

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**
VALERIE A. ARKOOSH, MD, MPH, CHAIR
KENNETH E. LAWRENCE, JR., VICE CHAIR
JOSEPH C. GALE, 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

November 2, 2017

Mr. Christopher Leswing, Assistant Planning Director
Building & Planning Department
Township of Lower Merion
75 East Lancaster Avenue
Ardmore, PA 19003

Re: MCPC #17-0182-002
Development in Floodway Fringe
Township of Lower Merion

Dear Mr. Leswing:

We have reviewed the above-referenced zoning ordinance text amendments in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code" as you requested on October 12, 2017. We forward this letter as a report of review and recommendations.

BACKGROUND

The proposed zoning text amendments will make the following amendments to the Township's zoning ordinance as it relates to development in the Floodplain District:

- Amend §155-158.A. to clarify that certain types of development are permitted by conditional use by referencing the new §155-160.1
- Delete §155-160.D. and add §155-160.1 "Schuylkill River Floodway Fringe" providing standards for development in the floodway fringe of the Schuylkill River to be permitted by special exception (or conditional use if land development approval is required). Section 155-160.1.D. allows structures in the M Manufacturing and Industrial District to be constructed so that portions of all rooms, including basements, are at or above the base flood level, rather than 24 inches above the base flood level.



This ordinance was previously reviewed in a review letter dated August 22, 2017.

RECOMMENDATION

The Montgomery County Planning Commission (MCPC) has identified a planning concern related to the proposed ordinance to reduce the required freeboard for development in the M – Manufacturing and Industrial zoning district that the Township may wish to consider prior to adoption of the proposed ordinance language. Our review comments are as follows:

REVIEW COMMENTS

PROPOSED FREEBOARD

We wish to reiterate our comment regarding the proposed freeboard as was discussed in our previous review letter dated August 22, 2017, which has been attached here for your reference.

The Township's current Floodplain District ordinance requires that structures developed in the floodway fringe of the Schuylkill River be constructed with all portions of all rooms, including basements, at least 24 inches above the base flood level. The required height of the lowest elevation of a structure above the base flood level is known as the "freeboard." A freeboard is a safety factor meant to reduce the likelihood of significant damage from flood events by taking into consideration that other factors can influence and potentially increase the actual height of floodwaters resulting from each individual flood event.

The proposed zoning text amendment would read "in the M Manufacturing and Industrial District, non-residential structures may be constructed if all portions of all rooms, including basements, are constructed at or above the base flood level". The word "above" in the proposed zoning text amendment is vague and the County recommends that a specific measurement for any amended freeboard be used instead.

CONCLUSION

The Montgomery County Planning Commission has identified a planning concern related to the proposed ordinance to amend the standards for development within the floodway fringe of the Schuylkill River that we feel that the Township may wish to take into consideration when evaluating the proposed ordinance.

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 proposed amendments will be made by the municipality.

Should the governing body adopt these proposed zoning ordinance text amendments, Section 609 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,

A handwritten signature in black ink that reads "Marley B Bice". The signature is written in a cursive, flowing style.

Marley Bice, AICP, Senior Planner
610-278-3740 – mbice@montcopa.org

c: Ernie B. McNeely, Twp. Manager
Gilbert P. High, Jr., Esq., Twp. Solicitor
Edward P. Pluciennik, P.E., Twp. Engineer

Attachment: MCPC Review Letter Dated August 22, 2017

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**
VALERIE A. ARKOOSH, MD, MPH, CHAIR
KENNETH E. LAWRENCE, JR., VICE CHAIR
JOSEPH C. GALE, 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

August 22, 2017

Mr. Christopher Leswing, Assistant Planning Director
Building & Planning Department
Township of Lower Merion
75 East Lancaster Avenue
Ardmore, PA 19003

Re: MCPC #17-0182-001
Development in Floodway Fringe
Township of Lower Merion

Dear Mr. Leswing:

We have reviewed the above-referenced zoning ordinance text amendments in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code" as you requested on July 29, 2017. We forward this letter as a report of review and recommendations.

BACKGROUND

The proposed zoning text amendments will make the following amendments to the Township's zoning ordinance as it relates to development in the Floodplain District:

- Amend §155-160.D. to require conditional use approval for development in the floodway fringe of the Schuylkill River if land development approval is required, rather than the special exception approval that is currently required
- Amend §155-160.D.(4) to allow structures in the M Manufacturing and Industrial District to be constructed so that all portions of all rooms, including basements, are above the base flood level, rather than 24 inches above the base flood level



RECOMMENDATION

The Montgomery County Planning Commission (MCPC) has identified several planning concerns with the proposed ordinance to reduce the required freeboard for development in the M – Manufacturing zoning district that the Township may wish to consider prior to adoption of the proposed ordinance language. Our review comments are as follows:

REVIEW COMMENTS

PROPOSED FREEBOARD

The Township's current Floodplain District ordinance requires that structures developed in the floodway fringe of the Schuylkill River be constructed with all portions of all rooms, including basements, at least 24 inches above the base flood level. The required height of the lowest elevation of a structure above the base flood level is known as the "freeboard." A freeboard is a safety factor meant to reduce the likelihood of significant damage from flood events by taking into consideration that other factors can influence and potentially increase the actual height of floodwaters resulting from each individual flood event.

The proposed zoning text amendment would read "in the M Manufacturing and Industrial District structures may be constructed if all portions of all rooms, including basements, are above the base flood level." The word "above" in the proposed zoning text amendment is vague and the County recommends that a specific measurement for any amended freeboard be used instead.

Although the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) standards do not require a freeboard, communities are generally encouraged to adopt at least a 12 inch freeboard. Adopting a freeboard can result in lower flood insurance rates for impacted properties due to potential lower flood risks. The Township may wish to consider any potential impacts on flood insurance rates if the freeboard safety factor was eliminated or significantly reduced for development in certain areas of the floodplain.

APPROVAL PROCEDURES

The proposed zoning text amendments would allow development in the floodway fringe of the Schuylkill River to be approved through conditional use if land development approval is required, rather than by special exception. The Township's current Floodplain District ordinance Section 155-159 ("Procedure for special exceptions and variances; duties") establishes the procedure and criteria for evaluating special exceptions. If certain uses or activities were to be permitted within the Floodplain District by conditional use instead, this could result in inconsistent application of the floodplain conservation standards adopted by the Township.

CONCLUSION

The Montgomery County Planning Commission has identified several planning concerns with the proposed ordinance to amend the standards for development within the floodway fringe of the Schuylkill River that we feel that the Township may wish to take into consideration when evaluating the proposed ordinance.

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 proposed amendments will be made by the municipality.

Should the governing body adopt these proposed zoning ordinance text amendments, Section 609 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,

A handwritten signature in black ink that reads "Marley Bice". The signature is written in a cursive, flowing style.

Marley Bice, AICP, Senior Planner
610-278-3740 – mbice@montcopa.org

c: Ernie B. McNeely, Twp. Manager
Gilbert P. High, Jr., Esq., Twp. Solicitor
Edward P. Pluciennik, P.E., Twp. Engineer