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**PART 1**

**General Provisions**

**§101. Intent.**

The intent of this Chapter is to:

- A. Promote the general health, welfare and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units and its residents by preventing excessive development in areas subject to flooding.
- E. Comply with Federal and State floodplain management requirements.

(Ord. 13A, 11/12/1991, §1.00)

**§102. Applicability.**

- 1. 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 building permit has been obtained from the Building Permit Officer.
- 2. A building permit shall not be required for minor repairs to existing buildings or structures.

(Ord. 13A, 11/12/1991, §1.01)

**§103. Abrogation and Greater Restrictions.**

This Chapter supersedes any other conflicting provisions which may be in effect in identified floodplain areas. 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 Chapter, the more restrictive shall apply.  
(Ord. 13A, 11/12/1991, §1.02)

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### **§104. Severability.**

If any Section, subsection, paragraph, sentence, clause or phrase of this Chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter, which shall remain in full force and effect, and for this purpose the provisions of this Chapter are hereby declared to be severable. (Ord. 13A, 11/12/1991, §1.03)

### **§105. Warning and Disclaimer of Liability.**

1. The degree of flood protection sought by the provisions of this Chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply the areas outside any identified floodplain area, or that land uses permitted within such areas will be free from flooding or flood damages.
2. This Chapter shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

(Ord. 13A, 11/12/1991, §1.04)

## PART 2

### Administration

#### **§201. Building Permits Required.**

Building permits shall be required before any construction or development is undertaken within any area of the Township. (Ord. 13A, 11/12/1991, §2.00)

#### **§202. Issuance of Building Permits.**

1. The Permit Officer shall issue a building permit only after it has determined that the proposed work to be undertaken will be in conformance with the requirements of this Chapter and all other applicable codes and ordinances.
2. Prior to the issuance of any building permit, the Permit Officer shall review the application for 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), 35 P.S., §750.1-750.20; the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended), 32 P.S. §693.1 et seq.; the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the U.S. Clean Water act, §404, 33 U.S.C. §1334. No permit shall be issued until this determination has been made.
3. 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, Bureau of Dams and Water Management.
4. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development shall be notified by the Township prior to any alteration or relocation of any watercourse.

(Ord. 13A, 11/12/1991, §2.01; as amended by Ord. 2/12/2002)

#### **§203. Application Procedures and Requirements.**

1. Application for such a building permit shall be made, in writing, to the Permit Officer on forms supplied by the Township. Such application shall contain the following: [Ord. 2/12/2002]
  - A. Name and address of applicant.

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- B. Name and address of owner of land on which proposed construction is to occur.
  - C. Name and address of contractor.
  - D. Site location.
  - E. Listing of other permits required.
  - F. Brief description of proposed work and estimated cost.
  - G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Permit Officer to determine that: [Ord. 2/12/2002]
- A. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all applicable codes and ordinances.
  - B. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
  - C. Adequate drainage is provided so as to reduce exposure to flood hazards.
  - D. Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in §502 as may be required by the Permit Officer to make the above determination). [Ord. 2/12/2002]
    - (1) A completed building permit application form.
    - (2) A plan of the entire site, clearly and legibly drawn at a scale of one-inch being equal to 100 feet or less, showing the following:
      - (1) North arrow, scale and date.
      - (2) Topographic contour lines, if available.
      - (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
  - E. The location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development.

- F. The location of all existing streets, drives and other accessways.
- G. The location of any existing bodies of water or watercourses, identified floodplain areas and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
  - (1) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
    - (a) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.
    - (b) The elevation of one-hundred-year flood.
    - (c) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred-year flood.
    - (d) Detailed information concerning any proposed floodproofing measures.
  - (2) The following data and documentation:
    - (a) 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 one-hundred-year flood elevations, pressures, velocities, impact and uplift forces associated with the one-hundred-year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
    - (b) Detailed information needed to determine compliance with §402(F), "Storage," and §403, "Development Which May Endanger Human Life," including:
      - (1) The amount, location and purpose of any dangerous materials or substances 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 §403 during a one-hundred-year flood.

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- (3) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development." [Ord. 2/12/2002]
- (4) 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. [Ord. 2/12/2002]

(Ord. 13A, 11/12/1991, §2.02; as amended by Ord. 2/12/2002)

### **§204. Review by County Conservation District.**

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Permit Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Permit Officer for possible incorporation into the proposed plan. (Ord. 13A, 11/12/1991, §2.04; as amended by Ord. 2/12/2002)

### **§205. Review of Application by Others.**

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Permit Officer to any other appropriate agencies and/or individuals (e.g. Planning Commission, Township Engineer, etc.) for review and comment. (Ord. 13A, 11/12/1991, §2.04; as amended by Ord. 2/12/2002)

### **§206. Changes.**

After the issuance of a building permit by the Permit Officer, 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 Permit Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Permit Officer for consideration. (Ord. 13A, 11/12/1991, §2.05; as amended by Ord. 2/12/2002)

### **§207. Placards.**

In addition to the building permit, the Permit Officer 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 building permit, the date of its issuance, and be signed by the Permit Officer. (Ord. 13A, 11/12/1991, §2.06; as amended by Ord. 2/12/2002)



**§208. Start of Construction.**

1. Work on the proposed construction and/or development shall begin within six months and shall be completed within 12 months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.
2. Time extensions shall be granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Permit Officer to approve such a request.

(Ord. 13A, 11/12/1991, §2.07; as amended by Ord. 2/12/2002)

**§209. Inspection and Revocation.**

1. During the construction period, the Permit Officer 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 Township laws and ordinances. He shall make as many inspections during the completion of the work as are necessary. [Ord. 2/12/2002]
2. In the discharge of his duties, the Permit Officer shall have the authority to enter any building, structure, premises or development in the identified floodprone area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Chapter. [Ord. 2/12/2002]
3. In the event the Permit Officer 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 Permit Officer shall revoke the building permit and report such fact to the Township for whatever action it considers necessary. [Ord. 2/12/2002]
4. A record of all such inspections and violations of this Chapter shall be maintained.

(Ord. 13A, 11/12/1991, §2.08; as amended by Ord. 2/12/2002)

**§210. Fees.**

Applications for a building permit shall be accompanied by a fee, payable to the Township, based upon the estimated cost of the proposed construction as determined by the

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Permit Officer established from time to time by resolution of the Board of Supervisors of the Township. (Ord. 13A, 11/12/1991, §2.09; as amended by Ord. 2/12/2002)

### **§211. Enforcement.**

1. Notices. Whenever the Permit Officer or other authorized Township representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, or of any regulation adopted pursuant thereto, the Permit Officer shall give notice of such alleged violation as hereafter provided. Such notice shall (A) be in writing; (B) include a statement of the reasons for its issuance; (C) allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires; (D) 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; (E) contain an outline of the remedial action which, if taken, will effect compliance with the provisions of this Chapter.
2. Penalty. Any person who fails to comply with any or all of the requirements or provisions of this Chapter or who fails or refuses to comply with any notice, order or direction of the Permit Officer or any other authorized employee of the Township shall be, upon conviction thereof, in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Chapter continues or each Part of this Chapter which shall be found to have been violated shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Chapter. The imposition of a penalty for violation of, or noncompliance with, this Chapter shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered or relocated in noncompliance with this Chapter may be declared by the Board of Supervisors of the Township to be a public nuisance and abatable as such.

(Ord. 13A, 11/12/1991, §2.10; as amended by Ord. 2/12/2002)

### **§212. Appeals.**

1. Any person aggrieved by an action or decision of the Permit Officer concerning the administration of the provisions of this Chapter may appeal to the Board of Supervisors. Such appeal must be filed, in writing, with 30 days after the decision or action of the Permit Officer.

2. Upon receipt of such appeal the Board of Supervisors shall set a time and place, within not less than 10 nor more than 30 days, for the purpose of considering the appeal.
3. Any person aggrieved by any decision of the Board of Supervisors may seek relief therefrom by appeal to court, as provided by the laws of the Commonwealth, including the Pennsylvania Floodplain Management Act.

(Ord. 13A, 11/12/1991, §2.11; as amended by Ord. 2/12/2002)



## PART 3

### Identification of Floodplain Areas

#### §301. Identification.

The identified floodplain area shall be any area of the Township subject to the one-hundred-year flood, which is identified as Zone A (Area of Special Flood Hazard) on the Flood Insurance Rate Map (FIRM), dated September 1, 1986, (or the most recent revision thereof) as issued by the Federal Emergency Management Agency. (Ord. 13A, 11/12/1991, §3.00)

#### §302. Determination of the One-Hundred-Year Flood Elevation.

1. For the purpose of this Chapter, the one-hundred-year flood elevation shall be used as the basis for regulation. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one-hundred-year elevation, as well as a floodway area, if possible. When no other information is available, the one-hundred-year elevation shall be determined by using a point on the boundary of the identified floodplain area which is near the construction site in question.
2. 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 thorough technical review by the Township.

(Ord. 13A, 11/12/1991, §3.01)

#### §303. Changes in Identification of Area.

The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such changes, approval must be obtained from the Federal Insurance Administration (FIA). (Ord. 13A, 11/12/1991, §3.02; as amended by Ord. 2/12/2002)

#### §304. Boundary Disputes.

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township Planning Commission and any party aggrieved

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by this decision may appeal to the Board of Supervisors. The burden of proof shall be on the appellant. (Ord. 13A, 11/12/1991, §3.03)

## PART 4

### General Technical Requirements

#### §401. General.

1. In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this Chapter and all other applicable codes and ordinances in force in the Township.
2. Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management. [Ord. 2/12/2002]
3. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved residential structure shall be 1 1/2 feet or more above the one-hundred-year flood elevation.
4. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved non-residential structure shall be 1 1/2 feet or more above the one-hundred-year flood elevation or be floodproofed up to that height. Any non-residential structure or part thereof, having the lowest floor (including basement) which is not elevated to at least 1 1/2 feet above the one-hundred-year flood elevation, shall be floodproofed in a complete or essentially dry manner in accordance with W-1 or W-2 Classification standard contained in the publication entitled "Floodproofing Regulations," published by the U.S. Army Corps of Engineers (June 1972) or with some other equivalent standard. All plans and specifications for such flood proofing 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 above referenced standards.
5. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one-hundred-year flood elevation.
6. Enclosed areas below the lowest floor (including basement) are prohibited.

(Ord. 13A, 11/12/1991, §4.00; as amended by Ord. 2/12/2002)

#### §402. Design and Construction Standards.

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

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- A. Fill. If fill is used, it shall:
- (1) Extend laterally at least 15 feet 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 vertical to two horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Permit Officer. [Ord. 2/12/2002]
  - (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 insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- C. Water and Sanitary Sewer Facilities and Systems.
- (1) All new or replacement water 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 identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- D. 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 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



§403, “Development Which May Endanger Human Life,” shall be stored at or above the regulatory flood elevation and/or floodproofed 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 minimum 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 or 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.

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- (1) Electrical distribution panels shall be at least three feet above the one-hundred flood elevation.
  - (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- J. Equipment. Water heaters, furnaces, air conditioning and ventilating units and others mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.
- K. Fuel Supply System. 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.

(Ord. 13A, 11/12/1991, §4.01; as amended by Ord. 2/12/2002)

### **§403. Development Which May Endanger Human Life.**

1. In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which: [Ord. 2/12/2002]
  - A. Will be used for the production or storage of any of the following dangerous materials or substances;
  - B. Will be used for any activity requiring the maintenance of a supply of more than 550 gallons other comparable volume, of any of the following dangerous materials or substances on the premises;
  - C. Will involve the production, storage or use of any amount of radioactive substances;
  - D. 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) Hydrocyanic Acid.
  - (9) Hydrochloric 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.
2. Within any identified floodplain area, any new or substantially improved structure of the kind described in Subsection (1), above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
  3. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in Subsection (1), above, shall be:
    - A. Elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above the one-hundred-year flood.
    - B. Designed to prevent pollution from the structure or activity during the course of a one-hundred-year flood.

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, "Floodproofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

(Ord. 13A, 11/12/1991, §4.02; as amended by Ord. 2/12/2002)

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### **§404. Special Requirements for Manufactured Homes.**

Where permitted within any identified floodplain area, all manufactured homes and additions thereto shall be:

- A. Placed on a foundation.
- B. Elevated so that the lowest floor of the manufactured home has 1 1/2 feet or more above the elevation of the one-hundred-year flood. [Ord. 2/12/2002]
- C. Anchored to resist flotation, collapse, or lateral movement.
- D. Within any identified floodway area, all manufactured homes, and any additions thereto, shall be prohibited.

(Ord. 13A, 11/12/1991, §4.03; as amended by Ord. 2/12/2002)

**PART 5**

**Activities Requiring Special Permits**

**§501. General.**

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Floodplain Management Act, the following activities shall be prohibited within any identified floodplain area unless a special permit has been issued by the Township. [Ord. 2/12/2002]

- 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 mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

(Ord. 13A, 11/12/1991, §5.00; as amended by Ord. 2/12/2002)

**§502. Application Requirements for Special Permits.**

Applicants for special permits shall provide five copies of the following items:

- A. A written request including a completed building 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 being equal to 100 feet or less, showing the following:
  - (1) North arrow, scale and date.
  
  - (2) Topography based upon the National Geodetic Vertical Datum of 1929, showing the existing and proposed contours at intervals of two feet.

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- (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 accessways 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 one-hundred-year flood elevations and information concerning the flow of water including direction and velocities.
  - (7) The location of all proposed buildings, structures, utilities and any other improvements.
  - (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 one-hundred-year flood.
  - (4) Detailed information concerning any proposed flood-proofing measures.
  - (5) Cross-section drawings for all proposed streets, drives, other accessways and parking areas, showing all rights-of-way and pavement widths.
  - (6) Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades.
  - (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 one-hundred-year flood.
  - (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 one-hundred-year flood, 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 one-hundred-year flood 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 amount of any loose buoyant materials or debris that may possibly exist or be located on the site below the one-hundred-year flood elevations and flows.
  - (6) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development." [Ord. 2/12/2002]
  - (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. [Ord. 2/12/2002]
  - (8) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under §302 of Act 1978-166. [Ord. 2/12/2002]
  - (9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of the one-hundred-year flood.

(Ord. 13A, 11/12/1991, §5.01; as amended by Ord. 2/12/2002)

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### **§503. 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 Part 2.

- A. Within three working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the 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, by registered or certified mail, within five working days after the date of approval. [Ord. 2/12/2002]
- E. Before issuing the special permit, the Township shall allow the Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the application and decision made by the Township. [Ord. 2/12/2002]
- F. If the Township does not receive any communication from the Department of Community and Economic Development during the thirty-day review period, it may issue a special permit to the applicant. [Ord. 2/12/2002]
- G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the special permit. [Ord. 2/12/2002]

(Ord. 13A, 11/12/1991, §5.02; as amended by Ord. 2/12/2002)

### **§504. Special Technical Requirements.**

1. In addition to the requirements of Part 4 of this Chapter, 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 Part 4 of this Chapter or in any other code, ordinance, or regulation, the more restrictive provision shall apply.



2. 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:
  - A. 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:
    - (1) The structure will survive inundation by water of the one-hundred-year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one-hundred-year flood elevation.
    - (2) The lowest floor elevation will be at least 1 1/2 feet above the one-hundred-year flood elevation.
    - (3) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time period during the course of the one-hundred-year flood. [Ord. 2/12/2002]
  - B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or other 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. [Ord. 2/12/2002]

(Ord. 13A, 11/12/1991, §5.03; as amended by Ord. 2/12/2002)



**PART 6**

**Existing Structures in Identified Floodplain Areas**

**§601. General.**

1. Any modification, alteration, reconstruction, or improvement of any kind of an existing structure, to an extent or amount of 50% or more of its market value, shall be undertaken only in full compliance with the provisions of this Chapter.
2. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
3. No expansion or enlargement of any existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one-hundred-year flood.

(Ord. 13A, 11/12/1991, §6.00)



## PART 7

### Variances

#### **§701. General.**

If compliance with any of the requirements of this Chapter 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 requirement. (Ord. 13A, 11/12/1991, §7.00)

#### **§702. Variance Procedures and Conditions.**

Requests for variances shall be considered by the Township in accordance with the procedures contained in §212 and the following:

- A. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit (Part 5) or to “Development Which May Endanger Human Life,” (§403).
- B. If granted, a variance shall involve only the least modification necessary to provide relief.
- C. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Chapter.
- D. Whenever a variance is granted, the Township shall notify the applicant, in writing, that:
  - (1) The granting of the variance may result in increased premium rates for flood insurance.
  - (2) Such variance may increase the risks to life and property.
- E. In reviewing any request for a variance, the Township shall consider, at a minimum, the following:
  - (1) There is good and sufficient cause.
  - (2) Failure to grant the variance would result in exceptional hardship to the applicant.
  - (3) The granting of the variance will (a) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public

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safety or extraordinary public expense; (b) nor create nuisance, cause fraud on, or victimize the public or conflict with any other applicable State or local ordinances and regulations.

- F. 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 the Federal Insurance Administration. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred-year flood.
- G. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one-hundred-year flood elevation.

(Ord. 13A, 11/12/1991, §7.01)

## PART 8

### Definitions

#### §801. General.

Unless specifically defined below, words and phrases used in this Chapter shall be interpreted so as to give this Chapter its most reasonable application. (Ord. 13A, 11/12/1991, §8.00)

#### §802. 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.

BASEMENT — any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING — a combination of materials to form a permanent structure having walls and a roof. Included shall be manufactured homes and trailers to be used for human habitation.

CONSTRUCTION — the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of manufactured homes.

DEVELOPMENT — any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

FLOOD — a temporary inundation of normally dry land areas.

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 or surface waters from any source.

FLOODPROOFING — any combination of structural and non-structural 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 designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purpose of this Chapter, the

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floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.

**MANUFACTURED HOME** — a transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does include park trailers, travel trailers or other similar vehicles which are placed on a site for more than 180 consecutive days.

**MANUFACTURED HOME PARK** — a parcel of land under single ownership which has been planned and improved for the placement of two or more manufactured homes for nontransient use.

**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.

**MOBILE HOME or MOBILE HOME PARK** — for the purpose of floodplain management “mobile home” or “mobile home park” shall be replaced with the words “manufactured home” and “manufactured home park” within any delineated floodplain area.

**ONE-HUNDRED-YEAR FLOOD** — a flood that, on the average, is likely to occur once every 100 years (i.e. that has 1% change of occurring each year, although the flood may occur in any year.)

**REGULATORY FLOOD ELEVATION** — the one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 feet.

**SPECIAL PERMIT** — a special approval which is required for hospitals, nursing homes, jails and new manufactured home parks or subdivisions and substantial improvements to such existing manufactured home parks or subdivisions, when such development is located partly or entirely within a designated floodplain.

**STRUCTURE** — anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, sheds, manufactured homes and/or other similar items.

**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, 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 10 acres, not involving any new street or easement of access or residential dwellings, shall be exempted.

**SUBSTANTIAL IMPROVEMENT** — any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred.

(Ord. 13A, 11/12/1991, §8.01)