

BOROUGH OF SAINT LAWRENCE
ORDINANCE NO. 418

AN AMENDATORY ORDINANCE AS MANDATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) (44 CFR §59 TO 44 CFR §73) AND BY THE COMMONWEALTH OF PENNSYLVANIA AMENDING ORDINANCE NO. 414 OF THE BOROUGH OF ST. LAWRENCE BY CORRECTING SECTION REFERENCES IN SECTIONS 5.02.A.1 AND 5.02.B.1; RE-DEFINING "BASEMENT" AND "STRUCTURE" IN SECTION 9.02; AND CHANGING THE DATE REFERENCE IN SECTION 9.02.34; AND RESTATING THE REMAINDER OF ORDINANCE NO. 414 IN ITS ENTIRETY; REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE BOROUGH OF SAINT LAWRENCE, BERKS COUNTY, COMMONWEALTH OF PENNSYLVANIA WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

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

WHEREAS, the United States Congress has, by the passage of National Flood Insurance Act of 1968, established certain rules and regulations, in the Code of Federal Regulations, governing the implementation of local Floodplain Management Ordinances;

WHEREAS, the above-referenced federal and state laws and regulations mandate the adoption of local Floodplain Management Ordinances to regulate construction and development activities in known flood hazard areas; and,

WHEREAS, Ordinance No. 414 was adopted by the Borough of St. Lawrence at its June 14, 2012 meeting in compliance with the above-stated requirements, and subsequently, upon post-adoption review, the Federal Emergency Management Agency required certain amendments.

IT IS HEREBY ENACTED AND ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ST. LAWRENCE AS FOLLOWS:

ARTICLE I. STATUTORY AUTHORIZATION AND RELEVANT FEDERAL REGULATION

Section 1.01 Statutory Authorization

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

Section 1.02 Incorporation of Federal Regulation

The United States Congress has, by the passage of National Flood Insurance Act of 1968, established the following rules and regulations, in The Code of Federal Regulations, governing the implementation of the Floodplain Management Ordinance:

- Title 44 Emergency Management and Assistance
- Chapter I Federal Emergency Management Agency
- Subchapter B Insurance and Hazard Mitigation
 - § 59 General Provisions
 - § 60 Criteria for Land Management and Use
 - § 61 Insurance Coverage and Rates
 - § 62 Sale of Insurance and Adjustment of Claims
 - § 63 Implementation of Section 1306(C) of the National Flood Insurance Act of 1968
 - § 64 Communities Eligible for the Sale of Insurance
 - § 65 Identification and Mapping of Special Hazard Areas
 - § 66 Consultation with Local Officials
 - § 67 Appeals from Proposed Flood Elevation Determinations
 - § 68 Administrative Hearing Procedures
 - § 70 Procedure for Map Correction
 - § 72 Procedures and Fees for Processing Map Changes
 - § 73 Implementation of Section 1316 of the National Flood Insurance Act of 1968

The above-referenced regulations and amendments thereto as shall be adopted by the United States Congress and the Federal Emergency Management Agency, are hereby incorporated by reference as through the same were set forth herein at length.

ARTICLE II. GENERAL PROVISIONS

Section 2.01 Intent

The intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.

Section 2.02 Applicability

- A. 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 Borough of Saint Lawrence unless a Floodplain Permit determination has been obtained from the Floodplain Administrator.
- B. A Floodplain Permit shall not be required for minor repairs to existing buildings or structures only after determination by the Floodplain Administrator or their designee that a Floodplain Permit is not required for the proposed work. A Zoning Permit will be required prior to any work commencing. Other municipal permits may be required such as UCC Building, UCC Electrical, Etc.

Section 2.03 Abrogation and Greater Restrictions

This ordinance 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.

Section 2.04 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Section 2.05 Warning and Disclaimer of Liability

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

This Ordinance shall not create liability on the part of the Borough of Saint Lawrence or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under, or permit or grant of variance or special exception relief by the Borough, its governing body, Zoning Hearing Board, or officials. The owner acts at his or her own risk, and releases and shall indemnify the Borough, its officials, employees, and professional consultants for any claims of damages or losses asserted due to construction or other activities in Flood Hazard areas based upon permits or special relief granted

allowing such construction or other activities.

ARTICLE III. ADMINISTRATION

Section 3.01 Designation of the Floodplain Administrator

The Borough Manager within the Administrative offices of the Borough of Saint Lawrence is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator.

Section 3.02 Permits Required

A Floodplain Permit shall be required before any construction or development is undertaken within any Special Flood Hazard Area of the Borough of Saint Lawrence, as set forth in the Flood Insurance Study (FIS) and the Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA), dated July 3, 2012.

Section 3.03 Duties and Responsibilities of the Floodplain Administrator

- A. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- C. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues, as defined in Section 9.02(31), below, can be addressed before the permit is issued. The Permit may be denied if repetitive loss issues are not resolved in a manner preventing or mitigating future loss to the satisfaction of the Floodplain Administrator.
- D. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- E. In the discharge of his/her duties, the Floodplain Administrator 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 ordinance.

- F. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit, issue or have issued a "Stop Work" order and take other steps to prevent further work, and report such fact to the Council for whatever action it considers necessary.
- G. The Floodplain Administrator shall maintain all records associated with the requirements of this ordinance including, but not limited to, permitting, inspection and enforcement.
- H. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the latest Pennsylvania adopted versions of the International Building Code and International Residential Code, as amended (See Section 5.03.N) in rendering permit and enforcement determinations.

Section 3.04 Application Procedures and Requirements

- A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Borough of Saint Lawrence. Such application shall contain, at a minimum, the following:
 - 1. Name and address of applicant.
 - 2. Name and address of owner of land on which proposed construction is to occur.
 - 3. Name and address of contractor.
 - 4. Site location including address.
 - 5. Listing of other permits required.
 - 6. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
 - 7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
 - 1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 - 2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

3. adequate drainage is provided so as to reduce exposure to flood hazards.
 4. structures will be anchored to prevent floatation, collapse, or lateral movement.
 5. building materials are flood-resistant.
 6. appropriate practices that minimize flood damage have been used.
 7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
 8. where the structure is an existing structure, sufficient measures have been taken to resolve or mitigate repetitive losses.
- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination (see Section 6.02):
1. A completed Permit Application Form.
 2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to thirty (30) feet or less, showing the following:
 - a. north arrow, scale, and date;
 - b. topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;
 - c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - d. the location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 - e. 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;
 - f. the location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;
 - g. the location of all proposed buildings, structures, utilities, and any other improvements; and
 - h. any other information which the municipality considers necessary for adequate

review of the application, including the FIRM reference marker location, description and elevation, and the on-site survey monument used to establish the topography, structure and feature elevations.

3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988 and as required the elevations of any other floors;
 - b. the elevation of the base flood;
 - c. supplemental information as may be necessary under 34 PA Code, the latest adopted Pennsylvania versions of the International Building Code and International Residential Code, as amended (See Section 5.03.N).
 - d. cross section drawings for all proposed streets, drives, other accessways and parking areas, showing all rights-of-ways and pavement widths;
 - e. profile drawings for all proposed streets, drives and vehicular accessways including existing and proposed grades; and
 - f. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.

4. The following data and documentation:
 - a. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood; and
 - b. detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - c. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway (See section 4.02 B), an AE Area/District with floodway or when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point.
 - d. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.

Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the

development.

- e. detailed information needed to determine compliance with Section 5.03 F., Storage, and Section 5.04, Development Which May Endanger Human Life, including:
 - i. the amount, location and purpose of any materials or substances referred to in Sections 5.03 F. and 5.04 which are intended to be used, produced, stored or otherwise maintained on site.
 - ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances noted in Section 5.03 during a base flood and ensuring the materials and substances listed in Section 5.04 are not within the Floodplain area.
 - f. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - g. 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.
- D. Applications for Permits shall be accompanied by a deposit fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator, to be used as a draw down for review expenses. Review expenses will be charged at time and materials cost for the Floodplain Administrator and other appropriate agencies and/or individuals, based upon the current adopted fee schedule of the municipality. If review expenses exceed the initial deposit fee, an additional deposit may be required prior to completion of the review. All outstanding charges must be paid prior to the issuance of the Floodplain Permit.
- E. A property owner may pursue the completion and submission of the Elevation Certificate FEMA Form 81-31 to the Borough to certify that their structure is above the base flood elevation. The Elevation Certificate must be completed and sealed by the required Pennsylvania registered professionals in accordance with the Code of Federal Regulations, 44 CFR Parts 60 and 65, and all other FEMA regulations concerning the NFIP. If the property owner pursues the submission of the Elevation Certificate, the property owner is fully responsible for the fees and costs associated with the completion and submission of the Certificate including the review fees associated with the Floodplain Administrator and the professional consultants of the Borough. These fees will be based upon the adopted fee schedule of the municipality. Completion of the Certificate does not guarantee the property owner that the structure will be above the base flood elevation; and therefore may not require flood insurance.

Section 3.05 Reserved for Future Use

Section 3.06 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 Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment, as deemed necessary by the Floodplain Administrator. All review fees must be paid in full by Applicant, as set forth in Section 3.04.D, above.

Section 3.07 Changes

After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration. Such changes may be submitted to outside agencies and Borough professional consultants for review at the expense of the Applicant.

Section 3.08 Placards

In addition to the Permit, the Floodplain Administrator 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 Permit, the date of its issuance, and be signed by the Floodplain Administrator.

Section 3.09 Start of Construction

Work on the proposed construction or development shall begin within 180 days after the date of issuance and shall be completed within twelve (12) months after the date of issuance of the Permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request.

Section 3.10 Enforcement

A. Notices

Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Floodplain Administrator 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 requires, unless immediate action, in the judgment of the Floodplain Administrator, is required due to an immediate threat to public health or safety;
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 actions which, if taken, will effect compliance with the provisions of this Ordinance.

B. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall be guilty of a misdemeanor and upon conviction shall pay a fine to the Borough of Saint Lawrence, of not less than Twenty-five Dollars (\$25.00) nor more than Six Hundred Dollars (\$600.00) plus costs of prosecution. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Council to be a public nuisance and abatable as such.

Section 3.11 Appeals

- A. Any person aggrieved by any action or decision of the Floodplain Administrator

concerning the administration of the provisions of this Ordinance, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator, in a manner proscribed by the Zoning Hearing Board. (See Zoning Ordinance)

- B. Upon receipt of such appeal the Zoning Hearing Board shall set a time and place, within sixty (60) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
- C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief there from by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.

ARTICLE IV. IDENTIFICATION OF FLOODPLAIN AREAS

Section 4.01 Identification

The identified floodplain area shall be:

any areas of the Borough of Saint Lawrence, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated *July 3, 2012* and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Borough of Saint Lawrence and declared to be a part of this ordinance.

Section 4.02 Description and Special Requirements of Identified Floodplain Areas

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

- A. The Floodway Area/District AE Floodway in the FIS which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS.

Within any floodway area, no encroachments, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

No new construction or development shall be allowed, unless a permit is obtained from the Pennsylvania Department of Environmental Protection Regional Office, and any other federal or state agencies from whom a permit is required.

- B. The AE Area/District without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided in the FIS but no floodway has been delineated.

In AE Area/District with or without floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one (1) foot.

- C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one-percent (1%) annual chance flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

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

- D. Reserved for Future Use
- E. Reserved for Future Use
- F. No permit shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the BFE.
- G. No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE than one (1) foot at any point.
- H. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.

Section 4.03 Changes in Identification of Area

The identified floodplain area may be revised or modified by the Council 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 by the requestor for the change from the FEMA. Additionally, as soon as practicable, but not later than six (6) months after the

date such information becomes available, the requestor shall notify the FEMA of the changes by submitting technical or scientific data to FEMA and copying the Borough (See 5.01.B).

Section 4.04 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Borough of Saint Lawrence Zoning Officer and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

Section 4.05 Jurisdictional Boundary Changes

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, placing additional lands in the Borough, the Borough shall review flood hazard data affecting the lands subject to boundary changes. The Borough shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3, and in compliance with this Ordinance and other applicable Ordinances.

ARTICLE V. TECHNICAL PROVISIONS

Section 5.01 General

A. Alteration or Relocation of Watercourse

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office having jurisdiction in Berks County, and any other state or federal agencies having jurisdiction.
2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
3. In addition, the FEMA and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

B. Technical or scientific data shall be submitted by the applicant (copy of same shall be submitted to the Borough) to FEMA for a Letter of Map Revision (LOMR) as soon as practicable but within six (6) months of any new construction, development, or other activity resulting in changes in the BFE. The situations when a LOMR or a Conditional Letter of Map Revision (CLOMR) are required are:

1. Any development that causes a rise in the base flood elevations within the

floodway; or

2. Any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
3. Alteration or relocation of a stream (including but not limited to installing culverts and bridges).

Section 5.02 Elevation and Floodproofing Requirements

A. Residential Structures

1. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Subsection 4.02.C of this ordinance.
2. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to or the base flood elevation plus one and one-half (1 ½) foot of freeboard.
3. The design and construction standards and specifications contained in the Pennsylvania adopted versions of the International Building Code (IBC) and in the International Residential Code (IRC), as amended (see Section 5.03.N), ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

B. Non-residential Structures

1. In A Zones, where there no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with Subsection 4.02.C of this ordinance.
2. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
3. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-

Proofing Regulations" published by the U.S. Army Corps of Engineers, as amended, or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

4. The design and construction standards and specifications contained in the latest adopted Pennsylvania versions, as amended of the International Building Code (IBC) and in the International Residential Code (IRC) (see Section 5.03.N), ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

C. Space below the lowest floor

1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. the bottom of all openings shall be no higher than one (1) foot above grade.
 - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Reserved for future use

E. Accessory structures

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. Storage subject to compliance with Sections 5.03.F and 5.04.
2. floor area shall not exceed 200 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 flood waters.
5. power lines, wiring, and outlets will be elevated to the regulatory 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 floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. the bottom of all openings shall be no higher than one (1) foot above grade.
 - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

Section 5.03 Design and Construction Standards

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

A. Fill

Within any designated floodplain area, the use of fill shall be prohibited.

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties. Permits and approval from PA DEP are required for these facilities.

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water supply and sanitary sewer facilities and systems

shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site sewage system shall be located within any 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.
4. The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities from Flood Damages shall be utilized.

D. Other Utilities

All other utilities, subject to Section 5.03.P.2, such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation. No street shall be permitted where viable alignments are feasible.

F. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 5.04, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or flood proofed to the maximum extent possible.

G. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
4. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

J. Paints and Adhesives

1. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
2. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material..

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment

1. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

M. Fuel Supply Systems

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

N. Uniform Construction Code Coordination

The Standards and Specifications of the latest adopted Pennsylvania versions of the International Building Code and International Residential Code as amended shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and supplement the requirements of this ordinance.

O. The following uses shall be permitted within the Flood Hazard District to the extent that they are not prohibited by any other ordinance, will not cause any increase in flood levels during a 100-year flood and provided that they do not require a structure, fill or storage of materials or equipment:

1. Agricultural uses, such as general farming, pasture, orchard, grazing, outdoor plant nurseries, farm ponds and wild crop harvesting, excluding structures, grading or fill which would cause an increase in flood heights or frequency.
2. Recreational uses, such as parks, picnic grounds, hiking and riding trails, fish hatcheries, wildlife sanctuaries and nature preserves; excluding enclosed structures, but permitted open shelters usually found in developed outdoor recreation areas; provided that all allowed structures and accessories (picnic tables, benches, signs, etc.) be adequately anchored to prevent flotation during a flood event.

Toilet facilities may be excepted when lawfully connected to public water and sewer.

3. Dams and bridges approved by the Pennsylvania Department of Environmental Protection.

P. The following uses shall be permitted by Special Exception of the Zoning Hearing Board as provided for herein and in the current Zoning Ordinance as amended of the Borough of St. Lawrence at time of application. Special Exception uses shall be in accordance with the provisions of the Clean Stream Law of Pennsylvania, Act 394 of 1937, as amended, 35 P.S. §691.1 *et seq.*; the rules and regulations of the Pennsylvania Department of Environmental Protection and all other provisions of this Ordinance:

1. Temporary use parking lots, loading areas and driveways, if they are water-permeably surfaced. Parking lots designed for storage or lodging (hotel, motel and campgrounds) are prohibited.
 - i. No driveways shall be permitted where viable alternative alignments are feasible.
 - ii. No parking lot shall be permitted unless satisfactory evidence is presented that such lot will not be used during periods of flood flow. Temporary parking for recreational uses would be an example, where vehicles can be removed quickly in the event of flash flooding. No overnight parking is permitted.

2. Public utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission, subject to the following conditions:
 - i. Facilities such as pipelines, gas lines, storm sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations and underground communications facilities, shall, together with associated structures, but excepting necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain, and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain. All new or replacement water supply facilities and/or sanitary sewage facilities shall be designed to minimize or eliminate infiltration of floodwaters. All gas lines shall have a system of shut-off valves for service to the Flood Hazard District to allow positive control during flood emergencies. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
 - ii. Electrical transmission lines and supporting structures shall be installed so as to minimize or eliminate flood damage, and all lines of less than 15 kilovolts shall be installed underground, below the existing natural surface grade within the floodplain. Above-ground electrical transmission lines of 15 kilovolts or more may be allowed above ground as a special exception, provided they are certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania as meeting all of the following standards:
 1. Above ground lines and supporting structures shall enter the Flood Hazard District only to cross a watercourse, shall cross the watercourse and the Flood Hazard District using the most direct and shortest route possible consistent with the goals, objectives, purposes, and intents of this Part, shall make the minimum number of crossings necessary and shall be designed and installed so as to minimize or eliminate flood damage.
 2. Above ground lines shall be elevated so that their lowest portions are a minimum of 20 feet above the regulatory flood elevation.
 3. Supporting structures for the above ground lines within the Flood Hazard District shall be the minimum number necessary to carry the lines across the Flood Hazard District. Supporting structures shall be designed and installed so as to be able to withstand the

maximum volume, velocity and force of floodwaters which can be expected at the point where they are located.

4. Facilities and services in the Flood Hazard District shall be designed so that flood damage within the district does not disrupt services outside the district.
 3. Water monitoring devices
 4. Culverts, bridges and approaches to public and private culverts and bridges provided the same meet all of the following conditions:
 - i. Review by the Berks County Planning Commission, if required.
 - ii. Approval by the Pennsylvania Department of Environmental Protection (PADep), if required.
 - iii. Approval by the Pennsylvania Department of Transportation (PennDOT), if required.
 - iv. Approval by the United States Army Corps of Engineers, if required.
 - v. If approval by PennDOT is not required, the proposed use must still meet all of the appropriate minimum design standards of PennDOT.
 - vi. The proposed structure must be designed in such a way as to have the capacity to allow the unrestricted passage of waters of the regulatory flood elevation below and through it without any upstream or downstream increase in water surface elevation or any horizontal change in current velocity or direction.
 - vii. Extraction of sand, gravel, and other mineral resources, excluding topsoil.
 - viii. Other uses similar to the above, provided the use will not reduce the cross-sectional area of the floodplain.
 5. In addition, the Zoning Hearing Board shall not permit by special exception any structure located in a floodway or any development which would cause any increase in flood levels during a 100-year flood.
- Q. The following uses and activities are specifically prohibited in any Flood Hazard District and are not eligible for variance consideration or any other relief which would allow these uses and activities:
1. All uses prohibited either expressly or implicitly in the underlying zoning district for the land in question.
 2. Cutting or removal of living trees or other flora except where diseased or an

identified invasive plant species in Pennsylvania and in areas devoted to forestry or nursery use, in which case cutting or removal shall be on a selective basis and with reforestation measures.

3. Damaging or relocation of any watercourses, except as provided for in this Ordinance.
4. Swimming pools
5. Cemeteries for humans or animals.
6. Mobile homes and mobile home parks.
7. Sanitary landfills, dumps, junk and salvage yards and outdoor storage of vehicles and materials.
8. Parking lots designed for storage, lodging or any use which would require overnight parking.
9. Any development, structure or use which may, whether alone or in combination with others, except where specifically authorized elsewhere in this Ordinance:
 - i. Endanger human life, as defined in Section 5.04, below.
 - ii. Obstruct, impede, retard, change, or increase the velocity, direction, or flow of floodwaters.
 - iii. Increase the surface elevation of floods, or the frequency of floods.
 - iv. Catch or collect debris carried by the floodwaters.
 - v. Be placed where the natural flow of the stream or floodwaters would carry it downstream to the damage or detriment of property within or adjacent to the Flood Hazard District.
 - vi. Degrade the water carrying capacity of any watercourse, channel or floodplain.
 - vii. Increase the rate or cumulative volume of local runoff, erosion or sediment loss.
 - viii. Degrade the quality of surface water or the quality or quantity of ground water.
 - ix. Be susceptible to flotation and subsequent movement which would cause damage to other property.
 - x. Create unhealthful ponding or other sanitary conditions.

10. Feedlots

Section 5.04 Development Which May Endanger Human Life

A. 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, the Borough of Saint Lawrence prohibits any new or substantially improved or modified structure which:

1. will be used for the production or storage of any of the following dangerous materials or substances; or,
2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
3. 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:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.

B. Within any Floodway Area, any structure of the kind described in Subsection A., above, shall be prohibited.

C. Where permitted within any Identified Floodplain Area, any new or substantially

improved structure of the kind described in Subsection A., above, shall be:

1. elevated, or in the case of a non-residential structure elevated or designed, and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation,
2. designed to prevent pollution from the structure or activity during the course of a base flood.

Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

Section 5.05 Special Requirements for Subdivisions

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

Section 5.06 Special Requirements for Manufactured Homes

- A. Within any Floodway Area/District, manufactured homes shall be prohibited.
- B. Where permitted within any Identified 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 at least one and one half (1 ½) feet above base flood elevation.
 3. anchored to resist flotation, collapse, or lateral movement.
- C. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.
- D. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where

appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the units(s) proposed installation.

Section 5.07 Special Requirements for Recreational Vehicles

A. Recreational vehicles in identified floodplain areas are prohibited.

ARTICLE VI. PROHIBITED ACTIVITIES AND USES

Section 6.01 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:

- A. The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - 1. Hospitals
 - 2. nursing homes
 - 3. jails or prisons
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.
- C. All development which may endanger human life as noted in Section 5.04 and Section 5.03Q.

Section 6.02 Reserved for Future Use

Section 6.03 Reserved for Future Use

Section 6.04 Reserved for Future Use

ARTICLE VII EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Section 7.01 Existing Structures

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 7.02 shall apply.

Section 7.02 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/District that would cause any increase in BFE.
- B. No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- D. The above activity shall also address the requirements of the 34 PA Code, as amended and the latest adopted Pennsylvania versions of IBC and the IRC.
- E. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

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.

ARTICLE VIII VARIANCES AND SPECIAL EXCEPTIONS

Section 8.01 General

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship, the Borough of Saint Lawrence Zoning Hearing Board may, upon application, grant relief from the strict application of the requirements.

Section 8.02 Variance Procedures and Conditions

Requests for variances shall be considered by the Borough of Saint Lawrence Zoning Hearing Board in accordance with the procedures contained in Section 3.04; the Article IX of the Borough of St. Lawrence Zoning Ordinance, as amended; the Pennsylvania Municipalities Planning Codes, as amended; and the following:

- A. No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.
- B. No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

- C. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Article VI Prohibited Activities and Uses, Development Which May Endanger Human Life (Section 5.04), and Section 5.03.Q or where it is elsewhere specifically stated that the activity or use is prohibited.
- D. If granted, a variance shall involve only the least modification necessary to provide relief.
- E. In granting any variance, the Borough of St. Lawrence Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- F. Whenever a variance is granted, the Borough of Saint Lawrence 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, and that owner builds at his or her own risk.
- G. In reviewing any request for a variance, the Borough of Saint Lawrence Zoning Hearing Board shall consider, at a minimum, the following:
 - 1. That there is good and sufficient cause, and that the cause is not self created, but due to physical conditions unique to the property.
 - 2. That failure to grant the variance would result in exceptional hardship to the applicant.
 - 3. That the granting of the variance will
 - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
 - b. nor create nuisances, defraud, 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 Borough of Saint Lawrence. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood (e.g., the 100 year storm).

Section 8.03 Special Exception Procedures and Conditions

Requests for Special Exceptions shall be considered by the Borough of Saint Lawrence Zoning Hearing Board in accordance with the procedures contained in Section 3.04; Article IX of the Borough of St. Lawrence Zoning Ordinance, as amended; the Pennsylvania Municipalities Planning Codes, as amended; and the following:

- A. Standards and criteria enumerated under this Section are met before granting the request.
- B. The danger to life and property due to increased flood heights, velocities or frequencies caused by encroachments is minimized.
- C. The danger that floodwaters or materials may be swept onto other lands or downstream to cause injury to others is minimized.
- D. The proposed water supply and sanitation systems which may be involved, and the ability of these systems to avoid causing disease, contamination and unsanitary conditions is minimized.
- E. The proposed facility needs a waterfront or floodplain location.
- F. The susceptibility of the proposed use to flood damage and the probable effect of such damage on the owner or occupant.
- G. The importance of the proposed use to the community and its compatibility with existing development.
- H. The availability for the proposed use of alternative locations not subject to flooding.
- I. The safety of access to the property for ordinary and emergency vehicles in times of flooding will be assured.
- J. The expected area, height, depth, velocity, pressure, frequency, duration, rate of rise and sediment transport of the flood waters anticipated at the site is not inconsistent with the proposed use.
- K. The proposed activity will not unduly alter natural water flow or water temperature.
- L. Such other factors as are relevant to the purposes of this Ordinance and the Joint Comprehensive Plan of the Borough of St. Lawrence, the Township of Exeter and the Township of Amity.

ARTICLE IX DEFINITIONS

Section 9.01 General

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its' most reasonable application.

Section 9.02 Specific Definitions

In addition to the definitions below, all definitions in the Borough of St. Lawrence Zoning Ordinance as amended are incorporated.

1. 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.
2. Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).
3. Base flood discharge - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).
4. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
5. Basement - any area of the building having its floor below ground level on all sides. This definition applies to Special Flood Hazard Areas as set forth in this Ordinance only.
6. 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.
7. 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.
8. Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
9. Existing structure - means a structure for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. “Existing structure” may also be referred to as “existing construction.”
10. Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

11. Flood - a temporary inundation of normally dry land areas.
12. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
13. Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
14. 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.
15. 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.
16. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
17. Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
18. Historic structures – any structure that is:
 - a) 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;
 - b) 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;
 - c) Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
 - d) Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:

By an approved state program as determined by the Secretary of the Interior or
Directly by the Secretary of the Interior in states without approved programs.
19. 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 ordinance.

20. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
21. Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
22. 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.
23. Market Value – the price at which something will sell within a reasonable period of time if effectively exposed to the market.
24. New construction - structures for which the start of construction commenced on or after the July 3, 2012 Flood Insurance Rate Map (FIRM) adopted by the community and includes any subsequent improvements to such structures. Any permit issued from December 16, 1980 to July 2, 2012 is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
25. New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
26. 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.
27. Post-FIRM Structure - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated 12/16/1980, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

28. Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated 12/16/1980, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.
29. Recreational vehicle - a vehicle which is:
 - a) built on a single chassis;
 - b) not more than 400 square feet, measured at the largest horizontal projections;
 - c) designed to be self-propelled or permanently towable by a light-duty truck,
 - d) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
30. Regulatory flood elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet.
31. Repetitive loss – flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.
32. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.
33. Start of construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

34. Structure – Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including a gas or liquid storage tank that is principally above ground. Unless noted otherwise, the following structures are excluded from the definition of structure for the regulatory purposes of this Ordinance: patios, alleys, access drives, driveways, walkways, parking areas, and other similar at-grade structures.

Accessory Structure – A subordinate structure on a lot, the use of which is customarily incidental to that of the principal structure.

Principal Structure – A structure that is directly involved in the principal use of the lot on which said structure is located.

35. Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
36. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
37. Substantial improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" (or "repetitive loss" when a repetitive loss provision is used) regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure, including filing a variance for the substantial improvement. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

38. Uniform Construction Code (UCC) – The statewide building code adopted by The

Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The State adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

- 39. Violation - means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10) or (d)(3) is presumed to be in violation until such time as that documentation is provided.
- 40. Watercourse – a channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow

ARTICLE X ENACTMENT

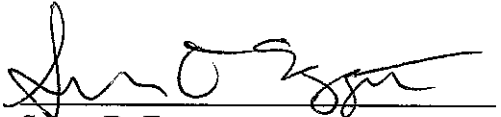
Section 10.01 Adoption

September 12, 2012

This Ordinance shall be effective on _____ and shall remain in force until modified, amended or rescinded by the Borough of Saint Lawrence, Berks County, Pennsylvania.

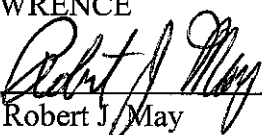

ENACTED AND ADOPTED by the Council this 9 day of August, 2012.

ATTEST:



Susan D. Eggert,
Borough of Saint Lawrence Secretary

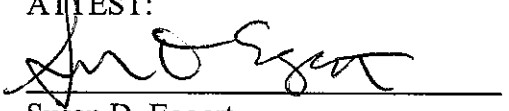
COUNCIL OF THE BOROUGH OF SAINT LAWRENCE

By:  

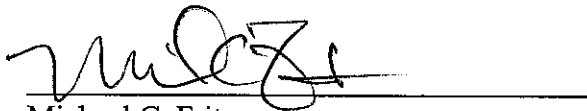
Robert J. May
Council President

APPROVED, this 9th day of Aug 2012, by the Mayor, Borough of Saint Lawrence

ATTEST:



Susan D. Eggert,
Borough of Saint Lawrence Secretary



Michael C. Fritz,
Mayor