

**CHELTENHAM TOWNSHIP
ORDINANCE NO. 2168-08**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF
CHELTENHAM, CHAPTER 295, THEREOF, ENTITLED “ZONING”,
ARTICLE XXII, ENTITLED “SS STEEP SLOPE CONSERVATION
DISTRICT”**

SECTION 1. Chapter 295, entitled “Zoning”, Article XXII thereof, entitled “SS Steep Slope Conservation District”, is hereby deleted in its entirety.

SECTION 2. The Board of Commissioners hereby adopts the following as Chapter 295, entitled “Zoning”, Article XXII, entitled “Steep Slope Conservation District”.

§295- 163. Legislative intent.

The specific intent of the Steep Slope Conservation District shall be to conserve and protect those areas having steep slopes, as defined herein, from inappropriate development and excessive grading, as well as to permit and encourage the use of said areas for open space purposes, so as to constitute a harmonious aspect of the continuing physical development of the Township of Cheltenham. In implementing these principals and the general purposes of the Comprehensive Plan and this chapter, the following specific objectives are intended to be accomplished by the adoption of the Steep Slope Conservation District:

- A. To combine with other zoning requirements, as an overlay, certain restrictions for steep slope areas to promote the general health, safety and welfare of the residents of the Township of Cheltenham.
- B. To encourage appropriate low impact development of steep slope areas in order to avoid potential dangers for human usage caused by erosion, stream siltation, soil failure leading to structural collapse or damage and/or unsanitary conditions and associated hazards.
- C. To minimize danger to public health and safety by promoting safe and sanitary drainage.
- D. To permit only those uses in steep slope areas that are compatible with the preservation of existing natural features, including vegetation cover, by restricting the grading of steep slope areas.
- E. To promote the provision of safe and reliable accessways, parking areas, structures and utility systems serving development on or around steep slope areas, where more sensitive grading and siting is essential.

§295-164. Boundary definition of the Steep Slope Conservation District; boundary disputes.

A. The Steep Slope Conservation District on a property is defined and established as follows:

1. Areas on a property having a terrain gradient of 15% or greater over the contour interval based on a current topographic survey prepared by a design professional licensed to practice in the Commonwealth of Pennsylvania and retained by the Applicant.
2. The maximum contour interval shall be 2'-0".
3. No distinction shall be made between original or manmade steep slope areas except as provided herein.
4. The Township Engineer shall review the Applicant's steep slope determination for correctness.
5. If the Township Engineer makes a determination that Applicant's Steep Slope Mapping is in error, Applicant shall revise his steep slope mapping (including additional field work), as required.

B. Exemptions

1. All developed lots of 10,000 square feet or less **with buildings, structures, etc., thereon** that are in existence at the time of adoption of this ordinance are exempt from the provisions of this Article.
2. The Township Engineer may except manmade slopes from the provision of this Article if the alteration, regrading, clearing, or construction upon such slope can be accomplished without causing erosion of the slope, and will not result in soil failure, stream siltation, and contamination of surface waters and/or an increase in the total runoff into any watercourse or an increase in the point discharge levels or velocities at any given point of collection and discharge and will not be injurious to the health, safety and welfare of Township residents. It shall be the burden of the Applicant to demonstrate that the slopes were manmade and to establish the absence of impact in accordance with the criteria stated herein.

§295-165. Overlay concept.

- A. The Steep Slope Conservation District shall be deemed to be an overlay on any zoning district(s) now or hereafter enacted to regulate the use of land in the Township of Cheltenham.
- B. The Steep Slope Conservation District shall have no effect on the permitted uses in the underlying zoning district, except where said uses intended to be located within the boundaries of the Steep Slope Conservation District, as defined herein, are in conflict with the permitted uses set forth in this Article.

- C. In areas of the Township where the Steep Slope Conservation District applies, the requirements of the Steep Slope Conservation District shall supersede the requirements of the underlying zoning district(s).

§295-166. Land use and development regulations.

The following land use and development regulations shall apply:

- A. For areas on a property having a terrain gradient of less than 15%, as defined herein, the Steep Slope Conservation District shall not apply.
- B. For areas on a property having a terrain gradient of 15% or more, as defined herein, the Steep Slope Conservation District shall apply, and only those uses permitted in §295-167. of this Article shall be permitted.

§295-167. Permitted uses.

- A. The following uses shall be permitted in the Steep Slope Conservation District without the submission of a Lines and Grades Plan:
1. Wildlife sanctuary, woodland preserve, arboretum and passive recreation areas, including parks, but excluding enclosed structures.
 2. Cultivation and harvesting of crops in accordance with recognized soil conservation practices.
 3. Non-structural accessory uses necessary for the operation and maintenance of the above permitted uses.
 4. Similar uses to the above which are in compliance with the intent of this Article.
- B. The following uses shall be permitted in the Steep Slope Conservation District upon review and approval by the Township Engineer of a Lines and Grades Plan submitted by Applicant and prepared in accordance with the requirements of §295-168.
1. Sealed public water supply wells.
 2. Sanitary or storm sewers and Stormwater Management Facilities.
 3. Underground utility transmission lines.
 4. On-site sewage disposal systems, when constructed in compliance with the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, as amended, 35 P.S. §750.1 et seq., as may be amended from time to time.

§295-168. Application requirements for Variances

- A. Any application concerning a use requiring a Variance from the requirements of this Article shall be accompanied by a Lines and Grades Plan(s), submitted on 24 inch by 36

inch sheets or smaller (minimum scale 1" = 20'), prepared by a design professional licensed to practice in the Commonwealth of Pennsylvania.

B. The Lines and Grades Plan(s) shall include, but not be limited to, the following data/information:

1. The location of the Project Site relative to streets, highways, municipal boundaries or other identifiable landmarks.
2. Location and elevation of project elevation benchmark (on Cheltenham Township Sanitary Sewer Datum)
3. Existing and proposed contours at intervals of two feet or less and approved by the Township.
4. Spot elevations at key points.
5. Elevations of the following, as applicable:
 - a. Top of foundation wall
 - b. Basement floor
 - c. Garage floor
 - d. First floor
 - e. Top of retaining wall
 - f. Bottom of retaining wall reveal
6. Existing streams, lakes, ponds, or other bodies of water within the Project site.
7. Other physical features including flood hazard boundaries, sinkholes, streams, existing drainage courses, and areas of natural vegetation to be preserved.
8. The locations of all existing and proposed utilities, sanitary sewer, septic systems and water lines on and within 25 feet of the Project Site.
9. Proposed final changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added.
10. Existing and proposed final structures, roads, paved areas and buildings.
11. Building setback lines.
12. Delineation of existing and proposed areas whose terrain gradient falls within the 15% to 25% range.
13. Delineation of existing and proposed areas whose terrain is greater than 25%.
14. Sediment and erosion control measures with details/notes thereof.
15. Tabulation of the following data:
 - a. Property owner (street address, phone numbers).
 - b. Developer/Contractor (street address, phone numbers).
 - c. Block and unit numbers.
 - d. Area of Property.
 - e. Zoning Classification.
 - f. Area of existing structures.
 - g. Area of proposed structures.
 - h. Percent building coverage, existing and proposed.
 - i. Area of existing impervious surfaces.
 - j. Area of proposed impervious surfaces.
 - k. Percent of impervious surface, existing and proposed.

§295-169. Existing uses.

Following the adoption of this Article, any use or structure which is situated within the boundaries of the Steep Slope Conservation District and which does not conform to the permitted uses specified by §295-167. of this Article shall become a nonconforming use or structure, regardless of its conformance to the district in which it is located without consideration of this Article. The expansion or continuance of said nonconforming use or structure shall be governed by the requirements of §295-227. of this Chapter.

§295-170. Township liability.

The granting of a zoning permit or approval of a subdivision or land development plan on or near the Steep Slope Conservation District shall not constitute a representation, guaranty or warranty of any kind of the Township of Cheltenham or by any official or employee thereof of the practicality or safety of the proposed use and shall create no liability upon Cheltenham Township, its officials or employees. The degree of erosion and sediment control protection intended to be provide by this Article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This Article does not imply that areas outside the Steep Slope Conservation District boundaries or land uses permitted within said district will always be totally free from the adverse effects of erosion.

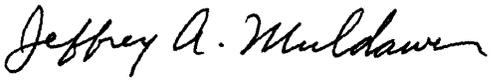
SECTION 3. Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

SECTION 4. In all other respects, the Code of the Township of Cheltenham, Chapter 295, "Zoning", is hereby ratified and reaffirmed except where the same is inconsistent with the provisions contained in this Ordinance.

SECTION 5. 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 of provisions of this Ordinance. It is hereby declared to be the intent of the Township of Cheltenham Board of Commissioners that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

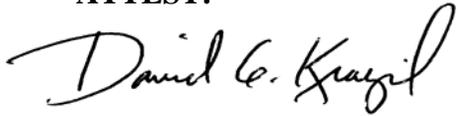
SECTION 6. This Ordinance shall take effect and be in force from and after it is approved as required by law. **ENACTED** into an **ORDINANCE** this 16th day of December 2008.

**BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP**

By: 

Jeffrey A. Muldawer
President

ATTEST:



David G. Kraynik
Township Manager/Secretary