 of the Township Code regulating non-conforming uses and structures in the Floodplain Conservation District; he felt there was an attempt to defend new development but not existing legal development; he was concerned that the Ordinance only limits development in the floodplain and not elsewhere; there should be protection for all residents and not just those in the floodplain; DCED's granting of variances seems to be counter-productive.

- Michael Boyette felt that the Ordinance was being rushed through; there were varying deadlines; and sounded like it would not allow him to protect his property that is next to a floodplain. Mr. Shaw explained that the Ordinance is applicable to new development or for a berm in a floodplain.

Mr. Havir reviewed the timeline of adopting the Ordinance in accordance with FEMA's mandate, which means that the Ordinance needs to be adopted at the May 21, 2014 meeting of the Commissioners. He advised that the Ordinance needs to be adopted in order to remain in good standing with FEMA, to enable residents to be eligible for flood insurance, and at reduced rates, and bring the Township into compliance with the NFIP.

Upon motion of Mr. Sharkey, the Committee unanimously directed Township Staff as follows: 1) Ask FEMA for an extension of time to adopt the Ordinance; 2) Review of base flood elevation for further restrictiveness; 3) Clarify that the electrical components as described on page 33, #13, of the Ordinance apply to new construction only and not to repairs/replacement to existing components; 4) Addition protection to protect impact for properties not in the floodplain.

9. Under New Business:

a) Mr. Havir announced that the Solicitor for the Zoning Hearing Board has resigned after many years of service, and the Zoning Hearing Board is in the process of reviewing and making a recommendation for a new Solicitor.

b) Ms. Rappoport suggested that at a future Commissioners' meeting Mr. Sklaroff receive a recognition for his years of service as Township Solicitor.

c) Mr. Sharkey thanked David Jones for his service as Interim Planner/Zoning Officer.

There being no further business, upon motion of Mr. Portner, and unanimously approved by the Committee, the meeting was adjourned at 11:30 p.m.



Bryan T. Havir
Township Manager

as per Anna Marie Felix



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, April 2, 2014
Curtis Hall

NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
ROBERT HYSLOP	211 HARRISON GLENSDALE	215-886-0813
Marianne TRAINER	649 Lindley Rd Glenside	215 885-3969
D. Kay		
Ivan Steets		
SHERRY CARL	1602 HARRIS RD LAVENOCK	215 836 2489
Kathy Biddle	7815 FREEDLE RD LAVENOCK	215 233-25 233-2507 50-752
Det M. Glade	320 Brookdale Ave Glenside	dmcglade320 @ Comcast.net
Charlie Karl	7810 PINE RD Glenside	cekarl1@gmail.com



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, April 2, 2014
Curtis Hall

NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
Jim Butler	208 Harrison	Wisterfish@AOL. com
Renee Guarro	224 Brookdale Ave	R6GUARRO@ymail.com
Josh Rosenblum	Box 267 Michigane Ln	josabi@yahoo.com
Walter Jackson	5000 Newbold Ln	
Debra Priest	508 Walden Rd. Glenside	
S Strahs		
MICHAEL BOYETTE	8104 Brookside Rd.	michaelboyette@ comcast.net

ARTICLE XXI

**Floodplain Conservation
OVERLAY DISTRICT**

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§295-2100. STATUTORY AUTHORIZATION

- A. The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Commissioners of Cheltenham Township does hereby order as follows.

§295-2101. LEGISLATIVE INTENT

- A. The intent of this Ordinance is to:
1. Protect areas of the floodplain necessary to contain floodwaters.
 2. To permit only those uses in the floodplain that are compatible with preserving natural conditions and stream flow.
 3. Promote the general health, welfare, and safety of the community by preventing development in areas prone to flooding.
 4. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
 5. Minimize danger to public health by protecting water supply and natural drainage.
 6. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

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computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

C. The Floodplain Conservation District shall be delineated according to FEMA's Flood Insurance Rate Map (FIRM) for Cheltenham Township which is hereby made a part of this article, and additional area based on soils as described in Section 295-2102.A.2. The FIRM is available for inspection at the municipal Office.

D. The Floodplain Conservation District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot.

E. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within Cheltenham Township unless a Permit has been obtained from the Floodplain Administrator.

F. A Permit shall not be required for minor repairs to existing buildings or structures.

§295-2103. ABROGATION AND GREATER RESTRICTIONS

A. This ordinance supersedes any other conflicting provisions which may be in effect in the Floodplain Conservation District. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

§295-2104. SEVERABILITY

A. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

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4. Basement – any area of the building having its floor below ground level on all sides.
5. Building – a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
6. Development – any man-made change to improved or unimproved real estate, including but not limited to subdivision of land; construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; fill; grading and excavation; mining; dredging; drilling operations; or storage of equipment or materials.
7. 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 a community.
8. Existing Structure/Existing Construction – a structure for which the “start of construction” commenced before the effective date of the FIRM.
9. Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
10. Flood – a temporary inundation of normally dry land areas.
11. Flood Insurance Rate Map (FIRM) – the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has

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the Pennsylvania Historical and Museum Commission (PHMC) as meeting the criteria for individual listing on the National Register;

- b. Certified or preliminarily determined by the Pennsylvania Historical and Museum Commission (PHMC) as contributing to the historical significance of a National Register historic district or a district preliminarily determined by the PHMC to be eligible to qualify for listing in the National Register, or;

c. Designated as historic by a municipal ordinance:

- i. Identified individually or as part of a local historic district by a zoning ordinance under the authority of the Pennsylvania Municipalities Planning Code, or
- ii. Located in a local historic district that has been certified by the Pennsylvania Historical and Museum Commission as meeting the requirements of the Pennsylvania Historic District Act.

- 20. Lowest floor – the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.
- 21. Manufactured home – a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
- 22. Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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initial FIRM dated December 19, 1996, whichever is later, and, as such would be required to be compliant with the regulations of the NFIP.

29. Pre-Firm Structure – A structure for which construction or substantial improvement occurred on or before December 31, 1974, or before the community's initial FIRM dated December 19, 1996, and, as such would not be required to be compliant with the regulations of the NFIP.

30. Recreational vehicle – a vehicle which is

- a. built on a single chassis;
- b. not more than 400 square feet, measured at the largest horizontal projections;
- c. designed to be self-propelled or permanently towable by a light-duty truck,
- d. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

31. Redevelopment Area – A census tract or group of census tracts eligible for the Montgomery County Revitalization Program and identified in the adopted municipal revitalization plan.

32. Regulatory flood elevation – The regulatory flood elevation is the elevation to which development is regulated for purposes of elevation and/or dry floodproofing. It is equal to the base flood elevation (BFE) plus a freeboard of 1.5 feet.

33. Repetitive loss – flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

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38. Structure – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
39. Subdivision – the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
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40. Substantial damage – damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
41. Substantial improvement – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage (or "repetitive loss" when a repetitive loss provision is used) regardless of the actual repair work performed. The term does not, however include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. For alteration of historic structures, see Section 295-2115.A.5
42. Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the

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1. The Floodway Area/District shall be those areas identified as Floodway on the FIRM as well as those floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS. The floodway represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point.

2. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
3. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.
4. The AE Area/District without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided in the FIS but no floodway has been delineated.
 - a. In AE Area/District without floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one (1) foot.
 - b. No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE than one (1) foot at any point.

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not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data.

§295-2110. BOUNDARY DISPUTES

- A. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Cheltenham Planning Commission and any party aggrieved by this decision or determination may appeal to the Township Board of Commissioners. The burden of proof shall be on the appellant.
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§295-2111. CORPORATE BOUNDARY CHANGES

- A. Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community 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.

§295-2112. USES PERMITTED BY RIGHT

- A. The following uses are permitted by right in the floodplain Conservation District in compliance with the requirements of this Article:
1. Up to half of any required yard setback area on an individual residential lot may extend into the Floodplain Conservation District.
 2. Open space uses that are primarily passive in character shall be permitted to extend into the floodplain including:
 - a. Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands, and reforestation.
 - b. Streambank stabilization.

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1. No new construction, alteration, or improvement of buildings and any other type of permanent structure, including fences shall be permitted in the floodway or the 100-year floodplain.
2. Placement of fill within the 100 year floodplain is prohibited.
3. No encroachment, alteration, or improvement of any kind shall be made to any watercourse.

4. Clearing of all existing vegetation, except where such clearing is necessary to prepare land for a use permitted under Section 295-2112, herein, and where the effects of these actions are mitigated by re-establishment of vegetation.
5. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards.
6. Roads or driveways, except where permitted as corridor crossings in compliance with Section 295-2112, herein.
7. Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume.
8. Parking lots.
9. Subsurface sewage disposal areas.
10. Sod farming.
11. Stormwater basins, including necessary berms and outfall facilities.

§295-2114. NONCONFORMING STRUCTURES AND USES IN THE FLOODPLAIN CONSERVATION DISTRICT

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Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from the ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

6. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2006 IBC and the 2006 IRC.
7. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this ordinance.

§295-2116. VARIANCES

- A. If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, Cheltenham Township may, upon request, grant relief from the strict application of the requirements.
- B. Variance Procedures and Conditions:
 1. For a use other than those permitted in Article V, an application seeking approval by variance shall be forwarded to the Zoning Hearing Board along with required studies or information and the findings of the Zoning Officer.
 2. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the BFE.
 3. No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

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3. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2006 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.
4. Consideration shall be given to the installation requirements of the 2006 IBC, and the 2006 IRC or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed installation.

E. Special Requirements for Recreational Vehicles

1. Recreational vehicles in Zones A1-30, AH and AE must either:
 - a. be on the site for fewer than 180 consecutive days, and
 - b. be fully licensed and ready for highway use, or
 - c. meet the permit requirements for manufactured homes in Section 295-2116.D.

F. Variance Conditions:

1. If granted, a variance shall involve only the least modification necessary to provide relief.
2. In granting any variance, the Zoning Hearing Board shall attach the reasonable conditions and safeguards outlined herein. These conditions and safeguards are necessary in order to protect the public health, safety, and welfare of the residents of the municipality.

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- b. That failure to grant the variance would result in exceptional hardship to the applicant.
 - c. That the granting of the variance will:
 - i. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
 - ii. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
-

- 5. A complete record of all variance requests and related actions shall be maintained by Cheltenham Township. In addition, a report of all variances granted during the year shall be included in the biennial report to FEMA.

§295-2117. TECHNICAL PROVISIONS IN THE EVENT OF A VARIANCE BEING GRANTED

- A. In granting any variance, Cheltenham Township shall attach the following technical provisions to the proposal for which the variance has been granted. These conditions and safeguards are necessary in order to protect the public health, safety, and welfare of the residents of the municipality.
- B. Pertaining To The Alteration or Relocation of Watercourse
 - 1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.
 - 2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

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regulatory flood elevation. The design and construction standards and specifications contained in the 2006 International Building Code (IBC) and in the 2006 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be used.

2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Subsection 295-2108.A.6 of this ordinance.

-
3. In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.

4. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

B. Non-residential Structures

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
2. In A Zones, where there no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor

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2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Accessory structures

1. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
 - a. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
 - b. Floor area shall not exceed 100 square feet.
 - c. The structure will have a low damage potential.
 - d. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
 - e. Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
 - f. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.

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other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine

- Hydrochloric acid

- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.

- B. Where permitted by a variance within the floodplain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be:
1. elevated or designed and constructed to remain completely dry up to at least one and one half feet (1 ½) above the Base Flood Elevation and,
 2. designed to prevent pollution from the structure or activity during the course of a base flood elevation.
 3. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing

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- a. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 - b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 - c. No part of any on-site sewage system shall be located within any Floodplain Conservation District except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
 - d. The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code shall be utilized.
4. Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
 5. Streets. The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.
 6. Storage. All materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, and not listed in Section 7.03, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.
 7. Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the

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- b. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
- c. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

11. Electrical Components

- a. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
- b. Separate electrical circuits shall serve lower levels and shall be dropped from above.

12. Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

13. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

14. Uniform Construction Code Coordination

- a. The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.
 - i. International Building Code (IBC) 2006 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

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2. A small scale map showing the vicinity in which the proposed site is located.
3. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. north arrow, scale and date;
 - b. topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;
 - c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - d. the location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 - e. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
 - f. the location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;
 - g. the location of all proposed buildings, structures, utilities, and any other improvements; and
 - h. any other information which the municipality considers necessary for adequate review of the application.
4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

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occur from the development during the course of a base flood elevation, including a statement concerning the effects such pollution may have on human life;

- d. a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation elevations and flows;

- e. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation elevations and flows;
- f. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"
- g. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
- h. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
- i. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

§295-2123. APPLICATION REVIEW PROCEDURES

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§295-2124. SPECIAL TECHNICAL REQUIREMENTS

A. In addition to the requirements of Article VII of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Article IV of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

~~B. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:~~

1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - a. the structure will survive inundation by waters of the base flood elevation without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE,
 - b. the lowest floor (including basement) will be elevated to at least one and one half (1 ½) feet above the Base Flood Elevation, and
 - c. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood elevation.
2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

C. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts.

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repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.

4. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. The Floodplain Administrator shall make as many inspections during and upon completion of the work as are necessary.

5. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the Floodplain Conservation District, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
6. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Township Board of Commissioners for whatever action it considers necessary.
7. The Floodplain Administrator shall maintain all records associated with the requirements of this ordinance including, but not limited to, permitting, inspection and enforcement.
8. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2006 IBC and the 2006 IRC or latest revisions thereof.

§295-2126. APPLICATION PROCEDURES AND REQUIREMENTS

- A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by Cheltenham Township. Such application shall contain the following:

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7. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.
- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
-
1. A completed Permit Application Form.
 2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. north arrow, scale, and date;
 - b. topographic contour lines, if available;
 - c. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - d. the location of all existing streets, drives, and other access ways; and
 - e. the location of any existing bodies of water or watercourses, the Floodplain Conservation District, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
 3. Plans of all proposed buildings, structures and other improvements, drawn at a scale of one (1) inch being equal to one hundred (100) feet or less showing the following:
 - a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;

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- ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 295-2119 during a base flood.
 - e. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - f. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
-
5. Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administration.

§295-2127. REVIEW BY COUNTY CONSERVATION DISTRICT

- A. A copy of all applications and plans for any proposed construction or development in any Floodplain Conservation District to be considered for approval shall be submitted by the Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a Permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

§295-2128. REVIEW OF APPLICATION BY OTHERS

- A. A copy of all plans and applications for any proposed construction or development in any Floodplain Conservation District to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

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declared by the Township Board of Commissioners to be a public nuisance and abatable as such.

§295-2133. APPEALS

A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Ordinance, may appeal to the Township Board of Commissioners. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.

B. Upon receipt of such appeal the Township Board of Commissioners shall set a time and place, within not less than ten (10) or not more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

C. Any person aggrieved by any decision of the Township Board of Commissioners may seek relief there from by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.

§295-2134. ENACTMENT

A. Adoption. This Ordinance (ordinance number) shall be effective on [effective date] and shall remain in force until modified, amended or rescinded by Cheltenham Township, Pennsylvania.

ENACTED AND ADOPTED by the Township Board of Commissioners this ____day of _____, 2014.

ATTEST: Township Board of Commissioners of Cheltenham Township
By:

DRAFT

Cheltenham Secretary Township Board of Commissioners President

APPROVED, this [day] day of [month], [year], by [Municipal Official] Cheltenham Township

ATTEST:

[Municipal Official] Cheltenham Township

[Secretary]

Ballard Spahr L.L.P.

1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599
TEL 215.665.8500
FAX 215.864.8999
www.ballardspahr.com

Neil Sklaroff
Tel: 215.864.8514
Fax: 215.864.8999
sklaroffn@ballardspahr.com

March 18, 2014

RECEIVED

MAR 19 2014

CHELTENHAM TOWNSHIP

Amee Farrell, Chairman
Zoning Hearing Board of Cheltenham Township
1107 Orleans Road
Cheltenham, PA 19012

Harvey Portner, President
Cheltenham Township Board of Commissioners
8230 Old York Road
Elkins Park, PA 19027

Re: Zoning Hearing Board of Cheltenham

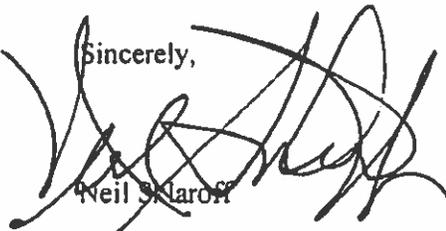
Dear Amee and Harvey:

For almost twenty years, I have had the privilege of representing and counseling the Zoning Hearing Board of Cheltenham Township. During that time, I have witnessed the Zoning Board members as they balanced strict application of governing regulations and property owners' rights to reasonable development. I believe the result has been faithful to the public welfare.

Having served at the pleasure of the Board, I now ask the Zoning Board and the Board of Commissioners to appoint a new Solicitor. I look forward to transitioning to your new selection.

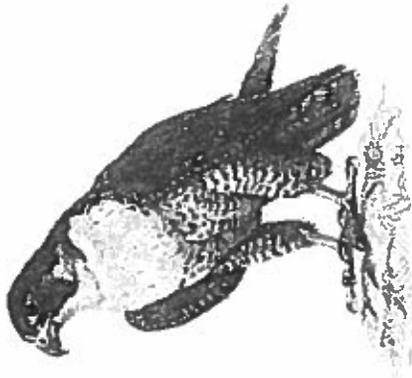
Thank you for the honor of allowing me to serve my community.

Sincerely,


Neil Sklaroff

NS:llb

cc: Carmen G. Reitano, Assistant to the Director of Planning and Zoning ✓
David Jones, Interim Director of Planning and Zoning
Bryan T. Havir, Township Manager
Alan S. Gold, Vice Chairman, ZHB
Peter R. Labiak, ZHB Member



Falcon Hill

- Residential Community -



Why are we here?

- Based upon feedback, we are here to present a plan that we feel meets the criteria outlined by both Townships.
- Ken Amey was hired by both Townships to prepare a comprehensive plan in accordance with their direction.
- Indication is that Ken Amey's plan, containing 93 units will be acceptable to both Townships.
- We are here today to present a 93 unit plan for development that is acceptable to us.





Specifics of Ken Amey's Plan

- ❖ 93 Unit Plan
 - ✓ Prepared on 8/6/13
 - ✓ 72 Carriage Homes in Springfield Township (approximately)
 - ✓ 21 Carriage Homes in Cheltenham Township (approximately)
 - ✓ Mansion House Does Not Stay
 - ✓ Existing Structures along Willow Grove Avenue Remain
 - ✓ One Main Entrance for the Development
 - ✓ The Shared Driveway with Mr. & Mrs. Harkins Remains Unchanged



About the Site

Location

Willow Grove Avenue
Cheltenham & Springfield Townships
Montgomery County, Pennsylvania



Size

32.811 Acres in Springfield Township
10.082 Acres in Cheltenham Township
~~42.893~~ Acres of Residential Land





Home Builders & Today's Market

- 93 units are acceptable to the Developer if the product type becomes Single Family Homes.
- It is the general opinion of Hansen Properties and numerous home builders that Single Family Homes are a desirable product for this neighborhood.
- Single Family Homes are a preferred market for local and national homebuilders.



Laverock Hill Neighbors Association – Position Statement

March 31, 2009

"Laverock (and its surrounding communities) is a collection of predominately single family dwellings. The area has slowly and carefully developed over the last century upon the break-up of large estate type tracts (similar to Laverock Hill) and minor sub-divisions ... Many owners in the vicinity of Laverock Hill acquired their homes based upon their desire to live in a neighborhood of detached single family homes."



Laverock Market Analysis



Laverock Average Sales Price (*)	\$252,172
Laverock Average Listing Price (*)	\$288,076
Falcon Hill Estimated Sales Price	\$350,000 to \$475,000

* Data Provided by Berkshire Hathaway HomeServices – Current (Zip Code 19038)



Our Proposal

93

Homes

**Market Rate
Housing**

**Lot sizes – 6,000 to 9,000
square feet**

**Approx. home size – 2,400 to
3,400 livable square feet**

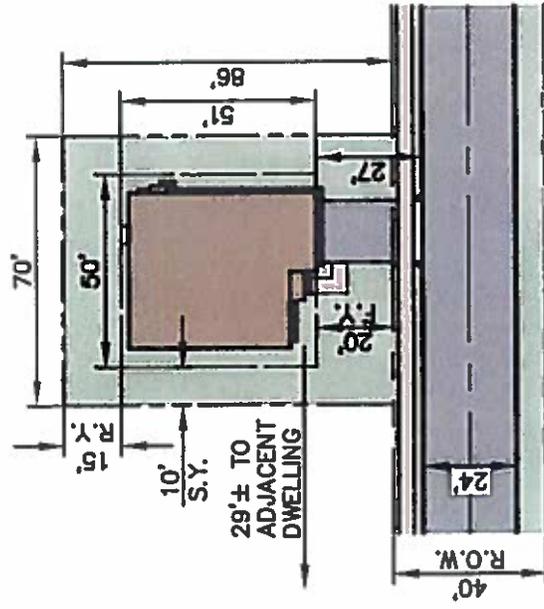
**Approx. sale price –
\$350,000 to \$475,000**

Area Overview

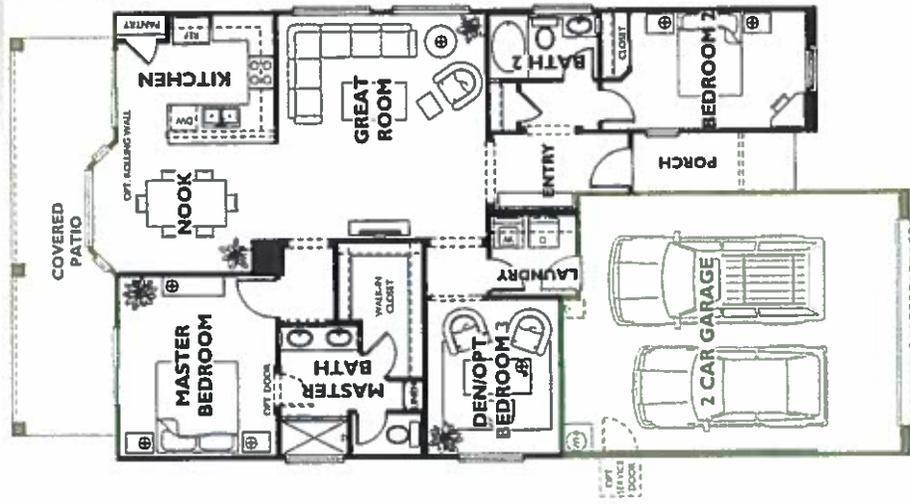




Cheltenham Township Lot Detail



6,000 SF. MIN. LOT
2,550 SF. BLDG. ENVELOPE
(CHELTENHAM TOWNSHIP)



Color indicates optional features as shown on Model Home. Options are not included in the base plan, please see commentary for details.





Cheltenham Township

29 Homes

Approximate lot sizes – 6,000 square feet

Approximate size of the homes – 2,400 to 3,000 livable square feet

Approximate sale price of the homes - \$350,000 to \$400,000



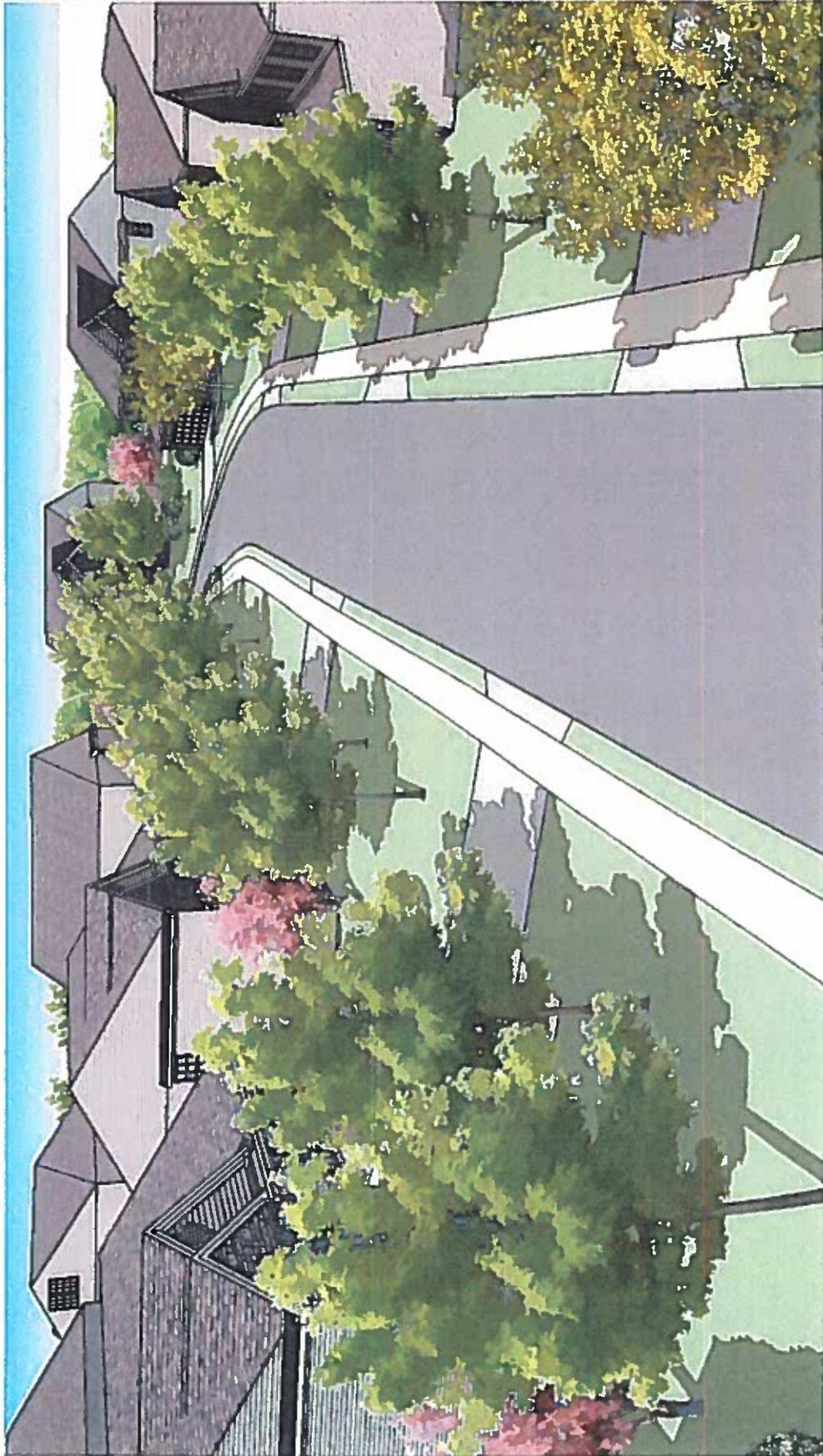


Cheltenham Neighborhood





Cheltenham Neighborhood



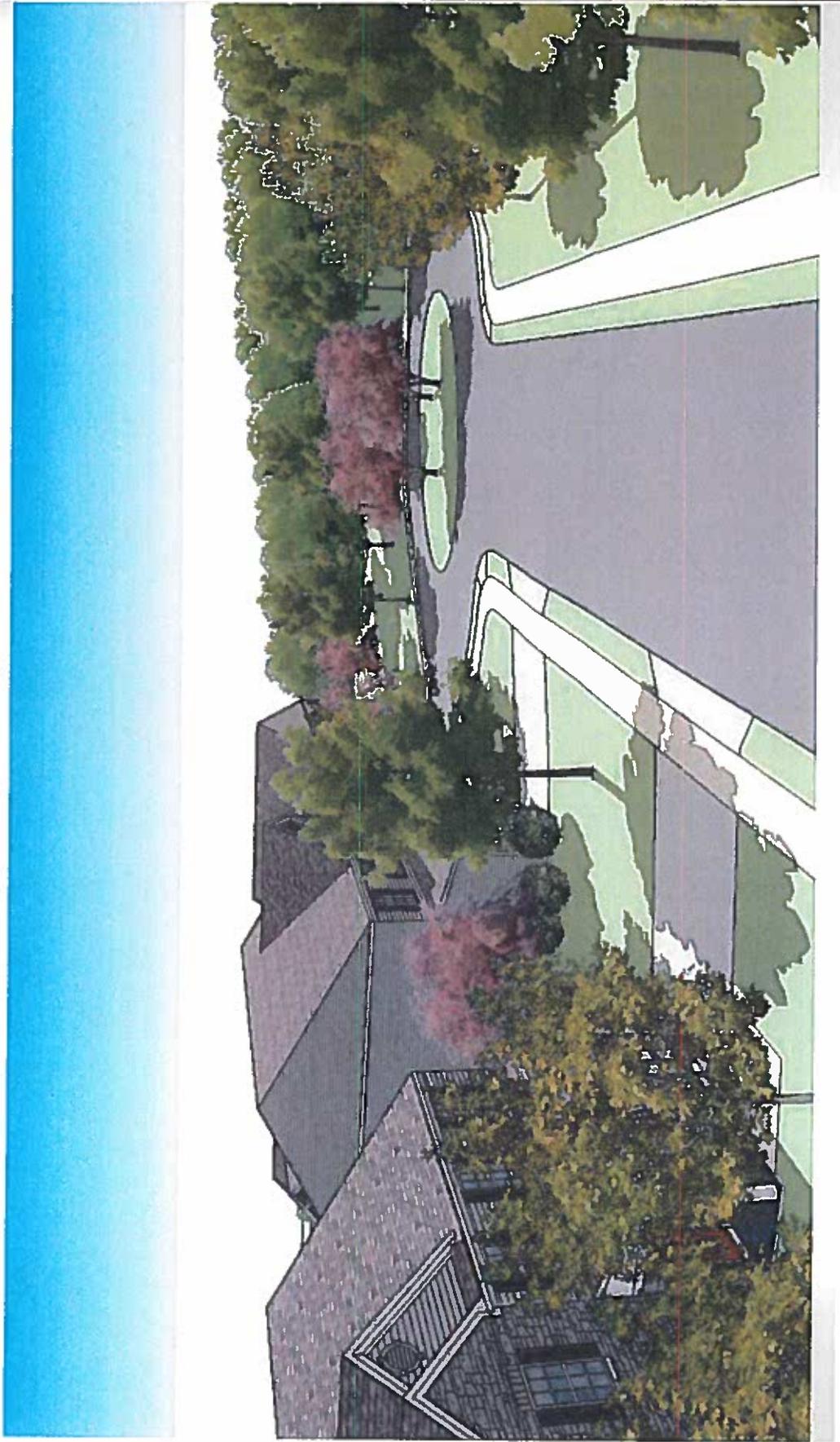


Cheltenham Neighborhood





Cheltenham Neighborhood



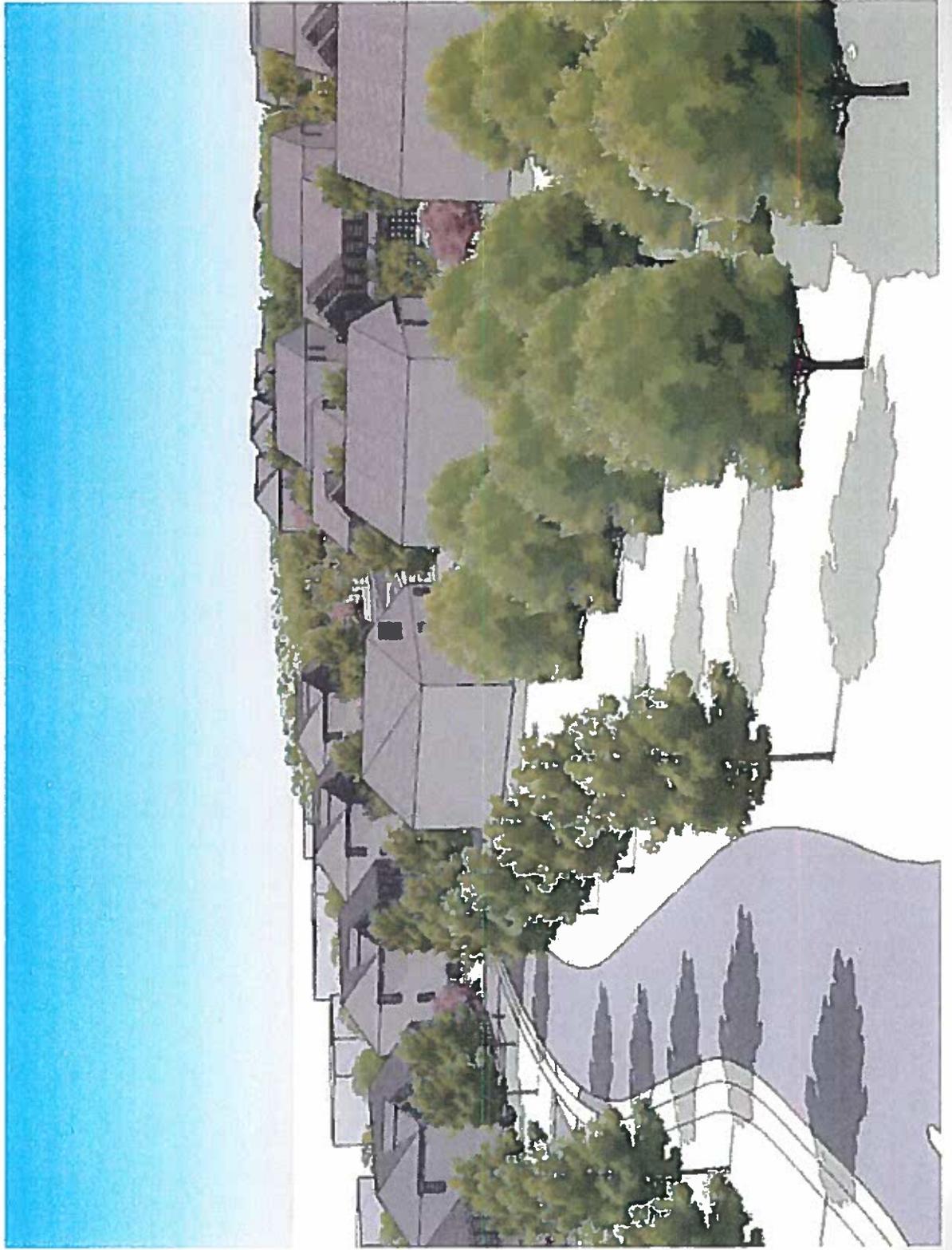


Cheltenham Neighborhood



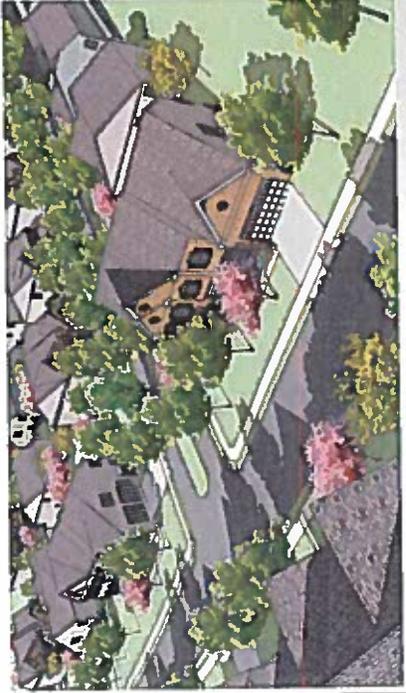


Cheltenham Twp. Animation

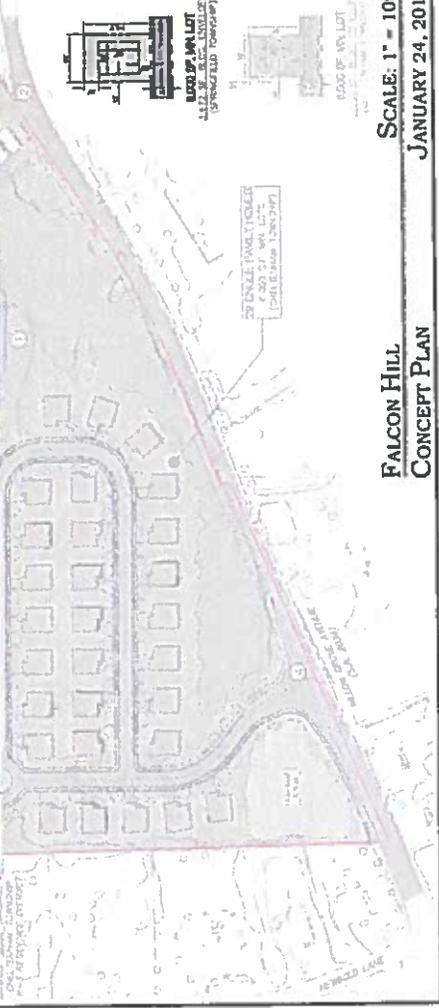




Springfield Township



- 1) WALKWAY TO BE REMOVED
- 2) PORCHES/ADDRES RELIQUAS UNCHANGED
- 3) EXISTING STRUCTURES REMAIN
- 4) ONE WAY ENTRANCE TO DEVELOPMENT
- 5) BUFFER BETWEEN PROPERTY LINE AND BUILDINGS: 40' - 75'
- 6) BALDING PATH
- 7) BRANCH HOUSE LAKE EMERGENCY ACCESS ONLY
- 8) OPEN SPACE: 4000 (175 ADRES)



SCALE: 1" = 100'
JANUARY 24, 2014

FALCON HILL
CONCEPT PLAN



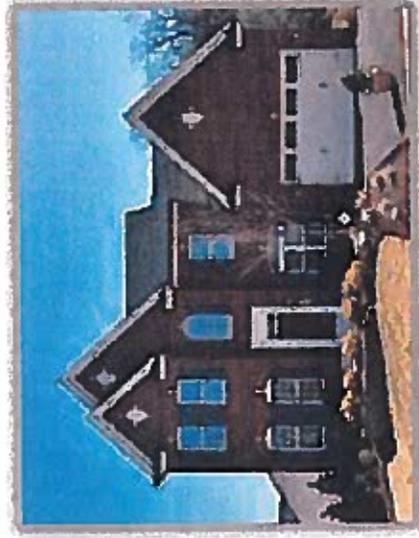
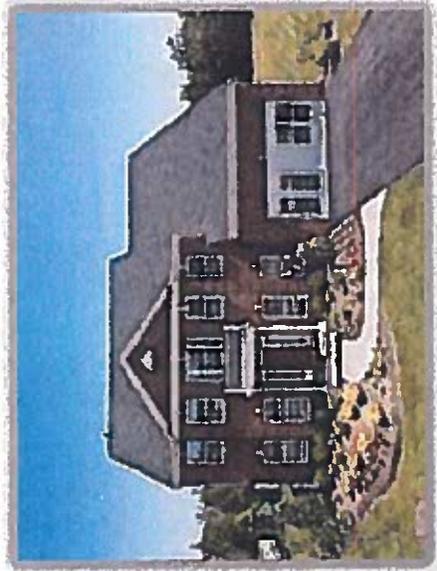
Springfield Township

64 Homes

Approximate lot sizes – 9,000 square feet

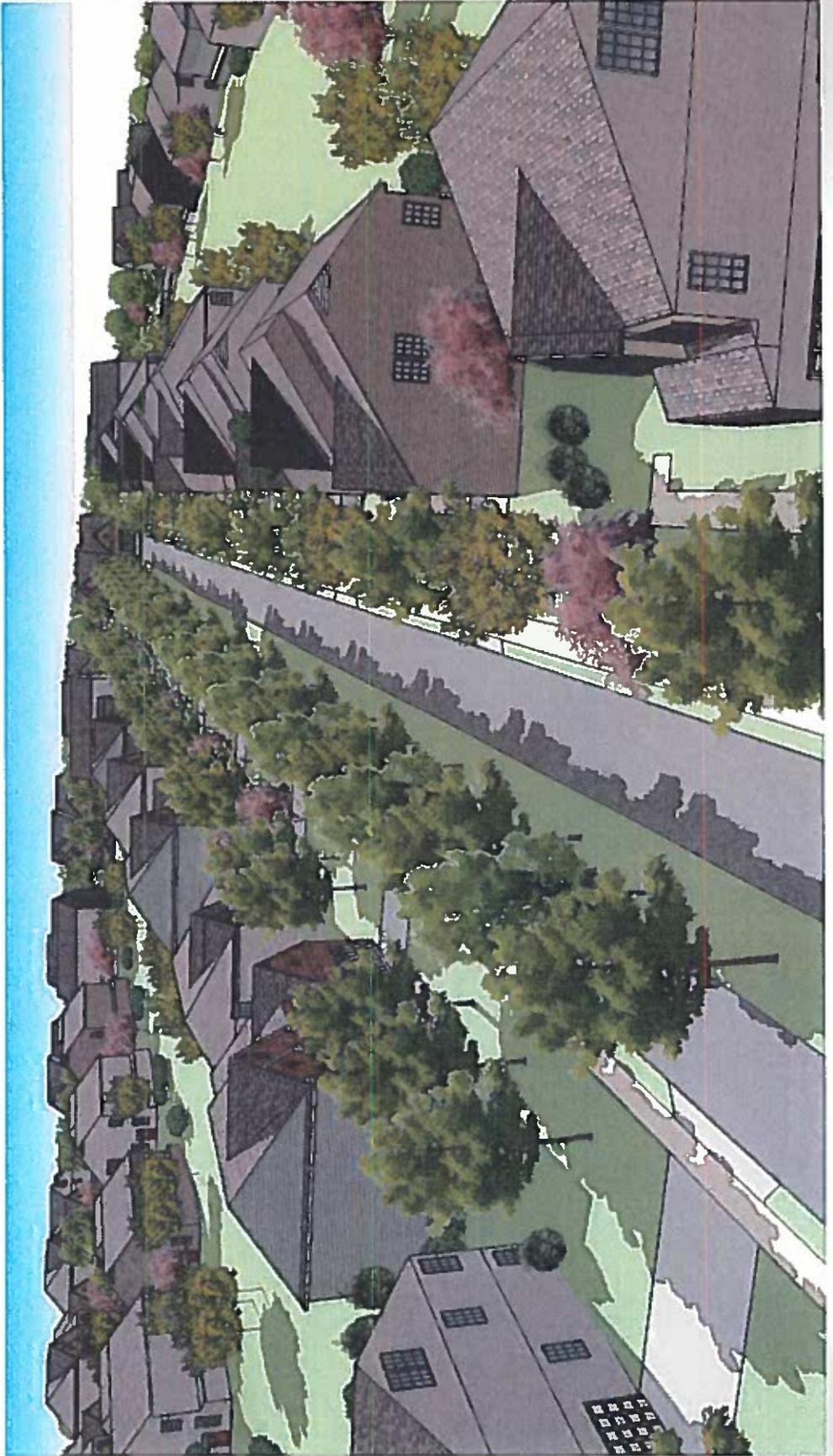
Approximate size of the homes – 3,000 to 3,400 livable square feet

Approximate sale price of the homes - \$425,000 to \$475,000





Springfield Neighborhood

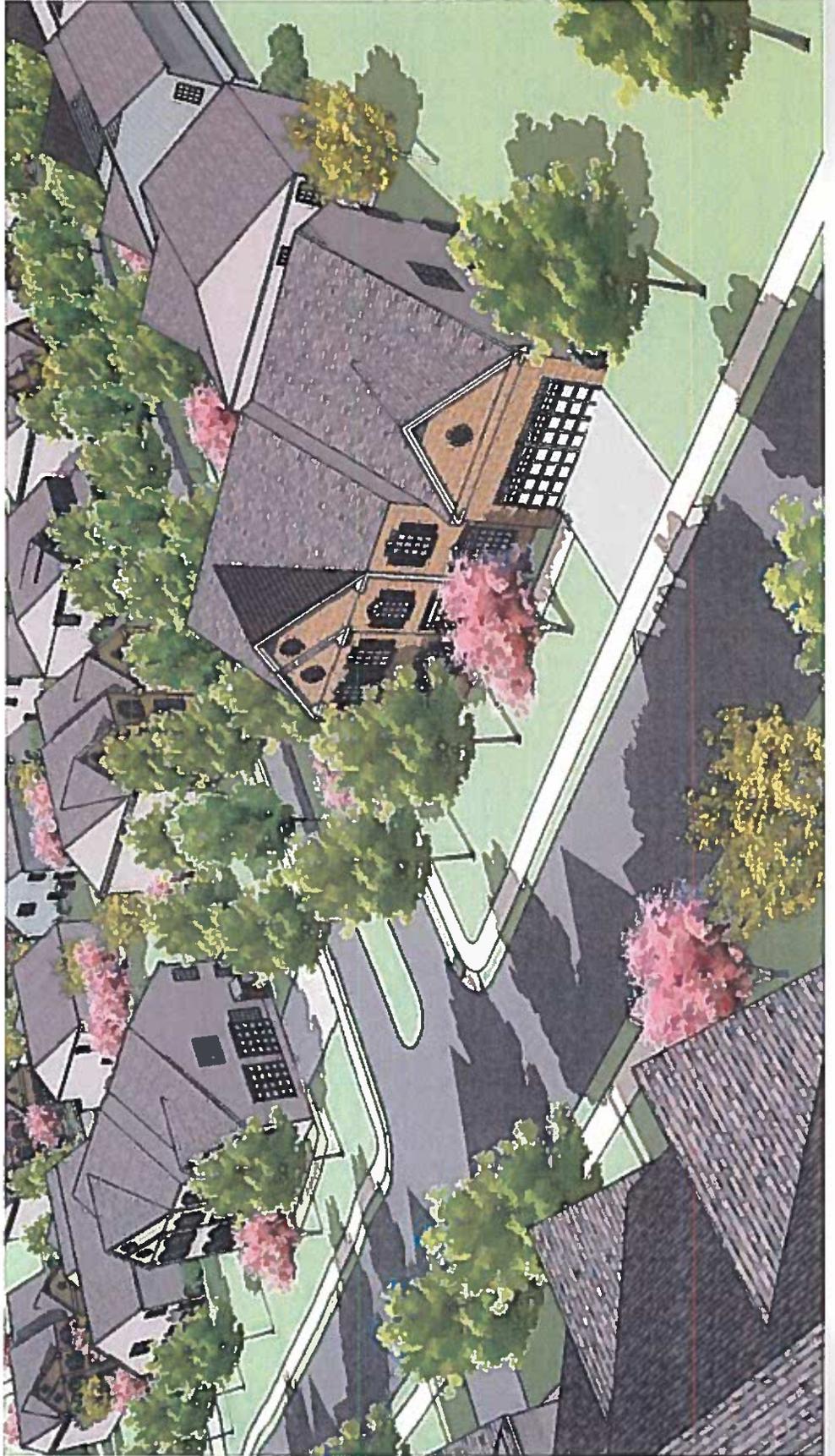


Springfield Neighborhood



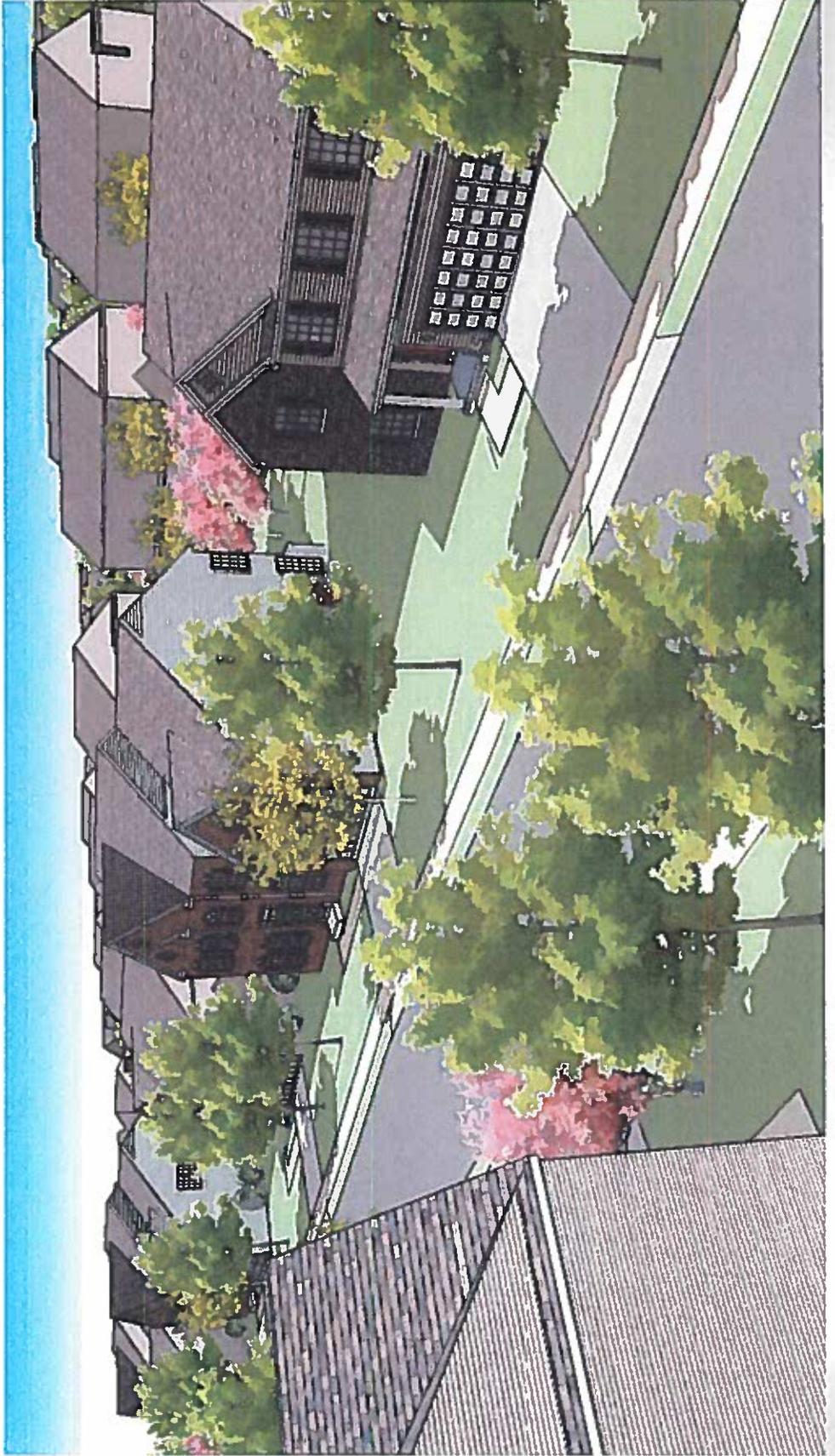


Springfield Neighborhood



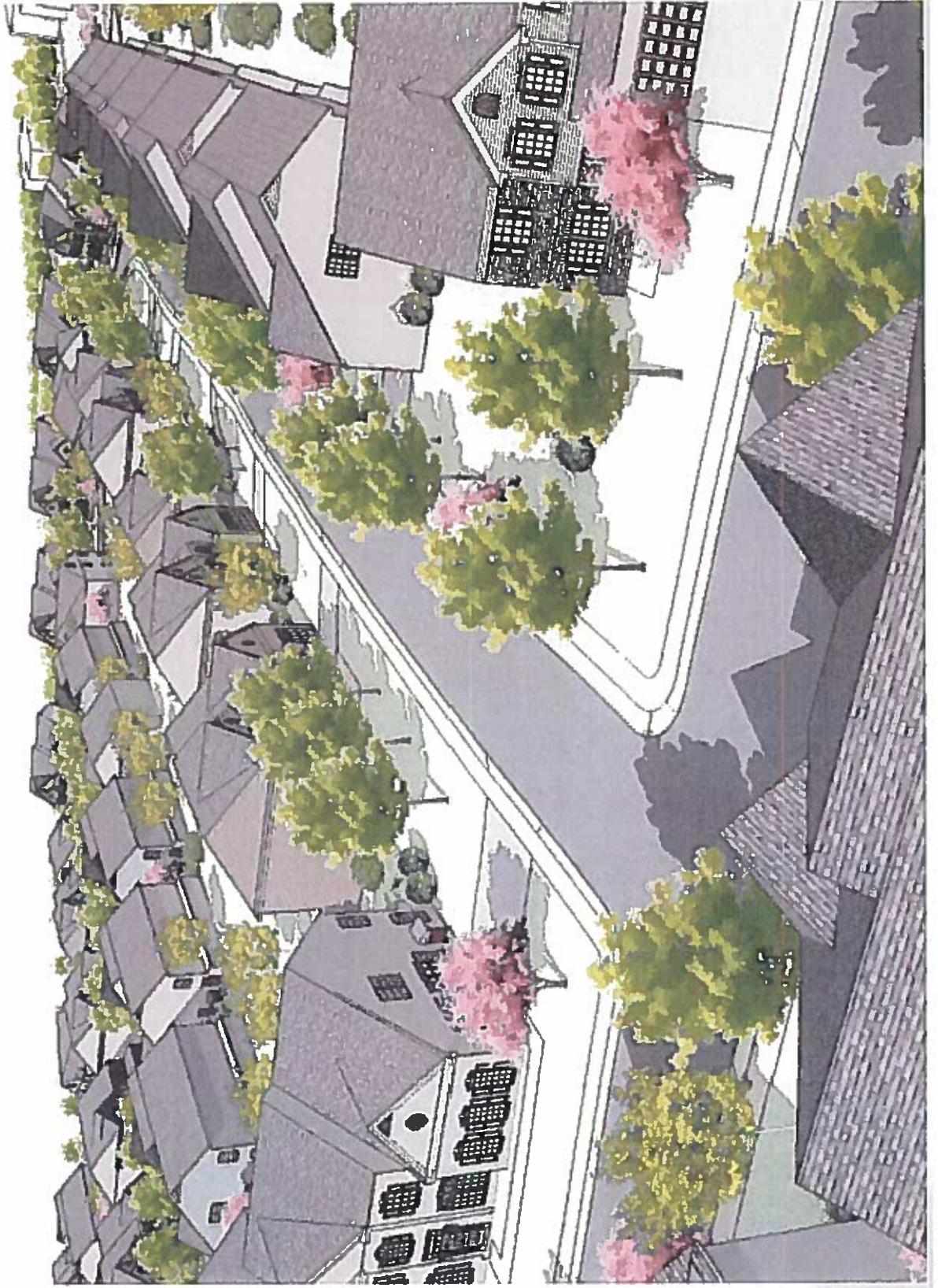


Springfield Neighborhood



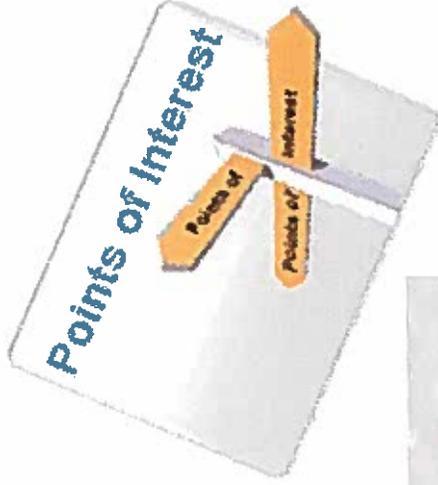
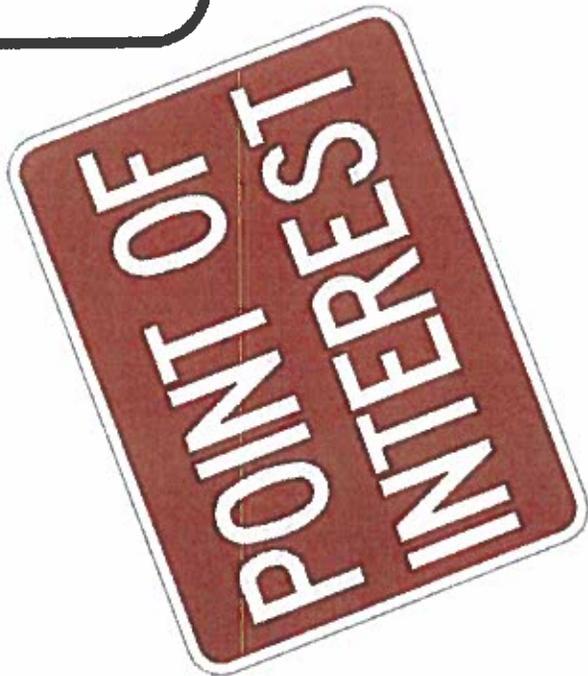


Springfield Twp. Animation





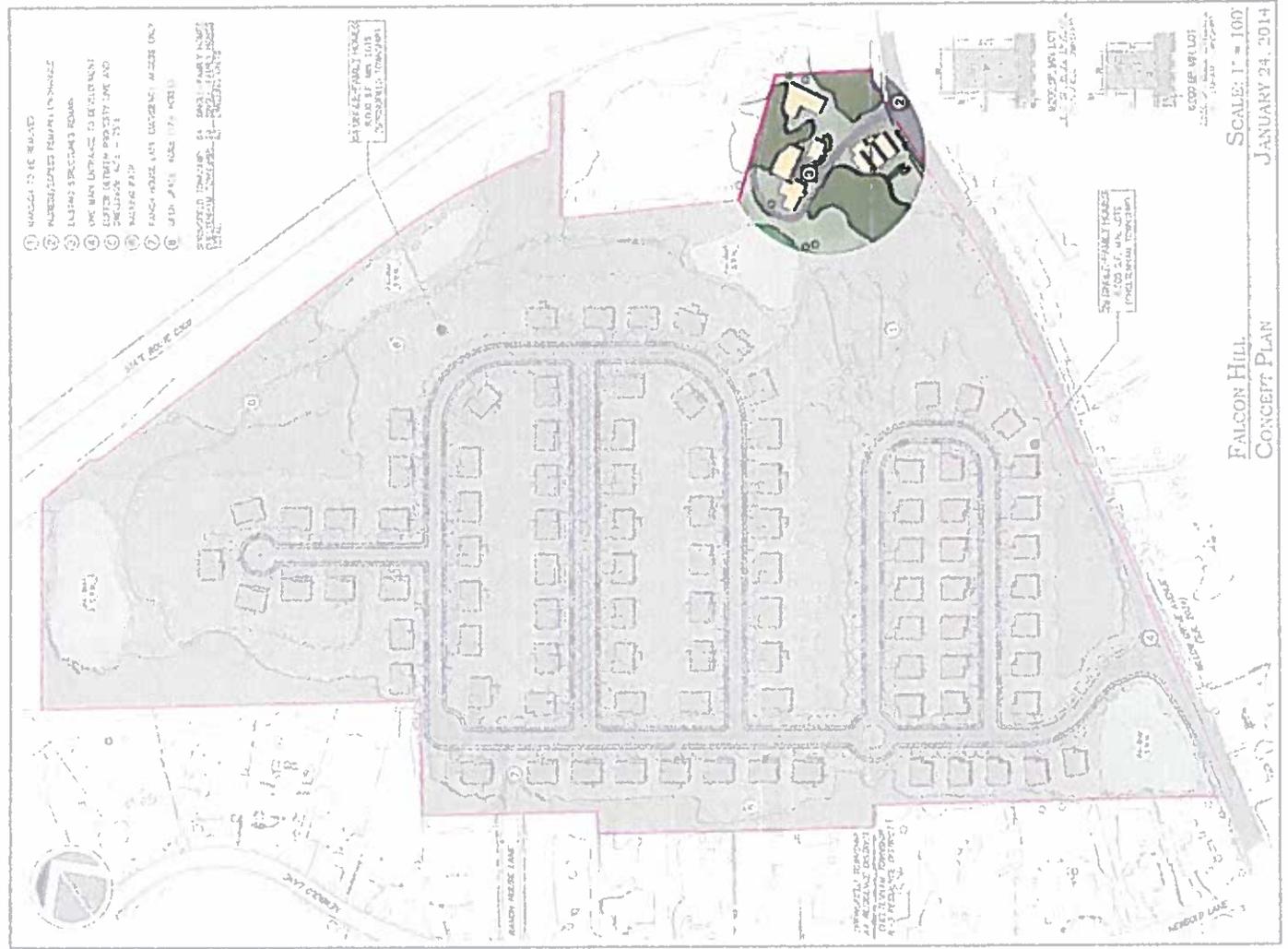
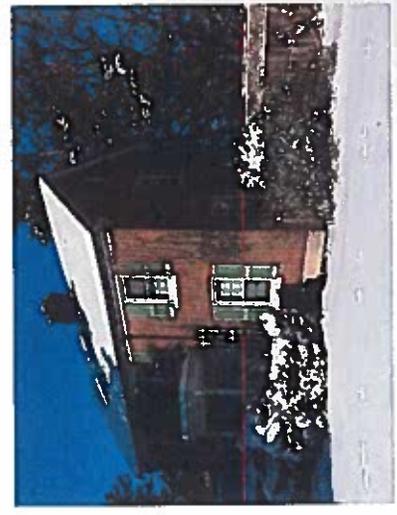
Points of Interest on the Plan





Existing Structures Remain in this area.

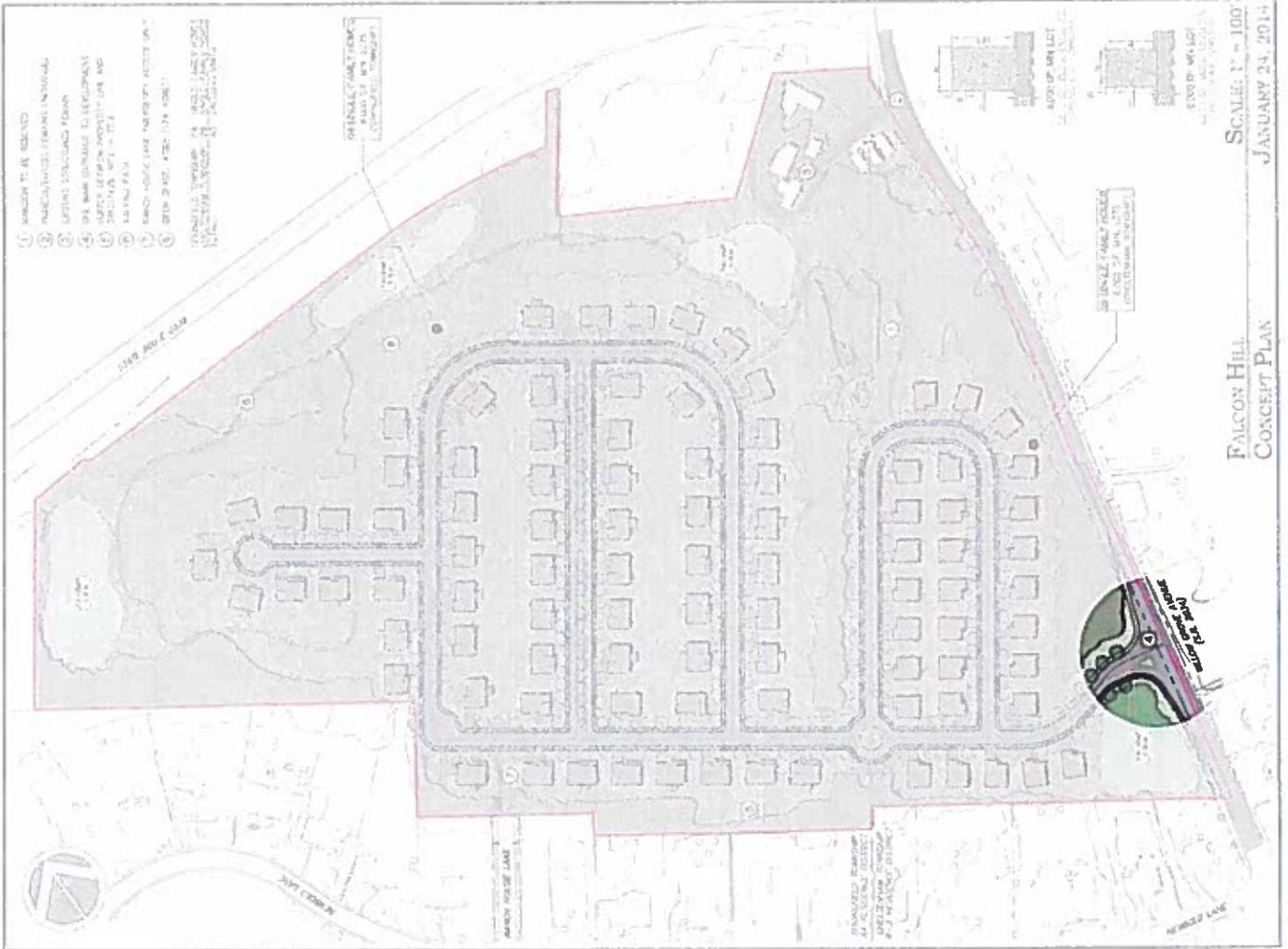
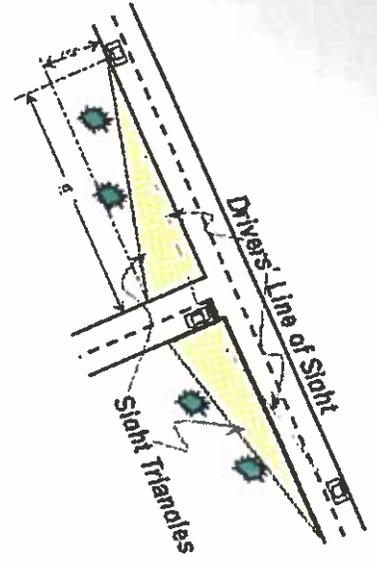
The Plan is to sell them as Fee Simple
Single Family Homes





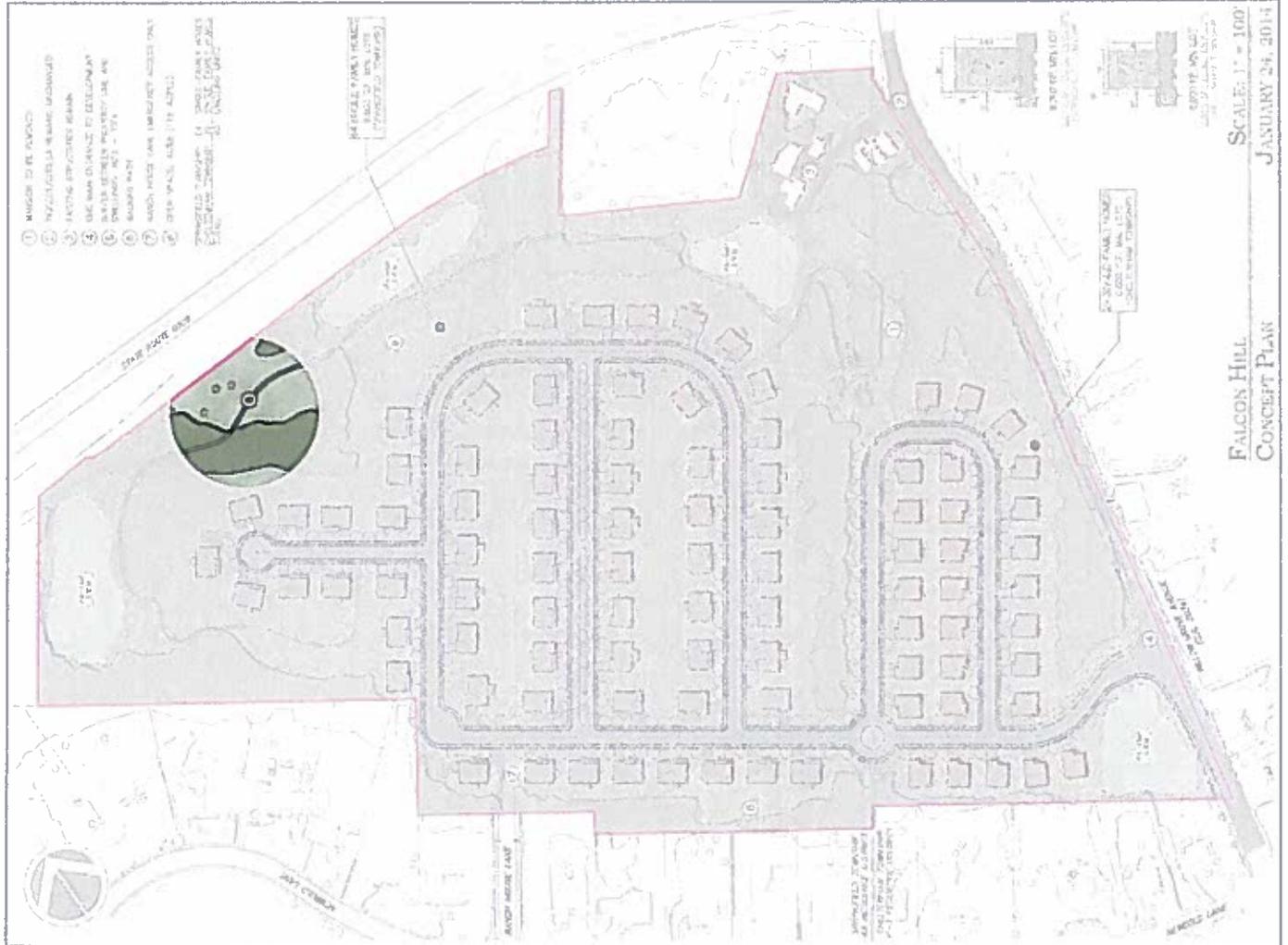
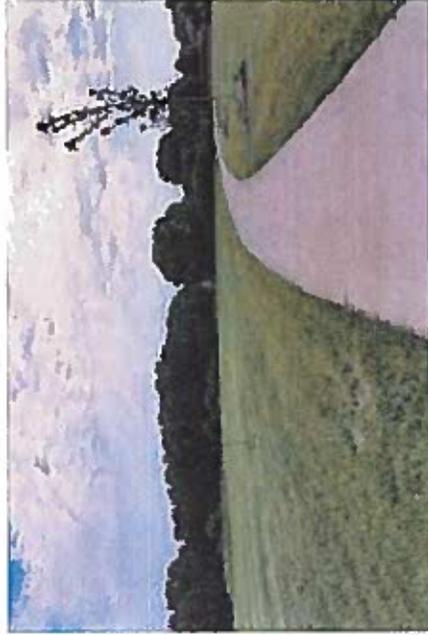
One Main Entrance For The Development

This location offers the best site-distance according to the traffic studies



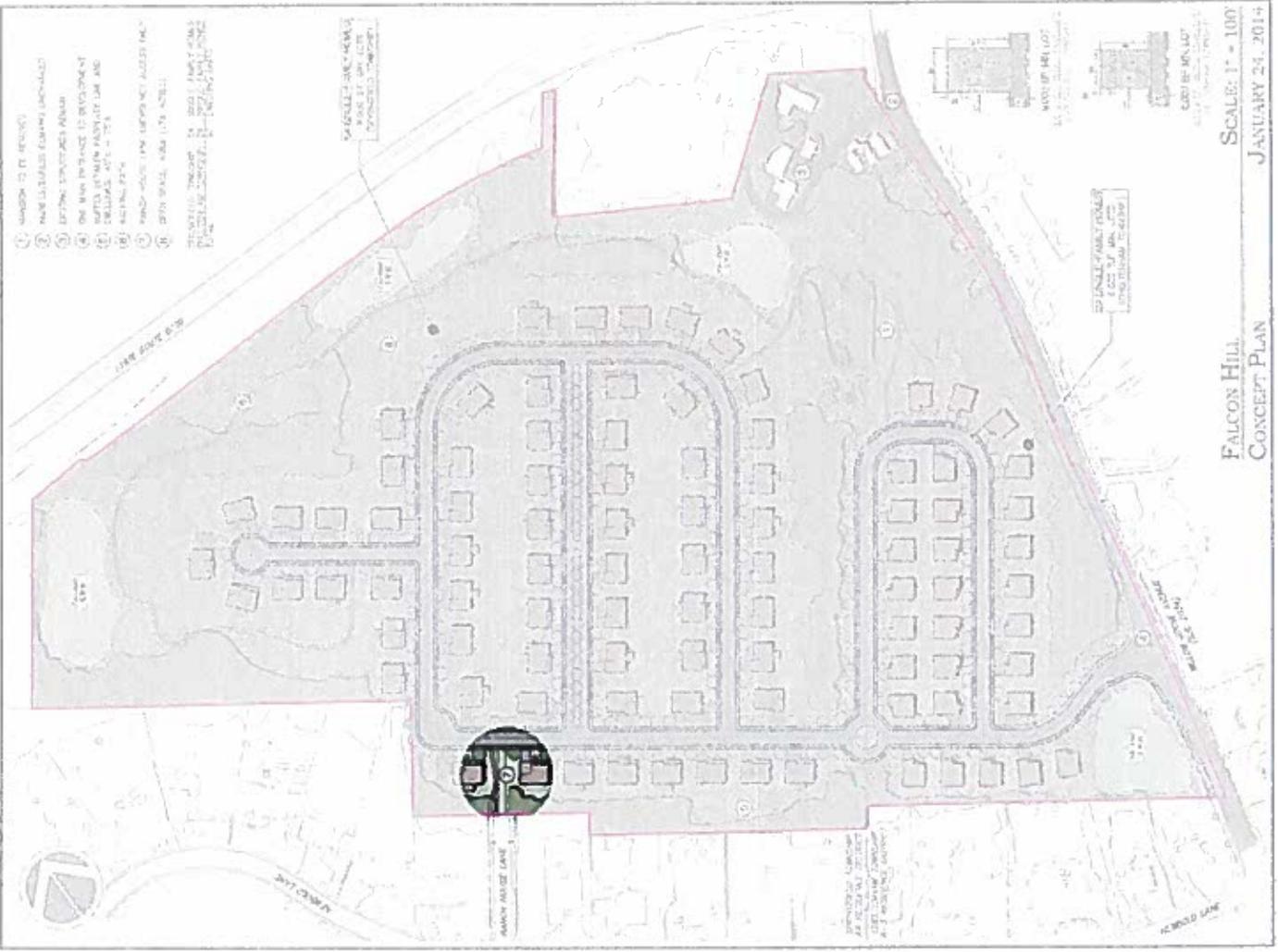
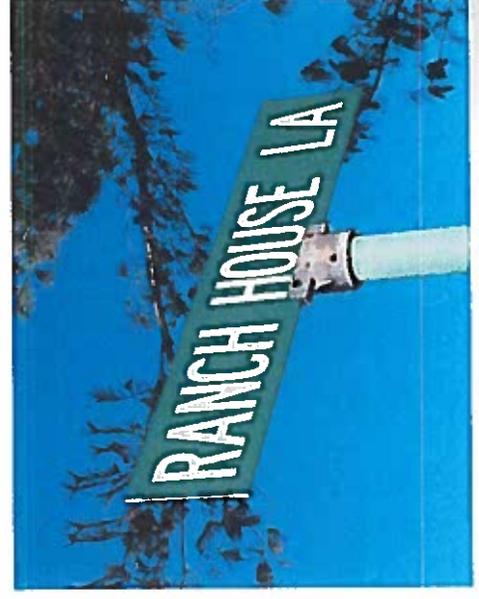


Walking Path Around the Community





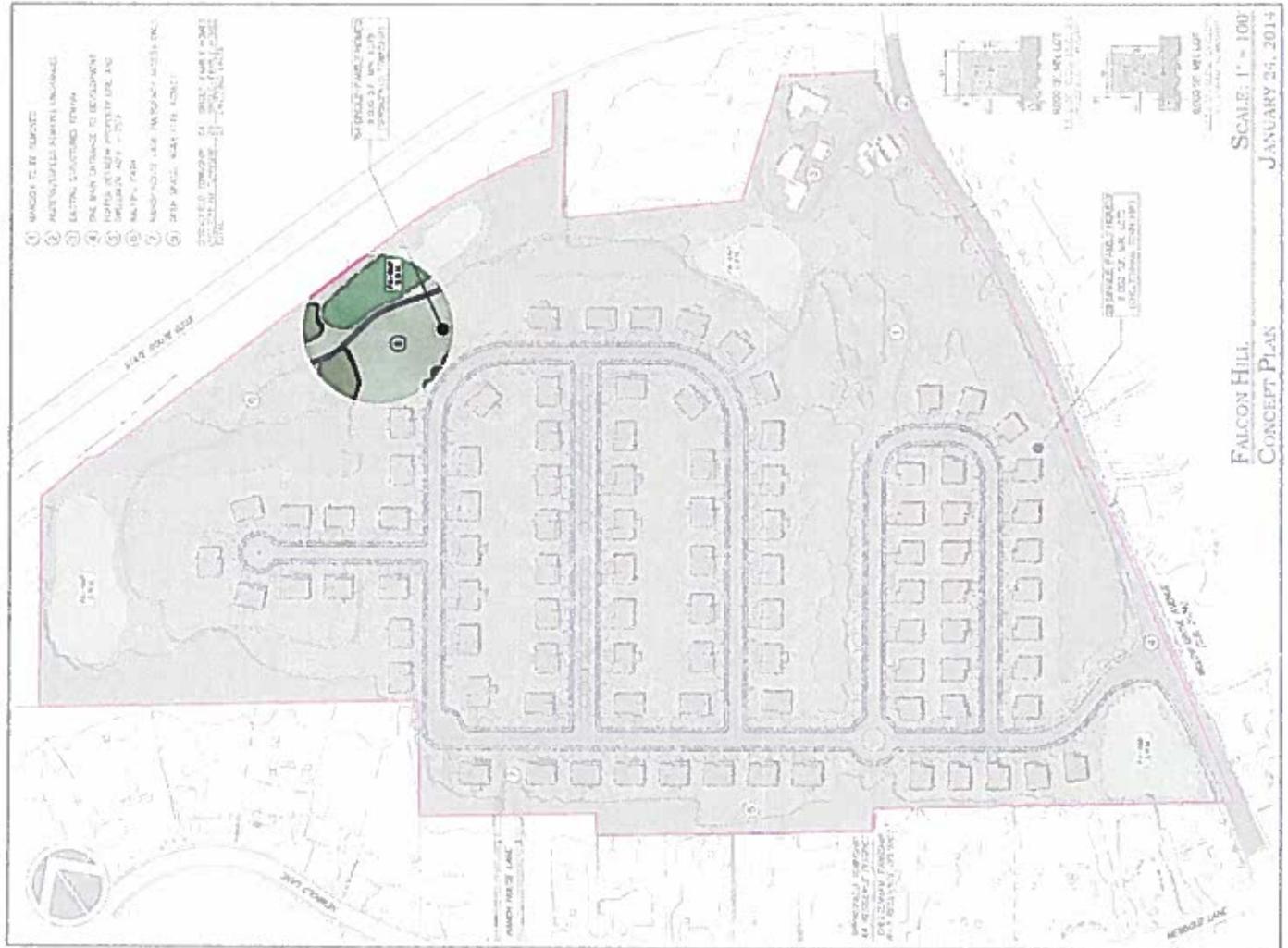
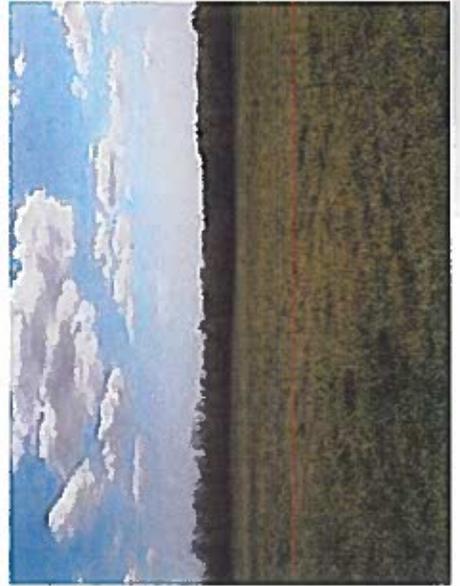
Ranch House Lane to be Used for Emergency Access Only





Open Space on the Property is 40% (17 Acres)

This calculation does not
include the "lots".
The actual green area is
far greater





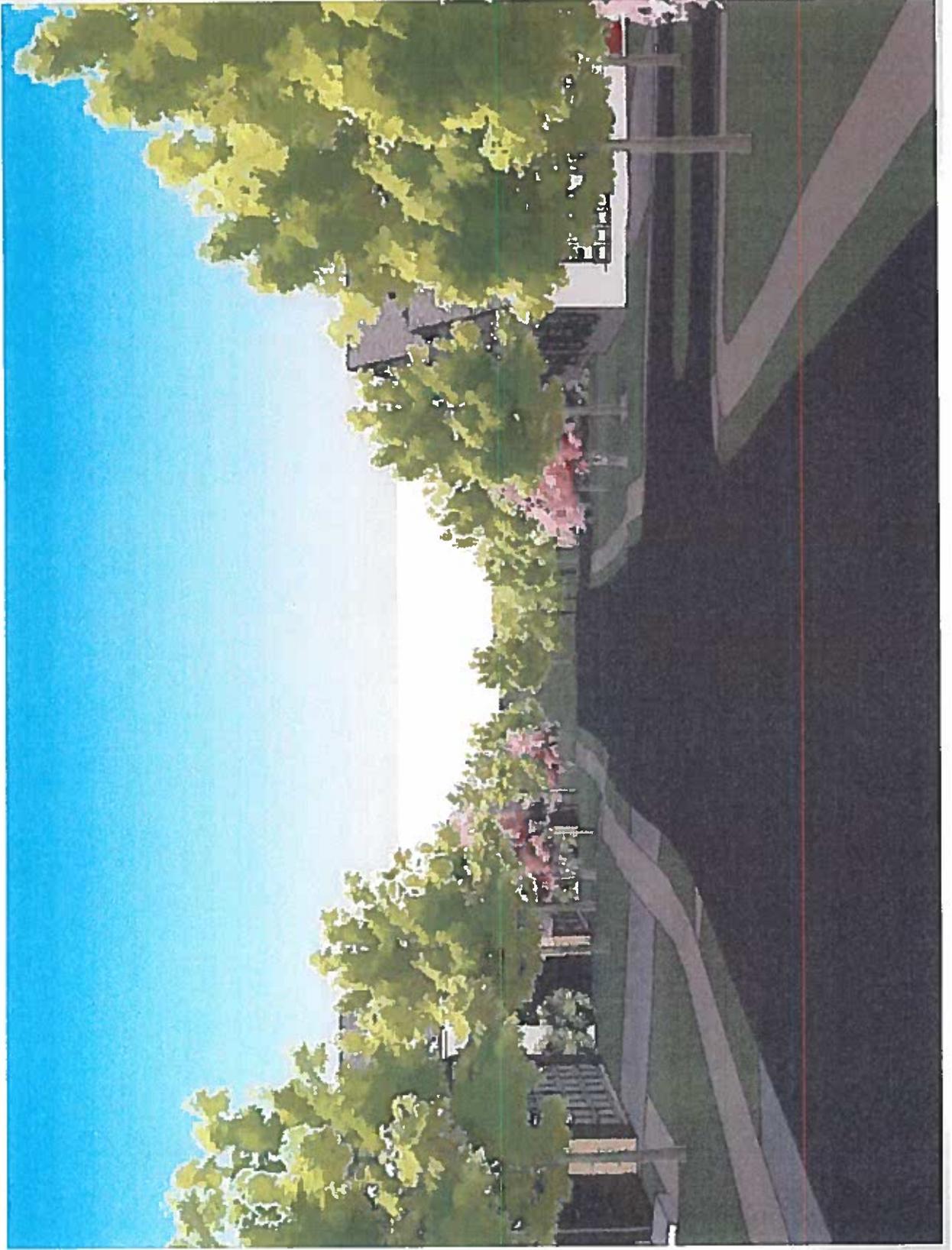
Summary

- ✧ 93 homes
- ✧ No “Hi-Rise” buildings
- ✧ 100% single family lots
- ✧ Market rate housing
- ✧ Help the values of surrounding homes
- ✧ A Community to be proud of by both townships
- ✧ The Plan addresses the major development issues



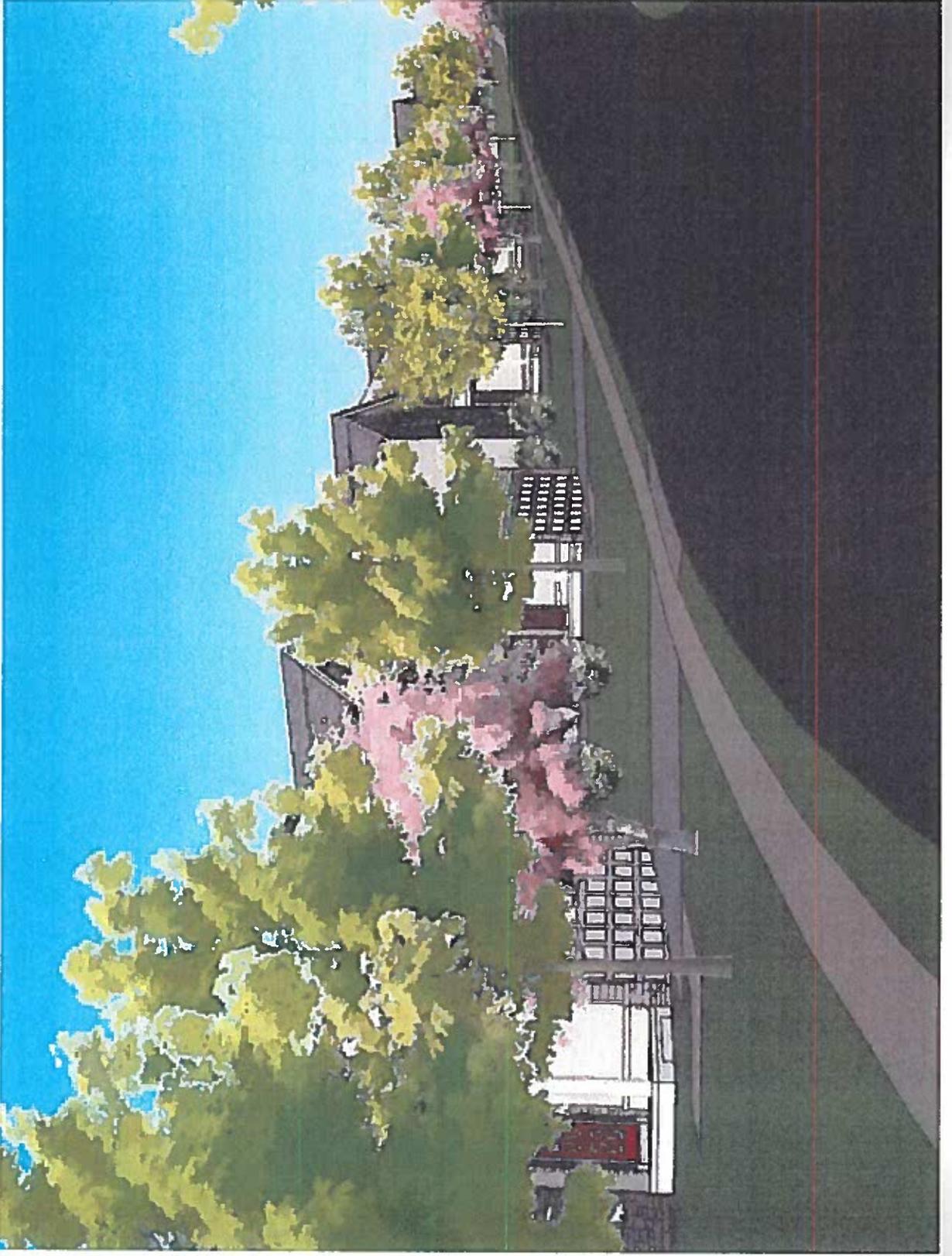
FALCON HILL
CONCEPT PLAN
SCALE: 1" = 100'
JANUARY 24, 2014

Animation #3



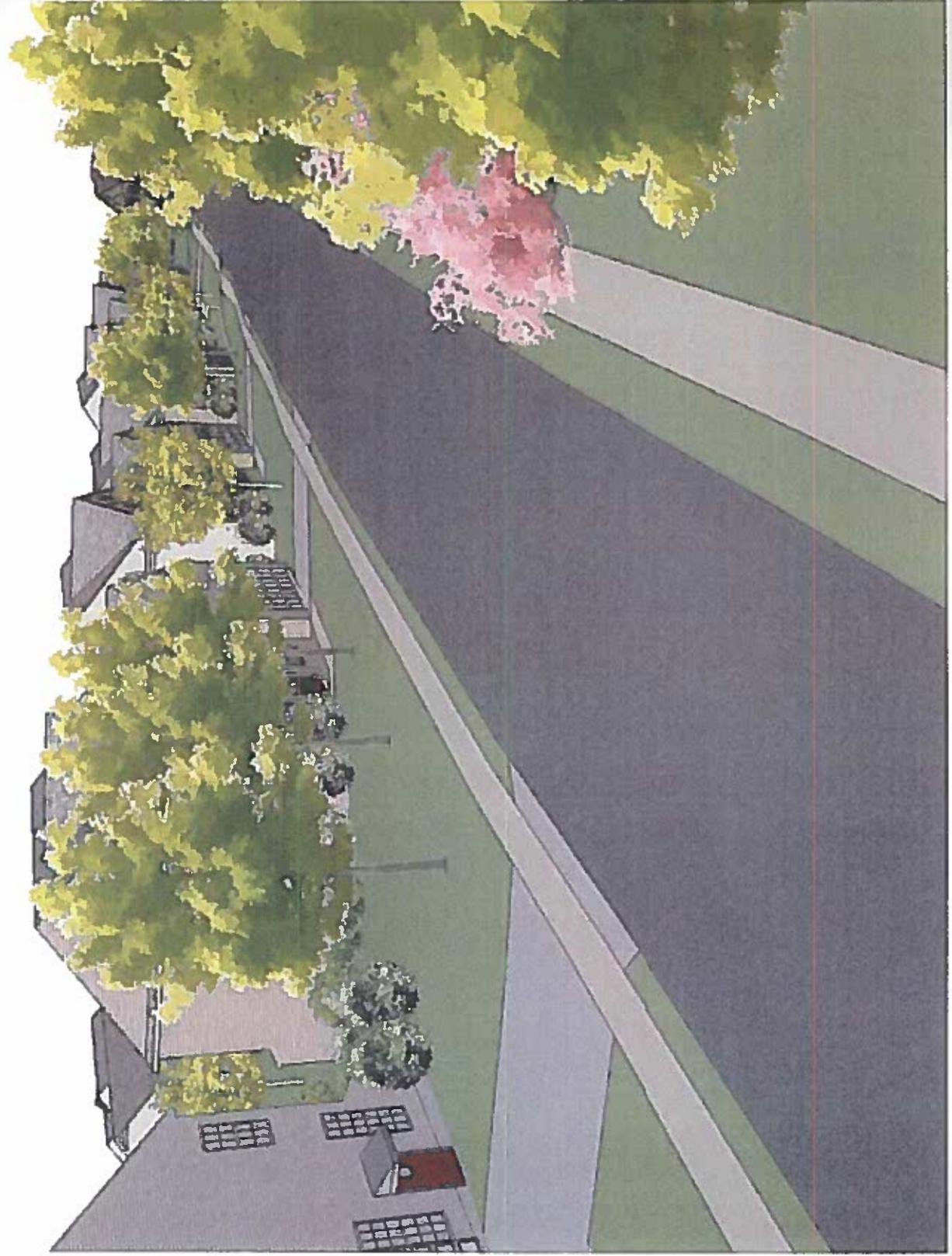


Animation #4





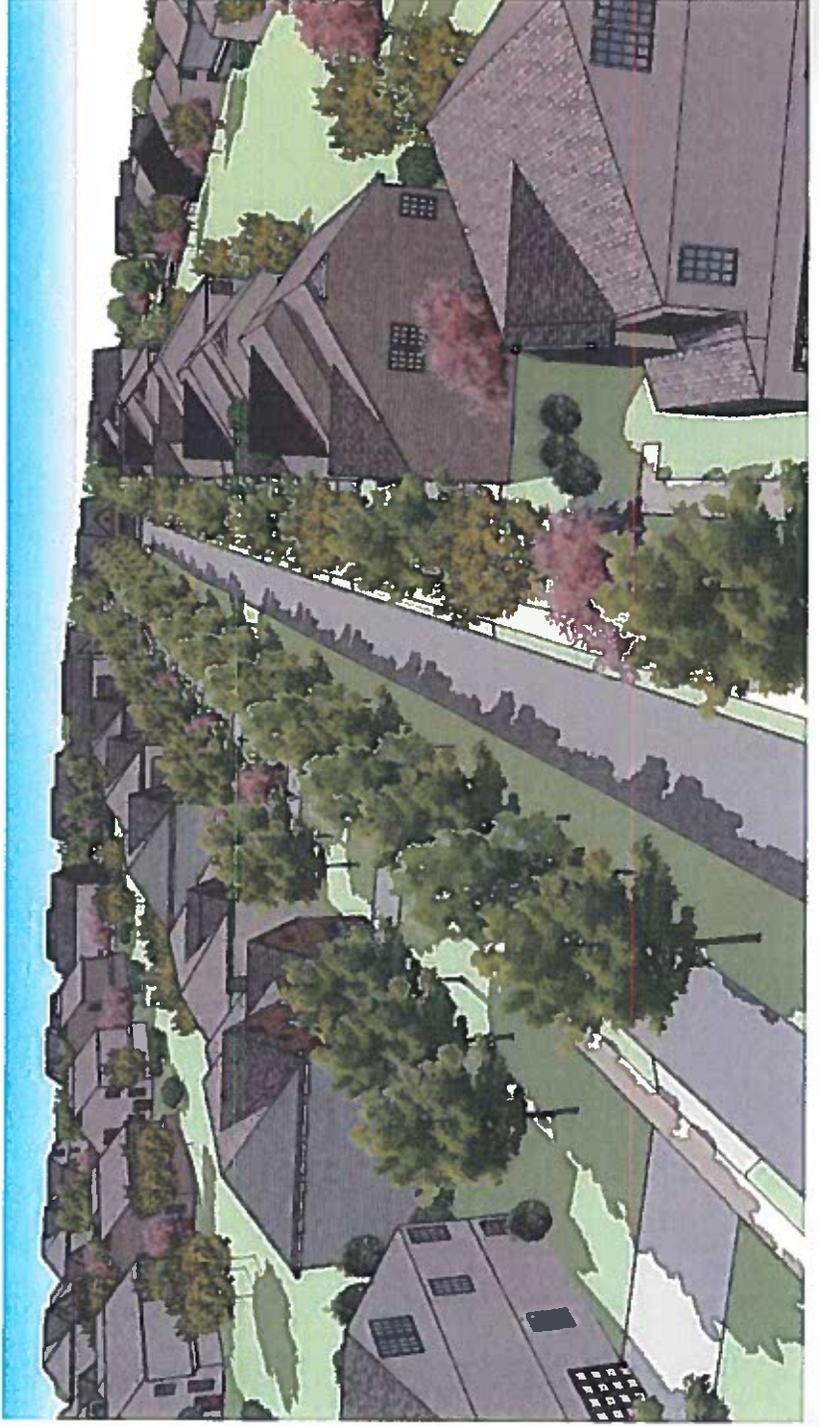
Animation #5

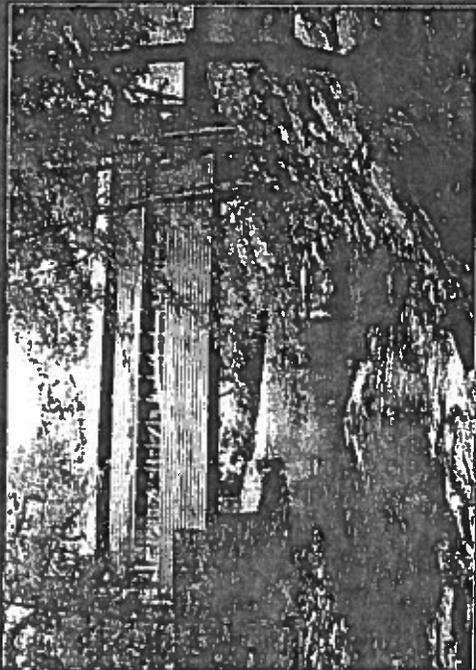
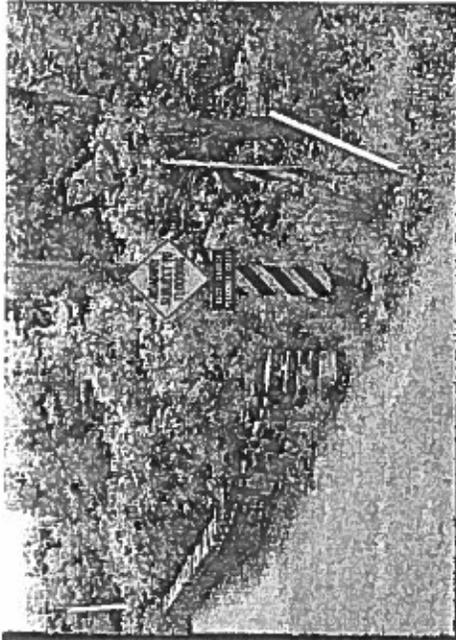
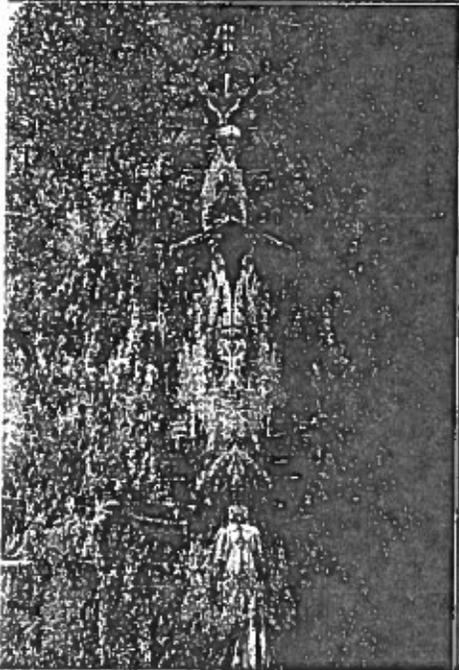




Where do we go from here?

If you like the plan that we have proposed, how do you recommend we proceed in order to gain the necessary Township approvals?





Montgomery County, Pennsylvania

Protecting, People and Resources

floodplain ordinance

FEMA MAP MODERNIZATION

- Updated base map
 - Improve the accuracy of floodplain determinations
- Digital Flood Insurance Rate Map
 - Compatible with Geographic Information Systems
 - Planning, permitting, and insurance applications



NFIP Requirements

- National Flood Insurance Program (NFIP)
 - Community practices sound floodplain management
 - The Federal Government makes flood insurance available to residents in that community
- Sound Floodplain Management = Floodplain Ordinance



Current Municipal Ordinances

- Variability Among Municipalities
- Avoid Backsliding
- Department of Community and Economic Development (DCED) “Suggested Provisions”
- These suggested provisions meet FEMA’s checklist of required provisions



DCED 'Suggested Provisions'

Explanatory Note:

"These provisions are not "model" floodplain management regulations. With few exceptions, they have been prepared only with the intention of meeting the minimum requirements of Section 60.3 (d) of the National Flood Insurance Program and the Pennsylvania Flood Plain Management Act. They do not contain everything necessary or desirable for good floodplain management. For any municipality that may be interested, considerably more could be done concerning the regulation of development in flood prone areas."



Model Ordinance

- High Standards
 - Exceeds FEMA minimum requirements
 - Prohibits fill or construction except by variance
 - Variance requirements are FEMA standards
 - Municipal acceptance, FEMA compliance



Model Ordinance

• 4 Ordinance Levels

RAMPP Region III Ordinance Level Worksheet
MONTGOMERY COUNTY, PENNSYLVANIA

Community Name	CID	Flood Data Shown on the New/Revised FIRM (Select "Y" or "N" for each item)						Current 60.3 Code	New 60.3 Code	
		Are there 100 Year Floodplains?	Are there BFES?	Are there Floodways?	Are there any AE Zones without Floodways?	Are there AO Zones?	Are there AH zones?			Are there V Zones?
Narberth, Borough of	421903	Y	N	N	N	N	N	N	B	B
North Wales, Borough of	420704	Y	Y	N	Y	N	Y	N	C	C
Pennsburg, Borough of	422496	Y	Y	Y	N	N	N	N	D	D
Perkiomen, Township of	421915	Y	Y	Y	Y	N	Y	N	D	D
Plymouth, Township of	420955	Y	Y	Y	N	N	N	N	D	D
Pottstown, Borough of	420705	Y	Y	Y	N	N	N	N	D	D
Red Hill, Borough of	422718	N	N	N	N	N	N	N	A	A
Rockledge, Borough of	420706	N	N	N	N	N	N	N	A	A
Royersford, Borough of	421904	Y	Y	Y	N	N	N	N	D	D



Model
Ordinance

Ordinance Contents

- Introduction
- The Importance of Floodplain Management
- Function of the Floodplain
- Issues for Properties in the Floodplain
- Coordination with Existing Programs
- Design Considerations
- Role of FEMA



Ordinance Contents

- Article I Statutory Authorization
- Article II General Provisions
- Article III Definitions
- Article IV Identification of Floodplain Areas
- Article V Uses Permitted in the Floodplain Conservation District
- Article VI Variances
- Article VII Technical Provisions in the Event of a Variance Being Granted
- Article VIII Activities Requiring Special Permits
- Article IX Administration
- Article X Enactment



The Importance of Floodplain Management

- Over seven percent of the County's total acreage is floodplain
- Loss of Life
- Property Damage
- Environmental Degradation

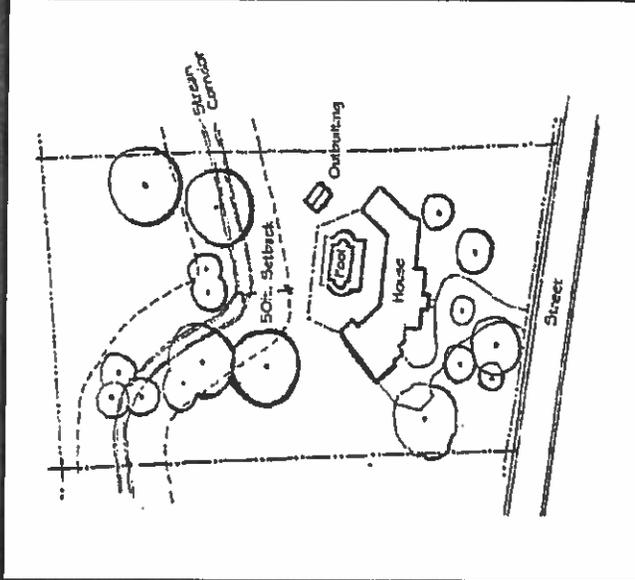


Issues for Properties in the Floodplain

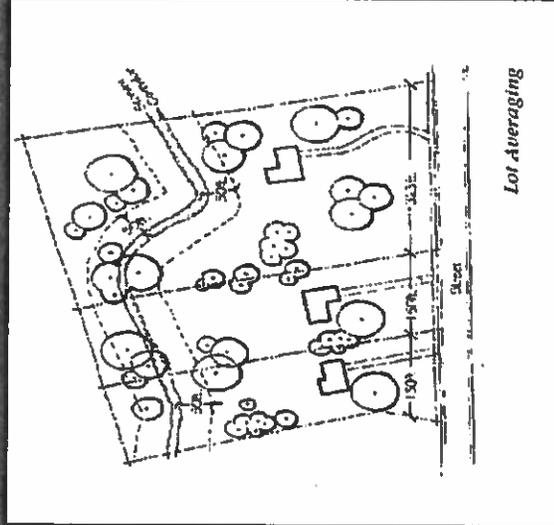
- 2,500 homes, businesses, and other structures are located in the floodplain and are at risk
- Flood Insurance:
 - Residential property - \$395 - \$2,600 per year
 - Nonresidential property \$2,500 to \$11,000
- Repeat claims
- Takings



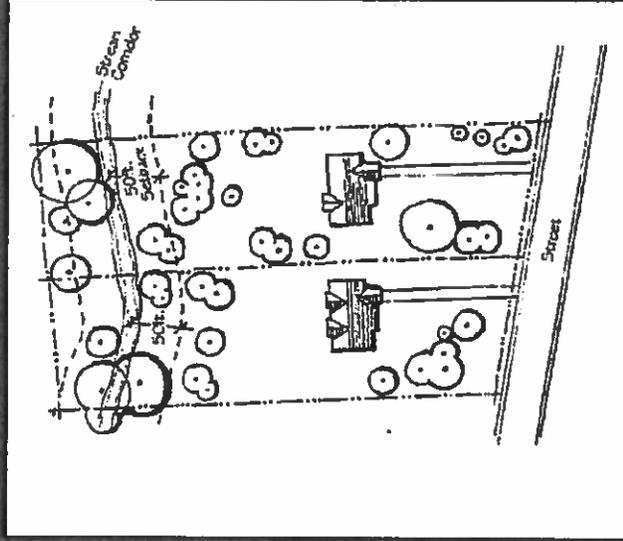
Design Considerations



*Locate Improvements
Outside the
Floodplain*



*Lot averaging
accommodates the
meandering stream*



*Deep, narrow lots
avoid the floodplain*



Ordinance Structure

Correlation with Ordinance Review Checklist

7.01B:FC13
Ordinance section : FEMA Checklist number

Commentary

Ordinance Language

7.01B:FC13

7.02(A)(1)(FC)D

Section 7.02A.2
This section, and other, similar sections that reference specific zones, only need to be included in the municipality's ordinance if that specific zone is identified on the FIRM.

7.02(A)(2) FC)D
7.02(B) FC)S

7.02(C)(1)(FC)H

- B. The municipality shall require technical or scientific data to be collected to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes to the BFE.
- C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

Section 7.02 Elevation and Floodproofing Requirements

- A. Residential Structures
 1. In AE, AH, AO, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation. The design and construction standards and specifications contained in the 2006 International Building Code (IBC) and in the 2006 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 31 FA Code (Chapters 401-425 as amended) shall be utilized.
 2. In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
- B. Space below the lowest floor
 1. Fully enclosed space below the lowest floor (including basements) which will be used solely for the parking of a vehicle, building storage, or residential storage in an area other than a basement, shall be designed and constructed to allow for the admission entry and exit of flood waters for the purpose of equalizing hydrostatic loads on exterior walls. The term "fully enclosed space" also includes draft spaces.
 2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space;
 - b. the bottom of all openings shall be no higher than one (1) foot above grade;
 - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the admission entry and exit of floodwaters.
- C. Non-Residential Structures
 1. In AE, AH, AO and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation,

Section 2.02 Applicability

- Areas of the municipality subject to inundation by the one-hundred-year flood as delineated on the Flood Insurance Rate Map dated [EFFECTIVE MAP DATE]
- Soils with a frequency of flooding of 1% or greater per year, as delineated by the NRCS Soil Survey, including
 - Bowmansville (Bo)
 - Knauers (Bo)
 - Gibraltar (Gc)
 - Hatboro (Ha)
 - Rowland (Rt), Rowland (RwA), Rowland (RwB)
 - Urban Land Occasionally Flooded (UIA)



Article III Definitions

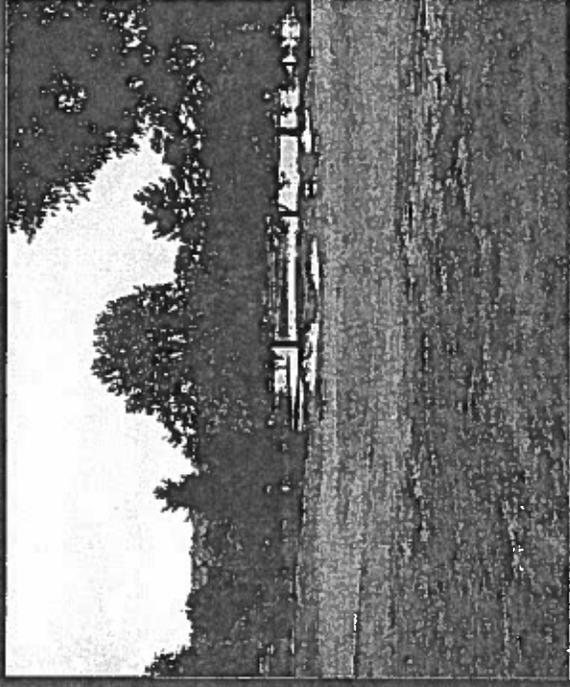
- Freeboard – a factor of safety
- Substantial damage/improvement – Cost of work is equal to or exceeds fifty (50) percent of the market value (bring existing structures up to code)



Article V Uses Permitted in the Floodplain Conservation District

Uses Permitted by Right

- Up to half of any required yard setback area
- Open space uses that are primarily passive in character
- Forestry operations reviewed by the MCCD
- Agricultural uses
- Public utilities
- “Development of elevated and flood-proofed buildings on brownfield sites in redevelopment areas encouraging economic revitalization”



Uses Prohibited in the Floodplain Conservation District

- New construction
- Placement of fill
- Encroachment, alteration, or improvement to any watercourse
- Clearing of all existing vegetation
- Parking lots
- Stormwater basins



Article VI Variances

“The variance option is provided in recognition of property owner’s rights, and the possibility of challenges against a too restrictive ordinance. However, the prohibition of new construction, fill, and other similar activities is meant to reduce the threat that flooding represents to residents and property. Numerous small incursions into the floodplain can have a cumulative affect, resulting in flooding downstream. Therefore, a variance should only be granted when the provisions of Section 6 are satisfied”

- FEMA Standards as Variance Standards
- Special Requirements for Recreational Vehicles
- Special Requirements for Manufactured Homes



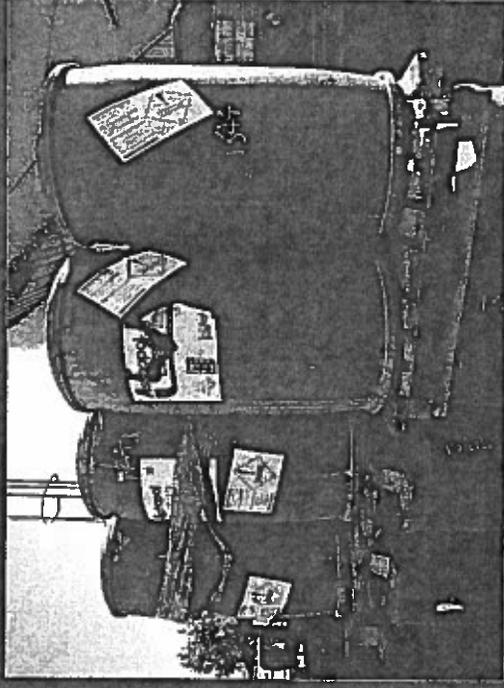
Article VII Technical Provisions in the Event of a Variance Being Granted

- Residential Structures
- Non-residential Structures
- Accessory structures



Section 7.03 Special Technical Requirements

- Development Which May Endanger Human Life



Article VIII Activities Requiring Special Permits

- Hospitals
- Nursing homes
- Jails or prisons



Article IX Administration

- Section 9.01 Designation of the Floodplain Administrator
- Section 9.02 Permits Required
- Section 9.03 Duties and Responsibilities of the Floodplain Administrator

