

TOWNSHIP OF ABINGTON

(2) CODE ENFORCEMENT AND LAND DEVELOPMENT COMMITTEE

February 1, 2016

7:00 P.M.

CALL TO ORDER

**ROLL CALL: SANCHEZ – MARKMAN – DiPLACIDO – ZAPPONE
 GILLESPIE**

**Township Manager LEFEVRE
Assistant Township Manager WEHMEYER
Township Solicitor CLARKE
Director of Code Enforcement MATTEO
Township Engineer POWERS**

MINUTES:

**Motion to approve the minutes of the December 2, 2015
Code Enforcement and Land Development Committee
Meeting**

**CE1. Subdivision SD-15-05 – Priceless Homes, LLC – 130 Fisher
 Road**

**Motion to approve the subdivision application of
Priceless Homes, LLC, owner of the property located at
130 Fisher Road, Abington Township. The applicant
proposes to subdivide the property into two lots. Lot No.
1 will contain the existing single-family dwelling on a lot
of 13,108 square feet. Lot No. 2 is proposed for
development and is plotted at 12,885 square foot lot.
Both lots comply with the dimensional requirements of
Section 303.3 of the Zoning Ordinance. Both lots will be
served by public water and sewer. The property is zoned
in the (R-3) Residential District in Ward No. 4 of the
Township of Abington.**

This motion is subject to the following conditions:

- 1. Sanitary sewers are available for this project at this
time. An ACT 537 Exemption Application will have to
be submitted prior to the building permit application.
Please be aware that the ACT 537 Exemption
application must be signed by both Cheltenham and
Abington Townships.**

2. The applicant is required to provide the Township with two (2) new, executed (signed, notarized and recorded) deeds. This is a requirement of the subdivision process.
3. The items listed in the Staff Review letter dated December 23, 2015 become a condition of this application.

This motion is subject to the following waivers:

1. Waiver from Section 146-11.A – Property Identification Plan
2. Waiver from Section 146-11.B – Existing Features Plan
3. Waiver from Section 146-11.C – Proposed Layout Plan
4. Waiver from Section 146-11.E – Soil Erosion Controls
5. Waiver from Section 146-11.L – Architectural Plan
6. Waiver from Section 146-24.D – Right-of-Way Width

CE2. Ordinance No. 2102 – An Ordinance Amending Chapter 162 – “Zoning” Section 2102 – Flood Plain Conservation Overlay District

For Information Only

A Public Hearing will be held on Thursday, February 11, 2016 at 7:30 p.m. on Ordinance No. 2102, “The Flood Plain Ordinance.”

CE3. Montgomery County Comprehensive Plan Presentation

For Information Only

Presentation of the Montco 2040 Comprehensive Plan by representatives of the Montgomery County Planning Commission.

**Code Enforcement & Land Development
BOARD ACTION REQUEST**

February 1, 2016

CEI

Agenda Item

CODE ENFORCEMENT

TOWNSHIP MANAGER



**AGENDA ITEM
Subdivision SD-15-05
Priceless Homes, LLC
130 Fisher Road**



PREVIOUS ACTION:

- Abington Township Planning Commission approved this application with the conditions and requested waivers on January 26, 2016.
- Montgomery County Planning Commission approved this application on December 31, 2015 with suggestions.

RECOMMENDED BOARD ACTION:

Motion to approve the subdivision application of Priceless Homes, LLC, owner of the property located at 130 Fisher Road, Abington Township. The applicant proposes to subdivide the property into two lots. Lot No. 1 will contain the existing single-family dwelling on a lot of 13,108 square feet. Lot No. 2 is proposed for development and is plotted at 12,885 square foot lot. Both lots comply with the dimensional requirements of Section 303.3 of the Zoning Ordinance. Both lots will be served by public water and sewer. The property is zoned in the (R-3) Residential District in Ward No. 4 of the Township of Abington.

This motion is subject to the following conditions:

1. Sanitary sewers are available for this project at this time. An ACT 537 Exemption Application will have to be submitted prior to the building permit application. Please be aware that the ACT 537 Exemption application must be signed by both Cheltenham and Abington Townships.
2. The applicant is required to provide the Township with two (2) new, executed (signed, notarized and recorded) deeds. This is a requirement of the subdivision process.
3. The items listed in the Staff Review letter dated December 23, 2015 become a condition of this application.

This motion is subject to the following waivers:

1. Waiver from Section 146-11.A – Property Identification Plan
 2. Waiver from Section 146-11.B – Existing Features Plan
 3. Waiver from Section 146-11.C – Proposed Layout Plan
 4. Waiver from Section 146-11.E – Soil Erosion Controls
 5. Waiver from Section 146-11.L – Architectural Plan
 6. Waiver from Section 146-24.D – Right-of-Way Width
-

COMMENTS:

- *The Planning Commission is not in favor of the waiver requested for architectural plan submission. The applicant has committed to submit an architectural plan for review and comment by the Planning Commission at their February 23, 2016 meeting.*
- *The Planning Commission recommends approval of ACT 537 Exemption Application.*
- *The Planning Commission recommended two additional street trees be planted along the frontage of this property.*

Township of Abington Planning Commission Recommendation Form

Application Number: SD-15-05 Date: January 26, 2016

Applicant's Name: Priceless Homes, LLC

Applicant's Address: Post Office Box 505 Fort Washington, Pa. 19034

Recommendation: APPROVED DENIED VOTE: 8 of 8

Over View: This is the application of **Priceless Homes, LLC**, owner of the property located at 130 Fisher Road, Jenkintown, Pa. The applicant proposes to subdivide the property into two lots. Lot #1 will contain the existing single family dwelling on a lot of 13,108 square feet. Lot #2 is proposed for development and is plotted at 12,885 square feet. Both lots comply with the dimensional requirements of Section 303.3 of the Zoning Ordinance. Both lots will be served by public water and sewer. The property is zoned within the R-3 Residential District of Ward #4 of the Township of Abington

Comments:

1. Sanitary sewers are available for this project at this time. An Act 537 Exemption Application will have to be submitted prior to the submission of permit applications. Please be aware that the ACT 537 Exemption application must be signed by both Cheltenham and Abington Townships.
2. If this application is approved, the applicant is required to provide the township with two (2) new, executed (signed, notarized and recorded) deeds. This is a requirement of the subdivision process. The Township Engineer will not sign the plans without the required deeds.
3. The items listed within the Staff Review letter dated December 23, 2015 become a condition of this application if approved by the Board of Commissioners of the Township of Abington.

The following waivers have been requested.

- A. **Section 146-11.A - Property Identification Plan** – The plan is required to supply the tax parcel information, owner's name & lot

area for all properties within 400 feet of the site(s) involved in this application. Staff supports this waiver. Yes {X} No { }

B. Section 146-11.B – Existing Features Plan – The plan is required to plot the location of all utilities on the sites and within 400 feet of the properties involved in this application. Staff supports this request. Yes {X} No { }

C. Section 146-11.C – Proposed Layout Plan – The plan is required to include first floor elevations, all existing utilities and all improvements on the site. Staff supports this request. Yes {X} No { }

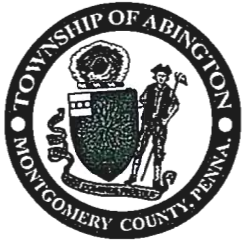
D. Section 146-11.L – Architectural Plan – The applicant is required to submit tentative architectural plans. Lot #2 is proposed for resale and the design of the home is not known at this time. Staff supports this waiver request. Yes { } No {X}

F. Section 146.24.D – Right-of-Way Width – The applicant requests approval to have the right-of-way widths remain as plotted. Staff supports this request. Yes {X} No { }

Comments:

- The Planning Commission is not in favor of the waiver requested for architectural plan submission. The applicant has committed to submit an architectural plan for review and comment by the Planning Commission at the February 23, 2016 meeting. The review comments received from the architectural plans are recommendations only.
- The Planning Commission recommended approval of the ACT 537 Exemption Application.
- The Planning Commission recommended two additional street trees be planted along the frontage of this property.

MAPenecale
1/25/2016



Wayne C. Luker, President
Steven N. Kline, Vice President
Michael LeFevre, Manager
Jay W. Blumenthal, Treasurer

1176 Old York Road Abington PA 19001-3713 Telephone: 267-536-1000

Subdivision & Land Development Notice Plan Review SD-15-05

Notice is hereby given that the Township of Abington will hold the following public meetings at the Abington Township Administration Building (1176 Old York Road) Planning Commission, Code Enforcement Committee and Board of Commissioners, to discuss the application of the **Priceless Homes, LLC**.

MEETINGS	DATE AND TIME
Planning Commission Committee	January 26, 2016 @ 7:30 p.m.
Code Enforcement Committee	February 1, 2016 @ 7:00 p.m.
Board of Commissioners	February 11, 2016 @ 7:30 p.m.

This is the application of **Priceless Homes, LLC**, owner of the property located at 130 Fisher Road, Jenkintown, Pa. The applicant proposes to subdivide the property into two lots. Lot #1 will contain the existing single family dwelling on a lot of 13,108 square feet. Lot #2 is proposed for development and is plotted at 12,885 square feet. Both lots comply with the dimensional requirements of Section 303.3 of the Zoning Ordinance. Both lots will be served by public water and sewer. The property is zoned within the R-3 Residential District of Ward #4 of the Township of Abington.

The application and plans are on file in the Code Enforcement Department and may be reviewed upon request. If there are any questions and/or comments that you may have, please feel free to contact me at 267-536-1017.

Mark A. Penecale
Planning & Zoning Officer

- *These meetings are subject to change if additional review time is required by Township Staff or requested by the applicant.*



Township of Abington

APPLICATION FOR MODIFICATION OF PLAN

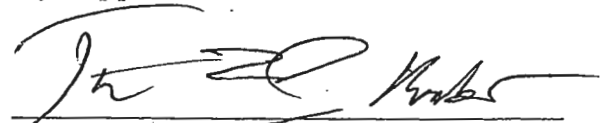
Submission Date 12/18/15

Application No. SD-15-05

To the Board of Commissioners of the Township of Abington:

The undersigned hereby makes application for modification of plan application requirements as indicated below, under the provisions of the Code of Abington Township, Chapter 146, entitled The Subdivision and Land Development Regulations of the Township of Abington of 1991, and any supplements and amendments thereto.

(Signature of Applicant)



(Signature of Land Owner)

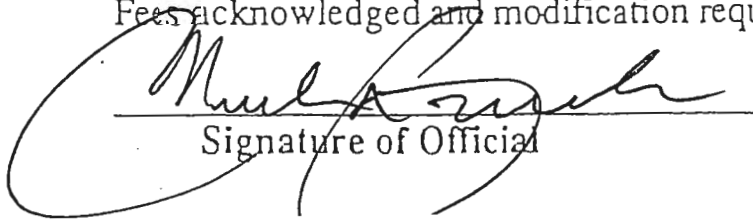
Title of Plan Submitted: Plan of Minor Sub.
Bo Fisher Road made for
priceless Hares.

A. Plan Type:

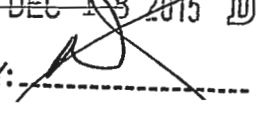
- | | |
|--|---|
| <input checked="" type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Minor Land Development |
| <input type="checkbox"/> Preliminary Major Subdivision | <input type="checkbox"/> Preliminary Land Development |
| <input type="checkbox"/> Final Major Subdivision | <input type="checkbox"/> Final Land Development |
| <input type="checkbox"/> Preliminary Major SD & LD | <input type="checkbox"/> Final Major SD & LD |

Regulation Topic	Section #	Extent of Modification Requested
<u>None requested at this time</u>		

Fees acknowledged and modification request received:



Signature of Official

RECEIVED
DEC 18 2015
Date
BY: 

Township of Abington

APPLICATION FOR APPROVAL OF PLAN

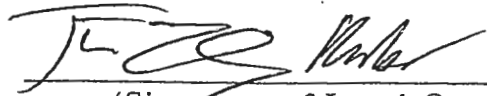
Submission Date 12/18/15

Application No. SA-15-05

To the Board of Commissioners of the Township of Abington:

The undersigned hereby makes application for approval of plan type as indicated below, under the provisions of the Code of Abington Township, Chapter 146, entitled The Subdivision and Land Development Regulations of the Township of Abington of 1991, and any supplements and amendments thereto.

(Signature of Applicant)



(Signature of Land Owner)

Title of Plan Submitted: Plan of minor Subdivision

A. Plan Type: 130 Fisher Road made for
priceless Homes.

- Minor Subdivision
- Preliminary Major Subdivision
- Final Major Subdivision
- Preliminary Major SD & LD

- Minor Land Development
- Pre Major Land Development
- Final Major Land Development
- Final Major SD & LD

Eastern Chadrow Assoc. Inc.
333 E. Street Road
Warminster, PA 18974

B. Plan Identification:

Plan Dated: 12-15-2015

Engineer: _____

Plan Proposes: Brief narrative of the proposed activity. Commercial applications include building square footage and specific uses; Residential applications include number of lots and amount of dwelling unit types:

1 New Building Lot, 1 Existing Home

C. Property Identification:

Address / Location 130 Fisher Rd, Jenkintown, Pa
Between streets Glen Road and Squirrel Road

Jim Zaspel ~~on~~ @gmail.com

D. Applicant Identification:

Applicant: Jim Zaspel
Priceless Homes, LLC

Address PO Box 505 Phone 267-577-1672

FORT WASHINGTON, PA 19034

Land Owner: _____
Address Same Phone _____

Equitable Land Owner: _____
Address _____ Phone _____

Architect: _____
Address _____ Phone _____

Engineer: Eastern Chadrow Assoc. Inc.
Address 553 E. Street Road Phone 215-672-8671
West Chester, PA 19380

Attorney: _____
Address _____ Phone _____

IMPROVEMENTS PROPOSED UNITS EST. COST.

Streets	_____	_____
Street Widening	_____	_____
Street Signs	_____	_____
Street Lighting	_____	_____
Curbs	_____	_____
Sidewalks	_____	_____
Storm Sewers	_____	_____
Water Supply	_____	_____
Fire Hydrants	_____	_____
Sanitary Sewers	_____	_____
Monuments	_____	_____
Shade Trees	_____	_____
Open Space	_____	_____
Park Land	_____	_____
Other	_____	_____

Total:

Fees received from applicant:	Application Fee	<u>300.00</u>
	Review Escrow	<u>2500.00</u>
	Total	<u>2,800.00</u>

Fees acknowledged and application accepted as complete:

Michael J. Smith
Signature of Official

RECEIVED
DEC 16 2015



Wayne C. Luker, President
Steven N. Kline, Vice President
Michael LeFevre, Manager
Jay W. Blumenthal, Treasurer

1176 Old York Road Abington PA 19001-3713 Telephone: 267-536-1000

James Zaspel
Priceless Homes, LLC
Post Office Box 505
Fort Washington, Pa. 19034

December 23, 2015

Re: Staff Review Comments on Application SD-15-05 for the property located at 130 Fisher Road, Jenkintown, Pa. 19046.

Dear Mr. Zaspel,

This letter is written to inform you that the staff of the Township of Abington has reviewed the application and the plans submitted for the proposed subdivision of 130 Fisher Road, Jenkintown, Pa. 19046. The plan proposes to subdivide the .61 acre site into two lots. Lot #1 is proposed to contain the existing single family dwelling on a site of 13,108 square feet. Lot #2 is proposed as a building lot of 12,885 square feet. Both lots will conform to the dimensional requirements of Section 303.3 of the Zoning Ordinance of the Township of Abington. This application was reviewed as a preliminary as a final minor subdivision application. Several of the conditions listed below are building permit related and will be clearly marked within this letter with a (BP). These comments are required be addressed at the time a building permit is submitted for review. All other comments must be addressed to the satisfaction of the Board of Commissioners of the Township of Abington.

Code Enforcement Department:

1. Construction of a single family dwelling is shown to be on Sheet #3 of the plan packet submitted for review. The applicant is required to submit sealed architectural plans that comply with the residential construction code adopted by the Township of Abington at the time of submission. (BP)
2. All contractors and sub-contractors working on this site are required to be registered with Attorney General's Office of the Commonwealth of Pennsylvania. (BP)
3. Separate permits are required for all electrical, heating, air conditioning and the construction of any structures. (BP)

Plumbing Inspector's Office:



4. All plumbing work proposed to be completed in connection with this project is required to be applied for and completed by a Master Plumber that is registered with this office. (BP)
5. All plumbing work must be designed and installed to comply with the Plumbing Code adopted by the Township of Abington at the time the application is submitted for review. (BP)

Fire Marshal's Office:

6. No comment at this time.

Engineering Office:

7. Sanitary sewers of this area flow through Cheltenham Township.
8. Upon approval of this plan, the applicant shall provide the township with two (2) new executed (signed, notarized and recorded) deeds; one for each property. This is a requirement of the subdivision process. The Township Engineer will not sign the final plan unless this is completed.
9. The plans do not indicate any proposed concrete monuments. The plans should show concrete monuments at the two (2) new property corners along the new property line. Upon approval of this plan, the Applicant shall install the concrete monuments. This is a requirement of the subdivision process.
10. Any work performed within the street/right-of-way areas of Fisher Road will require a "Highway Permit" from the Township Engineer's Office. This permit has a base fee of \$65.00 plus \$1.00 per square foot of excavated area. An escrow for extensive street work may be required and an itemized cost estimate breakdown of public and private improvements will be required.
11. All sanitary pipe that is placed within the Township R.O.W. and/or street areas shall be Class 52 Ductile Iron Pipe. Plastic/PVC is not acceptable within the R.O.W. area.
12. Abington Township storm-water ordinance (Ord. No. 1910) states that a Storm Water Report and Plan must be completed for projects creating over one thousand square feet (1,000 s.f.) of impervious surface. The storm-water created by the new impervious surface area must be managed on the property with on-site storm-water management system (seepage pit, drywell, rain garden, etc.). This project falls under that category.
13. Before a Building Permit is issued, the applicant is required to apply for a Residential Storm Water Management permit from the Engineer's Office. The fee for said permit is \$110/ per property. The applicant will also need to provide an escrow in the sum of

\$250/per property, for inspection of the SWM system for the next five (5) years [\$50 inspection fee per year times five years = \$250.] The seepage pit will be the responsibility of the new homeowner and will be inspected by the Township on a yearly basis. The contractor must schedule with the Engineering Department an inspection of the storm-water collection system(s) during the construction.

14. The "Proposed Dwelling" on the "Grading Plan" does not indicate a rear deck, patio, steps or basement egress. There should be at least one, if not two of these items shown on the plan and included with the Impervious Area calculations.
15. We KINDLY REQUEST that all township signature blocks be placed near the bottom of the sheet.

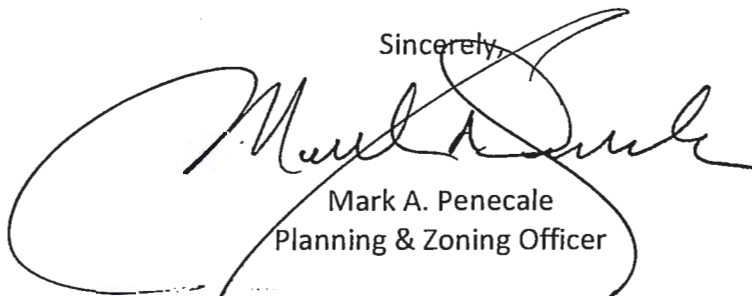
Planning Zoning Office:

16. An ACT 537 Exemption Application is required to be filed for this application. This application must be filed within 14 days of the date of this letter. Once submitted, the application will be reviewed by both the Abington Township Planning Commission and the Director of Waste Water Treatment Facility. This application has been on the EDU waiting list for the past 2 years. The EDU is now available.
17. Due to the fact that the sanitary sewer flows from the proposed new single family dwelling is directed to Cheltenham Township, the ACT 537 Exemption Application will also need to be approved by Cheltenham Township.
18. All trees proposed to be removed are required to be clearly marked on the plan. The type and size must also be included. The plan plots the location of at least three trees within the building envelope and several other within 15 feet of the proposed new dwelling.
19. Architectural plans should be submitted so that this office can ensure the proposed new single family dwelling complies with the requirements of Section 303.3 of the Zoning Ordinance of the Township of Abington.
20. The applicant is required to supply this office with a letter of availability from both Aqua and PECO.
21. This application is required to obtain the following waivers from the Subdivision & Land Development Ordinance of the Township of Abington.
 - A. **Section 146-11.A - Property Identification Plan** – The plan is required to supply the tax parcel information, owner's name & lot area for all properties within 400 feet of the site(s) involved in this application. Staff supports this request.

- B. **Section 146-11.B – Existing Features Plan** – The plan is required to plot the location of all utilities on the sites and within 400 feet of the properties involved in this application. Staff supports this request.
- C. **Section 146-11.C – Proposed Layout Plan** – The plan is required to plot the location of all existing utilities, to include the size, type and depth of all existing improvements proposed to remain and be removed. Staff supports this request.
- G. **Section 146-11.I – Phasing Plan** - A plan is required to be submitted, however this is a single lot application with no major public improvements that would require a phased development of the property. The applicant has requested this waiver. Staff supports this request.
- H. **Section 146-11.L – Architectural Plan** – An architectural plan is required to be submitted with this subdivision plan. Staff does not support this request.
- I. **Section 146-24.D – Right-of-Way Width** – The applicant requests approval to have the existing right-of-way widths remain as plotted. Staff supports this approval.

If there are any questions pertaining to the comments listed above, I would ask that you contact the reviewing department directly or I can be reached at 267-536-1017. This application is scheduled to be reviewed by the Planning Commission of the Township of Abington on Wednesday, November 18, 2015.

Sincerely,



Mark A. Penecale
Planning & Zoning Officer

Cc: Lawrence T. Matteo, Jr.; Director of Planning & Code Enforcement
Michael E. Powers; Abington Township Engineer
Bruce Hentschel; Abington Township Building Inspector
Ken Clark; Abington Township Fire Marshal
File Copy (2)

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

JOSH SHAPIRO, CHAIR
VALERIE A. ARKOOSH, MD, MPH, VICE CHAIR
BRUCE L. CASTOR, JR., COMMISSIONER



**MONTGOMERY COUNTY
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311
NORRISTOWN, PA 19404-0311
610-278-3722
FAX: 610-278-3941 • TDD: 610-631-1211
WWW.MONTCOPA.ORG

JODY L. HOLTON, AICP
EXECUTIVE DIRECTOR

December 31, 2015

Mr. Mark A. Penecale, Zoning Officer
Abington Township
1176 Old York Road
Abington, Pennsylvania 19001-3713

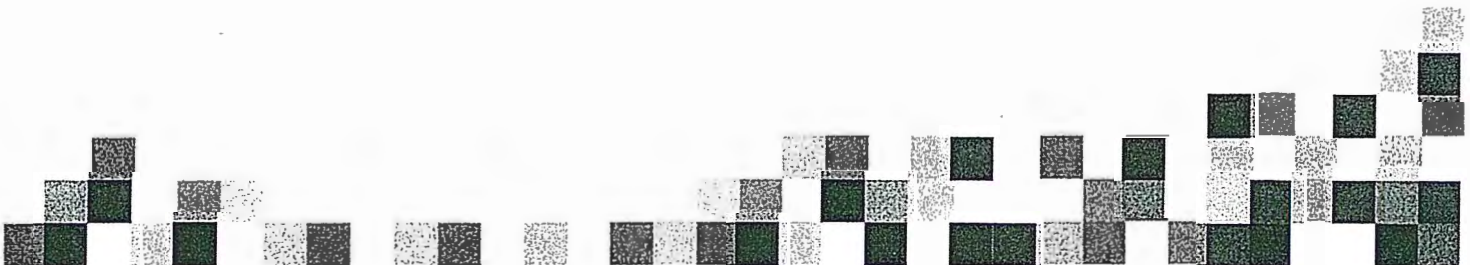
Re: MCPC #15-0304-001
Fisher Road – Priceless Homes
(2 lots comprising .60 acres)
Situat: Fisher Road (west)/north of Township Line Road
Abington Township

Dear Mr. Penecale:

We have reviewed the above-referenced minor subdivision and land development in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on December 28, 2015. We forward this letter as a report of our review.

BACKGROUND

Priceless Homes, LLC, the Applicant, proposes to subdivide a lot of 0.60 acres into two lots. Proposed Lot 1 would be 13,108 square feet, and is the site of an existing 1,931 square foot dwelling and 556 square feet detached garage located to the rear of the home. Proposed Lot 2 is 12,885 square feet and would be the site of a 1,640-square foot home. The property is located on Fisher Road, north of Township Line Road in the R-3 Medium Density Residential District. Lot 1 is to be served by public sewer and water, and Lot 2 would be served by public water and sewer as well.



COMPREHENSIVE PLAN COMPLIANCE

MONTCO 2040: A Shared Vision, the Comprehensive Plan for Montgomery County, includes the goal “enhance community character and protect neighborhoods,” which itself urges the encouraging of appropriate infill development. To ensure maximum compliance with the County Comprehensive Plan, we recommend that the applicant consider how characteristics of the new infill home fit with those adjacent to it. Factors to consider include whether the proposed home would have a garage located to the rear as its neighbors do; and how the proposed home’s footprint, height, width, roof, windows, doors, and materials relate to the existing neighboring homes.

RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the applicant’s proposal, however, in the course of our review we have identified the following issues that the applicant and Abington Township may wish to consider prior to final plan approval. Our comments are as follows.

REVIEW COMMENTS

LANDSCAPING

- A. Shade Trees [§146-39.A] – Three to four shade trees are required; the SALDO recommends that these trees be planted approximately 5 feet within the right-of-way. There are two trees – one on Lot 1 and one on Lot 2 that could be counted towards meeting this requirement. Thus, we recommend that one-to-two additional shade trees be planted.

PLAN INFORMATION

- A. Steep Slopes – Shall be shown [§146-11.B.].
- B. Landscaping and Shade Tree Plan – Existing vegetation to be removed shall be shown [§146-11.H].
- C. Architectural Plans – Since the proposed new infill home would be located close to, and in the middle of a few homes sharing similar bulk, height, design, and materials, we recommend that architectural plans consistent with §146-11.H be provided to show how the new home would fit into the neighborhood.

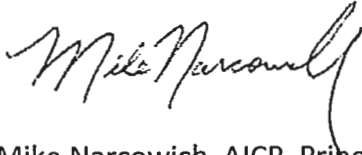
CONCLUSION

We wish to reiterate that MCPC generally supports the applicant’s proposal and we believe that our suggestion will better achieve the Township’s planning objectives for shade trees and infill development.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body approve a final plat of this proposal, the applicant must present the plan to our office for seal and signature prior to recording with the Recorder of Deeds office. A paper copy bearing the municipal seal and signature of approval must be supplied for our files.

Sincerely,



Mike Narcowich, AICP, Principal Community Planner
mnarcowi@montcopa.org - 610-278-5238

- c: Priceless Homes, LLC, Applicant
- Edmund A. Chadrow, III, R.P.L.S., Applicant's Land Surveyor
- Lawrence J. Byrne, R.P.E., Applicant's Engineer
- Ron Rosen, Chair, Township Planning Commission
- Michael LeFevre, Township Manager
- Lawrence T. Matteo Jr., Director of Planning and Code Enforcement
- Michael E. Powers, P.E., Township Engineer
- Michael P. Clarke, Esq., Rudolph Clarke, LLC, Township Solicitor

Attachments: Reduced Copy of Applicant's Plan
Aerial Photo of Site

1. Development Information

Name of Development Plan of Minor Sub., 130 Fisher Road
Developer Name Priceless Homes, LLC
Address PO Box 505
Fort Washington Pa., 19034
Telephone # 215-672-8671
Email jimthehouseguypa@gmail.com

2. Location of Development

a. County Montgomery
b. Municipality Abington Township
c. Address or Coordinates 130 Fisher Road, Jenkintown, Pa 19046
d. Tax Parcel # 36-00-20660-001
e. USGS Quad Name Frankford, PA
inches up 15-1/4" over 17"
from bottom right corner of map.
f. Located in a High Quality/Exceptional Value watershed?
 Yes No

3. Type of Development Proposed (check appropriate box)

Residential Multi-Residential
Describe Minor Subdivision, 1 existing lot with dwelling, 1 new lot, 1 new connection total.
 Commercial Institutional
Describe _____
 Brownfield Site Redevelopment
 Other (specify) _____

4. Size

a. # of lots 2 # of EDUs 1
b. # of lots since 5/15/72 1
c. Development Acreage 0.62
d. Remaining Acreage 0

→ 5. Sewage Flows _____ gpd

6. Proposed Sewage Disposal Method (check applicable boxes)

a. Sewerage System
 Existing (connection only) New (extension)
 Public Private
 Pump Station(s)/Force Main Gravity
Name of existing system being extended
connection tap-in

→ Interceptor Name _____

→ Treatment Facility Name _____

→ NPDES Permit # _____

b. Construction of Treatment Facility
 With Stream Discharge
 With Land Application (not including IRSIS)
 Other
 Repair?
Name of waterbody where point of discharge is proposed
(if stream discharge)

c. Onlot Sewage Disposal Systems (check appropriate box)
 Individual onlot system(s) (including IRSIS)
 Community onlot system
 Large-Volume onlot system

d. Retaining tanks
Number of Holding Tanks _____
Number of Privies _____

7. Request Sewage Facilities Planning Module forms in electronic format

8. Request for Planning Exemption

a. Protection of rare, endangered or threatened species
Check one:
 The "PNDI Project Environmental Review Receipt" is attached. or
 A completed "PNDI Project Planning & Environmental Review Form," (PNDI Form) is attached. I request DEP staff to complete the required PNDI search for my project. I realize that my planning exemption will be considered incomplete and that the DEP processing of my planning exemption request will be delayed, until a "PNDI Project Environmental Review Receipt" and all supporting documentation from jurisdictional agencies (when necessary) is/are received by DEP.

Applicant or Consultant Initials _____

b. Plot Plan Attached Site Reports Attached

c. Onlot Disposal Systems

(1) I certify that the Official Plan shows this area as an onlot service area.

(Signature of Municipal Official) / Date

Name (Print) / Title

Municipality (must be same as in 2.b.)

Telephone # _____

(2) I certify that each lot in this subdivision has been tested and is suitable for both a primary and replacement sewage disposal system.

Signature of SEO / Date

Name (Print) / Certification #

Telephone # _____

(3) I certify that each lot in this subdivision is at least 1 acre in size

(Signature of Project Applicant/Agent) / Date

→ d. Public Sewerage Service (i.e., ownership by municipality or authority)

Based upon written documentation, I certify that the facilities proposed for use have capacity and that no overload exists or is projected within 5 years. (Attach documents.)

(Signature of Municipal Official) / Date

Name (Print) / Title

Municipality (must be same as in 2.b.)

Telephone # _____

PNDI Project Environmental Review Receipt

Project Search ID: 20151202541117

1. PROJECT INFORMATION

Project Name: 130 Fisher Road

Date of review: 12/2/2015 1:45:46 PM

Project Category: Development, Residential, subdivision which will contain 1-2 lots with 1-2 single family living units

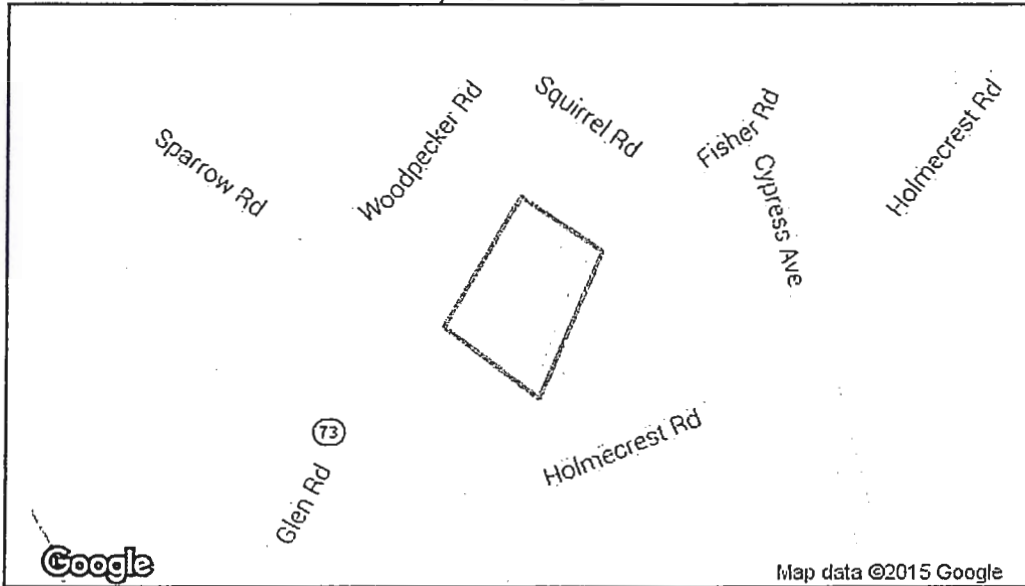
Project Area: 0.9 acres

County: Montgomery Township/Municipality: Abington

Quadrangle Name: FRANKFORD ~ ZIP Code: 19046

Decimal Degrees: 40.084563 N, -75.120736 W

Degrees Minutes Seconds: 40° 5' 4.4" N, -75° 7' 14.7" W



2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	No Known Impact	No Further Review Required
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	No Known Impact	No Further Review Required

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate no known impacts to threatened and endangered species and/or special concern species and resources within the project area. Therefore, based on the information you provided, no further coordination is required with the jurisdictional agencies. This response does not reflect potential agency concerns regarding impacts to other ecological resources, such as wetlands.

PNDI Project Environmental Review Receipt

Project Search ID: 20151202541117

Note that regardless of PNDI search results, projects requiring a Chapter 105 DEP individual permit or GP 5, 6, 7, 8, 9 or 11 in certain counties (Adams, Berks, Bucks, Carbon, Chester, Cumberland, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill and York) must comply with the bog turtle habitat screening requirements of the PASPGP.

3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are **valid for two years** (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The jurisdictional agencies **strongly advise against** conducting surveys for the species listed on the receipt prior to consultation with the agencies.

PA Game Commission

RESPONSE: No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Department of Conservation and Natural Resources

RESPONSE: No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Fish and Boat Commission

RESPONSE: No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

U.S. Fish and Wildlife Service

RESPONSE: No impacts to federally listed or proposed species are anticipated. Therefore, no further consultation/coordination under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) is required. Because no take of federally listed species is anticipated, none is authorized. This response does not reflect potential Fish and Wildlife Service concerns under the Fish and Wildlife Coordination Act or other authorities.

4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. For cases where a "Potential Impact" to threatened and endangered species has been identified before the application has been submitted to DEP, the application should not be submitted until the impact has been resolved. For cases where "Potential Impact" to special

PNDI Project Environmental Review Receipt

Project Search ID: 20151202541117

concern species and resources has been identified before the application has been submitted, the application should be submitted to DEP along with the PNDI receipt. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. DEP and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <http://www.naturalheritage.state.pa.us>.

PNDI Project Environmental Review Receipt

Project Search ID: 20151202541117

5. ADDITIONAL INFORMATION

The PNDI environmental review website is a preliminary screening tool. There are often delays in updating species status classifications. Because the proposed status represents the best available information regarding the conservation status of the species, state jurisdictional agency staff give the proposed statuses at least the same consideration as the current legal status. If surveys or further information reveal that a threatened and endangered and/or special concern species and resources exist in your project area, contact the appropriate jurisdictional agency/agencies immediately to identify and resolve any impacts.

For a list of species known to occur in the county where your project is located, please see the species lists by county found on the PA Natural Heritage Program (PNHP) home page (www.naturalheritage.state.pa.us). Also note that the PNDI Environmental Review Tool only contains information about species occurrences that have actually been reported to the PNHP.

6. AGENCY CONTACT INFORMATION

PA Department of Conservation and Natural Resources
 Bureau of Forestry, Ecological Services Section
 400 Market Street, PO Box 8552, Harrisburg, PA.
 17105-8552
 Fax:(717) 772-0271

U.S. Fish and Wildlife Service
 Pennsylvania Field Office
 110 Radnor Rd; Suite 101, State College, PA 16801
 NO Faxes Please.

PA Fish and Boat Commission
 Division of Environmental Services
 450 Robinson Lane, Bellefonte, PA. 16823-7437
 NO Faxes Please


PA Game Commission
 Bureau of Wildlife Habitat Management
 Division of Environmental Planning and Habitat Protection
 2001 Elmerton Avenue, Harrisburg, PA. 17110-9797
 Fax:(717) 787-6957

7. PROJECT CONTACT INFORMATION

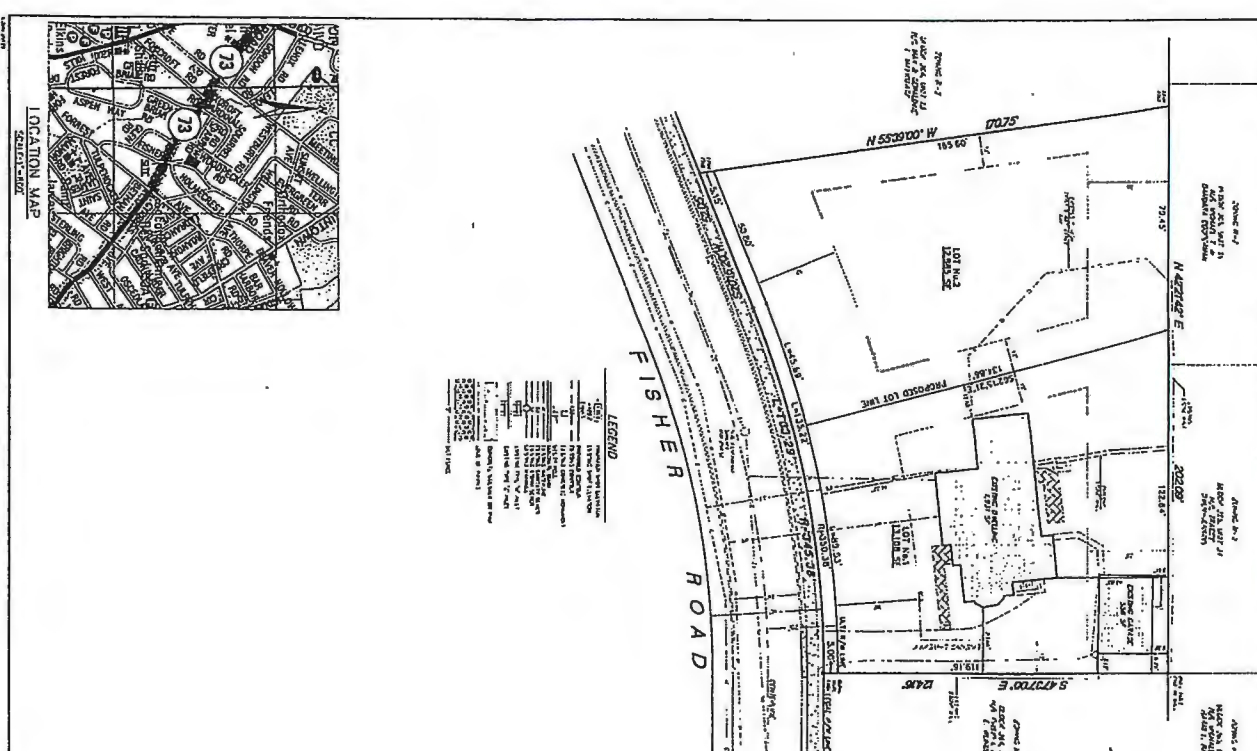
Name: Ed Chadrow
 Company/Business Name: Eastern Chadrow Assoc.
 Address: 333 E. STREET ROAD
 City, State, Zip: WARMINSTER, Pa 18974
 Phone: (215) 672-8671 Fax: (215) 672-6765
 Email: Ed.Chadrow@Comcast.net

8. CERTIFICATION

I certify that ALL of the project information contained in this receipt (including project location, project size/configuration, project type, answers to questions) is true, accurate and complete. In addition, if the project type, location, size or configuration changes, or if the answers to any questions that were asked during this online review change, I agree to re-do the online environmental review.


 applicant/project proponent signature

12-2015
 date



LEGEND

—	Proposed Subdivision
- - -	Proposed Road
—	Proposed Lot
- - -	Proposed Utility
—	Proposed Easement
—	Proposed Right-of-Way
—	Proposed Setback
—	Proposed Utility
—	Proposed Easement
—	Proposed Right-of-Way
—	Proposed Setback

- SUBDIVISION
1. THE PARTIAL - LOT 24, UNIT 12 (9741, 9742, 9750, 9751, 9752-9755)
2. ASHLEY - ALL UNITS EXCEPT RESIDENTIAL UNITS
3. BAYVIEW - ALL UNITS EXCEPT RESIDENTIAL UNITS
4. BAYVIEW - ALL UNITS EXCEPT RESIDENTIAL UNITS
5. BAYVIEW - ALL UNITS EXCEPT RESIDENTIAL UNITS
6. BAYVIEW - ALL UNITS EXCEPT RESIDENTIAL UNITS
7. BAYVIEW - ALL UNITS EXCEPT RESIDENTIAL UNITS
8. BAYVIEW - ALL UNITS EXCEPT RESIDENTIAL UNITS
9. BAYVIEW - ALL UNITS EXCEPT RESIDENTIAL UNITS
10. BAYVIEW - ALL UNITS EXCEPT RESIDENTIAL UNITS
11. BAYVIEW - ALL UNITS EXCEPT RESIDENTIAL UNITS
12. BAYVIEW - ALL UNITS EXCEPT RESIDENTIAL UNITS
13. BAYVIEW - ALL UNITS EXCEPT RESIDENTIAL UNITS
14. BAYVIEW - ALL UNITS EXCEPT RESIDENTIAL UNITS
15. BAYVIEW - ALL UNITS EXCEPT RESIDENTIAL UNITS
16. BAYVIEW - ALL UNITS EXCEPT RESIDENTIAL UNITS
17. BAYVIEW - ALL UNITS EXCEPT RESIDENTIAL UNITS
18. BAYVIEW - ALL UNITS EXCEPT RESIDENTIAL UNITS
19. BAYVIEW - ALL UNITS EXCEPT RESIDENTIAL UNITS
20. BAYVIEW - ALL UNITS EXCEPT RESIDENTIAL UNITS

I, _____, of the County of _____ and State of _____, do hereby certify that the foregoing is a true and correct copy of the subdivision map as shown to me by the applicant and as the same appears in the office of the Recorder of Deeds and County Clerk.

ATTEST:

Recorder of Deeds and County Clerk

APPROVED BY THE BOARD OF DEVELOPMENT OF THE TOWN OF _____

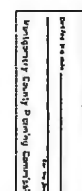
DATE: _____

BY: _____

CHAIRMAN

MEMBER

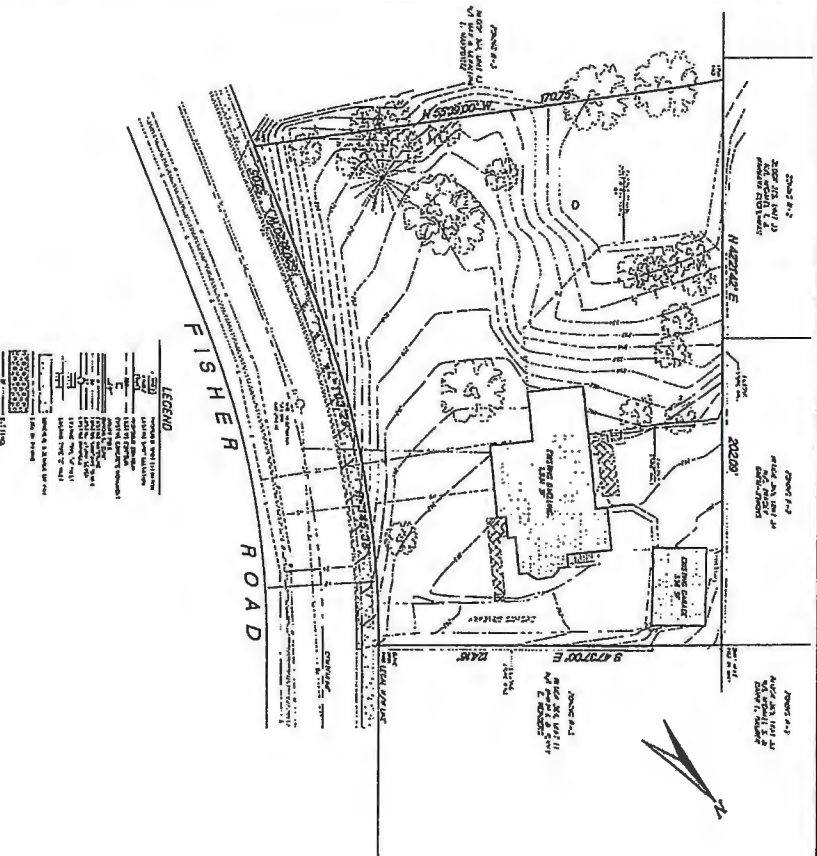
MEMBER



PREPARED BY:

DATE: _____

PLAN OF SUBDIVISION
1300 FISHER ROAD
SUBDIVISION, MONTCALMERY COUNTY, PENNSYLVANIA
PRICELESS HOMES, LLC
SCALE: 1"=20'
15 DECEMBER 2015
EASTERY/CHA droit ASSOCIATION, INC.
300 E. STREET ROAD, HANOVER, PA 17331 (717) 651-1441

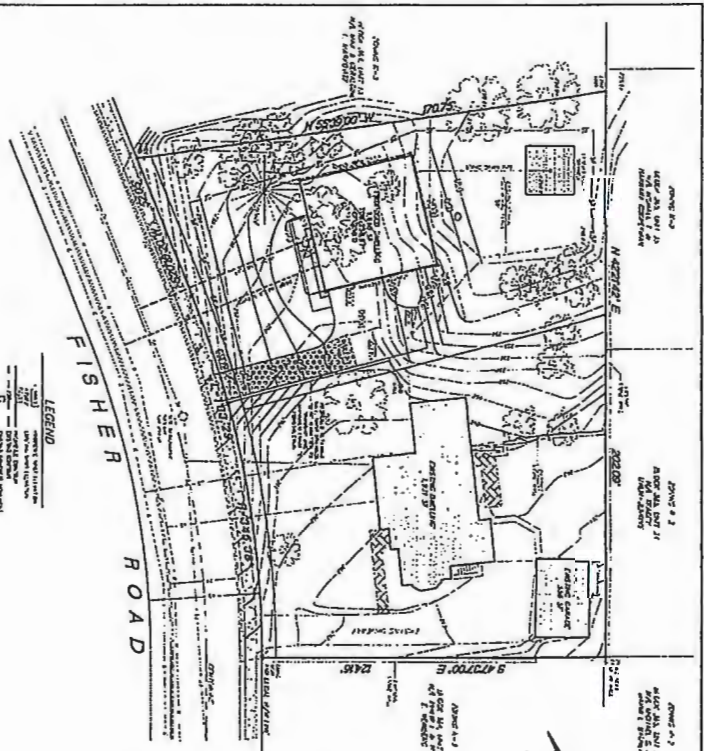


LEGEND

(Symbol)	EXISTING DRIVEWAYS
(Symbol)	EXISTING SIDEWALKS
(Symbol)	EXISTING UTILITIES
(Symbol)	PROPOSED DRIVEWAYS
(Symbol)	PROPOSED SIDEWALKS
(Symbol)	PROPOSED UTILITIES
(Symbol)	PROPOSED LANDSCAPING
(Symbol)	PROPOSED BUILDING FOOTPRINTS
(Symbol)	PROPOSED PAVEMENT
(Symbol)	PROPOSED CONCRETES
(Symbol)	PROPOSED ASPHALT
(Symbol)	PROPOSED GRASS
(Symbol)	PROPOSED TREES
(Symbol)	PROPOSED SHRUBS
(Symbol)	PROPOSED FENCES
(Symbol)	PROPOSED SIGNAGE
(Symbol)	PROPOSED LIGHTING
(Symbol)	PROPOSED WATER
(Symbol)	PROPOSED SEWER
(Symbol)	PROPOSED GAS
(Symbol)	PROPOSED ELECTRIC
(Symbol)	PROPOSED TELEPHONE
(Symbol)	PROPOSED CABLE
(Symbol)	PROPOSED FIBER OPTIC
(Symbol)	PROPOSED RAIN WATER HARVESTING
(Symbol)	PROPOSED BIOWALLS
(Symbol)	PROPOSED BIOWALLS WITH PLANTS
(Symbol)	PROPOSED BIOWALLS WITH TREES
(Symbol)	PROPOSED BIOWALLS WITH SHRUBS
(Symbol)	PROPOSED BIOWALLS WITH FENCES
(Symbol)	PROPOSED BIOWALLS WITH SIGNAGE
(Symbol)	PROPOSED BIOWALLS WITH LIGHTING
(Symbol)	PROPOSED BIOWALLS WITH WATER
(Symbol)	PROPOSED BIOWALLS WITH SEWER
(Symbol)	PROPOSED BIOWALLS WITH GAS
(Symbol)	PROPOSED BIOWALLS WITH ELECTRIC
(Symbol)	PROPOSED BIOWALLS WITH TELEPHONE
(Symbol)	PROPOSED BIOWALLS WITH CABLE
(Symbol)	PROPOSED BIOWALLS WITH FIBER OPTIC

SHEET 2 OF 4

EXISTING FEATURES PLAN
 130 FISHER ROAD
 ARLINGTON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA
 MADE FOR
PRICELESS HOMES, LLC
 SCALE: 1"=30'
 15 DECEMBER 2015
EASTERN/CHADROV ASSOCIATES, INC.
 205 S. STREET ROAD • SUITE 200 • ARLINGTON, PA 15714 • TEL: 717-821-1111 • FAX: 717-821-1112



LEGEND

Symbol	Description
[Symbol]	Proposed Construction
[Symbol]	Existing Construction
[Symbol]	Proposed Driveway
[Symbol]	Proposed Parking
[Symbol]	Proposed Sidewalk
[Symbol]	Proposed Street
[Symbol]	Proposed Utility
[Symbol]	Proposed Fencing
[Symbol]	Proposed Landscaping
[Symbol]	Proposed Retention Wall
[Symbol]	Proposed Stormwater Management
[Symbol]	Proposed Accessory Structure
[Symbol]	Proposed Deck
[Symbol]	Proposed Pool
[Symbol]	Proposed Spa
[Symbol]	Proposed Hot Tub
[Symbol]	Proposed Fire Pit
[Symbol]	Proposed Firewood Storage
[Symbol]	Proposed Tool Shed
[Symbol]	Proposed Storage Shed
[Symbol]	Proposed Garage
[Symbol]	Proposed Carport
[Symbol]	Proposed Walkway
[Symbol]	Proposed Staircase
[Symbol]	Proposed Ramp
[Symbol]	Proposed Elevation
[Symbol]	Proposed Section Line
[Symbol]	Proposed Detail
[Symbol]	Proposed Note
[Symbol]	Proposed Schedule
[Symbol]	Proposed Reference
[Symbol]	Proposed Title Block



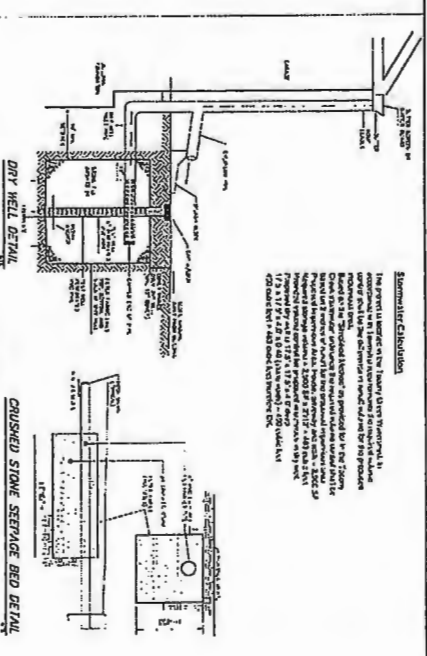
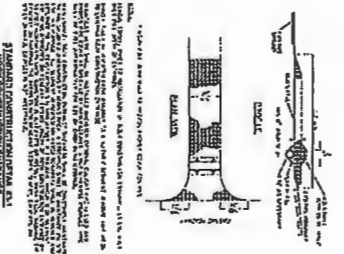
LOCATION MAP
SCALE: 1"=40'



REGISTERED ARCHITECT
PENNSYLVANIA ARCHITECTS BOARD

ACT 187 USERS LIST

Project Name	Project No.	Project Date
130 FISHER ROAD	130-001	12/15/2015
130 FISHER ROAD	130-002	12/15/2015
130 FISHER ROAD	130-003	12/15/2015
130 FISHER ROAD	130-004	12/15/2015
130 FISHER ROAD	130-005	12/15/2015
130 FISHER ROAD	130-006	12/15/2015
130 FISHER ROAD	130-007	12/15/2015
130 FISHER ROAD	130-008	12/15/2015
130 FISHER ROAD	130-009	12/15/2015
130 FISHER ROAD	130-010	12/15/2015



GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION (DOT) STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES FROM DAMAGE DURING CONSTRUCTION.
5. THE CONTRACTOR SHALL MAINTAIN PROPER EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION.
6. THE CONTRACTOR SHALL MAINTAIN PROPER SAFETY MEASURES AT ALL TIMES DURING CONSTRUCTION.
7. THE CONTRACTOR SHALL MAINTAIN PROPER RECORDS OF ALL CONSTRUCTION ACTIVITIES.
8. THE CONTRACTOR SHALL MAINTAIN PROPER COMMUNICATION WITH THE ARCHITECT AND OWNER THROUGHOUT CONSTRUCTION.
9. THE CONTRACTOR SHALL MAINTAIN PROPER QUALITY CONTROL MEASURES THROUGHOUT CONSTRUCTION.
10. THE CONTRACTOR SHALL MAINTAIN PROPER SCHEDULING AND TIMELINESS OF CONSTRUCTION.

CONTRACT INFORMATION

PROJECT NO. 130-001
PROJECT DATE 12/15/2015
PROJECT LOCATION 130 FISHER ROAD, MONROEVILLE, PA 15146
PROJECT OWNER PRICELESS HOMES, LLC
PROJECT ARCHITECT EASTERN/CHAADROW ASSOCIATES, INC.
PROJECT ENGINEER [Signature]



EASTERN/CHAADROW ASSOCIATES, INC.
345 E. STATE ST. SUITE 200
MONROEVILLE, PA 15146
TEL: 724-383-1111
WWW.ECA-PA.COM

PRICELESS HOMES, LLC
130 FISHER ROAD
MONROEVILLE, PA 15146
TEL: 724-383-1111
WWW.PH-HOMES.COM

SECTION 510400 - CURB AND GUTTER

- Provide curb and gutter as shown on drawings and as specified in the notes.
- The contractor shall provide all materials, labor, and equipment necessary for the installation and maintenance of the curb and gutter.
- The curb and gutter shall be installed in accordance with the following specifications:
 - (1) The curb shall be installed in a straight line and shall be finished to a smooth surface.
 - (2) The gutter shall be installed in a straight line and shall be finished to a smooth surface.
 - (3) The curb and gutter shall be installed in a straight line and shall be finished to a smooth surface.
- The contractor shall be responsible for the maintenance of the curb and gutter throughout the life of the project.

SECTION 51050 - CONSTRUCTION SEQUENCE

- The construction sequence shall be as follows:
 1. Excavate and prepare the subgrade.
 2. Install the curb and gutter.
 3. Finish the curb and gutter.

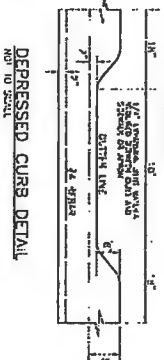
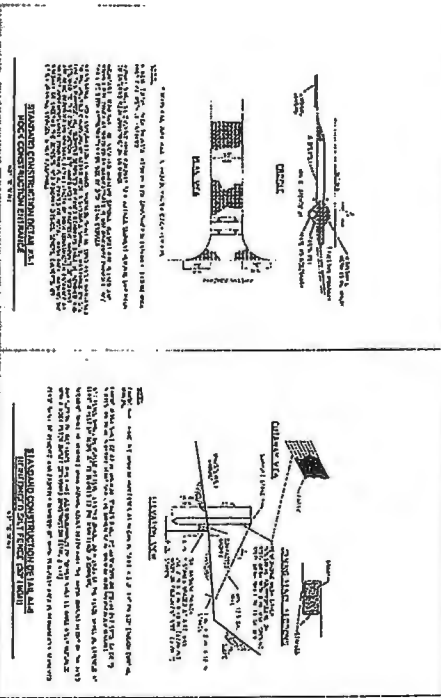
SECTION 51060 - FINISH AND GENERAL CONSTRUCTION NOTES

- The contractor shall provide all materials, labor, and equipment necessary for the installation and maintenance of the curb and gutter.
- The curb and gutter shall be installed in accordance with the following specifications:
 - (1) The curb shall be installed in a straight line and shall be finished to a smooth surface.
 - (2) The gutter shall be installed in a straight line and shall be finished to a smooth surface.
 - (3) The curb and gutter shall be installed in a straight line and shall be finished to a smooth surface.
- The contractor shall be responsible for the maintenance of the curb and gutter throughout the life of the project.

CONSTRUCTION SEQUENCE

The construction sequence shall be as follows:

1. Excavate and prepare the subgrade.
2. Install the curb and gutter.
3. Finish the curb and gutter.



DETAILS SHEET
 150 FISHER ROAD
 MADE FOR
PRICELESS HOMES, LLC
 EASTERN/HEADROW ASSOCIATES, INC.
 201 E. FISHER ROAD, WASHINGTON, PA 15387
 SCALE: 1"=20"
 15 DECEMBER 2015

Code Enforcement and Land Development

BOARD ACTION REQUEST

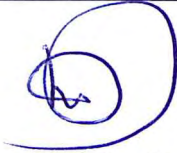
February 1, 2016

CE2

Agenda Item Number

CODE ENFORCEMENT

TOWNSHIP MANAGER



AGENDA ITEM

Ordinance No. 2102

An Ordinance Amending Chapter 162 – “Zoning” Section 200
Flood Plain Conservation Overlay District

PREVIOUS ACTION

- FEMA is in the process of adopting new FIRM Maps as part of the Revised Flood Plain Regulations.
 - Abington Township is required to update the Flood Plain Regulation; last revised in May of 1996.
-

RECOMMENDED BOARD ACTION

For Information Only

- A Public Hearing will be held on Thursday, February 11, 2016 at 7:30 PM on Ordinance No. 2102, The Flood Plain Ordinance
-

COMMENTS

- *Proposed Ordinance 2102 has been taken from the proposed Zoning Ordinance Update, Article XIV. This Section has been placed in a separate Ordinance due to the requirement of FEMA that all Flood Plain Ordinances in the Commonwealth of Pennsylvania be updated by March of 2016.*
- *Propose Ordinance No 2102 was reviewed by the Abington Township Planning Commission on October 27, 2015, November 18, 2015 and January 26, 2016.*
- *Proposed Ordinance No. 2102 has been reviewed by Montgomery County Planning Commission as part of the Zoning Ordinance Update that has taken place over the past two years.*
- *A copy of this Ordinance has been forwarded to Drew Shaw, AICP, Environmental Planning Section Chief, Montgomery County Planning Commission as directed by FEMA.*
- *Ordinance No. 2102 has been recommended for approval by the parties listed above.*

Township of Abington Planning Commission Recommendation Form

Application Number: Ordinance #2102 **Date:** January 26, 2016

Applicant's Name: Township of Abington

Applicant's Address: 1176 Old York Road, Abington, Pa. 19001

Recommendation: **APPROVED** **DENIED** **VOTE:** 8 of 8

Over View: The Planning Commission has been asked to review proposed Ordinance #2102 that would revise the existing standards on Flood Plain Management within the Township of Abington.

Previous Actions:

- Ordinance #2102 has been taken from the Model Flood Plain Ordinance drafted by Montgomery County Planning Commission. Revisions have been made to tailor the ordinance to the needs of Abington Township.
- Ordinance #2102 was included in the Zoning Ordinance Update and has been placed in a standalone ordinance due to the adoption timeline imposed by FEMA.
- Ordinance #2102 has been reviewed by Abington Township Planning Commission on October 27, 2015, November 18, 2015 and January 26, 2016.
- Montgomery County Planning Commission has reviewed the revisions to the Flood Plain Ordinance as part of the Zoning Ordinance Update.
- Ordinance #2102 has been reviewed by Drew Shaw, Chief Environmental Planner for Montgomery County Planning Commission as directed by FEMA.
- Ordinance #2102 has been recommended for approval by the parties listed above.

MAPenecale
1/26/2016

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2102

**AN ORDINANCE AMENDING CHAPTER 162 – “ZONING,” AT
SECTION 600 – “FLOOD PLAIN CONSERVATION OVERLAY DISTRICT,” BY
REPEALING AND REPLACING THE EXISTING PROVISIONS**

WHEREAS, the Township of Abington is a Township of the First Class, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to section 1502.44 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56544, the Board of Commissioners has the authority to enact and amend provisions of the Abington Township Code (“Code”) at any time it deems necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

WHEREAS, the Board of Commissioners of the Township of Abington has determined that Chapter 162 – “Zoning,” Section 600 – “Flood Plain Conservation Overlay District” should be amended by the repeal of the existing provisions and replaced with the provisions attached hereto, incorporated herein and labeled Exhibit “A” for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof.

NOW, THEREFORE, the Board of Commissioners of the Township of Abington does hereby **ENACT** and **ORDAIN** as follows:

1. Chapter 162 – “Zoning,” Section 600 – “Flood Plain Conservation Overlay District” is amended to repeal the existing provisions in their entirety and replacing them with as reflected in Exhibit “A” attached hereto.

2. All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance are hereby repealed.

3. This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this _____ day of _____, 2016.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:

Michael LeFevre, Secretary

By: _____
Wayne C. Luker, President

DRAFT

**Exhibit
"A"**

Article XXVI: FLOODPLAIN CONSERVATION OVERLAY DISTRICT

SECTION 600. Statutory Authorization.

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Floodplain 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 Abington Township, does hereby ordain as follows.

SECTION 600.1. Intent.

The intent of this Ordinance is to:

- A. Protect areas of the floodplain necessary to contain floodwaters.
- B. To permit only those uses in the floodplain that are compatible with preserving existing conditions and stream flow.
- C. Promote the general health, welfare, and safety of the community by preventing development in areas prone to flooding.
- D. Encourage the utilization of appropriate construction practices, tree-planting, and protection of floodplains in order to prevent or minimize flood damage in the future.
- E. Minimize danger to public health by protecting water supply and natural drainage.
- F. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- G. Comply with federal and state floodplain management requirements.
- H. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

SECTION 600.2. 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 March 2, 2016, as hereinafter amended by the Federal Emergency Management Agency, and the Flood Insurance Study (FIS), dated March 2, 2016, and all subsequent revisions and amendments. Said floodplain areas shall consist of the following specific areas:

1. Flood Zones

a. Zone A. Zone A is the flood insurance rate zone used for 1-percent-annual-chance (base flood) floodplains that are determined for the Flood Insurance Study (FIS) by approximate methods of analysis. Because detailed hydraulic analyses are not performed for such areas, no Base Flood Elevations (BFEs) or depths are shown in this zone. Mandatory flood insurance purchase requirements apply.

b. Zone AE. Zone AE is the flood insurance rate zone used for the 1-percent-annual-chance floodplains that are determined for the FIS by detailed methods of analysis. In most instances, BFEs derived from the detailed hydraulic analyses are shown at selected intervals in this zone. Mandatory flood insurance purchase requirements apply. AE zones are areas of inundation by the 1-percent-annual-chance flood, including areas with the 2-percent wave runoff, elevation less than 3.0 feet above the ground, and areas with wave heights less than 3.0 feet. These areas are subdivided into elevation zones with BFEs assigned. The AE zone will generally extend inland to the limit of the 1-percent-annual-chance Stillwater Flood Level (SWEL).

c. Zone AE (No Floodplain Determined). Zone AE (no Floodplain Determined) is the AE zone where the boundaries of the floodplain have not yet been determined.

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. Gibraltar (Gc)
- d. Hatboro (Ha)
- e. Rowland (Rt)
- f. Rowland (RwA)

- g. Rowland (RwB)
 - h. Urban Land Occasionally Flooded (UIA)
- B. In lieu of the above, the 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 Abington Township which is hereby made a part of this article, and additional area based on soils as described in 600.2.A.2. The FIRM is available for inspection at the Township 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 the 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.

SECTION 600.3. Abrogation and Greater Restrictions.

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.

SECTION 600.4. Warning and Disclaimer of Liability.

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.

SECTION 600.5. Definitions.

These definitions shall apply only as they pertain to the Floodplain Conservation District, unless otherwise noted:

600.5.1. General. Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted in accordance with their usual and customary meaning.

600.5.2. Specific Definitions.

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.

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").

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.

Basement – any area of the building having its floor below ground level on all sides.

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.

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.

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.

Existing Structure/Existing Construction – a structure for which the “start of construction” commenced before the effective date of the FIRM,

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).

Flood – a temporary inundation of normally dry land areas.

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.

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.

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.

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. 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.

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 (1').

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

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

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

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 municipal ordinance:
1. Identified individually or as part of a local historic district by a zoning ordinance under the authority of the Pennsylvania Municipalities Planning Code; or
 2. 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.

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.

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.

Manufactured Home Park or Subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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.

New Construction – structures for which the start of construction commenced on or after September, 1978 and includes any subsequent improvements thereto.

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.

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 Abington Township.

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

Post-FIRM Structure – A structure for which construction or substantial improvement occurred after 12/31/1974, or on or after the community's initial FIRM dated 9/30/1977 whichever is later, and, as such would be required to be compliant with the regulations of the NFIP.

Pre-Firm Structure – A structure for which construction or substantial improvement occurred on or before 12/31/1974, or before the community's initial FIRM dated 9/30/1977, and, as such would not be required to be compliant with the regulations of the NFIP.

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; and
- D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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.

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 two (2) feet.

Repetitive Loss – flood related damages sustained by a structure on two or more 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.

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.

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.

Special Floodplain Area – the areas identified as Zone AE in the Flood Insurance Study, where 100-year flood elevations have been provided, but no floodway has been delineated.

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.

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

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.

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 percent (50%) or more of the market value of the structure before the damage occurred.

Substantial Improvement – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage (or "repetitive loss" when a repetitive loss provision is used) regardless of the actual repair work performed. The term does not, however include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. For alteration of historic structures, see Section 600.9.

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 Township, 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.

Violation – means the failure of a structure or other development to be fully compliant with the community's floodplain 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) (Floodplain Management Criteria for Flood-Prone Areas) is presumed to be in violation until such time as that documentation is provided.

SECTION 600.6. Identification of Floodplain Areas.

600.6.1. Identification.

The Floodplain Conservation District shall be any areas of the Township classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) to be added 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. The Floodplain Conservation District shall also include areas with soils listed in 600.2.C, along with any community identified flood hazard areas.

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

600.6.2. Description and Special Requirements of the Floodplain Conservation District.

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

- A. 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 foot (1') at any point.
 1. 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.

2. Construction causing a rise of one foot (1') or more in the BFE shall be prohibited.
 3. No new construction or development shall be allowed, unless a permit is obtained from all agencies having jurisdiction thereof, including but not limited to the Department of Environmental Protection Regional Office.
- B. 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.
1. In AE Area/District without floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one (1) foot.
 2. No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE than one (1) foot at any point.
- C. Community Identified Flood Hazard Areas shall be those areas where the 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.
- D. 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.
- E. In lieu of the above, the 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.

- F. 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.

600.6.3. Changes in Identification of Area.

The Floodplain Conservation District may be revised or modified by the 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.

600.6.4. Boundary Disputes.

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Abington Engineer and any party aggrieved by this decision or determination may appeal to Township Board of Commissioners. The burden of proof shall be on the appellant.

600.6.5. Corporate Boundary Changes.

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 44 CFR §60.3: Floodplain Management Criteria for Floodplain Areas.

SECTION 600.7. Uses Permitted in the Floodplain Conservation District

600.7.1. Uses Permitted by Right.

The following uses are permitted by right in the floodplain Conservation District in compliance with the requirements of this Article:

- A. Open space uses that are primarily passive in character shall be permitted to extend into the floodplain including:
1. Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands, and reforestation.
 2. Recreation trails.

3. Streambank stabilization.
 - B. Agricultural crossings by farm vehicles and livestock are permitted, provided disturbance to any existing woodlands and degradation of water quality are minimized to the greatest extent practicable.
 - C. 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. With respect to the Township's Riparian Corridor Conservation District or similar regulations, the more restrictive regulation shall apply.
 - D. Forestry operations reviewed by the Montgomery County Conservation District.
 - E. Public sewer and/or water lines and public utility transmission lines running along or within the corridor.

600.7.2. Use Permitted by Special Exception.

Driveways serving single family detached dwelling units, roadways, recreational trails, railroads, and utilities are permitted to cross the floodplain, provided disturbance to any existing woodlands and degradation of water quality are minimized to the greatest extent practicable. No driveways shall be permitted as a special exception if viable alternative alignments are feasible. In any case, pervious rather than impervious materials shall be utilized in the construction of any road or driveway situated within a floodplain.

600.7.3. Uses Prohibited in the Floodplain Conservation District.

Any use, activity, or expansion of such use or activity, not authorized within the Floodplain Conservation District, and the following activities and facilities are specifically prohibited:

- A. Use, activity or expansion of such use or activity within the required yard areas. All setbacks shall be measured from the nearest point of the floodplain.
- C. 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. However, existing fences may be replaced, provided they are constructed of open wire mesh or split rail.
- D. Placement of fill within the 100 year floodplain is prohibited.
- E. Removal of topsoil, except as permitted by special exception within this section.
- F. No encroachment, alteration, or improvement of any kind shall be made to any watercourse.

- G. Clearing of all existing vegetation, except where such clearing is necessary to prepare land for a use permitted under 600.7.1 herein, and where the effects of these actions are mitigated by re-establishment of vegetation.
- H. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards.
- I. Roads or driveways, except where permitted as corridor crossings in compliance with 600.7.2 herein.
- J. Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume.
- K. Parking lots.
- L. Subsurface sewage disposal areas.
- M. Sod farming.
- N. Stormwater basins, including necessary berms and outfall facilities.
- O. All freestanding structures and buildings and retaining walls, with the exception of flood retention dams, culverts, and bridges, as approved by the Pennsylvania Department of Environmental Protection.
- P. Sanitary landfills, dumps, junkyards, outdoor storage of vehicles and materials.
- P. Private water supply wells.

SECTION 600.8. Nonconforming Structures and Uses in the Floodplain District.

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 600.9 of this ordinance, and the provisions of the Abington Township Zoning Code shall apply.

SECTION 600.9. Improvements to Existing Structures in the Floodplain Conservation District.

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

- A. 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.

- B. No expansion or enlargement of an existing structure shall be allowed within any AE Area/District with floodway, as defined in 600.6.2.B that would, together with all other existing and anticipated development, increase the BFE.
- C. No expansion or enlargement of an existing structure shall be undertaken in the direction of the stream bank.
- D. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty percent (50%) 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.
- E. 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 an 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.
- F. The above activity shall also address the requirements of the 34 Pa. C.S. §§401-405, as amended, and 35 P.S. §§7210:101 - 7210:103, as amended from time to time, including but not limited to the most recent versions International Building Code and International Residential Code, as adopted or hereinafter amended by the Township of Abington.
- G. 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.

SECTION 600.10. Variances.

600.10.1. General.

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Township may, upon request, grant relief from the strict application of the requirements.

600.10.2. Variance or Special Exception Procedures and Conditions

- A. For a use other than those permitted in 600.7.1, an application seeking approval by variance or special exception shall be forwarded to the Zoning Hearing Board and Township Engineer along with required studies or information and the findings of the Planning and Zoning Officer and Township Engineer.

- B. No variance or special exception shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the BFE.
- C. No variance or special exception shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- D. No variance or special exception shall be granted for any of the other requirements pertaining specifically to development regulated by 600.10.3 or 600.11.3.A.
- E. The Zoning Hearing Board shall hold a public hearing within 60 days after an application is filed.
- F. The effect of the use shall not substantially alter the cross-sectional profile of the streams and floodplains at the location of the proposed use.
- G. Lands abutting the waterway, both upstream and downstream, shall not be unreasonably affected by the proposed use.
- H. The general welfare or public interest of Abington Township or of other municipalities in the same watershed shall not be adversely affected.
- I. Any structures permitted by special exception or variance shall be constructed and placed on the lot 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 floodwater. All new construction shall have the lowest floor, including the basement, elevated to one (1) foot above the BFE.
- J. Any structures permitted by special exception or variance shall include appropriate flood-proofing measures, including those required by the Township Building Code, as amended to date of application, and the provisions of this Article.
- K. Affirmative decisions shall only be issued upon determination that it is the minimum necessary, considering the flood hazard, to afford relief. An affirmative decision shall not be issued by the Zoning Hearing Board within the designated floodway if any increase in the flood levels during the base flood discharge would result. An affirmative decision by the Township Zoning Hearing Board within the Special Floodplain District shall not be granted if the activity, construction, development, or use should cause an increase of one (1) foot or more in the BFE.

- L. Affirmative decisions shall only be issued by the Zoning Hearing Board upon a showing of good and sufficient cause; a determination that failure to grant the appeal would result in exceptional hardship to the applicant; and a determination that the granting of an appeal will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- M. The Zoning Hearing Board shall notify the applicant in writing over the signature of community officials that the issuance of a decision to allow construction of a structure below the BFE will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with a record of all decisions as required above.
- N. The Zoning Hearing Board shall maintain a record of all decisions, including justification for their issuance, and report such decisions issued in its annual report submitted to the Federal Insurance Administration.

600.10.3. Special Requirements for Subdivisions.

All subdivision proposals and development proposals containing at least 50 lots or at least five (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.

600.10.4. Special Requirements for Manufactured Homes

- A. Within the Floodplain Conservation District, manufactured homes shall be prohibited within the area measured 50' landward from the top-of-bank of any watercourse.
- B. Where permitted by variance within the Floodplain Conservation District, all manufactured homes, and any improvements thereto, shall be:
 - 1. Placed on a permanent foundation.
 - 2. Elevated so that the lowest floor of the manufactured home is at least two feet (2') above the Base Flood Elevation.
 - 3. Anchored to resist flotation, collapse, or lateral movement.
- C. 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 the U.S.

Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto, and the Pennsylvania Uniform Construction Code, 35 P.S. §§7210.101 - 7210.1103, as amended from time to time, including but not limited to the most recent version of the International Residential Code, as adopted or hereinafter amended by the Township of Abington shall apply.

- D. Consideration shall be given to the installation requirements of the Pennsylvania Code, 34 Pa. Code Chapters 401-405, as amended from time to time, and the Pennsylvania Uniform Construction Code, 35 P.S. §§7210.101 - 7210.1103, as amended from time to time, including but not limited to the most recent versions of the International Building Code and International Residential Code, as adopted or hereinafter amended by the Township of Abington, where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed installation.

600.10.5. Special Requirements for Recreational Vehicles

Recreational vehicles in Zones A1-30, AH and AE must either be:

- A. On the site for fewer than 180 consecutive days and consistent with the accessory use regulations found within the Abington Township Zoning Code, and
- B. Be fully licensed and ready for highway use, or
- C. Meet the permit requirements for manufactured homes in 600.10.4.

600.10.6. Variance Conditions

- A. If granted, a variance shall involve only the least modification necessary to provide relief.
- B. 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.
- C. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - 1. The granting of the variance may result in increased premium rates for flood insurance.
 - 2. Such variances may increase the risks to life and property.

- D. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:
1. That there is good and sufficient cause, including:
 - a. 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.
 - b. 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.
 - c. That such unnecessary hardship has not been created by the appellant.
 - d. 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.
 2. That failure to grant the variance would result in exceptional hardship to the applicant.
 3. That the granting of the variance will:
 - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
 - b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
 4. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to FEMA.

SECTION 600.11. Technical Provisions in the Event of a Variance Being Granted

600.11.1. General.

In granting any variance, Abington 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 Township.

- A. 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 Township, 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, FEMA and Pennsylvania Department of Community and Economic Development (DCEd), shall be notified prior to any alteration or relocation of any watercourse.

- B. The Township 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. An 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 of one (1) foot or more in the base flood elevation; or
 - 3. Alteration or relocation of a stream (including but not limited to installing culverts and bridges).

- C. Any new construction, development, uses or activities allowed by variance within the 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.

600.11.2. 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 two (2) feet above, the regulatory flood elevation. The design and construction standards and specifications contained in the Pennsylvania Code, 34 Pa. Code Chapters 401-405, as amended from time to time, and the Pennsylvania Uniform Construction Code, 35 P.S. §§7210.101 - 7210.1103, as amended from time to time, including but not limited to the most recent versions of the International Building Code and International Residential Code, as adopted or hereinafter amended by the Township of Abington American Society of Civil Engineers (“ASCE”) Standard 24 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 600.6.2.D 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 requirements of the Pennsylvania Code, 34 Pa. Code Chapters 401-405, as amended from time to time, and the Pennsylvania Uniform Construction Code, 35 P.S. §§7210.101 - 7210.1103, as amended from time to time, including but not limited to the most recent versions of the International Building Code and International Residential Code, as adopted or hereinafter amended by the Township of Abington and ASCE Standard 24 shall be utilized.

B. Nonresidential Structures

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a nonresidential 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 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 600.6.2 of this ordinance.
3. In the AO Apartment Office District, 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 nonresidential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 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.

- C. The design and construction standards and specifications contained in the Pennsylvania Code, 34 Pa. Code Chapters 401-405, as amended from time to time, and the Pennsylvania Uniform Construction Code, 35 P.S. §§7210.101 - 7210.1103, as amended from time to time, including but not limited to the most recent versions of the International Building Code and International Residential Code, as adopted or hereinafter amended by the Township of Abington and ASCE Standard 24 shall be used.

D. 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. Minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. The bottom of all openings shall be no higher than one foot (1') above grade.
 - c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they not inhibit the automatic entry and exit of floodwaters.

E. Accessory structures. 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:

1. 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.
2. Floor area shall not exceed 100 s.f.
3. The structure will have a low damage potential.
4. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
5. Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
6. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. Sanitary facilities are prohibited.

8. 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:
 - a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - 1) The bottom of all openings shall be no higher than one (1) foot above grade.
 - 2) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they not inhibit the automatic entry and exit of flood waters.

600.11.3. Special Technical Requirements (in the Event of a Variance Being Granted)

- A. Development Which May Endanger Human Life. In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community and Economic Development (DCED) 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:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium

16. Sulphur and sulphur products
 17. Pesticides (including insecticides, fungicides, and rodenticides)
 18. 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 two feet (2') above the Base Flood Elevation; and
 2. Designed to prevent pollution from the structure or activity during the course of a base flood elevation.
 2. 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.

600.11.4. Design and Construction Standards.

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

- A. Fill. If fill is used, it shall:
1. Extend laterally at least fifteen feet (15') beyond the building line from all points;
 2. Consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
 3. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
 4. 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
 5. Be used to the extent to which it does not adversely affect adjacent properties.
- B. 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

ensure 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.

C. Water and Sanitary Sewer Facilities and Systems

1. 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.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. 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.
4. 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.

D. 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.

E. Streets. The finished elevation of all new streets shall be no more than one foot (1') below the Regulatory Flood Elevation.

F. 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 600.11.3.A, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.

G. 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 minimal effect upon the flow and height of flood water.

H. Anchoring

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

2. 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.

I. Floors, Walls and Ceilings

1. 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.
2. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
3. 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.
4. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

J. Paints and Adhesives

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

K. Electrical Components

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

L. 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.

M. 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.

- N. **Uniform Construction Code Coordination.** The Standards and Specifications contained in the Pennsylvania Code, 34 Pa. Code Chapters 401-405, as amended from time to time, and the Pennsylvania Uniform Construction Code, 35 P.S. §§7210.101 - 7210.1103, as amended from time to time, including but not limited to the most recent versions of the International Building Code and International Residential Code, as adopted or hereinafter amended by the Township of Abington 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.

SECTION 600.12. Activities Requiring Special Permits.

600.12.1. General.

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development (DCED) to implement the Pennsylvania Floodplain Management Act, the activities indicated in 600.12.1.A and 600.12.1.B below shall be prohibited within the Floodplain Conservation District unless a Special Permit has been issued by the Township. In order to apply for a special permit, a variance must first be obtained, as outlined in Section 600.10: Variances.

- A. 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
- B. 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.

600.12.2. Application Requirements for Special Permits

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

- A. A written request including a completed Special Permit Application Form.
- B. A small scale map showing the vicinity in which the proposed site is located.

- C. A plan of the entire site, clearly and legibly drawn at a scale of one inch (1") being equal to one 100' or less, showing the following:
1. North arrow, scale and date;
 2. Topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two feet (2');
 3. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 4. The location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 5. 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;
 6. 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;
 7. The location of all proposed buildings, structures, utilities, and any other improvements; and
 8. Any other information which the Township considers necessary for adequate review of the application.

D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

1. Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
2. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
3. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood elevation;
4. Detailed information concerning any proposed floodproofing measures;

5. Cross section drawings for all proposed streets, drives, other access ways, and parking areas, showing all rights-of-way and pavement widths;
6. Profile drawings for all proposed streets, drives, and vehicular access ways including existing and proposed grades; and
7. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

1. 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;
2. 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;
3. 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;
4. 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;
5. 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;
6. The appropriate component of the Department of Environmental Protection's (DEP's) "Planning Module for Land Development;"
7. 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;

8. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection (DEP) under Section 302 of Act 1978-166; and
9. 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.

600.12.3. Application Review Procedures.

Upon receipt of an application for a Special Permit by the Township, the following procedures shall apply in addition to those of SECTION 600.1, through SECTION 600.4:

- A. 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 Montgomery County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning commission and Township Engineer for review and comment.
- B. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respect the application is deficient.
- C. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If the 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 (DCED), by registered or certified mail, within five (5) working days after the date of approval.
- E. Before issuing the Special Permit, the Township shall allow the Department of Community and Economic Development (DCED) thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township.
- F. If the Township does not receive any communication from the Department of Community and Economic Development (DCED) during the thirty (30) day review period, it may issue a Special Permit to the applicant.
- G. If the Department of Community and Economic Development (DCED) should decide to disapprove an application, it shall notify Abington Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

600.12.4. Special Technical Requirements (for Proposed Developments Requiring a Special Permit)

- A. In addition to the requirements of Section 600.11 hereof, 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 600.6 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 Base Flood Elevation (BFE).
 - b. The lowest floor (including basement) will be elevated to at least two (2) feet above the Base Flood Elevation (BFE).
 - 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 the Township and the Department of Community and Economic Development (DCED).

SECTION 600.13. Administration.

600.13.1. Designation of the Floodplain Administrator.

The Zoning Officer is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator.

600.13.2. 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 Floodplain Conservation District Permit.

600.13.3 Duties and Responsibilities of the Floodplain Administrator.

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. 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 Board of Commissioners for whatever action it considers necessary.

- G. The Floodplain Administrator shall maintain all records associated with the requirements of this ordinance including, but not limited to, permitting, inspection and enforcement.
- H. The Floodplain Administrator shall consider the requirements of the Pennsylvania Code, 34 Pa. Code Chapters 401-405, as amended from time to time, and the Pennsylvania Uniform Construction Code, 35 P.S. §§7210.101 - 7210.1103, as amended from time to time, including but not limited to the most recent versions of the International Building Code and International Residential Code, as adopted or hereinafter amended by the Township of Abington.

600.13.4. Application Procedures and Requirements

- A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by Abington 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 with 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 are 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 inch (1") being equal to 100' or less, showing the following:
 - a. North arrow, scale, and date;
 - b. Topographic contour lines at two (2) foot intervals, 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 100' 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 2006 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 more than one foot (1') at any point.
 - 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. 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 600.11.4(F), and 600.11.3(A) hereof, including:
 - 1) The amount, location and purpose of any materials or substances referred to in 600.11.3(A) and 600.11.4(F) which are intended to be used, produced, stored or otherwise maintained on site.
 - 2) 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 600.11.3(A).
 - 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 Township based upon the estimated cost of the proposed construction as determined by the Floodplain Administration.

600.13.5. Review by County Conservation District.

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.

600.13.6. Review of Application by Others.

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. Township Planning Commission, Township Engineer, etc.) for review and comment.

600.13.7. Changes.

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.

600.13.8. Placards.

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 and the date of its issuance, and shall be signed by the Floodplain Administrator.

600.13.9. Start of Construction.

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 Article II: Definitions of this ordinance.

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.

600.13.10. 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;
 - 5. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.
- B. Penalties. See the current Building Code of the State of Pennsylvania.

600.13.11. 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 Zoning Hearing Board. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the Floodplain Administrator.
- B. Upon receipt of such appeal the Zoning Hearing Board shall set a time and place, within not less than ten (10) or not more than 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 Zoning Hearing Board may seek relief there from by appeal to court, as provided by the laws of this State including the Pennsylvania Floodplain Management Act.

600.14. Severability

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 this Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

DRAFT

BOARD ACTION REQUEST

CODE ENFORCEMENT COMMITTEE

February 1, 2016
DATE

CE3
AGENDA ITEM NUMBER

DEPARTMENT

AGENDA ITEM

TOWNSHIP MANAGER

Administration

Montgomery County
Comprehensive Plan Presentation



PREVIOUS ACTIONS

None

RECOMMENDED BOARD ACTION

For Information Only

Presentation of the Montco 2040 Comprehensive Plan by representatives of the County Planning Department.

COMMENTS