**CHAPTER 27**

**ZONING**

**Part 6**

**Supplementary Floodplain Management Regulations**

**§601. General Purpose.**

(1) Purpose. The purpose of these provisions 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; and

(d) Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

(2) Compliance. No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this Chapter, and all applicable local, state and federal laws, statutes, ordinances, rules and regulations.

(3) Interpretation of District Boundaries. Where interpretation is needed concerning the exact location of any boundary of any floodplain district, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Zoning Hearing Board and to submit his own technical evidence if he so desires.

(4) 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 Ordinance, the more restrictive shall apply.

(Ordinance No. 19, adopted September 25, 2007)

**§602. Basis for Floodplain Districts.**

(1) The identified flood plain area shall be those areas of White Deer Township, which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated September 28, 2007, and the accompanying maps prepared for the Township by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data sources.

For purposes of this Ordinance, the Flood Fringe and General Floodplain Districts shall be overlays to the existing underlying districts as shown on the Township’s Official Zoning Map. As such, the provisions for these districts shall serve as a supplement to the underlying district provisions. Where there is a conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

The identified floodplain area may be revised or modified by the Board 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 Federal Emergency Management Agency (FEMA).

(Ordinance No. 19, adopted September 25, 2007)

(2) The identified floodplain area shall consist of the following specific areas:

(a) FW (Floodway Area). The areas identified as “Floodway” in the AE Zone in the Flood Insurance Study prepared by 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 Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

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 Township.

(Ordinance No. 19, adopted September 25, 2007)

**§603. Flood Damage Control Provisions.** In order to prevent excessive damage to buildings and structures due to conditions of flooding, the following restrictions shall apply to all new construction, development and substantial improvement occurring in all designated Floodplain Districts.

(1) General Technical Requirements.

(a) Within the identified floodplain areas, the development and/or use of land shall be permitted provided that such development or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in effect in White Deer Township.

(b) Within any floodway area, the following provisions shall apply:

(1) No new construction, development, use, activity or encroachment shall be permitted that would cause any increase in flood heights.

(Ordinance No. 19, adopted September 25, 2007)

(2) No new construction or development shall be allowed, unless a permit is obtained from the appropriate governmental agencies, bureaus, or similar governmental entities.

(c) Within any general floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top of the bank of any watercourse, unless a permit is obtained from the appropriate governmental agencies, bureaus or similar governmental entity.

(2) 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) elevated up to, or above, the regulatory flood elevation. The design and construction standards and specifications contained in the 2003 IBC (Sec. 1612.4, 1603.1.6 and 3403.1) and in the 2003 IRC (Sec. R323.1.4, R323.2.1, and R323.2.2) and ASCE 24 (Sec. 2.4 and 2.5, Chap. 5) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

(Ordinance No. 19, adopted September 25, 2007; Ordinance No. 43, adopted May 22, 2012)

(b) Non-Residential Structures.

(1) Within any identified floodplain area, the elevation of the lowest floor (including basement or cellar) in any new construction or substantial improvement of a non-residential structure shall be to or above the regulatory 100 year base 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, have a lowest floor (including basement or seller) which is not elevated to at least the 100 year base flood elevation shall be flood-proofed 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 U.S. Army Corps of Engineers (June 1972, as amended March 1992), or with some other equivalent standard. All plans and specifications for such flood-proofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

(3) The design and construction standards and specifications contained in the IBC (Sec. 1603.1.2, 1603.1.6, 1605.2.2, 1612.5.1 and 3403.11) and ASCE 24 (Secs. 2.4 and Chap 7) and 34 PA Code (Chapter 401-405 as amended) shall be utilized.

(Ordinance No. 19, adopted September 25, 2007)

(c) Space Below the Lowest Floor.

(1) Fully Enclosed Spaces. Fully enclosed spaces below the lowest floor (including basement and cellar) are prohibited.

(2) Partially Enclosed Spaces. Partially enclosed space below the lowest floor which will be used solely for the parking of vehicles, building access, or incidental storage in an area other than a basement or cellar, shall be designed and constructed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. (The term partially enclosed space also includes crawl spaces.)

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 (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area;

(b) The bottom of all openings shall be no higher than one (1) foot above grade, and

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

(Ordinance No. 43, adopted May 22, 2012)

(3) Design and Construction Standards. The following minimum standards shall apply to all construction and development proposed within any identified floodplain area.

(a) Fill. If fill is used to elevate or floodproof a building or structure, it shall:

(1) Extend laterally 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 and appropriately stabilized to provide the necessary permeability and resistance to erosion, scouring or settling;

(4) Be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data, justifying steeper slopes are submitted to and approved by the Zoning Officer;

(5) To be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the 2003 IBC (Sec. 1801 and 1803.4) shall be utilized.

(Ordinance No. 19, adopted September 25, 2007)

In addition, the Township may permit the use of fill for landscaping purposes where such fill does not substantially alter site elevations or divert or redirect water onto adjacent properties.

(b) Special Requirements for Mobile Homes. For the purposes of this Ordinance, the term mobile home shall also include park trailers, travel trailers, recreational vehicles and other similar types of manufactured homes which are placed on a site for more than 180 consecutive days:

(1) Within any floodway area, all mobile homes shall be prohibited.

(2) Where permitted within any flood fringe or general floodplain area, all mobile homes and any improvements, including those substantially damaged as a result of a flood, shall be:

(a) Placed on a permanent foundation;

(b) Elevated so that the lowest floor of the mobile home is one and one half (1½) feet or more above the elevation of the 100 year flood; and

(c) 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 2003 International Residential Building Code or the U.S. Department of 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 2003 IBC (Appendix G, Sec. 501.1-3) and the 2003 IRC (Sec. R323.2, R323.3, R102.7.1, R105.3.1.1 and Appendix AE101, 604 and 605) or the most recent revisions thereto and 34 PA Code Chapter 401-405, as amended, where appropriate and/or applicable to units where the manufacturers’ standards for anchoring cannot be provided or were not established for the units(s) proposed installation.

(Ordinance No. 19, adopted September 25, 2007)

(c) Placement of Buildings and Structures. All buildings and structures shall be designed, located and constructed 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 the flood water.

(d) Anchoring.

(1) All buildings and structures, including mobile homes, shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, and lateral movement.

(2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be firmly anchored or affixed to prevent flotation.

(3) The design and construction requirements of the UCC pertaining to this subsection as referred to in 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Secs.605.2.2, 1605.3.1.2, 1612.4 and Appendix G501.3) the IRC (Secs. R301.1 & R323.1.1) and ASCE 24-98 (Sec. 5.6) shall be utilized.

(Ordinance No. 19, adopted September 25, 2007)

(e) Floor, Walls and Ceilings. Where a structure is located at or below the 100 year flood elevation, the flowing standards shall apply:

(1) Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.

(2) Plywood and interior finished walls shall be of any “exterior” or “marine” grade and of a “water-resistant” variety.

(3) Walls and ceilings shall be designed and constructed of materials that are “water-resistant” and will withstand inundation.

(4) Windows, doors and other such components shall be made of metal or other “water-resistant” material.

(5) The provisions of the UCC pertaining to this subsection and referenced in the 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Secs. 801.1.3, 1403.2, 1403.4, 1403.6 and 1404.2), the 2003 IRC (Secs. R323.1.7 & R501.3) and ASCE 24-98 (Chapter 6).

(Ordinance No. 19, adopted September 25, 2007)

(f) Paints and Adhesives. Where a structure is located at or below the 100 year elevation, the following standards shall apply:

(1) Paints or other finishes shall be of “marine” or other “water-resistant” quality.

(2) Adhesives shall be of a “marine” or “water-resistant” quality.

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

(4) The standards and specifications contained in 34 PA Code (Chapters 401-405, as amended) the 2003 IBC (Secs.801.1.3, 1403.7 and Appendix G) and the 2003 IRC (Secs. R323.1.7.).

(Ordinance No. 19, adopted September 25, 2007)

(g) Electrical Components.

(1) Electric distribution panels shall be at least three (3) feet above the 100 year flood elevation.

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

(3) The provisions pertaining to the above provisions and referenced in the UCC and 34 PA Code (Chapters 401-405) as amended and contained in the 2003 IBC (Sec. 1612.4) the IRC (Sec. R323.1.5), the 2000 IGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

(Ordinance No. 19, adopted September 25, 2007)

(h) Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the 100 year flood elevation. The provisions pertaining to the above provision and referenced in the UCC and 34 PA Code (Chapters 401-405), as amended and contained in the 2003 IBC (Sec. 1612.4), the 2003 IRC (Secs.R323.1.5) the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

(Ordinance No. 19, adopted September 25, 2007)

(i) Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the systems and discharges from the systems into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

(j) Water and Sanitary Sewer Facilities and Systems.

(1) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

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

(3) No part of any on-site system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

(k) Other Utilities. All other utilities, such as gas lines, electric and telephone systems, shall be located, elevated (where possible) and constructed to minimize the change of impairment during a flood.

(l) Streets. The finished elevation of all new streets shall be no more than one (1) foot below the 100 year flood elevation.

(m) Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of stormwater 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.

(n) Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life shall be stored at an elevation one and one-half (1½) feet above the 100 year flood and/or be floodproofed to the maximum extent possible.

**§604. Water Management Uses.** Uses normally associated with water management projects, such as dams, impoundment basins, culverts, sewers and bridges, may be permitted in any of the flood plain districts, irrespective of the underlying zoning district, but shall be subject to appraisal by and permits for the Township and such other governmental entities that have jurisdiction over the same. Under no circumstances shall any alteration or relocation take place, which will lower the flood carrying capacity of any stream or watercourse.

**§605. Existing Structures in Floodplain Areas.** A structure, or use of a structure or premises, which lawfully existed in any designated floodplain district before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

(1) Existing structures and/or uses located in the Floodway District shall not be expanded, but may be modified, altered, or repaired to incorporate floodproofing measures, provided that such measures do not increase the elevation of the 100 year flood.

(2) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any floodplain district, to an extent or amount of less than 50 percent of its market value, shall be floodproofed and/or elevated to the greatest extent possible.

(3) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any floodplain district, to an extent or amount of 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.

(4) Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this Ordinance.

(Ordinance No. 19, adopted September 25, 2007)

**§606. Special Provisions for Accessory Structures.**

(1) Accessory structures which are proposed to be built in the Flood Fringe or General Floodplain District 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) The floor area shall not exceed 600 square feet.

(c) The structure shall have a low damage potential.

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

(e) Power lines, wiring and outlets shall be at least one and one-half (1 ½) feet above the 100 year flood elevation.

(f) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. shall be prohibited.

(g) Sanitary facilities shall be 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 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 must meet or exceed the following minimum criteria:

(1) 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;

(2) The bottom of all openings shall be no higher than one (1) foot above grade; and

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

(2) Individuals should be aware that building a structure as described above could significantly increase the cost of flood insurance for the accessor/structure and its contents.

(3) The administrative procedures contained in this Chapter.

**§607. Development Which May Endanger Human Life.**

(1) Hazardous Material and Substances. In accordance with applicable law and regulations any new or substantially improved structure which:

(a) Will be used for the production or storage of any of the following dangerous materials or substances; or

(b) Will be used for any activity requiring the maintenance of or a supply of more than 500 gallons, or other comparable volume, of any of the following dangerous substance or material on the premises; or

(c) Will involve the production, storage or use of any amount of radioactive substances;

Shall be subject to the provisions of this Section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium Carbide
5. Carbon Disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric Acid
9. Hydrocyanic Acid
10. Magnesium
11. Nitric Acid and Oxides of Nitrogen
12. Petroleum products (gasoline, fuel, oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and Sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated

(2) Floodproofing Requirements.

(a) Activities and development of the kind described above shall be prohibited in any identified Floodway area.

(b) Where permitted within an identified Flood Fringe or General Floodplain area, any new or substantially improved structure of the kind described above shall be:

(1) Elevated or designed and constructed to remain completely dry up to at least one and one-half (1½) feet above the 100 year flood; and

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

Any such structure, or part thereof, that will be built below the 100 year flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the applicable laws, statutes, ordinances, rules and regulations, or with some other equivalent watertight standard.

(c) In addition, the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Ordinance and to protect the general health, safety, and welfare of the public.

(d) Except for modification of the freeboard requirements involved, no variance shall be granted for any other requirements of this Section.

**§608. Activities Requiring Special Permits.**

(1) Identification of Activities Requiring a Special Permit. The following activities shall be prohibited within any identified floodplain area unless a Special Permit 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
3. Jails or prisons

(Ordinance No. 19, adopted September 25, 2007)

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

(2) Application Requirements. Applicants for Special Permits shall provide five (5) copies of the following items:

(a) A written request including a completed Zoning 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 (1) inch being equal to 100 feet or less, showing the following:

(1) North arrow, scale and date;

(2) Topography based upon a source acceptable to the Township, showing existing and proposed contours at intervals of two (2) feet;

(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 width, 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 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.

(9) The proposed lowest floor elevation of any proposed building based upon the National Geodetic Vertical Datum in the most recent FIS study.

(d) Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at a 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 or cellar) 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 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; and

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

(e) The following data and documentation:

(1) A 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 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 100 year flood, including a statement concerning the effects such pollution 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 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 100 year flood elevation and the effects such materials and debris may have on 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;

(8) Any other applicable permits; and

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

(3) Application Review Procedures. Upon receipt of an application for a Special Permit by the Township, the following procedures shall apply in addition to all other applicable permit procedures.

(a) Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment.

(b) If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respect the application is deficient.

(c) If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

(d) If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.

(e) Before issuing the Special Permit, the Township shall allow the Department of Community and Economic Development 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 30 day review period, it may issue a Special Permit 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 Permit.

(4) Special Technical Requirements. In addition to any other applicable requirements, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and any other applicable provisions, the more restrictive provision shall apply.

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

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

(a) The structure will survive inundation by waters of the 100 year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the 100 year flood elevation.

(b) The lowest floor elevation (including basement and cellar) will be at least one and one half (1 ½) feet above the 100 year flood elevation.

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

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

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

(c) In approving any application for a Special Permit, the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Chapter and to protect the general health, safety, and welfare of the public.

(d) Except for a possible modification of the freeboard requirement involved, variance shall be granted for any of the other requirements of this Section.

**§609. Administration.**

(1) Zoning Permit Requirements. To insure that the aforementioned flood damage controls are being employed in all new construction, development and substantial improvement within any designated floodplain area, including the use of fill, the applicant or developer shall obtain a Zoning Permit prior to commencement of any such activity. The Zoning Officer shall provide the applicant with information concerning the location of any floodplain district boundary relative to his proposed construction and the water surface elevation of the 100 year flood at the proposed construction site. The applicant shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:

(a) 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;

(b) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

(c) Adequate drainage is provided so as to reduce exposure to flood hazards.

(2) Application Requirements. The Zoning Officer shall require the following specific information, plus other pertinent information as may be required, to be included as part of an application for a Zoning Permit in order to make the above determination.

(a) A completed Zoning Permit application form.

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

(1) North arrow, scale and date;

(2) Topographic contour lines, if available;

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

(4) The location of all existing or proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision or land development;

(5) The location of all existing streets, drives, and other accessways; and,

(6) The location of any existing bodies of water or water courses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

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

(1) The proposed lowest floor elevation of any proposed building based upon the National Geodetic Vertical Datum in the most recent FIS study;

(Ordinance No. 19, adopted September 25, 2007)

(2) The elevation of the 100 year flood;

(3) If available, information concerning flood depths, pressures, velocities, impact and uplift fores, and other factors associated with a 100 year flood; and,

(4) Detailed information concerning any proposed floodproofing measures.

(d) The following date and documentation:

(1) 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 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 development.

All plans and specifications for 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 standards contained in this Chapter.

(2) Detailed information needed to determine compliance with the provisions of this Chapter, including:

(a) The amount, location and purpose of any materials or substances referred to which are intended to be used, produced, stored or otherwise maintained on the site; and,

(b) 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 herein during a 100 year flood.

(3) The appropriate component of the Department of Environmental Protection’s Planning Module for Land Development.

(4) Where any excavation or grading is proposed, a plan, to implement and maintain erosion and sedimentation control.

(3) Review by the County Conservation District. A copy of all plans for proposed development in any identified floodplain area shall be submitted by the Zoning Officer to the County Conservation District for review and comment at least 14 days prior to the issuance of a Zoning Permit. The recommendations of the County Conservation District may be incorporated into the plan to provide for protection against predictable hazards. If no comments are received within the 14 days, the Zoning Officer may take action on the Permit.

(4) 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 Zoning Officer to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

(5) Issuance of Zoning Permit. No permit shall be issued until the Township is satisfied that all other appropriate permits have been 0btained. Applicant shall provide the Township with copies of the same.

**§610. Variances in Floodplain Districts.** In passing upon applications for a variance within any identified floodplain area, the Zoning Hearing Board shall consider all factors specified herein, state law relative to variances, and the following:

(1) Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places provided that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

(2) Variances may not be granted for any construction, development, use, or activity within any floodway area that would result in any increase in flood levels during the 100 year flood.

(3) Except for a possible modification of the freeboard requirements involved no variance shall be granted for any of the other requirements contained in those sections of this Chapter dealing with Development Which Endangers Human Life and Development Regulated by Special Exception.

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

(5) In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary to protect the public health, safety and welfare, and to achieve the objectives of this Ordinance.

(6) Whenever a variance is granted, the Township shall notify the applicant in writing that:

(a) The granting of a variance may result in increased premiums for flood insurance, and

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

(7) In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:

(a) That there is good and sufficient cause;

(b) That failure to grant the variance would result in exceptional hardship to the applicant; and

(c) That granting of the variance will;

(1) Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,

(2) Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances or regulations.

(8) Records of all variance requests and related actions, including their justification 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 Administrator.

(9) Notwithstanding any of the above, all structures shall be designed and constructed so as to have the capability of resisting the 100 year flood.

**§611. Special Exceptions in Floodplain Districts.** In passing upon applications for Special Exceptions within any identified floodplain area, the Zoning Hearing Board shall consider all factors specified in this Chapter, and the following:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments. In the Floodway District, no Special Exception shall be granted which will cause any rise in the elevation of the 100 year flood;

(2) The danger that materials may be swept onto other lands or downstream causing injury to others;

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

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

(5) The important of the services provided by the proposed facility to the community;

(6) The requirements of the facility for a waterfront location;

(7) The availability of alternate locations not subject to flooding for the proposed use;

(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

(9) The safety of access to the property in times of flooding by ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and,

(11) Such other factors which are relevant to the purposes of this Chapter.

(Ordinance No. 19, adopted September 25, 2007)

(Ordinance No. 99-1, adopted July 20, 1999)