

**CHAPTER X**

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Part 1

General Provisions

Section 100. 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) Require all those uses, activities and development that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.

(f) Comply with federal and state floodplain management requirements.

(Ordinance 158, December 1, 1997, Section 1.00)

Section 101. Applicability. 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 an approved building permit has been obtained from the Code Enforcement Officer. (Ordinance 158, December 1, 1997, Section 1.01)

Section 102. 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. (Ordinance 158, December 1, 1997, Section 1.02)

Section 103. Severability. If any section, subsection, paragraph sentence, clause or phrase of this Chapter shall be declared invalid for any reason whatsoever, such a 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. (Ordinance 158, December 1, 1997, Section 1.03)

Section 104. Warning and Disclaimer of Liability. 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 that areas outside any identified floodplain areas, or that land uses permitted within such areas, will be free from flooding or flood damages.

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 thereunder. (Ordinance 158, December 1, 1997, Section 1.04)

Part 2

Administration

Section 200. Building Permits Required. Building permits shall be required before any proposed construction or development is undertaken within or adjacent to any area of the Township identified as floodplain area. (Ordinance 158, December 1, 1997, Section 2.00)

Section 201. Issuance of Building Permit.

(a) The Code Enforcement Officer shall issue a building 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) No building permit shall be issued until all other required permits have been obtained from any other office or agency.

(c) 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 and until all required permits and/or approvals have been obtained from the Pennsylvania Department of Environmental Protection and from the U.S. Army Corps of Engineers. In addition, the Federal Insurance Administrator and the Pennsylvania Department of Community and Economic Development shall be notified by Amity Township prior to any alteration or relocation of any watercourse.

(Ordinance 158, December 1, 1997, Section 2.01)

Section 202. Application Procedures and Requirements.

(a) Application for such a building permit shall be made, in writing, to the Code Enforcement Officer on forms supplied by the Township. Such application shall contain the following and shall provide two (2) copies of the following items:

- (1) Name and address of applicant;
- (2) Name and address of owner or land on which proposed construction is to occur;
- (3) Name and address of contractor;
- (4) Site location;
- (5) Listing of other permits required;
- (6) Brief description of proposed work and estimated cost;

(7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures;

(8) Proposed lowest floor or floodproofing elevations, and basement elevations in relation to N.G.V.D. datum;

(9) A description of the construction practices and methods and the materials which will be used.

(10) All items further described in Subsection 2.02(b) of this Chapter.

(b) If any proposed construction or development is located adjacent to, 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 Code Enforcement Officer 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; and

(3) adequate drainage is provided so as to reduce exposure to flood hazards.

(c) Applicants shall file the following minimum information plus any other pertinent information contained under this Chapter or as may be required by the Amity Township Code Enforcement Officer to make the above determination:

(1) A completed Building Permit Application Form and written request.

(2) A plan of the entire site, clearly and legibly drawn at a scale of one inch (1") being equal to one hundred feet (100') or less, showing the following:

(i) North arrow, scale and date; and soil types;

(ii) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two feet (2").

(iii) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

(iv) The location of all existing and proposed building, utilities, structures and other improvements,

including the location of any existing or proposed subdivision and land development;

(v) The location and elevations of all existing streets, drives and other accessways; and types of above;

(vi) The location of any existing bodies of water or watercourses, location and identification of floodplain areas, spot elevations, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities;

(vii) Cross-section drawings for all proposed streets, drives, other accessways and parking areas, showing all rights-of-ways and pavement widths;

(viii) Profile drawings for all proposed streets and vehicular accessways, including existing and proposed grades;

(ix) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities;

(x) Any other information which the municipality considers necessary for adequate review of the application;

(xi) A small-scale map showing the vicinity in which the proposed site is located.

(2) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

(i) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;

(ii) The elevation of the one hundred (100) year flood;

(iii) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood;

(iv) Detailed information concerning any proposed floodproofing measures; and

(v) Sufficiently detailed architectural or engineering drawings, including floor plans, sections and exterior building elevations, as appropriate.

(4) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

(5) The following data and documentation:

(i) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an FE (Special Floodplain Area), when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one foot (1') at any point.

(ii) 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 one hundred (100) 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.

(iii) Detailed information and a statement certified by a professional engineer needed to determine compliance with Subsection 403(g) of this Chapter, entitled "Storage", and Section 404 of this Chapter, entitled "Development Which May Endanger Human Life", including:

1) The amount, location and purpose of any materials or substance referred to in Subsection 403(g) and Section 404 of this Chapter 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 Section 404 of this Chapter during a one hundred (100) year flood.

3) A statement, certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows.

(iv) 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 (100) year flood, including a statement concerning the effects such pollution may have on human life.

(v) 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 (100) year flood elevations and flows.

(vi) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."

(vii) Where any excavation or grading is proposed, a plan reviewed and approved by the Department of Environmental Protection and the Berks County Conservation District to implement and maintain erosion and sedimentation control.

(Ordinance 158, December 1, 1997, Section 2.02)

Section 203. 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 Applicant 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 Code Enforcement Officer for possible incorporation into the proposed plan. (Ordinance 158, December 1, 1997, Section 2.03)

Section 204. 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 Code Enforcement Officer to any other appropriate agencies, municipal consultants/professionals or other individuals for review and comment. (Ordinance 158, December 1, 1997, Section 2.04)

Section 205. Changes. After the issuance of a building permit by the Code Enforcement 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 Code Enforcement Officer. Requests for any such change shall be in writing and shall be submitted by the applicant to Code Enforcement Officer for consideration. (Ordinance 158, December 1, 1997, Section 2.05)

Section 206. Placards. In addition to the building permit, the Code Enforcement 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 Code Enforcement Officer. (Ordinance 158, December 1, 1997, Section 2.06)

Section 207. Start of Construction. Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (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 Code Enforcement Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, 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.

Time extensions shall be granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Amity Township Code Enforcement Officer to approve such a request. (Ordinance 158, December 1, 1997, Section 2.07)

Section 208. Inspection and Revocation.

(a) During the construction period, the Code Enforcement 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 municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

(b) In the discharge of his duties, the Code Enforcement Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Chapter.

(c) In the event the Code Enforcement 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 Code Enforcement Officer shall revoke the building permit and report such fact to the Amity Township Board of Supervisors for whatever action they consider necessary.

(d) A record of all such inspections and violations of this Chapter shall be maintained.

(Ordinance 158, December 1, 1997, Section 2.08)

Section 209. Fees.

(a) Applications for a building permit shall be accompanied by the following fees made payable to Amity Township.

(b) An initial escrow fee of One Thousand Dollars (\$1,000.00) for the processing and the review of the application package, and an additional fee based on the Building Permit Fee Schedule as determined by Township Resolution or most recent amendments thereto.

(c) The Township shall maintain a record of all costs, including but not limited to code enforcement, engineering, legal and administration, incurred for the processing and reviewing of the building

permit application package. A condition of final approval of said building permit application shall be an accounting of said costs expended by the Township. Should the accounting establish a cost less than the escrow fee paid to the Township by the applicant, the Township shall remit to the applicant the difference between the amount of escrow fee paid and the actual cost of processing and reviewing said application. Should the accounting establish a cost in excess of the escrow fee paid, the applicant, prior to final approval, shall pay to the Township the difference between the actual cost expended by the Township in the processing and reviewing of the building permit application package and the amount of the escrow fee paid.

(d) The building permit fee determined by the above referenced Resolution is a fixed permit fee which is in addition to the above mentioned escrow fee.

(Ordinance 158, December 1, 1997, Section 2.09)

Section 210. Enforcement.

(a) Notices. Whenever the Code Enforcement Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Chapter, or of any regulations adopted pursuant thereto, the Code Enforcement Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall (1) be in writing; (2) include a statement of the reasons for its issuance; (3) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it required; (4) be served upon the property owner or his agent, as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; (5) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter, or any part thereof, and with the regulations adopted pursuant thereto.

(b) Hearings. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Township Board of Supervisors, provided that such person shall file with the Municipal Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and the suspension. Upon receipt of such petition, the Municipal Secretary shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice shall be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed, provided that upon application of the petitioner, the Township Board of Supervisors and/or Municipal Secretary may postpone the date of

the hearing for a reasonable time beyond such ten (10) day period when, in his judgment, the petitioner has submitted good and sufficient reasons for such postponement.

(c) Findings and Order. After such hearing the Township Board of Supervisors shall make findings as to compliance with the provisions of this Chapter and regulations issued thereunder and shall issue an order, in writing, sustaining, modifying or withdrawing the notice which shall be served as provided in Subsection (a) of this Section.

(d) Record and Appeals. The proceedings at such a hearing, including the findings and decision of the Board of Supervisors with a copy of every notice and order related thereto, shall be entered as a matter of public record, but the transcript of the proceedings need not be transcribed unless judicial review of the decision as provided by this Section. Any person aggrieved by a decision of the Board of Supervisors may seek relief in any court of competent jurisdiction, as provided by the laws of the Commonwealth.

(e) Penalties. Any person who fails to comply with any of the requirements or provisions of this Chapter or who fails or refuses to comply with any notice, order or direction of the Code Enforcement Officer or any other authorized employee of the Township shall be guilty of an offense and, upon conviction shall pay a fine to Amity Township of not less than Twenty-Five Dollars (\$25.00) and not more than Six Hundred Dollars (\$600.00) plus costs of prosecution.

In default of such payment, such person shall be imprisoned in the County prison for a period not to exceed thirty (30) days. Each day during which any violation of this Chapter continues 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 fine or penalty for any violation of, or noncompliance with, this Chapter shall not excuse the violation of 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 structure or building constructed, reconstructed, enlarged, altered or relocated in noncompliance with this Chapter may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

(Ordinance 158, December 1, 1997, Section 2.10)

Section 211. Appeals.

(a) Any person aggrieved by an action or decision of the Code Enforcement Officer, or by any of the requirements of this Chapter, may appeal to the Township Board of Supervisors. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Code Enforcement Officer. Upon receipt of such appeal the Township Board of Supervisors shall set a time and place, within not less than ten (10)

nor more than thirty (30) days, for the purpose of hearing the appeal, Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard.

(b) Any person aggrieved by any decision of the Board of Supervisors may seek relief therefrom in any court of competent jurisdiction.

(Ordinance 158, December 1, 1997, Section 2.11)

Section 212. Other Permit Issuance Requirements. Prior to the issuance of any building permit, the Officer shall review the building permit 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 the Pennsylvania Sewage Facilities Act, the Water Obstruction Act and/or the Federal Water Pollution Control Act Amendments. No building permit shall be issued until this determination has been made. (Ordinance 158, December 1, 1997, Section 2.12)

Part 3

Identification of Floodplain Areas

Section 300. Identification. The identified floodplain area shall be those areas considered to be flood-prone in Amity Township which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated December 5, 1997, and with the accompanying Flood Insurance Rate Maps (FIRM maps) dated December 5, 1997, or the most recent revision thereof, prepared for Amity Township by the Federal Emergency Management Agency (FEMA). (Ordinance 158, December 1, 1997, Section 3.00)

Section 301. Description of Floodplain Areas. The identified floodplain area shall consist of the following areas:

(a) FW (Floodway Area). The areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

(b) FF (Flood-Fringe Area). The remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated.

(c) FA (General Floodplain Area). The areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area. When no other information is available, the one hundred (100) year elevation shall be determined by requiring the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers 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.

(d) FE (Special Floodplain Area). The areas identified as Zone AE in the Flood Insurance Study, where one hundred (100) year flood elevations have been provided, but no floodway has been delineated.

(Ordinance 158, December 1, 1997, Section 3.01)

Section 302. 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 document the need for such revision. However, prior to any such change, approval must be obtained for the

Federal Insurance Administration (FIA). (Ordinance 158, December 1, 1997, Section 3.02)

Section 303. Boundary Disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township Code Enforcement Officer and any party aggrieved by this decision may appeal to the Board of Supervisors. The burden of proof shall be on the appellant. (Ordinance 158, December 1, 1997, Section 3.03)

**Part 4**

**Technical Provisions**

Section 400. General.

(a) 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 approvals have been obtained from the Pennsylvania Department of Environmental Protection and the Federal Emergency Management Agency. In addition, the Federal Emergency Management Agency and the Pennsylvania Department of Community and Economic Development, Strategic Planning and Operations Office, shall be notified prior to any alteration or relocation of any watercourse.

(b) Except for a possible modification of the freeboard requirements involved, no variance shall be granted from any of the other requirements of this section.

(c) Prior to any alteration and relocation of any watercourse, the person proposing such alteration and relocation shall submit calculations and data to the Township which shall assure that the flood carrying capacity within the altered or relocated portion of the watercourse will be designed to be not less than the flood-carrying capacity prior to the proposed alteration or relocation, and obtain a permit from PA DEP and FEMA approval.

Notification to all affected municipalities and property owners shall also be required.

(d) Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Chapter and any other applicable codes, ordinances and regulations.

(e) Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels of floodways of any watercourse, drainage ditch or any other drainage facility.

(Ordinance 158, December 1, 1997, Section 4.00)

Section 401. Special Requirements for FW, FE and FA Areas.

(a) In the Floodway Area, no development shall be permitted except where the effect of such development on the one hundred (100) year flood heights is fully offset by accompanying stream improvements which have been approved by all appropriate local and/or state authorities.

(1) Permitted Uses. In the Floodway Area the following uses and activities are permitted, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill or storage of materials and equipment:

(i) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and crop harvesting.

(ii) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking trails, biking trails, horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, hunting and fishing areas.

(iii) Residential uses such as yard areas, gardens, play areas and previous parking areas.

(iv) Industrial and commercial uses such as yard areas, previous parking and loading areas, airport landing strips, etc.

(v) Municipal uses.

(b) Within any Floodway Area, any structure of the kind described below shall be prohibited. Refer to Subsection 404(a) of this Chapter.

(1) Prohibited Uses. In accordance with the Pennsylvania Flood Plain 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 will be used for the production or storage of any of the following dangerous materials or substances, or will be used for any activity requiring the maintenance of a supply of more than five hundred fifty (550) gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises, or will involve the production, storage or use of any amount of radioactive substances shall be subject to the provisions of this section, in addition to all other applicable provisions.

The following materials and substances are considered dangerous to human life:

Acetone; Ammonia; Benzene; Calcium carbide; Carbon disulfide; Celluloid; Chlorine; Hydrochloric acid; Hydrocyanic acid; Magnesium; Nitric acid and oxides of nitrogen; Pesticides; Petroleum products; Phosphorus; Potassium; Radioactive substances; Sodium; Sulfur and sulfur products

(c) The placement of any manufactured homes within the adopted regulatory floodway is prohibited. Refer to Section 405 of this Chapter.

(d) Uses permitted by special exception within the Floodway Area:

(1) The following uses and activities may be permitted by special exception, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance:

(i) Structures accessory to the uses and activities described in Subsection (a) above.

(ii) Utilities and public facilities, to include hospitals, nursing homes, jails or prisons and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants and other similar or related uses.

(iii) Water-related uses and activities such as marinas, docks, wharves and piers.

(iv) Extraction of sand, gravel and other materials.

(v) Temporary uses such as circuses, carnivals and similar activities.

(vi) Storage of materials and equipment, provided that they are not buoyant, flammable or explosive and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after flood warning.

(2) All uses, activities and development shall be undertaken in compliance with the floodproofing provisions contained in this Chapter and in all other codes and/or ordinances.

(e) In accordance with the Pennsylvania Flood Plain Management Act (Act 1978-166) and regulations adopted by the Department of Community and Economic Development, as required by the Act, the following obstructions and activities are permitted only by special exception if located partially or entirely within any Floodplain District/identified floodplain area:

(1) 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:

(i) Hospitals.

(ii) Nursing homes.

(iii) Jails or prisons.

(f) Within any Floodplain Area (except for FW area) any structure of the kind described in Subsection (b) above shall be prohibited within the area measured fifty feet (50') landward from the top of bank of any watercourse.

(g) Where permitted within any Floodplain area except for FW area such as FE, FA or flood-fringe area, any structure of the kind described in Subsection (b) above shall be elevated or designed and constructed to remain completely dry up to at least one and one-half feet (1½') above the one hundred year flood and designed to prevent pollution from the structure or activity during the course of a one hundred (100) 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 flood proofing contained in the publication entitled "Flood-Proofing Regulations" (United States Army Corps of Engineers, June 1972) or in accordance with the floodproofing provisions of Amity Township's adopted BOCA Building Code, whichever is the more stringent. Refer to Subsection 404(c) of this Chapter.

(h) Within any FE (Special Floodplain Area), no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one foot (1') at any point.

(1) No new construction or development shall be located within the areas measured fifty feet (50') landward from the top-of-bank of any watercourse.

(2) Residential and non-residential developments not involving the prohibited uses previously defined are permitted but shall be constructed per all of the requirements of this Chapter, and all other codes, ordinances and regulations.

(3) A special exception shall be required for the construction of a substantial improvement of a manufactured home park or subdivision.

(i) Within any FE (Special Floodplain Area), the following provisions shall apply:

(1) No new construction or development shall be located within the area measured fifty feet (50') landward from the top-of-bank of any watercourse.

(2) No new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated

development, will not increase the elevation of the one hundred (100) year flood more and one foot (1') at any point.

(3) Residential and non-residential developments not involving the prohibited uses previously defined are permitted but shall be constructed per all of the requirements of this Chapter, and all other applicable codes and regulations.

(4) A special exception shall be required for the construction or substantial improvement of a manufactured home park or subdivision.

(Ordinance 158, December 1, 1997, Section 4.01)

Section 402. Elevation and Floodproofing Requirements.

(a) Residential Structures. Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) be at least one and one-half feet (1-½') above the one hundred (100) year elevation.

(b) Non-residential Structures.

(1) Within any identified floodplain area, any new construction or substantial improvement of a non residential structure shall have the lowest floor (including basement) be at least one and one-half feet (1-½') above the one hundred (100) year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

(2) Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one-half feet (1-1/2') above the one hundred (100) year flood elevation shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the Army Corps of Engineers or with some other equivalent standard. All plans/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.

(3) Compliance with the requirements of the current BOCA Code for flood-resistant and flood-proof construction, if more restrictive than the standards referenced, will govern the construction of the structure.

(b) Space Below the Lowest Floor.

(1) Fully enclosed space below the lowest floor (including basement) is prohibited.

(2) Partially enclosed space below the lowest floor (including basement) 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 floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. "Partially enclosed space" shall also include crawl spaces. Designs for meeting this requirement must either be certified by a professional engineer or meet or exceed the following minimum criteria.

(i) A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

(ii) The bottom of all openings shall be no higher than one foot (1') above grade.

(iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(d) Accessory Structures or Structures Accessory to. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

(1) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material and equipment related to the principal use or activity.

(2) Floor area shall not exceed six hundred (600) square feet.

(3) The structure will have a low damage potential.

(4) The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.

(5) Power lines, wiring and outlets will be at least one and one-half feet (1-1/2') above the one hundred (100) year flood elevation.

(6) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.

(7) Sanitary facilities are prohibited.

(8) The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters 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:

(i) A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

(ii) The bottom of all openings shall be no higher than one foot (1') above grade.

(iii) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(Ordinance 158, December 1, 1997, Section 4.02)

◆ Section 403. Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

(a) Fill. If fill is used, it shall:

(1) Extend laterally at least fifteen feet (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 and approved by the Code Enforcement Officer;

(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 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) Sanitary Sewer Facilities and Systems.

(1) All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

(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 during a flood.

(d) Water Facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

(e) 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.

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

(g) Storage. Refer to Subsection 401(f) and 401(g) of this Chapter. 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 404 of this Chapter, entitled "Development Which May Endanger Human Life", shall be stored at one and one-half feet (1-½') above the Regulatory Flood Elevation or dry flood proofed to the maximum extent possible.

(h) 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.

(i) 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 below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

(j) 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.

(k) Paints and Adhesives.

(1) Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.

(2) Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

(3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

(l) Electrical Components.

(1) Electrical distribution panels shall be at least three feet (3') above the one hundred (100) year flood elevation.

(2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

(3) Electric water heaters, furnaces, air conditioning and ventilation systems, and other electrical equipment shall not be located below the Regulatory Flood Elevation.

(m) Plumbing and HVAC Equipment and Systems.

(1) Water heaters, furnaces and other mechanical equipment shall not be located below the Regulatory Flood Elevation.

(2) No part of any on-site sewage disposal system shall be located within any identified flood-prone area.

(3) Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters.

(4) 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 provision shall be made for the drainage of these systems in the event that flood water infiltration occurs.

(Ordinance 158, December 1, 1997, Section 4.03)

Section 404. Development Which May Endanger Human Life.

(a) Within any FW (Floodway Area), any structure of the kind described in Subsection 401(b) above shall be prohibited.

(b) Within any FE (Special Floodplain Area) of FA (General Floodplain Area), any new or substantially improved structure of the kind described in Subsection 401(b) above shall be prohibited within the area measured fifty feet (50') landward from the top-of-bank of any watercourse.

(c) Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection 401(b) above shall be:

(1) elevated or designed and constructed to remain completely dry up to at least one and one-half feet (1-½') above the one hundred (100) year flood, and

(2) designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed to comply with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with other equivalent watertight standard, or per BOCA, whichever is more restrictive.

(Ordinance 158, December 1, 1997, Section 4.04)

Section 405. Special Requirements for Manufactured Homes.

(a) Within any FW (Floodway Area), manufactured homes shall be prohibited.

(b) Within any FA (General Floodplain Area) or FE (Special Floodplain Area), manufactured homes shall be prohibited within the area measured fifty feet (50') landward from the top-of-bank of any watercourse.

(c) Where permitted within any floodplain area, 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 one and one-half feet (1-½') or more above the elevation of the one hundred (100) year flood;

(3) Anchored to resist flotation, collapse or lateral movement.

(d) All manufactured homes and any additions thereto shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards Institute and National Fire Protection Association Standards as specified in the Standard for the Installation of Manufactured Homes Including Manufactured Home Park Requirements (NFPA No. 501A-1974 ANSI All 9.3-1975) as amended for Manufactured Homes in Hurricane Zones or other appropriate Standards. The following minimum standards shall be met:

(1) Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations for units fifty feet (50') or more in length, and one (1) additional tie per side for units less than fifty feet (50') in length.

(2) Frame ties shall be provided at each corner of the manufactured home with five (5) additional ties per side at intermediate locations for units fifty feet (50') or more in length, and four (4) additional ties per side for units less than fifty feet (50') in length.

(3) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

(e) All manufactured homes and any additions thereto shall also be elevated in accordance with the following requirements:

(1) The stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be one and one-half feet (1-1/2') above the elevation of the one hundred (100) year flood.

(2) Adequate surface drainage is provided.

(3) Adequate access for a hauler is provided.

(4) Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten feet (10') apart; reinforcement shall be provided for pilings that will extend for six feet (6') or more above the ground level.

(f) An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate officials for manufactured home parks and manufactured home sub-divisions where appropriate.

(Ordinance 158, December 1, 1997, Section 4.05)

Part 5

Activities Requiring Special Exceptions

Section 500. General. In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area unless a Special Exception has been issued by the Township.

(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; and
- (3) Jails or prisons.

(b) The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

(Ordinance 158, December 1, 1997, Section 5.00)

Section 501. Application Requirements for Special Exceptions. Applicants for Special Exceptions shall provide five (5) 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 (1") being equal to one hundred feet (100') or less, showing the following:

- (1) North arrow, scale and date;
- (2) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two feet (2');
- (3) All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet;

(4) The location of all existing streets, drives, other 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 (100) 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; and

(8) Any other information which the municipality considers necessary for adequate review of the application.

(d) Plans of all proposed buildings, structures and improvements, 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 (100) year flood;

(4) Detailed information concerning any proposed floodproofing 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 (100) 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 (100) 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 (100) 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 amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;

(6) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development";

(7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control; and approval from the County Conservation District;

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

(9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) flood.

(Ordinance 158, December 1, 1997, Section 5.01)

Section 502. Application Review Procedures. Upon receipt of an application for a Special Exception by the Township, the following procedures shall apply in addition to those of Part 2 of this Chapter:

(a) Within three (3) working days following receipt of the application, a complete copy of the application shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. The application shall also be forwarded to the Township Planning Commission and the 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 (5) working days after the date of approval.

(e) Before issuing the Special Exception the Township shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township.

(f) If the Township does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Exception to the applicant.

(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 Exception.

(Ordinance 158, December 1, 1997, Section 5.02)

Section 503. Special Technical Requirements.

(a) 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 Exception. 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.

(b) No application for the Special Exception shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

(1) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:

(i) The structure will survive inundation by waters of the one hundred (100) 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 (100) year flood elevation;

(ii) The lowest floor (including basement) elevation will be at least one and one-half feet (1-½') above the one hundred (100) year flood elevation;

(iii) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.

(2) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

(3) All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. All studies, analyses and computations shall be submitted in sufficient detail to allow a thorough technical review by Amity Township and the Department of Community and Economic Development.

(Ordinance 158, December 1, 1997, Section 5.03)

Section 504. Special Exceptions; Factors to Be Considered. In passing upon applications for special exceptions, the Township Zoning Hearing Board shall consider all relevant factors specified in other sections of this Chapter and:

(a) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(b) The danger that materials may be swept onto other lands or downstream to the injury of others.

(c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(e) The importance of the services provided by the proposed facility to the community.

- (f) The requirements of the facility for a waterfront location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (i) The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for the area.
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(Ordinance 158, December 1, 1997, Section 5.04)

Part 6

Existing Structures in Identified Floodplain Areas

Section 600. Existing Structures. The provisions of this Chapter 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 601 of this Chapter shall apply. (Ordinance 158, December 1, 1997, Section 6.00)

Section 601. Improvements. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

(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 one hundred (100) year flood.

(b) No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one foot (1') at any point.

(c) Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of fifty percent (50%) or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Chapter.

(d) Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than fifty percent (50%) of its market value, with approval by the Board of Supervisors, shall be elevated and/or floodproofed to the greatest extent possible.

(Ordinance 158, December 1, 1997, Section 6.01)

Section 602. Nonconformities. A structure or use of a structure or premises which lawfully existed before the enactment of these provisions but which is not in conformity with these provisions may be continued, subject to the following conditions:

(a) Existing nonconformities (structures and/or uses) located in the Floodway District shall not be expanded or enlarged unless the effect of the proposed expansion or enlargement on the one hundred (100) year flood heights is fully offset by accompanying stream improvement.

(b) Any modification, alteration, repair, reconstruction or improvement of any kind to a nonconformity (structure or use) located in

the Floodplain to an extent or amount of less than fifty percent (50%) of its value shall be elevated and/or floodproofed to the greatest extent possible.

(c) The modification, alteration, repair, reconstruction or improvement of any kind of a nonconformity (structure or use), regardless of location, to an extent or amount of fifty percent (50%) or more of its value, shall be undertaken only in full compliance with the provisions of this Chapter and any other applicable Ordinances.

(d) Uses or adjuncts thereof which are or become nuisances shall not be permitted to continue.

(Ordinance 158, December 1, 1997, Section 6.02)

Part 7

Variations

Section 700. 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 requirements. (Ordinance 158, December 1, 1997, Section 7.00)

Section 701. Variance Procedures and Conditions. Variance requests shall be considered by the Township in accordance with the procedures contained in Section 211 of this Chapter and the following:

(a) 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 (100) year flood elevation.

(b) No variance shall be granted for any construction, development, use or activity within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one foot (1') at any point.

(c) Except as a possible modification of the one and one-half feet (1-1/2') freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Exception (Part 5 of this Chapter) or to Development Which May Endanger Human Life (Section 404 of this Chapter).

(d) If granted, a variance shall involve only the least modification necessary to provide relief.

(e) 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.

(f) 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 variances may increase the risks to life and property.

(g) In reviewing any request for a variance, the Township shall consider, at a minimum, the following:

(1) That there is good and sufficient cause.

(2) That failure to grant the variance would result in exceptional hardship to the applicant.

(3) That the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

(h) 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 (100) year flood.

(Ordinance 158, December 1, 1997, Section 7.01)

Part 8

Definitions

Section 800. 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. (Ordinance 158, December 1, 1997, Section 8.00)

Section 801. Specific Definitions.

(a) 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. Also noted as "structures accessory to.."

(b) Basement. Any area of the building having its floor below ground level on all sides.

(c) Building. A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

(d) Completely Dry Space. Space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

(e) Development. Any man made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

(f) Essentially Dry Space. A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

(g) Flood. A temporary inundation of normally dry land areas.

(h) Floodplain Area. A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

(i) Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(j) Floodway. The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. The floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

(k) Historic Structure. Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior;

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(i) By an approved state program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior in states without approved programs.

(l) Identified Floodplain Area. The floodplain area specifically identified in this Chapter as being inundated by the one hundred (100) year flood.

(m) Land Development. Any of the following activities:

(1) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

(i) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

(ii) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.

## (2) A subdivision of land.

(n) Lowest Floor. The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant, partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Chapter.

(o) 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 completed 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 includes park trailers, "mobile homes" travel trailers, recreational and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.

(p) Manufactured Home Park. A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more manufactured homes for non-transient use.

(q) 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.

(r) New Construction. Structures for which the start of construction commenced on or after July 15, 1977, and includes any subsequent improvements thereto.

(s) One Hundred (100) Year Flood. A flood that, on the average, is likely to occur once every one hundred (100) years; or that has one percent (1%) chance of occurring each year, although the flood may occur in any year.

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

(u) Recreational Vehicle. A vehicle which is (i) built on a single chassis; (ii) not more than four hundred (400) square feet, measured at the largest horizontal projections; (iii) designed to be self-

propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

(v) Regulatory Flood Elevation. The one hundred (100) year flood elevation, plus a freeboard safety factor of one and one-half feet (1-1/2').

(w) Special Permit or Special Exception. A special approval which is required for hospitals, nursing homes, jails and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all or a designated portion of a floodplain, or as noted in ordinance to be required for the proposed development, use or activity.

(x) Structure. Anything constructed or erected on the ground or attached to the ground, including but not limited to buildings, sheds, manufactured homes and similar items.

(y) Subdivision. The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devise, transfer of ownership of building or lot development; provided, however, that the subdivision by lease of land involving any new street or easement of access or any residential dwelling shall be exempted.

(z) Substantial Damage. Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) or more of the market value of the structure before the damage occurred.

(aa) Substantial Improvement. Any construction, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not include either:

(1) Any project for improvement of a structure to correct existing violations of 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, or;

(2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(Ordinance 158, December 1, 1997, Section 8.01)

