

**HATFIELD TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 663

AN ORDINANCE AMENDING ARTICLE II (“DEFINITIONS”) AND ARTICLE XXII (“FP FLOODPLAIN CONSERVATION DISTRICT”) OF THE HATFIELD TOWNSHIP ZONING ORDINANCE, AS CODIFIED AT CHAPTER 282 OF THE HATFIELD TOWNSHIP CODE OF ORDINANCES; REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT IN THE FP FLOODPLAIN CONSERVATION DISTRICT; PROVIDING FOR THE ISSUANCE OF SUCH PERMITS; AND SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF HATFIELD TOWNSHIP WHICH ARE SUBJECT TO FLOODING.

WHEREAS, Pursuant to Article VI of the Pennsylvania Municipalities Planning Code, Hatfield Township is empowered to enact, and amend zoning ordinances to implement comprehensive plans and to accomplish any of the purposes of the Pennsylvania Municipalities Planning Code;

WHEREAS, the Board of Commissioners of Hatfield Township has proposed certain changes to Appendix B of the Code of Hatfield Township pursuant to Article VI, Section 609 of the Pennsylvania Municipalities Planning Code.

WHEREAS, The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry.

WHEREAS, Pursuant to Article VI, Section 609, of the Pennsylvania Municipalities Planning Code, the proposal was provided to the Montgomery County Planning Commission for its review and comments;

WHEREAS, Pursuant to Article VI, Section 609 of the Pennsylvania Municipalities Planning Code the proposal was provided to the Hatfield Township Planning Commission for its review and comment;

WHEREAS, the Hatfield Township Board of Commissioners conducted a public hearing on the proposal on March 9, 2016;

WHEREAS, it is in the best interest of Hatfield Township to adopt as an amendment to Chapter 282, “Zoning”, the proposed changes, additions, and deletions.

AND NOW, the Board of Commissioners of Hatfield Township hereby enacts and ordains, and it is hereby **ENACTED AND ORDAINED** as follows:

SECTION 1.

The official Zoning Map of Hatfield Township is hereby amended to include the identification of the FP - Floodplain Conservation District which shall be deemed an overlay on any areas of Hatfield Township classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated March 2, 2016 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.

SECTION 2.

Article II (“Definitions”), Section 282-6 of the Hatfield Township Code is hereby amended by removing and replacing the following definition(s):

Building. "Building" means any structure having enclosing walls and a roof, intended for supporting or sheltering a use or occupancy and attached to the land. "Building" includes "structure" and shall be construed as if followed by the words "or parts thereof." Included shall be all manufactured homes and trailers to be used for human habitation.

Base Flood. “Base flood” means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or “1% annual chance flood”).

Base Flood Elevation (BFE). “Base flood elevation means 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.

Floodplain. “Floodplain” means that area defined in Article XXII as the Floodplain Conservation District. The floodplain definition contained in Section 282-163 shall be considered the definition for floodplain for all purposes and uses of this Zoning Code.

Manufactured Home. “Manufactured home” means 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.

SECTION 3.

Article II (“Definitions”), Section 282-6 of the Hatfield Township Code is hereby amended by adding the following definitions, alphabetically, to the existing section:

Existing Manufactured Home Park or Subdivision. “Existing manufactured home park or subdivision” means 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.

Expansion to an Existing Manufactured Home Park or Subdivision. “Expansion to an existing manufactured home park or subdivision” means 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. “Flood” means a temporary inundation of normally dry land areas.

Flood Insurance Rate Map (FIRM). “Flood Insurance Rate Map (FIRM)” means 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). “Flood Insurance Study (FIS)” means 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. “Floodplain area” means 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. “Floodproofing” means 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. “Floodway” means 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.

Highest Adjacent Grade. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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

New Manufactured Home Park or Subdivision. “New manufactured home park or subdivision” means 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.

Post-FIRM Structure. “Post-FIRM structure” means a structure for which construction or substantial improvement occurred after 12/31/1974, or on or after the community's initial FIRM dated 11/15/1979, whichever is later, and, as such would be required to be compliant with the regulations of the NFIP.

Pre-FIRM Structure. “Pre-FIRM structure” means a structure for which construction or substantial improvement occurred on or before 12/31/1974, or before the community's initial FIRM dated 11/15/1979, 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.

Regulatory Flood Elevation. “Regulatory flood elevation” is the elevation to which development is regulated for purposes of elevation and/or dry floodproofing. It is equal to the base flood elevation (BFE) plus a freeboard of 1-1/2 feet.

Special Flood Hazard Area (SFHA). 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.

SECTION 4.

Chapter 282, Article XXII (“FP Flood Plain Conservation District”) of the Hatfield Township Code is hereby amended by deleting the existing Article XXII regulations and adding the Article XXII (“FP Floodplain Conservation District”) as follows:

Article XXII. FP Floodplain Conservation District

§282-161 Statutory Authorization

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Commissioners of Hatfield Township does hereby order as follows:

§282-162 Intent

In addition to the purpose and statement of community development objectives found in this Zoning Code, the specific intent of the “FP” Floodplain Conservation District shall be to protect areas of floodplain subject to and necessary for the containment of flood waters, and to permit and encourage the retention of open space land uses which will be so located and utilized as to constitute a harmonious and appropriate aspect of the continuing physical development of the Township. Furthermore, in light of the Township’s certification as eligible for Federal flood

insurance, it is the intent of such District to provide adequate protection for flood-prone properties within the Township. In advancing these principles and the general purpose of this Zoning Code, the following shall be specific objectives of the “FP” Floodplain Conservation District:

- A. Protect areas of the floodplain necessary to contain floodwaters.
- B. To permit only those uses in the floodplain that are compatible with preserving natural 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 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.

§282-163 Applicability

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 1% annual chance flood (one-hundred-year flood) consisting of the following specific areas:

- A. Areas delineated on the Flood Insurance Rate Map (FIRM) for Montgomery County, Pennsylvania, as prepared by the Federal Emergency Management Agency, dated March 2, 2016 and subsequent revisions thereto. Said floodplain areas are identified in Section 282-167 and consist of the following specific areas:

- (1) Floodway
- (2) A Zone
- (3) AE Zone without Floodway
- (4) AE Zone adjacent to defined Floodway
- (5) Alluvial Soils:

- a. Alluvial soils as delineated by the USDA-NRCS Web-Based Soil Survey (available online at <http://websoilsurvey.nrcs.usda.gov/>), including the following soils:

- [1] Bowmansville (Bo);
- [2] Knauers (Bo);
- [3] Gibraltar (Gc);
- [4] Hatboro (Ha);
- [5] Rowland (Rt);

- [6] Rowland (RwA);
- [7] Rowland (RwB); and
- [8] Urban Land Occasionally Flooded (UIA).

- b. The Township will recognize a soils analysis prepared by a licensed soil scientist for specific alluvial soils delineation for an individual site and allow this study to supersede the USDA-NRCS web site.
- 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 deemed an overlay on any zoning district now or hereafter applicable to any lot.
 - D. 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 Special Flood Hazard area of Hatfield Township unless a Permit has been obtained from the Floodplain Administrator.
 - E. A Permit shall not be required for minor repairs to existing buildings or structures.
 - F. Except where this chapter prescribes a greater setback due to the boundaries of the floodplain, the minimum setback from any watercourse for a structure shall be equal to the horizontal distance from the top of bank of the watercourse, extended to a point at which the elevation is one (1) foot above the elevation of the top of bank, as verified by the Township Engineer.

§282-164 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.

§282-165 Warning and Disclaimer of Liability

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

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

§282-166 Definitions

The following definitions are specific to the "Floodplain Conservation District"

- A. **Basement.** Any area of the building having its floor below ground level on all sides.
- B. **Development.** "Development" means 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.
- C. **Lowest Floor.** The lowest floor of the lowest fully enclosed area (including basement).
- D. **Minor Repair.** "Minor repair" means 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.
- E. **New Construction.** "New Construction" means structures for which the start of construction commenced on or after the date of enactment of the floodplain regulations in Article XXVII, and includes any subsequent improvements thereto. Any construction started after 11/15/1979 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
- F. **Start of Construction.** "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.

- G. **Structure.** A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
- H. **Substantial Damage.** Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
- I. **Substantial Improvement.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" 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. Standards for alteration of historic structures are set forth in §282-175.2 of this Article.
- J. **Violation(s).** Violation(s) means the failure of a structure, use or other development to be fully compliant with the community's zoning regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

§282-167 Identification

- A. 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) dated March 2, 2016 and issued by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.
- B. Areas with alluvial soils as set forth in Section 282-163 of this Article.
- C. 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.

§282-168 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 (1) foot 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) Within any floodway area, no new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.

- (1) The AE Area/District adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
- (2) The AE Area/District without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided in the FIS but no floodway has been delineated.
 - a. 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 more than one (1) foot at any point.
 - b. No new construction or development shall be located within the area measured fifty (50) feet landward from the top of bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

C. 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 base 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.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

§282-169 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.

§282-170 Boundary Disputes

- A. In the case of any dispute concerning the boundaries of a FP Floodplain Conservation District, the initial determination shall be made by the Township Engineer.
- B. Any party aggrieved by such decision of the Township Engineer, which may include the grounds that the FIRM is or has become incorrect because of changes due to natural or other causes, or corrections indicated by additional detailed hydrologic and hydraulic studies, may appeal to the Zoning Hearing Board as provided in Article XXVIII and in Sections 282-175.3, 282-175.4 and 282-175.5. The burden of proof shall be on the applicant.
- C. Insofar as changes in various natural conditions are included in such district, such changes may be validated by detailed on-site survey techniques. A determination of whether or not a proposed use is within the FP Floodplain Conservation District shall, upon appeal from the decision of the Township Engineer, be made by the Zoning Hearing Board upon receipt of the findings of the detailed on-site survey by the applicant. The Board may consider, in addition to other evidence and standards, the recommendations of the Planning Agency and the validation of the Federal Emergency Management Agency (FEMA) and/or other governmental agencies.

§282-171 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 CFR 44 60.3.

§282-172 Uses Permitted by Right

The following uses and no others shall be permitted by right in the Floodplain Conservation District in compliance with the requirements of this Article:

- A. Cultivation and harvesting of crops in accordance with recognized soil conservation practices;

- B. Pasture and grazing land in accordance with recognized soil conservation practices;
- C. Outdoor plant nurseries or orchards in accordance with recognized soil conservation practices;
- D. Wildlife sanctuaries, woodland preserves, arboretums and passive recreation or parks, including hiking, bicycle and bridle trails, but not including facilities subject to damage by flooding;
- E. Forestry, lumbering and reforestation in accordance with recognized natural resource conservation practices, but not permitting structures;
- F. Utility transmission lines;
- G. Sealed public water supply wells and pipelines, with approval of proper state agencies;
- H. Sanitary sewers and storm sewers, with approval of proper state agencies and the Township Engineer;
- I. Front, side and rear yards and the required lot area for any district; and
- J. Public roadways, with approval of applicable state agencies and the Township Board of Commissioners.

§282-173 Uses Prohibited in the Floodplain Conservation District

Any use or activity not authorized within Section 282-172, herein, shall be prohibited within the Floodplain Conservation District and the following activities and facilities are specifically prohibited:

- A. Free-standing structures, buildings, mobile homes, manufactured homes, recreational vehicles, retaining walls and any grading or filling, with the exception of flood retention dams, as approved by the Pennsylvania Department of Environmental Protection and the Township Engineer;
- B. The relocation of any watercourse, without the approval of the Township Board of Commissioners or without a permit from the Pennsylvania Department of Environmental Protection. Where an encroachment permit is required by the Department, such permit application shall be forwarded to any affected adjacent municipality, the Pennsylvania Department of Community and Economic Development and the Federal Emergency Management Agency (FEMA) 30 days prior to any hearing or formal Board action;
- C. Sanitary landfills, dumps, junkyards, outdoor storage of vehicles and miscellaneous materials or storage of any buoyant, toxic or dangerous materials;
- D. On-site sewage disposal systems;
- E. Private water supply wells;

- F. Paved or all-weather parking lots, private roads and driveways;
- G. Encroachments or any development in the Floodway Area/District that would cause any rise in the one-hundred year (1% annual chance) base flood elevation; and
- H. Stripping of topsoil, ground cover or vegetation, or the removal of trees within 20 feet of a stream bank.

§282-174 Banned uses.

The following uses shall be banned in any FP Floodplain Conservation District and no variance thereto shall be granted:

- A. 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 which will be used for any activity requiring the maintenance of a supply of more than five (5) gallons, or other comparable volume, of any other of the following dangerous materials or substances, on the premises or will involve the production, storage, or use of any amount of a radioactive substance:

- (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) Sulfur and sulfur products
 - (17) Pesticides (including insecticides, fungicides, and rodenticides)
 - (18) Radioactive substances, insofar as such substances are not otherwise regulated.
- B. The construction, enlargement or expansion of any structure used or intended to be used for any of the following:
- (1) Hospitals.
 - (2) Nursing Homes.
 - (3) Jails or Prisons.
- C. The commencement of or any construction of a new manufactured home park or manufactured home subdivision or any substantial improvement to an existing manufactured home park or manufactured home subdivision.

§282-175 Special Requirements for Subdivisions

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

§282-175.1 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 Section 282-175.2 and Article XXV, Nonconforming Buildings, Structures and Uses, of this ordinance shall apply.

§282-175.2 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 any 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 without floodway, as defined in Section 282-168B, that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

- C. Within any AE Area/District without a floodway, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- D. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- 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 Code, as amended and the 2009 IBC and the 2009 IRC.
- G. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

§282-175.3 Variances

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 Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

§282-175.4 Variance Procedures

- A. Applications for approval of variances in the FP Floodplain Conservation District shall be considered using the standards listed in Section 282-175.5.
- B. The Zoning Hearing Board shall request the review and recommendations of the Pennsylvania Department of Environmental Protection and the County Conservation District at least 30 days prior to the public hearing.
- C. The Board shall request, at least 30 days prior to the public hearing, the review and recommendation of the Township Planning Commission and the Township Engineer.
- D. If granted, a variance shall involve only the least modification necessary to provide relief.

- E. In granting any variance, the Zoning Hearing Board 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.
- F. 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.
- G. 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.

§282-175.5 Standards for Granting Variances

- A. For a use other than those permitted in Section 282-172 of this chapter, an application seeking approval by variance shall be forwarded to the Zoning Hearing Board along with required studies or information and the findings of the Zoning Officer.
- B. No variance 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 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 shall be granted for any development regulated by Section 282-174 - Banned Uses.
- E. In reviewing any request for a variance, the Township shall consider, at a minimum, the following:
 - (1) That there is good and sufficient cause.
 - 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.
 - e. The effect of the use shall not substantially alter the cross-section profile of the stream and floodplains at the location of the proposed use.
 - f. Lands abutting the waterway, both upstream and downstream, shall not be adversely affected by the proposed use.
 - g. The general welfare or public interest of the Township or of other municipalities in the same watershed shall not be adversely affected.
 - h. Any new structure permitted by a 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.
- (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.
- F. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the base flood.

§282-175.6 Technical Provisions in the Event of a Variance Being Granted

In granting any variance, the Township shall attach the following technical provisions to the proposal for which the variance has been granted. These conditions and safeguards are necessary in order to protect the public health, safety, and welfare of the residents of the municipality.

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 municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

- (2) No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
 - (3) In addition, the FEMA and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.
- B. The municipality shall require technical or scientific data to be submitted to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes in the BFE. The applicant is required to apply to FEMA for a conditional approval prior to permitting the encroachments to occur in accordance with 44 CFR Part 65.12. Upon conditional approval and prior to approving the proposed improvements, the Township is required to adopt a revision to the Floodplain Management Ordinance incorporating the increased base flood elevation and/or revised floodway for post-development conditions. Upon completion of the proposed encroachments, the applicant is required to provide as-built certifications to be submitted to FEMA for the final map revision in accordance with 44 CFR Part 67. A LOMR or Conditional Letter of Map Revision (CLOMR) is required for:
- (1) Any development that causes a rise in the base flood elevations within the floodway; or
 - (2) Any development occurring in Zone A and Zone AE without a designated floodway, which will cause a rise of more than one foot 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 any Floodplain Conservation District shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations. In addition, when such development is proposed within the area measured fifty (50) feet landward from the top of bank of any watercourse, a permit shall be obtained from the Department of Environmental Protection Regional Office.

§282-175.7 Special Requirements for Manufactured Homes

- A. Within the Floodplain Conservation District, manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- B. Within any Floodway Area/District, manufactured homes shall be prohibited.
- C. 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 one and one half (1 ½) feet above the Base Flood Elevation.
 - (3) Anchored to resist flotation, collapse, or lateral movement.
- D. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.
- E. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed installation.

§282-175.8 Special Requirements for Recreational Vehicles

- A. Recreational vehicles in the Floodplain Conservation District must either:
- (1) be on the site for fewer than 180 consecutive days, and
 - (2) be fully licensed and ready for highway use, or
 - (3) meet the permit requirements for manufactured homes in Section 282-175.7.

§282-175.9 Elevation and Floodproofing Requirements

- A. Residential Structures
- (1) In the Floodway or AE Zone, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
 - (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 Section 282-168.C of this ordinance.
 - (3) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

B. Non-residential Structures

- (1) In the Floodway or AE Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (2) In A Zones, where there no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with Section 282-168.C of this ordinance.
- (3) Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
- (4) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be used.

C. Space below the lowest floor

- (1) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
- (2) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

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

D. Accessory structures

- (1) Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
 - a. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
 - b. Floor area shall not exceed 200 square feet.
 - c. The structure will have a low damage potential.
 - d. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
 - e. Power lines, wiring, and outlets will be elevated to at least 1½ feet above the regulatory flood elevation.
 - f. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
 - g. Sanitary facilities are prohibited.
 - h. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - [1] 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.
 - [2] The bottom of all openings shall be no higher than one (1) foot above grade.

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

§282-175.10 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 (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 (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 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 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 (1) 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 Section 282-174, Banned Uses, 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 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 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.
 - (2) 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 (3) feet 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 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.
 - (1) International Building Code (IBC) 2009 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
 - (2) International Residential Building Code (IRC) 2009 or the latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

§282-175.11 Designation of the Floodplain Administrator

The Township Code Official within the Township Administration is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator.

§282-175.12 Permits Required

A zoning permit shall be required before any construction or development is undertaken within the FP Floodplain Conservation District. An application for a zoning permit shall be filed with the Township Code Official, who shall make an initial determination on the proposal. Prior to the issuance of any zoning permit, the Code Official shall review such application to determine if all other necessary governmental permits, such as those required by state and federal laws, have been obtained, including those required by Act 537, the Pennsylvania Sewage Facilities Act, the

Water Obstruction Act of 1913 and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33 U.S.C. §1334. No permit shall be issued until this determination has been made.

§282-175.13 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. 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.
- D. 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.
- E. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Township Board of Commissioners for whatever action it considers necessary.
- F. The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this ordinance including, but not limited to, permitting, inspection and enforcement.
- G. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

§282-175.14 Application Procedures and Requirements

- A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the 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.
- (7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

B. If any proposed construction or development is located entirely or partially within any FP 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 (1) inch being equal to one hundred (100) feet or less, showing the following:

- a. North arrow, scale, and date;
 - b. Topographic contour lines, if available;
 - c. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - d. The location of all existing streets, drives, and other access ways;
 - 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.
 - f. All property lines and lot lines including dimensions, and the size of the site expressed in acres or square feet.
- (3) Plans of all proposed buildings, structures and other improvements, drawn at a scale of one eighth (1/8) inch being equal to one (1) foot 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 2009 IBC or the 2009 IRC.
- (4) The following data and documentation:
- a. Detailed information concerning any proposed floodproofing measures and corresponding elevators.
 - b. 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.
 - c. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an Floodway Area/District when combined with all other existing and anticipated development, will not increase the base flood elevation at any point.
 - d. 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 (1) foot at any point.

- e. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood elevation. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.
- f. Detailed information needed to determine compliance with Section 282-175.10.F, Storage, and Section 282-174, Banned Uses, including:
 - [1] The amount, location and purpose of any materials or substances referred to in Sections 282-175.10.F and 282-174 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 any amount the dangerous materials or substances listed in Section 282-174 during a base flood.
- e. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- f. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

§282-175.15 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 the Floodplain Administrator for consideration.

§282-175.16 Start of Construction

- A. Work on the proposed construction shall begin within 180 days after the date of issuance and shall be completed within twelve (12) months after the date of issuance of the Permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The term "start of construction" shall be understood as defined in Section 282-166 of this ordinance.
- B. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to

approve such a request and the original permit is compliant with the ordinance and FIRM/FIS in effect at the time the extension is granted.

§282-175.17 Enforcement

A. Enforcement Notices and Penalties

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 Part, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall follow the procedures outlined in Article XXX.

§282-175.18 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 thirty (30) days after the decision, determination or action of the Floodplain Administrator.
- B.** Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in accordance with the Municipalities Planning Code and the Zoning Ordinance.
- C.** Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.

SECTION 5. 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 the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 6. INCONSISTENT PROVISIONS.

All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall be effective five (5) days following its legal enactment

ENACTED AND ORDAINED by the Board of Commissioners of Hatfield Township, Montgomery County, Pennsylvania, this _____ day of _____, 2016.

Attest:

Board of Commissioners of Hatfield Township:

Aaron Bibro, Township Manager

By: _____
Tom Zipfel, President