May 7, 2014
Curtis Hall

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Vice Chairman Morton J. Simon, Jr. presiding. Members present were Commissioners McKeown, Norris, Rappoport, Sharkey. 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. Simon called the meeting to order at 8:30 p.m.

1. The Committee reviewed and took action on the Zoning Hearing Board ("ZHB") Agenda items for May 12, 2014 as follows:

APPEAL NO. 3486: Appeal of Dr. Shahid Ahmed d/b/a PITC Institute tenant of premises known as 140-142 S. Easton Rd., Glenside, PA from the Decision of the Zoning Officer for the following:

a. An interpretation of Section 295-117.J. of The Cheltenham Zoning Ordinance of 1929, as amended, that the administrative offices currently occupied on the first floor of 140 S. Easton Road are permitted as part of the grandfathered school use on the second floor of 140 S. Easton Road; or
b. A variance under Section 295-117.J. of The Cheltenham Zoning Ordinance of 1929, as amended, so as to permit the property to be used as a school and related administrative offices on the first and second floors of 140 S. Easton Road, respectively, and as training laboratories at 142 S. Easton Road.
c. A variance under Section 295-221.H., Parking and Loading, of The Cheltenham Zoning Ordinance of 1929, as amended, to permit the Applicant to maintain the existing parking, given no expansion in the number of students attending the school.

Mr. Sekawungu reported that the applicant has requested a continuance to address the parking variance and reduce the amount of first floor space.

Upon motion of Mr. Sharkey, the Committee unanimously directed the Township Planning/Zoning Officer to advise the Zoning Hearing Board that the Committee recommends the grant of a continuance, and if a continuance is not granted, the Committee recommends denial based on the applicant not attending this evening's meeting to provide additional information.

2. Upon motion of Mr. Portner, the Committee unanimously accepted the Planning Commission Regular Meeting Minutes dated April 28, 2014.

3. Upon motion of Mr. Simon, the Committee unanimously approved the issuance of Certificates of Appropriateness for signage to the following businesses as recommended by the Economic Development Task Force:

584 Township Line Road, Cheltenham, for a façade sign
1329 W. Cheltenham Avenue, Elkins Park, for façade signage
69 E. Cheltenham Avenue, Cheltenham, for façade signage

4. The Committee reviewed a recent decision of the Zoning Hearing Board as follows:

Appeal No. 3479: Appeal of Genesis Hopkins Center, 8100 Washington Lane, Wyncote, PA 19095, from the determination of the Zoning Officer finding that expansion of an existing parking field and the relocation of a trash enclosure would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article V, Section 295-24(A)(2), governing construction in a front yard setback, Article XXII, Section 295-163, regulating disturbances in a steep slope conservation district, and Article XXIX, Sections 295-220(A) and (B), regulating projections in side and front yards, Sections 295-221(B) and (F), governing parking, and Section 295-223, regulating fences and walls.

The Zoning Hearing Board granted applicant's request for relief subject to conditions.

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

5. The Committee reviewed the draft Floodplain Conservation District Overlay Ordinance. In response to a question from Mr. Simon, Mr. Havir reported that the Ordinance, as presented this evening, incorporates all of the recent changes made by the Township Engineer and concerns by residents.

Mr. Simon noted that this Ordinance would probably be amended in the future as part of the adoption process for the proposed Ordinance amending the Zoning Code but needs to be adopted now in this version to enable residents to qualify for insurance under the National Flood Insurance Program.

Public Comment: Thomas McHugh asked about residents' concerns with the base flood elevation. He was told that said concerns were addressed in the Ordinance.

Recommendation to the Board of Commissioners: Upon motion of Mr. Portner, is was recommended to the Board of Commissioners the scheduling of a Public Hearing to hear any and all comments from the public regarding the adoption of a proposed Ordinance amending the Code of the Township, Section 925, "Zoning", Article XXI, establishing a Floodplain Conservation District Overlay on Wednesday, May 21, 2014, at 7:30 p.m., at Curtis Hall (see attached).

6. Upon motion of Mr. Sharkey, the Committee unanimously received the Report of the Building Inspector for April, 2014.

7. Mr. Havir gave an update on the draft Zoning Code Ordinance. Staff is drafting summary notes of public comments that will be posted on the Township's website. He reported that Staff will be tweaking aspects of the Ordinance in response to public concerns and recommendations. In this relation, a small committee of Staff, a few members of the Ad Hoc Zoning Committee, and certain Commissioners, will be formed.

Public Comment: Thomas McHugh asked if there was a deadline for public comments. He was told that there is no deadline. He liked the idea of a small committee to tweak the Ordinance.

8. Upon motion of Mr. Sharkey, the Committee unanimously approved presenting Community Service Awards to members of the Ad Hoc Zoning Committee for their years of service given to the drafting of the proposed amendment to the Zoning Code. The awards will be presented at a future meeting of the Board of Commissioners.

9. The Committee reviewed the draft Local Landmarks Preservation Ordinance that regulates the preservation of historic resources known as "scattered sites", i.e. those properties that are not in an historical district but were designated in the Cultural Resources Survey as local landmarks. There are 209 properties are affected. This Ordinance would regulate their demolition and/or relocation.

In response to a question from Mr. McKeown, Mr. Havir stated that in 2010 all affected property owners were notified and will be notified again once a public hearing is scheduled. Properties located in the two (2) historic districts are not included in this Ordinance since those properties have separate regulations due to location in historic districts.

In response to a question from Mr. Simon, Mr. Havir advised that an Ordinance regulating the procedure for demolition or relocation of local landmarks on sites within an historic district would be drafted in the future.

Ms. Rappoport was concerned that the Ordinance omits roles for the Historical Commission and the Boards of Historical and Architectural Review ("BHAR") regarding demolitions. Mr. Havir responded that it was determined that the Planning Commission, rather than the Historical Commission, was the more appropriate and knowledgeable committee to make recommendations on demolition. It was noted that Section 175-6 (10) allows for notice to the Historical Commission to allow them to provide advisory comments.

After lengthy discussion, the Committee agreed that Item 10 of Section 175-6 be divided into two (2) separate items with the last two (2) sentences that address the procedure for notifying neighbors and the Historical Commission being a separate item number for better clarification.

As per Mr. Simon, there was extensive discussion regarding the definition of "demolition" and whether or not it included razing an entire structure or part of a structure.

Public Comments:

David Cohen felt that demolition should mean all or part of the building and that there were minor language issues with the Ordinance.

Scott Laughlin support the Ordinance. He requested a list of the 209 properties affected. Mr. Havir responded that the property addresses were not shared with the public. If he wished to have a property included on the list for future consideration, he could submit it to the Historical Commission for review.

Thomas McHugh felt that demolition should apply to the entire site and everything on the site, including objects, not just buildings. He noted the wrought iron fence around Lynnewood Hall as an example.

Discussion having concluded, upon motion of Mr. Sharkey, the Committee unanimously agreed to table discussion about demolition and any other items to the Public Works Committee meeting on Wednesday, May 14, 2014.

10. The Committee discussed a proposal and related Ordinance allowing for the adaptive reuse of the former Dominican Retreat property. Mr. Simon stated that since the Township Solicitor was instrumental in drafting an Ordinance but was not present this evening, detailed discussion would be tabled to the Public Works Committee meeting on Wednesday, May 14, 2014. Mr. Simon introduced representatives of Apeiron Company who have completed the Agreement of Sale for the property – Mr. Muayad Abbas, George Asimos, Esq., and Martha Snider.

Mr. Abbas gave an oral presentation noting the following points: It is recognized the property is special; the undertaking is a challenge; he envisions a sustainable development that integrates into the community; historic resources will be retained; he wants to create services for the community and activate the current assets of the property; they plan to hinge on the property's historic character; the business model includes facilities for art, culture, hospitality, health and wellness, food and beverage.

In response to a question from Mr. .Norris, Mr. Abbas indicated that there are plans for a hotel with a residential component (permanent living); art/cultural component; new construction will be integrated into the existing structure; health/fitness/wellness center; restaurant, lounge and catering services. The size of the hotel has not yet been determined.

Mr. Rappoport asked if any portion would be non-profit. Mr. Abbas responded that it will be income producing and for-profit to be sustainable. In response to Ms. Rappoport's concern that this Ordinance could be considered spot zoning, Mr. Simon believed that could be better addressed by the Solicitor at the Public Works meeting next week.

Mr. Sharkey requested that Mr. Abbas give a presentation about his company to the Public Works Committee.

Ms. Snider stated that she is from this area and lives in an historic estate built by the Elkins family in Springfield Township. She reviewed her credentials. Her intent is to repurpose the estate with integrity and to have a plan that is sustainable in every way.

Mr. Abbas indicated that he is in the process of finalizing an agreement of sale for the Temple Tyler School of Art property and there is intent to unify both properties.

Public Comments:

David Cohen asked that the draft Ordinance be made public. It has implications to other properties. He felt that schematics should be attached to the Ordinance.

Mr. Simon responded that it will be available on the website next week. Since Mr. Bagley was not present this evening, it was not attached to the agenda.

Rita Poley stated that she is a graduate of Tyler and was supportive of the concept.

11. Mr. Havir reviewed the Zoning Hearing Board's appointment of a new attorney for that Board. Carol M. Lauchmen, Esq. has commenced her position, and he noted that she has been substituting for Mr. Sklaroff on cases where there was a conflict of interest. Unlike Mr. Sklaroff who was paid by retainer, Ms. Lauchman will be paid by the hour at a rate of $150 per hour to attend meetings and write decisions.

Mr. Norris questioned the Commissioners role in the decision-making process for a Zoning Hearing Board attorney. Mr. Portner advised that under the Pennsylvania Municipalities Code, only the members of the Zoning Hearing Board can appoint their attorney and determine the salary, not the Commissioners. It was determined that an hourly rate was less costly than a retainer because in this way, the attorney would get paid for actual work done. On a retainer, the attorney gets paid regardless of the amount of work done.

12. **Recommendation to the Board of Commissioners**: Upon of Mr. Portner, the Committee unanimously recommended to the Board of Commissioners the adoption of a Resolution honoring the service of Neil Sklaroff, Esq. for 19-years of service as Zoning Hearing Board attorney.

13. Mr. Havir advised that the Township has hired Joseph Estock as a new conflicts engineer at the rate of $95/hour, which will be covered by an applicant's escrow. Mr. Estock replaces Patrick Duffy who, due to the constraints of his position at another municipality, has resigned. Mr. Havir stated that since Township Engineer Amy Montgomery is also employed by Boucher & James Engineers, she cannot be assigned any application for which Boucher & James is responsible for the engineering. This would be a conflict of interest. Mr. Estock will perform the engineering analysis for such applications.

There being no further business, upon motion of Mr. Portner, and unanimously approved by the Committee, the meeting was adjourned at 9:45 p.m.

Bryan T. Havir
Township Manager

as per Anna Marie Felix

CHELTENHAM TOWNSHIP

ORDINANCE NO. _____-14

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM, CHAPTER 295 THEREOF, ENTITLED "ZONING", ARTICLE XXI, CREATING A "FLOODPLAIN OVERLAY CONSERVATION DISTRICT" FOR THE PURPOSE OF ADOPTING FLOODPLAIN MANAGEMENT REGULATIONS

§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.

7. Comply with federal and state floodplain management requirements.

§295-2102. APPLICABILITY

A. The Floodplain Conservation District is defined and established as a district applicable to those areas of the township subject to inundation by the waters of the one-hundred-year flood as delineated on the Flood Insurance Rate Map (FIRM) for Montgomery County, Pennsylvania, as prepared by the Federal Emergency Management Agency, dated December 19, 1996 and subsequent revisions thereto. Said floodplain areas shall consist of the following specific areas:

1. Flood Zones Applicable to Municipality: Zones A, AO, A1-A30, AE, A99 and AH.

2. Soils with a frequency of flooding of 1% or greater per year, as delineated by the Natural Resources Conservation Service, United States Department of Agriculture Web-Based Soil Survey (available online at http://websoilsurvey.nrcs.usda.gov/), including the following soils:

   a. Bowmansville (Bo)
   b. Knauers (Bo)
   c. Gilbraltar (Gc)
   d. Hatboro (Ha)
   e. Rowland (Rt)
   f. Rowland (RwA)
   g. Rowland (RwB)
   h. Urban Land Occasionally Flooded (UlA)

B. In lieu of the above, Cheltenham Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. 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. Studies, analyses, 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.

§295-2105. WARNING AND DISCLAIMER OF LIABILITY

A. The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the Floodplain Conservation District, or that land uses permitted within such areas will be free from flooding or flood damages.

B. This Ordinance shall not create liability on the part of Cheltenham Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

§295-2106. DEFINITIONS

A. Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application.

1. Accessory use or structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

2. Base flood – a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

3. Base flood elevation (BFE) – the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or

exceeded in any given year. The BFE is also shown on the FIS profile, and can be determined for Zone A Floodplains.

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 delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

12. Flood Insurance Study (FIS) – the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

13. Floodplain area – a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

14. Floodproofing – any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

15. Floodway – the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

16. Floodway Fringe – That part of the floodplain adjacent to and extending from the floodway and subject to inundation by the 100-year flood.

17. Freeboard – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

18. Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

19. Historic structures – any structure that is:
    a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by 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.

23. Minor repair – the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

24. New construction – structures for which the start of construction commenced on or after November 16, 1976 and includes any subsequent improvements thereto.

25. New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

26. One hundred-year flood – The flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the '1% frequency flood', or the 'Base Flood', as defined by FEMA in the Flood Insurance Study for Cheltenham Township

27. Person – an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

28. Post-FIRM Structure – A structure for which construction or substantial improvement occurred after December 31, 1974, or on or after the community's initial FIRM dated May 20, 1976, whichever is later, and, as such would be required to be compliant with the regulations of the NFIP.

29. Pre-Firm Structure – A structure for which construction or substantial improvement occurred on or before May 20, 1976, or before the community's initial FIRM dated 12/19/1996, 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.

34. Special permit – a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

35. Special flood hazard area (SFHA) – means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

36. Start of construction – includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

37. Structure – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

38. 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.

39. 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. Substantial damage also means a structure that meets the definition for repetitive loss.

40. 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 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

41. 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 International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes,

references to the above are made specifically to various sections of the IRC and the IBC.

42. Violation – means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

§295-2107. IDENTIFICATION OF FLOODPLAIN AREAS

A. The Floodplain Conservation District shall be any areas of Cheltenham Township classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated December 19, 1996, and issued by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

B. The Floodplain Conservation District shall also include areas with soils listed in Section 295-2102.C, along with any community identified flood hazard areas.

C. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Cheltenham Township and declared to be a part of this ordinance.

§295-2108. DESCRIPTION AND SPECIAL REQUIREMENTS OF THE FLOODPLAIN CONSERVATION DISTRICT

A. The Floodplain Conservation District shall consist of the following specific areas/districts:

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.

    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.

5. Community Identified Flood Hazard Areas shall be those areas where Cheltenham Township has identified local flood hazard or ponding areas, as delineated and

adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks, soils or approximate study methodologies.

6. The A Area/District shall be the areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one-percent (1%) annual chance flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the Floodplain Conservation District which is nearest the construction site.

7. In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. 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. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

8. The Shallow Flooding Area/ District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annual chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

§295-2109. CHANGES IN IDENTIFICATION OF AREA

A. The Floodplain Conservation District may be revised or modified by Township Board of Commissioners where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a

community 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.

§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. Stream bank stabilization.

3. Forestry operations reviewed by the Montgomery County Conservation District.

4. The following floodplain crossings are permitted, provided disturbance to any existing woodlands and degradation of water quality are minimized to the greatest extent practicable:

   a. Agricultural crossings by farm vehicles and livestock.

   b. Driveways serving single family detached dwelling units, roadways, recreational trails, railroads, and utilities.

5. Agricultural uses conducted in compliance with methods prescribed in the latest version of the Department of Environmental Protection's Erosion and Sediment Pollution Control Manual. In the event that the municipality has a Riparian Corridor Conservation District or similar regulation, the more restrictive regulation shall apply.

6. Public sewer and/or water lines and public utility transmission lines running along the corridor.

7. Development of elevated and flood-proofed buildings on brownfield sites in redevelopment areas encouraging economic revitalization, in compliance with Section 9.02.

§295-2113. USES PROHIBITED IN THE FLOODPLAIN CONSERVATION DISTRICT

A. Any use or activity not authorized within Section 295-2112, herein, shall be prohibited within the Floodplain Conservation District and the following activities and facilities are specifically prohibited, except for as part of a redevelopment project in compliance with Section 295-2125.B herein:

   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

A. The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any

existing structure, the provisions of Section 295-2112 of this ordinance, and Section 295-227 Nonconforming Uses shall apply.

§295-2115. IMPROVEMENTS TO EXISTING STRUCTURES IN THE FLOODPLAIN CONSERVATION DISTRICT

A. The following provisions shall apply whenever any improvement is made to an existing structure located within any Floodplain Conservation District:

1. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the base flood elevation.

2. No expansion or enlargement of an existing structure shall be allowed within any AE Area/District with floodway, as defined in Section 295-2108.A.4 that would, together with all other existing and anticipated development, increase the BFE.

3. No expansion or enlargement of an existing structure shall be undertaken in the direction of the stream bank.

4. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

5. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of 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 2009 IBC and the 2009 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 295-2112., 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.

4. No variance shall be granted for any of the other requirements pertaining specifically to development regulated by Section 295-2121 (pertaining to special

technical requirements for activities requiring a Special Permit) or to Development Which May Endanger Human Life (Section 295-2119.A).

C. Special Requirements for Subdivisions and Developments:

1. All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision.

D. Special Requirements for Manufactured Homes:

1. Within the Floodplain Conservation District, manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

2. Where permitted by variance within the Floodplain Conservation District, all manufactured homes, and any improvements thereto, shall be:

   a. placed on a permanent foundation,

   b. elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above the Base Flood Elevation, and

   c. anchored to resist flotation, collapse, or lateral movement.

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 2009 International Residential Building Code ("IBC") 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 2009 IBC, and the 2009 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 Township.

3. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:

a. The granting of the variance may result in increased premium rates for flood insurance.

b. Such variances may increase the risks to life and property.

4. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:

a. That there is good and sufficient cause, including:

i. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.

ii. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

iii. That such unnecessary hardship has not been created by the appellant.

iv. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

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.

3. In addition, the FEMA and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

C. The municipality shall require technical or scientific data to be submitted 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 in the BFE. A LOMR or Conditional Letter of Map Revision (CLOMR) is required for:

1. Any development that causes a rise in the base flood elevations within the floodway; or

2. Any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise in the base flood elevation; or

3. Alteration or relocation of a stream (including but not limited to installing culverts and bridges).

D. Any new construction, development, uses or activities allowed by variance within any Floodplain Conservation District shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations. In addition, when such development is proposed within the area measured fifty (50) feet landward from the top of bank of any watercourse, a permit shall be obtained from the Department of Environmental Protection Regional Office.

§295-2118. ELEVATION AND FLOODPROOFING REQUIREMENTS

A. Residential Structures

1. In AE, A1-30, 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 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 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 (including basement) elevated or completely floodproofed 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 their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.

4. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

5. 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 used.

C. Space below the lowest floor

1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl 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. A minimum of two openings each on a separate wall 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.

g. Sanitary facilities are prohibited.

h. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

i. A minimum of two openings each on a separate wall having a net total area of not less than one (1) square inch for every square foot of enclosed space.

ii. The bottom of all openings shall be no higher than one (1) foot above grade.

iii. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

§295-2119. SPECIAL TECHNICAL REQUIREMENTS

A. Development Which May Endanger Human Life:

1. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or, will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or, will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this section, in addition to all 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 Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

§295-2120. DESIGN AND CONSTRUCTION STANDARDS

A. The following minimum standards shall apply for all construction and development proposed within any Floodplain Conservation District:

1. Fill. If fill is used, it shall:

   a. extend laterally at least fifteen (15) feet beyond the building line from all points;

   b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;

   c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

   d. be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and

   e. be used to the extent to which it does not adversely affect adjacent properties.

2. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

3. Water and Sanitary Sewer Facilities and Systems

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 295-2119A, 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 flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

8. Anchoring

   a. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

   b. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

9. Floors, Walls and Ceilings

   a. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

   b. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

   c. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.

   d. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

10. Paints and Adhesives

   a. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.

   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) 2009 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

ii. International Residential Building Code (IRC) 2009 or the latest edition thereof: Sections R104, R105, R109, R322, Appendix AE101, Appendix E and Appendix J.

§295-2121. ACTIVITIES REQUIRING SPECIAL PERMITS

A. General. In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the activities indicated in Sections 295-2121.B and 295-2121.C shall be prohibited within any Floodplain Conservation District unless a Special Permit has been issued by Cheltenham Township. In order to apply for a special permit, a variance must first be obtained, as outlined in Section 295-2116.

B. The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

1. Hospitals

2. Nursing homes

3. Jails or prisons

C. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

§295-2122. APPLICATION REQUIREMENTS FOR SPECIAL PERMITS

A. Applicants for Special Permits shall provide five copies of the following items:

1. A written request including a completed Special Permit Application Form.

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:

a. sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;

b. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

c. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood elevation;

d. detailed information concerning any proposed floodproofing measures;

e. cross section drawings for all proposed streets, drives, other access ways, and parking areas, showing all rights-of-way and pavement widths;

f. profile drawings for all proposed streets, drives, and vehicular access ways including existing and proposed grades; and

g. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

5. The following data and documentation:

a. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

b. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood elevation;

c. a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly

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

A. Upon receipt of an application for a Special Permit by Cheltenham Township the following procedures shall apply in addition to those of Section 295-2125.

1. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Cheltenham Planning commission and Cheltenham engineer for review and comment.

2. If an application is received that is incomplete, Cheltenham Township shall notify the applicant in writing, stating in what respect the application is deficient.

3. If Cheltenham Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

4. If Cheltenham Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.

5. Before issuing the Special Permit, Cheltenham Township shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by Cheltenham Township.

6. If Cheltenham Township does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.

7. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify Cheltenham Township and the applicant, in writing, of the reasons for the disapproval, and Cheltenham Township shall not issue the Special Permit.

§295-2124. SPECIAL TECHNICAL REQUIREMENTS

A. In addition to the requirements of Section 295-2118 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 Section 295-2110 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.

Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by Cheltenham Township and the Department of Community and Economic Development.

§295-2125. ADMINISTRATION

A. Designation of the Floodplain Administrator. The Zoning Officer within the Planning and Zoning Department is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator.

B. Permits Required. A Permit shall be required before any construction or development is undertaken within the Floodplain Conservation District. In the case of a proposed hospital, nursing home, jail, prison, or manufactured home park, the permit referred to here would be the Special Permit of Section 295-2122.

C. Duties and Responsibilities of the Floodplain Administrator

1. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

2. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

3. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of

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 2009 IBC and the 2009 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:

1. Name and address of applicant.

2. Name and address of owner of land on which proposed construction is to occur.

3. Name and address of contractor.

4. Site location including address.

5. Listing of other permits or variances required.

6. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.

B. If any proposed construction or development is located entirely or partially within any Floodplain Conservation District, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

1. All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this and all other applicable codes and ordinances.

2. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.

3. Adequate drainage is provided so as to reduce exposure to flood hazards.

4. Structures will be anchored to prevent floatation, collapse, or lateral movement.

5. Building materials will be flood-resistant.

6. Appropriate practices that minimize flood damage have been used.

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;

b. the elevation of the base flood;

c. supplemental information as may be necessary under 34 PA Code, the 2006 IBC or the 2009 IRC.

4. The following data and documentation:

a. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood elevation; and detailed information concerning any proposed floodproofing measures and corresponding elevations.

b. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway when combined with all other existing and anticipated development, will not increase the base flood elevation.

c. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood elevation. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

d. Detailed information needed to determine compliance with Section 295-2120.A.6., Storage, and 295-2119.A, Development Which May Endanger Human Life, including:

i. the amount, location and purpose of any materials or substances referred to in Sections 295-2119 and 295-2120.A.6 which are intended to be used, produced, stored or otherwise maintained on site, and

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.

§295-2129. CHANGES

A. After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

§295-2130. PLACARDS

A. In addition to the Permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit the date of its issuance and be signed by the Floodplain Administrator.

§295-2131. START OF CONSTRUCTION

A. Work on the proposed construction shall begin within 180 days after the date of issuance and shall be completed within twelve (12) months after the date of issuance of the Permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The term, 'start of construction' shall be understood as defined in Section 295-2106 of this ordinance.

B. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request.

§295-2132. ENFORCEMENT

A. Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

1. be in writing,

2. include a statement of the reasons for its issuance,

3. allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires,

4. be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State, and

5. contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

B. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall pay a fine to Cheltenham Township, of not less than $300 nor more than $1,000 per violation plus costs of prosecution. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be

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 No. ____-14** shall be effective on May 21, 2014 and shall remain in force until modified, amended or rescinded by Cheltenham Township, Pennsylvania.

ENACTED AND ADOPTED by the Board of Commissioners this **21st** day of **May 2014.**

CHELTENHAM TOWNSHIP

By:_____

Harvey Portner

President

Board of Commissioners

ATTEST:_____

Bryan T. Havir, Manager and

Secretary

CHELTENHAM TOWNSHIP

ORDINANCE NO._____

LOCAL LANDMARK ORDINANCE

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM, ESTABLISHING CHAPTER 175, ENTITLED "LOCAL LANDMARKS"; PROVIDING CRITERIA FOR QUALIFICATION AS LOCAL LANDMARKS; PROVIDING FOR CERTIFICATES OF APPROPRIATENESS; AND PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE.

SECTION 1. The Board of Commissioners hereby adopts the following as Chapter 175, entitled "Local Landmarks".

§ 175-1. Purpose.

A. It is the purpose and intent of this ordinance to protect and enhance the special character and historic interest of the Local Landmarks in Cheltenham Township in the interest of the health, prosperity, safety, and welfare of the people. The additional purposes of this Chapter are to:

(1) Protect and enhance designated Local Landmarks which reflect the Township's cultural, social, economic, political, and architectural history;
(2) Safeguard the Township's historic and cultural heritage as embodied within the Local Landmarks;
(3) Promote appreciation of Local Landmarks for the education and enjoyment of local residents;
(4) Encourage beautification and private investment in the Township's Local Landmarks to enhance the visual character of the community;
(5) Stabilize and improve property values; and
(6) Foster civic pride in the history and architectural integrity of the Township.

§ 175-2. Definitions.

For the purposes of this Chapter, the following terms shall have the meanings indicated:

CERTIFICATE OF APPROPRIATENESS (COA) - Document issued by the Board of Commissioners, following a prescribed review procedure, certifying that the proposed actions by an applicant related to Demolition or Relocation are found to be acceptable in terms of criteria relating to the individual Local Landmark, pursuant to the criteria enumerated in this Chapter.

DEMOLITION - The razing or destruction of all, or any part of, a Local Landmark, impairing its structural, historic, and/or architectural integrity.

DEMOLITION BY NEGLECT - The absence of routine maintenance and repair leading to a Local Landmark's inability to be rehabilitated and reused or a Local Landmark's structural weakness, decay, and/or deterioration, and effectively advancing its demolition, whether by ordinary negligence or willful neglect, purpose or design, by the owner or any party in possession thereof. Demolition by neglect shall also include leaving a Local Landmark open to decay by the elements or vulnerable to vandalism.

DENIAL - The written rejection of an application for work that is determined to be inappropriate due to the fact that it adversely impacts a Local Landmark.

DEPARTMENT – The Cheltenham Township Department of Zoning and Inspections or the department from time to time fulfilling the same functions.

LOCAL LANDMARK - Any building, structure, site, object or district which possesses integrity of location, design, setting, materials, and workmanship and which has been included in the Cheltenham Township Cultural Resources Survey. The initial Cheltenham Township Cultural Resources Survey is attached hereto as Exhibit A. The survey may be updated and amended from time to time and the current form will be available at the Township Administration Building. Local Landmark includes any building, structure, site, object or district listed or eligible for listing on the National Register of Historic Places. Local Landmarks may be located within designated Historical Districts (defined in and also regulated by Chapter 295, Article XX) if they are listed or eligible for listing on the National Register of Historic Places, or they may be on sites outside of the designated Historical Districts located throughout the Township.

PRESERVATION - The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a Local Landmark. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

RECONSTRUCTION - The act or process of reproducing, by means of new construction, the form, features, and detailing of a non-surviving site, building, structure, or object for the purpose of replicating its appearance at a specific period of time and/or in its historic location.

REHABILITATION - The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

RELOCATION – Movement of a building, structure, object, or any part thereof from one site to another location, which Relocation makes the new location a Local Landmark.

REPAIR – The act or process of restoring a decayed or damaged resource to a sound condition.

REPLACEMENT - The act of replicating any exterior architectural feature in order to substitute for an existing deteriorated or extensively damaged architectural feature.

RESTORATION - The act or process of accurately reproducing the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period that is selected.

SITE - The place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupations or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may also be the location of a ruined building, structure, or object, or the location itself possesses historic, cultural, or archeological significance.

STRUCTURE – A construction regardless of its state or condition of disrepair for the purposes of occupancy, use, or ornamentation, having a fixed location on, above, or below the surface of land. Structures include, but are not limited to, buildings, flagpoles, fences, gazebos, pergolas, canopies, freestanding signs, permanent signs, walls, paved parking areas, and driveways.

§ 175-3. Designation of Local Landmarks. For the purpose of this Chapter, any resource on a site meeting at least one of the following criteria shall be designated a Local Landmark:

(1) each resource identified in the Cheltenham Township Cultural Resources Survey (Exhibit B hereto, on file with the Township of Cheltenham), as updated and amended from time to time;
(2) each resource listed in the National Register of Historic Places;
(3) each resource determined to be eligible for listing in the National Register of Historic Places.

§ 175-4. Planning Commission.

The "Planning Commission", as described fully in the Cheltenham Township Charter, Article XIII, Citizens' Groups, § C1305 PC, shall be responsible for reviewing and recommending to the Public Works Committee of the Board of Commissioners applications for Demolition or Relocation of Local Landmarks.

§ 175-5. Public Works Committee of the Board of Commissioners.

The Public Works Committee shall be responsible for reviewing and recommending to the Board of Commissioners actions to take regarding applications for projects concerning Local Landmarks.

§ 175-6. Certificate of Appropriateness review procedure for Demolition or Relocation of Local Landmarks on sites located outside the Historic Districts:

(1) Prior to submission of a permit application for the Relocation or Demolition of a Local Landmark, the applicant shall provide to the Department the following information, plans, photographs, and other supporting materials:

a. Certificate of Appropriateness Application in the form from time to time in effect
b. Copy of deed showing ownership of property
c. 4" x 6" (or larger) labeled photographs showing:

- All sides of existing buildings and structures
- Site surrounding existing buildings or structures
- Adjacent sites, buildings, and structures including adjacent properties and across streets and rights of way

d. Scaled drawings indicating all proposed changes, as applicable:

- Site plan, including adjacent sites and buildings
- Floor plans
- All elevations (unless Demolition is applied for)
- Details of all proposed work and new exterior elements (the latter, if applicable)

e. Samples or catalog cuts of any new materials to be used
f. Any additional information deemed necessary by the Planning Commission, in order to make a sound decision, after an initial consultation or review
g. A signed letter of authorization permitting a designated representative to present the project on behalf of the applicant, if applicable.

(2) The Department shall notify the Board of Commissioners and Planning Commission that a complete application for a Certificate of Appropriateness for a Local Landmark has been filed with the Township. The Township shall notify the applicant of the time and place of the next Planning Commission meeting when the application will be discussed, which shall occur no less than forty (40) days after the Department has determined that the application is complete.

(3) The applicant, or designated representative, must appear to explain and present the application to the Planning Commission. If the applicant, or designated representative, does not attend the scheduled meeting, the application shall be tabled and will be heard at the next regularly

scheduled meeting of the Planning Commission. If the applicant, or designated representative, does not attend the second scheduled meeting, without prior consent and approval from the Director of the Department, the Planning Commission can recommend denial of the application.

(4) In determining whether the preservation of the Local Landmark is feasible, in which case Demolition or Relocation will not be approved, the following factors, among such others as the Planning Commission deems appropriate, shall be considered:

- Whether the Local Landmark is representative of a specific period of significance that is integral to the Township's history.
- Whether the building or buildings can be preserved by protecting its location from disturbance.
- Whether measures, such as rehabilitation, reuse, or restoration, can result in preservation of the structure.
- Whether the steps necessary for Preservation of the building or buildings do not create an economic hardship.
- Whether the measures taken to preserve the building or buildings are long-term in nature.

In determining whether Preservation of the building or buildings at another location is feasible, the following factors, among such others as the Planning Commission deems appropriate, shall be considered:

- Whether the building or buildings can be moved and still retain its historic significance.
- Whether the building or buildings are stable enough to permit relocation.
- Whether it is feasible and practical to relocate the building or buildings without creating an economic hardship.
- Whether relocation would result in the long-term preservation of the building or buildings.

(5) The Planning Commission will review the application and evaluate the probable impact of the Demolition or Relocation of a building or buildings. The Demolition or Relocation will be considered based on the integrity of the building or buildings, the impact on the sites immediately adjacent to the proposed Demolition or Relocation site(s) and the impacts throughout the immediate neighborhood or area. The Planning Commission shall first consider whether Preservation of the building or buildings in place is feasible, or failing that option, whether Preservation is feasible at another location.

(6) The Planning Commission, on the basis of the information received at the meeting and from its general background and knowledge, shall

indicate to the applicant the changes in plans and specifications, if any, which, in the opinion of the Planning Commission, would protect the distinctive historical character of the Local Landmark and justify the granting of a Certificate of Appropriateness. The applicant shall be granted the opportunity to work with the Planning Commission to find an appropriate use for the property, to help find a buyer for the property, or to obtain grant or loan funding to complete rehabilitation work.

(7) Upon recommendation for approval or disapproval of the application by the Planning Commission, the application will be forwarded to the Publics Work Committee of the Board of Commissioners for review at its next regularly scheduled meeting. The Public Works Committee shall then submit to the Board of Commissioners in writing its recommendation concerning the issuance of a Certificate of Appropriateness authorizing a permit for the Demolition or Relocation.

(8) If the Board of Commissioners disapproves the application for COA, it shall do so in writing, and copies shall be given to the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the Local Landmark. Upon receipt of the written disapproval of the Board of Commissioners, the Director of the Department shall disapprove the application for a building permit and so advise the applicant. The applicant may appeal the disapproval as provided by law.

(9) The above required procedures pursuant to the granting of a permit for Demolition or Removal of a Local Landmark may be suspended in cases where the property has been determined to be imminently dangerous, as determined by the Department and the Fire Marshal.

(10) In the case of an imminently dangerous Local Landmark, the Department and the Fire Marshal shall first consider the use of barriers, bracing and/or other alternatives to razing the building or structure. If time permits, the Department and the Fire Marshal shall consult with the Township Manager and, if feasible, the Board of Commissioners, in an emergency meeting. The Township shall be responsible for notifying all property owners on the same street within five hundred feet (500') of the designated site of the Demolition/Relocation application and all property owners not on the same street but within one hundred and fifty feet (150') of the designated site. The Township will be responsible for notifying the Township Historical Commission at least thirty (30) days prior to public review of the application by the Planning Commission, so that the Commission may provide advisory comments regarding the application. .

§ 175-7. Time limitations.

The Township shall have one hundred and twenty (120) calendar days to act on a complete application for a Certificate of Appropriateness, from the date the application is deemed complete by the Township including notification in writing of the pendency of the application to both the Board of Commissioners and the Planning Commission. If no action has been taken after one hundred and twenty (120) days, such application shall be deemed to have been approved; and the issuance of any permit dependent upon the Certification of Appropriateness shall be so authorized by the Township. This time limit may be waived or extended at any time by mutual consent of the applicant and the Board of Commissioners.

§ 175-8. Expiration.

Any Certificate of Appropriateness issued pursuant to the provisions of this Chapter shall expire twenty-four (24) months from the date of issuance, except that under the following circumstances the COA shall continue to be in effect:

(1) the authorized work is commenced within said twenty-four (24) month time period and is continuing with reasonable diligence, and
(2) an active building permit for the authorized work is on file with the Township.

§ 175-9. Exceptions to Certificate of Appropriateness Procedure.

In accordance with the procedures set forth in this Section, a COA is not required for the routine repair, maintenance or replacement in kind of any exterior elements or features of any building or structure, in whole or in part, of any Local Landmark.

If the Director of the Department determines that the proposed work is routine repair or maintenance or replacement in kind, the applicant may then make application for a building permit where applicable. If the Director makes a determination that the proposed work constitutes Demolition, in whole or in part, or Relocation, the applicant shall be required to complete and submit a Certificate of Appropriateness application.

§ 175-10. Documentation of Local Landmark Prior to Demolition or Relocation.

If the Township issues a permit for the Demolition or Relocation, the Board of Commissioners shall require the applicant to provide documentation of the Local Landmark proposed for Demolition. Such documentation may include photographs, floor plans, copies of deeds, scaled site plans, archeological survey, summary descriptions, maps, and any other comparable form of documentation stipulated by the Board of Commissioners, in order to provide a record of the property for future generations. Copies of documentation shall be provided to the Department, the Cheltenham Township Historical Commission, and to any other research institution or document repository deemed appropriate by the Board of Commissioners.

§ 175-11. Demolition by Neglect.

Demolition by neglect shall be a violation of the provisions of this Chapter and shall be subject to the violation provisions and penalties provided for in this Chapter. In addition, unoccupied buildings shall be tightly sealed, weatherproofed, fenced or otherwise protected, and their utilities shall be shut off for safety, violation of which shall be subject to the violation provisions and penalties provided for in this Chapter.

§ 295-12. Violations and Penalties.

Any person, partnership, corporation, unincorporated association or other entity who or which shall violate any of the provisions of this Chapter shall upon adjudication thereof in a civil enforcement proceeding commenced by the Township be subject to a civil penalty not to exceed $600 per violation, plus costs of prosecution. Each day that such violation shall occur shall constitute a separate violation.

SECTION 2. Disclaimer. Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

SECTION 3. Ratification. In all other respects, the Code of the Township of Cheltenham, Chapter 295, entitled "Zoning," is hereby ratified and reaffirmed except where the same is inconsistent with the provisions contained in this Ordinance.

SECTION 4. Severability. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Cheltenham Township Board of Commissioners that this Ordinance would have been adopted if such legal, invalid or unconstitutional section, sentence, clause, part or provisions had not been included herein.

SECTION 5. 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 6. Repealer. Except as otherwise expressly provided herein, any Ordinance or any 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 7. Effective Date. This Ordinance shall take effect and be in force from and after it is approved as required by law.

ENACTED into an **ORDINANCE** this _____day of _____, 2014.

TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS

BY: _____
Harvey Portner, President

ATTEST: _____
Bryan T. Havir, Township Manager