ORDINANCE NO. 569

EAST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE OF EAST NORRITON TOWNSHIP, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, 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 EAST NORRITON TOWNSHIP 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, pursuant to the Pennsylvania Flood Plain Management Act of 1978, as amended, East Norriton Township is required to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry; and

WHEREAS, the Board of Supervisors has determined that it is necessary to revise Chapter 205, "Zoning", Article XVII, §§ 205-91 through 205-101, "Floodplain Conservation District," of The Code of East Norriton Township, in order to meet the Township's obligations under the Act.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Board of Supervisors of East Norriton Township as follows:

SECTION I. AMENDMENT OF CODE

Article XVII of Chapter 205, §§ 205-91 through 205-101, of the Code of the Township of East Norriton, entitled "Floodplain Conservation District" is repealed in its entirety and the following new Article XVII, "Floodplain Conservation District" is hereby enacted.

Article I. 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 flood plain management regulations to promote public health, safety, and the general welfare of its citizenry. Pursuant to that obligation, the following regulations are enacted.

Article II. **§ 205-91 General Provisions**

§ 205-91.A Intent.

The intent of this Ordinance is to:

1. Protect areas of the flood plain necessary to contain flood waters.

2. To permit only those uses in the flood plain that are compatible with preserving natural conditions and stream flow.

3. Promote the general health, welfare, and safety of the community by preventing development in areas prone to flooding.

4. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

5. Minimize danger to public health by protecting water supply and natural drainage.

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

7. Comply with federal and state flood plain management requirements.

§ 205-91.B Applicability.

1. The Flood Plain Conservation District is defined and established as a district applicable to those areas of East Norriton Township, subject to inundation by the waters of the 1% annual chance flood as delineated on the Flood Insurance Rate Map (FIRM) for Montgomery County, Pennsylvania, as prepared by the Federal Emergency Management Agency, dated March 2, 2016 and subsequent revisions thereto. Said flood plain areas shall consist of the following specific areas:

    a. Those areas established as Special Flood Hazard Areas (SFHAs) according to FEMAs Flood Insurance Rate Map (FIRM) for East Norriton Township. Areas constituting SFHAs include the following:

        1). Zone A: Areas subject to inundation by the 1% annual chance flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations

(BFEs) or flood depths are known. Mandatory flood insurance purchase requirements and floodplain management standards apply.

2). Zone AE: Areas subject to inundation by the 1% annual chance flood event determined by detailed methods. BFEs are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.

b. Soils with a frequency of flooding of 1% or greater per year, as delineated by the Natural Resources Conservation Service, United States Department of Agriculture Web-Based Soil Survey (available online at http://websoilsurvey.nrcs.usda.gov/), including the following soils:

1). Bowmansville (Bo)

2). Knauers (Bo)

3). Gilbraltar (Gc)

4). Hatboro (Ha)

5). Rowland (Rt)

6). Rowland (RwA)

7). Rowland (RwB)

8). Urban Land Occasionally Flooded (UlA)

2. In lieu of the above, East Norriton Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by Professional Engineers or others of demonstrated qualifications, Licensed in the Commonwealth of Pennsylvania 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.

3. The Flood Plain Conservation District shall be delineated according to FEMAs Flood Insurance Rate Map (FIRM) for East Norriton Township, which is hereby made a part of this article, and additional area based on soils as described in 2.02A.2. The FIRM is available for inspection at the municipal office.

4. The Flood Plain Conservation District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot.

5. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within East Norriton Township unless a Permit has been obtained from the Flood Plain Administrator.

6. A Permit shall not be required for minor repairs to existing buildings or structures.

§ 205-91.C Abrogation and Greater Restrictions.

This ordinance supersedes any other conflicting provisions which may be in effect in the Flood Plain Conservation District. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive provision shall apply.

§ 205-91.D 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.

§ 205-91.E 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 acceptable engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the Flood Plain Conservation District 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 East Norriton Township 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.

Article III. § 205-92 Definitions

§ 205-92.A General.

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

§ 205-92.B Specific Definitions.

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").

3. 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. The BFE is also shown on the FIS profile, and can be determined for Zone A Flood Plains.

4. Basement - any area of the building having its floor below ground level on all sides.

5. 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.

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

7. 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 flood plain management regulations adopted by a community.

8. Existing Structure/Existing Construction – a structure for which the "start of construction" commenced before the effective date of the FIRM.

9. 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 manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

10. Flood – a temporary inundation of normally dry land areas.

11. Flood Insurance Rate Map (FIRM) – the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

12. Flood Insurance Study (FIS) – the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

13. Flood Plain 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.

14. 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.

15. 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.

16. Floodway Fringe – That part of the flood plain adjacent to and extending from the floodway and subject to inundation by the 100-year flood.

17. Freeboard – A factor of safety usually expressed in feet above a flood level for purposes of flood plain management.

18. Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

19. 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 Pennsylvania Historical and Museum Commission (PHMC) as meeting the criteria for individual listing on the National Register;

    b. Certified or preliminarily determined by the Pennsylvania Historical and Museum Commission (PHMC) as contributing to the historical

significance of a National Register historic district or a district preliminarily determined by the PHMC to be eligible to qualify for listing in the National Register, or;

c. Designated as historic by a municipal ordinance:

1). Identified individually or as part of a local historic district by a zoning ordinance under the authority of the Pennsylvania Municipalities Planning Code or

2). Located in a local historic district that has been certified by the Pennsylvania Historical and Museum Commission as meeting the requirements of the Pennsylvania Historic District Act.

20. 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.

21. 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.

22. Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

23. Minor repair – the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep; minor repairs shall 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.

24. New construction – structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after 9/30/1977 and before the effective start date of this floodplain

management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance. The base floor elevation of any building deemed new construction shall be 1' – 6" above the base flood elevation.

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 flood plain management regulations adopted by a community. The base floor elevation of any new manufactured home shall be 1' – 6" above the base flood elevation.

26. One hundred-year flood – The flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the '1% frequency flood', or the 'Base Flood', as defined by FEMA in the Flood Insurance Study for East Norriton Township.

27. 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.

28. Post-FIRM Structure – A structure for which construction or substantial improvement occurred after 12/31/1974, or on or after the community's initial FIRM dated 9/30/1977, whichever is later, and, as such would be required to be compliant with the regulations of the NFIP.

29. Pre-FIRM Structure – A structure for which construction or substantial improvement occurred on or before 12/31/1974, or before the community's initial FIRM dated 9/30/1977, and, as such would not be required to be compliant with the regulations of the NFIP.

30. 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.

31. Redevelopment Area – A census tract or group of census tracts eligible for the Montgomery County Revitalization Program and identified in the adopted municipal revitalization plan.

32. Regulatory flood elevation – The regulatory flood elevation is the elevation to which development is regulated for purposes of elevation and/or dry floodproofing. It is equal to the base flood elevation (BFE) plus a freeboard of 1' – 6" feet.

33. 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.

34. Special permit – a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a flood plain.

35. Special flood hazard area (SFHA) – means an area in the flood plain 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.

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

37. Start of construction – includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the Flood Plain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether

or not that alteration affects the external dimensions of the building.

38. Structure - a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

39. 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.

40. 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.

41. 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, building 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. For alteration of historic structures, see 5.04e.

42. 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 Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State flood plain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

43. 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),

(d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Article IV. § 205-93 Identification of Flood Plain Areas

§ 205-93.A Identification.

The Flood Plain Conservation District shall be any areas of East Norriton Township classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated March 2, 2016 and issued by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

The Flood Plain Conservation District shall also include areas with soils listed in Section 205-91.B(3), along with any community identified flood hazard areas.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by East Norriton Township and declared to be a part of this ordinance.

§ 205-93.B Description and Special Requirements of the Flood Plain Conservation District.

The Flood Plain Conservation District shall consist of the following specific areas/districts:

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

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

    b. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

2. The AE Area/District 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.

   a. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.

   b. AE Area without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.

      1). No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

      2). No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

3. The A Area/District shall be the areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no 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 Flood Plain Conservation District which is nearest the construction site.

   In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by Professional Engineers Licensed in the Commonwealth of Pennsylvania 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.

4. The Shallow Flooding Area/ District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annual chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

5. Community Identified Flood Hazard Areas shall be those areas where East Norriton Township has identified local flood hazard or ponding areas, as delineated and adopted on a Local Flood Hazard Map using best available topographic data and locally derived information such as flood of record, historic high water marks, soils or appropriate study methodologies.

§ 205-93.C Changes in Identification of Area.

The Flood Plain Conservation District may be revised or modified by the East Norriton Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data.

§ 205-93.D Boundary Disputes.

Should a dispute concerning any identified flood plain boundary arise, an initial determination shall be made by the East Norriton Township Planning Commission and any party aggrieved by this decision or determination may appeal to the East Norriton Township Board of Supervisors. The burden of proof shall be on the appellant.

§ 205-93.E Corporate Boundary Changes.

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce flood plain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

Article V. § 205-94 Uses Permitted in the Flood Plain Conservation District

§ 205-94.A Uses Permitted by Right.

The following uses are permitted by right in the flood plain Conservation District in compliance with the requirements of this Article:

1. Up to half of any required yard setback area on an individual residential lot may extend into the Flood Plain Conservation District.

2. Open space uses that are primarily passive in character shall be permitted to extend into the flood plain including:

a. Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands, and reforestation.

b. Streambank stabilization.

3. Forestry operations reviewed by the Montgomery County Conservation District.

4. The following flood plain crossings are permitted, provided disturbance to any existing woodlands and degradation of water quality are minimized to the greatest extent practicable:

   a. Agricultural crossings by farm vehicles and livestock.

   b. Driveways serving single family detached dwelling units, roadways, recreational trails, railroads, and utilities.

5. Agricultural uses conducted in compliance with methods prescribed in the latest version of the Department of Environmental Protection's Erosion and Sediment Pollution Control Manual. In the event that the municipality has a Riparian Corridor Conservation District or similar regulation, the more restrictive regulation shall apply.

6. Public sewer and/or water lines and public utility transmission lines running along the corridor. Utility crossings shall be made perpendicular to the direction of flow, or as near as practical.

7. Development of elevated and flood-proofed buildings on brownfield sites in redevelopment areas encouraging economic revitalization, in compliance with Section 205-97.B The base floor elevation shall be 1' – 6" above the flood elevation.

§ 205-94.B <u>Uses Prohibited in the Flood Plain Conservation District</u>.

Any use or activity not authorized within Section 205-94.A, herein, shall be prohibited within the Flood Plain Conservation District and the following activities and facilities are specifically prohibited, except for as part of a redevelopment project in compliance with Section 205-94.A(7) herein:

1. No new construction, alteration, or improvement of buildings and any other type of permanent structure, including fences shall be permitted in the floodway or the 100-year flood plain.

2. New construction of buildings or placement of fill within the 100 year floodplain is prohibited.

3. No encroachment, alteration, or improvement of any kind shall be made to any watercourse.

4. Clearing of all existing vegetation, except where such clearing is necessary to prepare land for a use permitted under Section 205-94.A, herein, and where the effects of these actions are mitigated by reestablishment of vegetation.

5. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards.

6. Roads or driveways, except where permitted as corridor crossings in compliance with Section 205-94.A, herein.

7. Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume.

8. Parking lots.

9. Subsurface sewage disposal areas.

10. Sod farming.

11. Stormwater basins, including necessary berms and outfall facilities.

12. The storage of chemicals, oils, greases, gasoline, or other products as listed in Section 205-95.C(1) or that would be harmful to the environment or water.

§ 205-94.C <u>Nonconforming Structures and Uses in the Flood Plain District</u>.

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 205-94.D of this ordinance shall apply.

§ 205-94.D <u>Improvements to Existing Structures in the Flood Plain Conservation District</u>.

The following provisions shall apply whenever any improvement is made to an existing structure located within any Flood Plain Conservation District:

1. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the base flood elevation. Any expansion or enlargement of an existing structure shall be at an elevation of 1' – 6" above the base flood elevation.

2. No expansion or enlargement of an existing structure shall be allowed within any AE Area/District with floodway, as defined in Section 205-93.B(2), which would, together

with all other existing and anticipated development, increase the BFE more than one (1) foot at any point. Any expansion or enlargement of an existing structure shall be an elevation of 1' – 6" above the base floor elevation.

3. No expansion or enlargement of an existing structure shall be undertaken in the direction of the stream bank.

4. 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.

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

6. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC.

7. 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 VI. § 205-94 Variances

§ 205-94.A General.

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, East Norriton Township may, upon request, grant relief from the strict application of the requirements.

§ 205-94.B Variance Procedures and Conditions.

1. For a use other than those permitted in Article V, an application seeking approval by variance shall be forwarded to the Zoning Hearing Board along with required studies or information and the findings of the Zoning Officer.

2. No variance shall be granted for any construction, development, use, or activity within

any floodway area that would cause any increase in the BFE.

3. No variance shall be granted for any construction, development, use, or activity within any AE Area/District floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

4. No variance shall be granted for any of the other requirements pertaining specifically to development regulated by Section 205-96.D (pertaining to special technical requirements for activities requiring a Special Permit) or to Development Which May Endanger Human Life (Section 205-95.C).

§ 205-94.C Special Requirements for Subdivisions.

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

§ 205-94.D Special Requirements for Manufactured Homes.

1. Within the Flood Plain Conservation District, manufactured homes shall be prohibited within the area measured one hundred (100) feet landward from the top-of-bank of any watercourse.

2. Where permitted by variance within the Flood Plain Conservation District, all manufactured homes, and any improvements thereto, shall be:

   a. placed on a permanent foundation.

   b. elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above the Base Flood Elevation.

   c. anchored to resist flotation, collapse, or lateral movement.

   d. constructed with all ductwork and utilities, including HVAC condensing unit/heat pump, elevated to the Regulatory Flood Elevation.

3. 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.

4. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed installation.

§ 205-94.E Special Requirements for Recreational Vehicles.

1. Recreational vehicles in Zones A1-30, AH and AE must either

   a. be on the site for fewer than 180 consecutive days, and

   b. be fully licensed and ready for highway use, or

   c. meet the permit requirements for manufactured homes in Section 205-94.D.

§ 205-94.F Variance Conditions.

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

2. In granting any variance, the Zoning Hearing Board shall attach the reasonable conditions and safeguards outlined herein. These conditions and safeguards are necessary in order to protect the public health, safety, and welfare of the residents of the municipality.

3. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:

   a. The granting of the variance may result in increased premium rates for flood insurance.

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

4. 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, including:

      1). That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of

the zoning ordinance in the neighborhood or district in which the property is located.

2). That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

3). That such unnecessary hardship has not been created by the appellant.

4). That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

b. That failure to grant the variance would result in exceptional hardship to the applicant.

c. That the 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 and regulations.

5. A complete record of all variance requests and related actions shall be maintained by East Norriton Township. In addition, a report of all variances granted during the year shall be included in the biennial report to FEMA.

Article VII. § 205-95 Technical Provisions in the event of a variance being granted

§ 205-95.A General.

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

1. Pertaining To The Alteration or Relocation of Watercourse

a. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

b. 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.

c. In addition, the FEMA and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

2. The municipality shall require technical or scientific data to be submitted to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes in the BFE. A LOMR or Conditional Letter of Map Revision (CLOMR) is required for:

a. Any development that causes a rise in the base flood elevations within the floodway; or

b. Any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one floor in the base flood elevation; or

c. Alteration or relocation of a stream (including but not limited to installing culverts and bridges.

3. Any new construction, development, uses or activities allowed by variance within any Flood Plain Conservation District shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations. In addition, when such development is proposed within the area measured one hundred (100) feet landward from the top of bank of any watercourse, a permit shall be obtained from the Department of Environmental Protection Regional Office.

§ 205-95.B <u>Elevation and Floodproofing Requirements</u>.

1. Residential Structures

a. In AE, A1-30, and AH Zones, any new construction or substantial improvement 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 2009 International Building Code (IBC) and in the

2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be used.

b. 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 205-93.B(4) of this ordinance.

c. In AO Zones, any new construction or substantial improvement shall have the lowest floor including basement) at or above the highest adjacent grade at least as high as the number specified on the FIRM.

d. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

2. Non-Residential Structures.

a. 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:

1). is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,

2). has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

b. 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 205-93.B(4) of this ordinance.

c. In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.

d. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June

1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

e. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be used.

3. Space below the lowest floor

a. 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.

b. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, and meet or exceed the following minimum criteria:

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

2). the bottom of all openings shall be no higher than one (1) foot above grade.

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

4). the space shall be designed to drain toward the water course as flood waters recede.

4. Accessory Structures

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

1). the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material,

and equipment related to the principal use or activity.

2). floor area shall not exceed 100 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 storage of chlorine, gas, oil, fertilizer and/or other chemicals is prohibited.

9). 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.

§ 205-95.C <u>Special Technical Requirements</u>.

1. Development Which May Endanger Human Life

In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the

following dangerous materials or substances; or, will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or, will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life: The material listed below shall be stored in accordance with the strictest industry standards that may apply.

- 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.

2. Any structure of the kind described in Subsection 205-95.C(1), above, shall be prohibited within any Floodway Area. Where permitted by variance within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in Section 205-95.C(1), above, shall be elevated to remain completely dry up to at least one and one half (1 1/2) feet above base flood elevation and built in accordance with Section 205-95.B.

3. Within any Identified Floodplain Area, any new or substantially improved structure of the kind described in Section 205-95.C(1), above, shall be prohibited within the are measured fifty (50) feet landward from the top-of-bank of any watercourse.

4. Where permitted by a variance within the flood plain area, any new or substantially improved structure of the kind described in Section 205-95.C(1), above, shall be:

   a. elevated or designed and constructed to remain completely dry up to at least one and one half feet (1 ½) above the Base Flood Elevation and,

b. designed to prevent pollution from the structure or activity during the course of a base flood elevation.

c. 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.

§ 205-95.D Design and Construction Standards.

The following minimum standards shall apply for all construction and development proposed within any Flood Plain Conservation District:

1. Fill

If fill is used, it shall:

a. extend laterally at least fifteen (15) feet beyond the building line from all points;

b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;

c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

d. be no steeper than one (1) vertical to three (3) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Flood Plain Administrator; and

e. be used to the extent to which it does not adversely affect adjacent properties.

f. The area shall be stabilized in accordance with PADEP erosion control standards.

2. 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.

3. Water and Sanitary Sewer Facilities and Systems

a. 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.

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

c. No part of any on-site sewage system shall be located within any Flood Plain Conservation District except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

d. The rim elevations of a settling tank and process areas shall be a minimum of 1' – 6" above the flood elevation.

e. The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities from Flood Damages and The International Private Sewage Disposal Code shall be utilized.

4. Other Utilities

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

5. Streets

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

6. 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 205-95.C., Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.

7. 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.

8. Anchoring

a. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

b. 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.

9. Floors, Walls and Ceilings

a. 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.

b. Plywood used at or below the regulatory flood elevation shall be of a “marine” or "water-resistant" variety.

c. 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.

d. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

10. Paints and Adhesives

a. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.

b. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

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

11. Electrical Components

a. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.

b. Separate electrical circuits shall serve lower levels and shall be dropped from above.

12. Equipment

a. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall be located at an elevation of 1' – 6" foot above the Regulatory Flood Elevation.

13. 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.

14. Uniform Construction Code Coordination

a. The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.

1). International Building Code (IBC) 2009 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

2). International Residential Building Code (IRC) 2009 or the latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

Article VIII § 205-96 Activities Requiring Special Permits

§ 205-96.A 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 activities indicated in 8.01 A and 8.01 B shall be prohibited within any Flood Plain Conservation District unless a Special Permit has been issued by East Norriton Township. In order to apply for a special permit, a variance must first be obtained, as outlined in Article VI.

1. The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

a. Hospitals

b. Nursing homes

c. Jails or prisons

2. 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.

§ 205-96.B Application Requirements for Special Permits.

Applicants for Special Permits shall provide five copies of the following items:

1. A written request including a completed Special Permit Application Form.

2. A small scale map showing the vicinity in which the proposed site is located.

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

   a. north arrow, scale and date;

   b. 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 and 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 flood plain 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.

4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

   a. sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;

   b. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

   c. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood elevation;

   d. detailed information concerning any proposed floodproofing measures;

   e. cross section drawings for all proposed streets, drives, other access ways, and parking areas, showing all rights-of-way and pavement widths;

   f. profile drawings for all proposed streets, drives, and vehicular access ways including existing and proposed grades; and

   g. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

5. The following data and documentation:

   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;

   b. certification from a registered professional engineer, architect, or landscape architect Licensed in the Commonwealth of Pennsylvania that the proposed construction has been adequately designed to protect against damage from the base flood elevation;

   c. 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 base flood elevation, including a statement concerning the effects such pollution may have on human life;

   d. 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 base flood elevation elevations and flows;

e. 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 base flood elevation and the effects such materials and debris may have on base flood elevation elevations and flows;

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;

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

i. an evacuation plan which fully explains the manner in which the site will be completely safely evacuated including all patients, inmates, etc. before or during the course of a base flood.

§ 205-96.C Application Review Procedures.

Upon receipt of an application for a Special Permit by East Norriton Township, the following procedures shall apply in addition to those of Article IX:

1. 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 East Norriton Township Planning Commission and East Norriton Township Engineer for review and comment.

2. If an application is received that is incomplete, East Norriton Township shall notify the applicant in writing, stating in what respect the application is deficient.

3. If East Norriton Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

4. If East Norriton 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.

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

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

7. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify East Norriton Township and the applicant, in writing, of the reasons for the disapproval, and East Norriton Township shall not issue the Special Permit.

§ 205-96.D <u>Special Technical Requirements</u>.

1. In addition to the requirements of Article VII of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Article VII of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

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

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

      1). the structure will survive inundation by waters of the base flood elevation without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.

      2). the lowest floor (including basement) will be elevated to at least one and one half (1½) feet above the Base Flood Elevation.

      3). the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood elevation.

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

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

Article IX. § 205-97 Administration

§ 205-97.A Designation of the Flood Plain Administrator.

The Zoning Officer within the East Norriton Township Administrative Office is hereby appointed to administer and enforce this ordinance and is referred to herein as the Flood Plain Administrator.

§ 205-97.B Permits Required.

A Permit shall be required before any construction or development is undertaken within the Flood Plain Conservation District. In the case of a proposed hospital, nursing home, jail, prison, or manufactured home park, the permit referred to here would be the Special Permit of Article VIII.

§ 205-97.C Duties and Responsibilities of the Flood Plain Administrator.

1. The Flood Plain 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.

2. Prior to the issuance of any permit, the Flood Plain 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.

3. In the case of existing structures, prior to the issuance of any Development/Permit, the Flood Plain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.

4. During the construction period, the Flood Plain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. The Flood Plain Administrator shall make as many inspections during

and upon completion of the work as are necessary.

5. In the discharge of his/her duties, the Flood Plain Administrator shall have the authority to enter any building, structure, premises or development in the Flood Plain Conservation District, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.

6. In the event the Flood Plain 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 Flood Plain Administrator shall revoke the Permit and report such fact to the East Norriton Township Board of Supervisors for whatever action it considers necessary.

7. The Flood Plain Administrator shall maintain all records associated with the requirements of this ordinance including, but not limited to, permitting, inspection and enforcement.

8. The Flood Plain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

§ 205-97.D <u>Application Procedures and Requirements</u>.

1. Application for such a Permit shall be made, in writing, to the Flood Plain Administrator on forms supplied by East Norriton Township. Such application shall contain the following:

    a. Name, address and contact name of the applicant.

    b. Name, address and contact name of the owner of land on which proposed construction is to occur.

    c. Name, address and contact name of the contractor.

    d. Site location including address.

    e. Listing of other permits or variances required.

    f. 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.

2. If any proposed construction or development is located entirely or partially within any Flood Plain Conservation District, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Flood Plain Administrator 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.

d. structures will be anchored to prevent floatation, collapse, or lateral movement.

e. building materials are flood-resistant.

f. appropriate practices that minimize flood damage have been used.

g. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located 1' – 6" above the base flood elevation to prevent water entry or accumulation.

3. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Flood Plain Administrator to make the above determination:

a. A completed Permit Application Form.

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

1). north arrow, scale, and date;

2). topographic contour lines, at 2' intervals

3). the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;

4). the location of all existing streets, drives, and other access ways; and

5). the location of any and all utilities both above and below ground.

6). the location of any existing bodies of water or watercourses, the Flood Plain Conservation District, 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 scale of one (1) inch being equal to one hundred (100) feet or less showing the following:

1). the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;

2). the elevation of the base flood;

3). supplemental information as may be necessary under 34 PA Code, the currently adopted edition of the ICC for both commercial and residential construction.

d. The following data and documentation:

1). detailed information concerning any proposed floodproofing measures and corresponding elevations.

2). if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood elevation; and detailed information concerning any proposed flood proofing measures and corresponding elevations.

3). documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point.

4). a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood elevation. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

5). detailed information needed to determine compliance with Section 205-95.D(6)., Storage, and Section 205-95.C., Development Which May Endanger Human Life, including:

a). the amount, location and purpose of any materials or substances referred to in Sections 205-95.C. and 205-95.D(6) which are

intended to be used, produced, stored or otherwise maintained on site.

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 in Section 205-95.C. during a base flood.

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.

4. Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Flood Plain Administration.

§ 205-97.E Review by County Conservation District.

A copy of all applications and plans for any proposed construction or development in any Flood Plain Conservation District to be considered for approval shall be submitted by the Flood Plain Administrator to the County Conservation District for review and comment prior to the issuance of a Permit. The recommendations of the Conservation District shall be considered by the Flood Plain Administrator for possible incorporation into the proposed plan.

§ 205-97.F Review of Application by Others.

A copy of all plans and applications for any proposed construction or development in any Flood Plain Conservation District to be considered for approval may be submitted by the Flood Plain Administrator to any other appropriate agencies and/or individuals including the planning commission and/or Township Engineer for review and comment if deemed necessary.

§ 205-97.G Changes.

After the issuance of a Permit by the Flood Plain 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 Flood Plain Administrator. Requests for any such change shall be in
writing, and shall be submitted by the applicant to Flood Plain Administrator for consideration.

§ 205-97.H Placards.

In addition to the Permit, the Flood Plain 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 Flood Plain Administrator.

§ 205-97.I Start of Construction.

Work on the proposed construction shall begin within 180 days after the date of issuance and shall be completed within twelve (12) months after the date of issuance of the Permit or the permit shall expire unless a time extension is granted, in writing, by the Flood Plain Administrator. The term, "start of construction" shall be understood as defined in Section 205-92.B of this ordinance.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Flood Plain Administrator to approve such a request and the original permit is compliant with the ordinance & FIRM/FIS in effect at the time the extension is granted.

§ 205-97.J Enforcement.

1. Notices

Whenever the Flood Plain 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 Flood Plain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

a. be in writing;

b. include a statement of the reasons for its issuance;

c. allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;

d. be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State;

e. contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

2. 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 Flood Plain Administrator or any other authorized employee of the municipality shall pay a fine to East Norriton Township, of not less than $1,000.00 nor more than $10,000.00 for each day of violation 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 East Norriton Township Board of Supervisors to be a public nuisance and abatable as such. Any structure so designated may be demolished if deemed a threat to the public safety. The cost of the demolition shall be passed onto the property owner.

§ 205-97.K Appeals.

1. Any person aggrieved by any action or decision of the Flood Plain 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 Flood Plain Administrator.

2. Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in accordance with the Municipal Planning Code and any other local ordinance.

3. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.

SECTION II. REPEALER

The terms, conditions and provisions of this Ordinance are intended to supersede, repeal and replace any inconsistent terms, conditions or provisions of the Code of the Township of East Norriton, and any term, condition or provision of the Code not in conflict with the terms, conditions and provisions of this Ordinance shall survive the enactment of this Ordinance.

SECTION III. SEVERABILITY

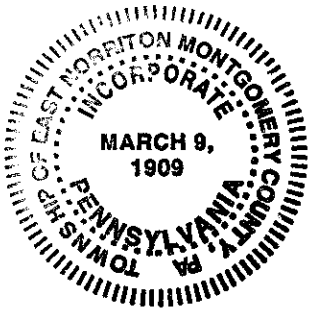
The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, the Board of Supervisors hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective in accordance with the provisions of the East Norriton Township Code.

ORDAINED and ENACTED this 23rd day of February, 2016.

EAST NORRITON TOWNSHIP
BOARD OF SUPERVISORS



CHAIRWOMAN

ATTEST

SECRETARY