

Chapter 8

Floodplains

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Part 1**General Provisions****§8-101. Intent.**

The intent of this Part 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.

(*Ord. 59, 5/2/1985, §1.00*)

§8-102. Applicability.

1. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within Frazer Township unless a building permit has been obtained from the Township Code Official/Building Inspector. [*Ord. 137*]

2. A building permit shall not be required for minor repairs to existing buildings or structures.

(*Ord. 59, 5/2/1985, §1.01; as amended by Ord. 137, 7/5/2005*)

§8-103. Abrogation and Greater Restrictions.

This Chapter supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, where provisions of this Chapter conflict with other provisions of this Chapter or with other provisions of this Code or other ordinances, the more restrictive provision(s) shall apply.

(*Ord. 59, 5/2/1985, §1.02; as amended by Ord. 137, 7/5/2005*)

§8-104. Warning and Disclaimer of Liability.

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

2. This Chapter shall not create liability on the part of Frazer Township or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

(Ord. 59, 5/2/1985, §1.04)

Part 2**Definitions****§8-201. General.**

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

(*Ord. 59, 5/2/1985, §8.00*)

§8-202. Specific Definitions.

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.

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. [*Ord. 137*]

Completely dry space - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor. [*Ord. 137*]

Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes. [*Ord. 137*]

Development - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land. [*Ord. 137*]

Essentially dry space - a space which will remain dry during flooding, except for the passage of some water vapor of minor seepage; the structure is substantially impermeable to the passage of water. [*Ord. 137*]

Flood - a temporary inundation of normally dry land areas.

Floodplain - see definition of "flood-prone area." [*Ord. 137*]

Floodway - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a flood of the 100-year magnitude. [*Ord. 137*]

Flood-proofing - means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. [*Ord. 137*]

Flood-prone 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. [*Ord. 137*]

Historic structure - 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 with historic preservation programs which have been approved by the Secretary of the Interior.

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

(1) By an approved State program as determined by the Secretary of the Interior.

(2) Directly by the Secretary of the Interior in States without approved programs.

[Ord. 137]

Identified flood-prone area - the floodplain area specifically identified in this Chapter as being inundated by the 100-year flood. Included would be areas identified as Floodway (FW) and Flood-Fringe (FF). [Ord. 137]

Land development - (A) the improvement of one lot, or two or more contiguous lots, tracts or parcels of land for any purpose involving: (1) a group of two or more buildings, or, (2) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (B) a subdivision of land. [Ord. 137]

Landslide prone soils - any geologic formation that is especially susceptible to landslides due to the presence of one or more conditions such as unstable rock formations, soil types, groundwater seepage or saturated soils, including without limitation, areas containing soils identified as landslide prone in the Soil Survey of Allegheny County or other maps or surveys in the Allegheny County Department of Economic Development, or its successor. [Ord. 137]

Lowest floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of Part 5 of this Chapter. [Ord. 137]

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 connected to the required utilities. The term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. [Ord. 137]

Manufactured home park - a parcel of land under single ownership which has been

planned and improved for the placement of two or more manufactured homes for nontransient use. [Ord. 137]

Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including any addition, change or modification in construction, exit facilities or permanent fixtures or equipment. [Ord. 137]

Obstruction - any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property. [Ord. 137]

One-hundred year flood - a flood that, on the average, is likely to occur once every 100 years (i.e., that has 1 percent chance of occurring each year, although the flood may occur in any year).

Regulatory flood elevation - the 100-year flood elevation plus a freeboard safety factor of 1½ feet.

Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes, and other similar items. [Ord. 137]

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, 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 10 acres, not involving any new street or easement of access or residential dwellings shall be exempted.

Substantial damage - damage of any origin sustained by a structure where by the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of the construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

A. 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 Township Code Official/Building Inspector and are the minimum necessary to assure safe living conditions.

B. Any alterations of a historic structure, provided that the alteration will not preclude the structure's designation as a historic structure.

[Ord. 137]

(Ord. 59, 5/2/1985, §8.01; as amended by Ord. 137, 7/5/2005)

Part 3**Administration****§8-301. Building Permits Required.**

Building permits shall be required before any construction or development is undertaken within any identified floodplain area of Frazer Township.

(*Ord. 59, 5/2/1985, §2.00; as amended by Ord. 137, 7/5/2005*)

§8-302. Issuance of Building Permit.

1. The Township Code Official/Building Inspector shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

2. Prior to the issuance of any building permit the Township Code Official/Building Inspector shall review the application for permit to determine if all other necessary government permits required by Federal, State, County, Township and other governmental laws and regulations 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); the U.S. Clean Water Act, §404, 33 U.S.C. §1344. No permit shall be issued until this determination has been made.

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

4. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development shall be notified by the Township prior to any alteration or relocation of any watercourse.

(*Ord. 59, 5/2/1985, §2.01; as amended by Ord. 137, 7/5/2005*)

§8-303. Application Procedures and Requirements.

1. Application for such a building permit shall be made in writing to the Township Code Official/Building Inspector on forms supplied by the Township. Such application shall contain the following: [*Ord. 137*]

- A. Name and address of applicant.
- B. Name and address of owner of land on which proposed construction is to occur.
- C. Name and address of contractor.
- D. Site location.
- E. Listing of other permits required.
- F. Brief description of proposed work and estimated cost.
- G. A plan of the site showing the exact size and location of the proposed

construction as well as any existing buildings or structures. The Township Code Official/Building Inspector and/or Township Engineer may require this site plan to be sealed by a professional land surveyor to ensure that the property boundary and site improvements are properly depicted and the floodplain is properly shown. [Ord. 137]

2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Township Code Official/Building Inspector to determine that: [Ord. 137]

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 damages.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

3. Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in §8-602) as may be required by the Township Code Official/Building Inspector to make the above determination:

A. A completed building permit application form.

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

(1) North arrow, scale, and date.

(2) Topographic contour lines, if available.

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

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

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

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

(7) The site plan shall be sealed by a professional land surveyor registered in the Commonwealth of Pennsylvania to ensure the accuracy and legitimacy of the plan. [Ord. 137]

4. 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 National Geodetic Vertical Datum of 1929.

B. The elevation of the 100-year flood.

C. If available, information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with a 100-year flood.

D. Detailed information concerning any proposed flood-proofing measures.

E. The Township Code Official/Building Inspector and/or Township Engineer may require these plans to be sealed by a registered architect or professional engineer licensed in the Commonwealth of Pennsylvania. [*Ord. 137*]

5. The following data and documentation:

A. 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 100-year flood elevations, pressures, velocities, impact and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the 100-year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development. [*Ord. 137*]

B. Detailed information needed to determine compliance with §8-402.1.G, "Storage," and §8-403, "Development Which May Endanger Human Life," including:

(1) The amount, location and purpose of any dangerous materials or substances which are intended to be used, produced, stored or otherwise maintained on site.

(2) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in §8-403 during a 100-year flood.

C. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development." [*Ord. 137*]

D. 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. [*Ord. 137*]

E. A document, certified by a registered professional engineer or architect, which states that any fully enclosed area below the lowest floor meets the design requirements of 44 CFR 60.3(c)(5), as amended. [*Ord. 137*]

(*Ord. 59, 5/2/1985, §2.02; as amended by Ord. 137, 7/5/2005*)

§8-304. Review by County Conservation District.

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Township Code Official/Building Inspector to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Township Code Official/Building Inspector for possible incorporation into the proposed plan.

(*Ord. 59, 5/2/1985, §2.03; as amended by Ord. 137, 7/5/2005*)

§8-305. Review of Application by Others.

A copy of all plans and applications for any proposed construction development in any identified floodplain area to be considered for approval may be submitted by the Township Code Official/Building Inspector to any other appropriate agencies and/or

individuals (e.g., Planning Commission, Township Engineer, etc.) for review and comment.

(*Ord. 59, 5/2/1985, §2.04; as amended by Ord. 137, 7/5/2005*)

§8-306. Changes.

After the issuance of a building permit by the Township Code Official/Building Inspector, 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 Township Code Official/Building Inspector. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Township Code Official/Building Inspector for consideration.

(*Ord. 59, 5/2/1985, §2.05; as amended by Ord. 137, 7/5/2005*)

§8-307. Placards.

In addition to the building permit, the Township Code Official/Building Inspector shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Township Code Official/Building Inspector.

(*Ord. 59, 5/2/1985, §2.06; as amended by Ord. 137, 7/5/2005*)

§8-308. Start of Construction.

1. Work on the proposed construction and/or development shall begin within 6 months and shall be completed within 12 months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Township Code Official/Building Inspector. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

2. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Code Official/Building Inspector to approve such a request.

(*Ord. 59, 5/2/1985, §2.07; as amended by Ord. 137, 7/5/2005*)

§8-309. Inspection and Revocation.

1. During the construction period, the Township Code Official/Building Inspector 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 Township laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary. [*Ord. 137*]

2. In the discharge of his duties, the Township Code Official/Building Inspector shall have the authority to enter any building, structure, premises or development in the identified flood-prone area, upon presentation of proper credentials, at any

reasonable hour to enforce the provisions of this Chapter. [*Ord. 137*]

3. In the event the Township Code Official/Building Inspector 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 Township Code Official/Building Inspector shall revoke the building permit and report such fact to the Board of Supervisors for whatever action it considers necessary. [*Ord. 137*]

4. A record of all such inspections and violations of this Chapter shall be maintained.

(*Ord. 59, 5/2/1985, §2.08; as amended by Ord. 137, 7/5/2005*)

§8-310. Fees.

Applications for a building permit shall be accompanied by a fee, payable to Frazer Township, based upon the estimated cost of the proposed construction as determined by the Township Code Official/Building Inspector and in an amount as established from time to time by resolution of the Board of Supervisors.

(*Ord. 59, 5/2/1985, §2.09; as amended by Ord. 137, 7/5/2005*)

§8-311. Enforcement.

1. *Notices.* Whenever the Township Code Official/Building Inspector or other authorized Township representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Chapter, or of any regulation adopted pursuant thereto, the Township Code Official/Building Inspector shall give notice of such alleged violation as hereinafter provided. Such notice shall: [*Ord. 137*]

A. Be in writing.

B. Include a statement of the reasons for its issuance.

C. Allow a reasonable time 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 notices 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 provisions of this Chapter.

2. *Penalties.* Any person, partnership or corporation who fails to comply with any or all of the requirements or provisions of this Chapter or who fails or refuses to comply with any notice, order or direction of the Township Code Official/Building Inspector or any other authorized representative of the Township shall, upon being found liable therefor in a civil proceeding commenced by the Township, pay a judgment of not less than \$100 nor more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. Each day during which any violation of this Chapter continues shall constitute a separate offense. The procedure for imposition of liability in a civil enforcement proceeding shall be as set forth in the Pennsylvania Municipalities Planning Code. In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of this

Chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this Chapter shall not excuse the violation or non-compliance or permit it to continue; and, all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure non-compliance with this Chapter may be declared by the Board of Supervisors to be a public nuisance and abatable as such. [*Ord. 137*]

(*Ord. 59, 5/2/1985, §2.10; as amended by Ord. 137, 7/5/2005*)

§8-312. Appeals.

1. Any person aggrieved by an action or decision of the Township Code Official/Building Inspector concerning the administration of the provisions of this Chapter, may appeal to the Zoning Hearing Board in the time and manner and pursuant to the procedures set forth in the Township Zoning Ordinance [Chapter 27], as amended. Such appeal must be filed, in writing, within 10 days after the decision or action of the Township Code Official/Building Inspector. The Zoning Hearing Board is hereby vested with the power to hear and decide all appeals in the administration of this Chapter. [*Ord. 137*]

2. 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 Commonwealth including the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 *et seq.*, as amended.

(*Ord. 59, 5/2/1985, §2.11; as amended by Ord. 137, 7/5/2005*)

Part 4**Identification of Floodplain Areas****§8-401. Identification.**

The identified floodplain area shall be any area of the Township subject to the 100-year flood which is identified as Zone A (Area of Special Flood Hazard) on the Flood Hazard Boundary Map (FHBM) dated December 19, 1980, (or the most recent revision thereof) as issued by the Federal Emergency Management Agency (FEMA), or on the most recent Flood Insurance Rate Map (FIRM) issued by FEMA, if such a map has been prepared for the Township.

(*Ord. 59, 5/2/1985, §3.00*)

§8-402. Determination of the 100-year Flood Elevation.

1. For the purpose of this Chapter, the 100-year flood elevation shall be used as the basis for regulation. To determine the 100-year flood elevation, the elevation at a given point on the boundary of the identified floodplain area which is nearest the construction site in question will be used. In helping to make this necessary elevation determination, other sources of data, where available, shall be used such as:

- A. Corps of Engineers; Floodplain Information Reports.
- B. U.S. Geological Survey; Flood Prone Quadrangles.
- C. U.S.D.A. Soil Conservation Service; County Soil Surveys (Alluvial Soils) or P.L. 566 Flood information.
- D. Pennsylvania Department of Environmental Protection; flood control investigations. [*Ord. 137*]
- E. Known highwater marks from past floods.
- F. Other sources.

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

(*Ord. 59, 5/2/1985, §3.01; as amended by Ord. 137, 7/5/2005*)

§8-403. Changes in Identification of Area.

1. The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision.

2. No modification or revision of any area identified as being flood-prone in the Flood Insurance Study prepared by the Federal Insurance Administration shall be made without prior approval from the Federal Insurance Administration.

(*Ord. 59, 5/2/1985, §3.02; as amended by Ord. 137, 7/5/2005*)

§8-404. Boundary Disputes.

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township Code Official/Building Inspector. Any party aggrieved by such decision may appeal to the Zoning Hearing Board pursuant to the procedures set forth in the Township Zoning Ordinance [Chapter 27], as amended.

(*Ord. 59, 5/2/1985, §3.03; as amended by Ord. 137, 7/5/2005*)

Part 5**General Technical Requirements****§8-501. General.**

1. In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the Township.

2. Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection. [Ord. 137]

3. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved residential structure shall be 1½ feet or more above the 100-year flood elevation.

4. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved nonresidential structure shall be 1½ feet or more above the 100-year flood elevation or be flood-proofed up to that height.

Any nonresidential structure, or part thereof, which will not be completely or adequately elevated, shall be floodproofed in accordance with the provisions of this Chapter. Additional information may be obtained from the publication entitled "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972).

(Ord. 59, 5/2/1985, §4.00; as amended by Ord. 137, 7/5/2005)

§8-502. Design and Construction Standards.

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

A. *Fill*. If fill is used, it shall:

(1) Extend laterally at least 15 feet beyond the building line from all points.

(2) Consist of soil or small rock materials only; sanitary landfills shall not be permitted.

(3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or setting.

(4) Be no steeper than 1 vertical to 2 horizontal feet, unless substantiated data justifying steeper slopes are submitted to and approved by the Township Code Official/Building Inspector.

(5) Be used to the extent to which it does not adversely affect adjacent properties.

B. *Drainage Facilities*. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall

insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. *Sanitary Sewer Facilities.* All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment. [Ord. 137]

D. *Water Facilities.* All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages. [Ord. 137]

E. *Streets.* The finished elevation of proposed new streets shall be no more than 1 foot below the regulatory flood elevation. [Ord. 137]

F. *Utilities.* All utilities such as gas lines, electrical and telephone systems being placed in identified flood-prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood. [Ord. 137]

G. *Storage.* No materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life, shall be stored below the regulatory flood elevation. [Ord. 137]

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

I. *Anchoring.*

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

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

J. *Floors, Walls and Ceilings.*

(1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

(2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

(3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.

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

K. *Paints and Adhesives.*

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

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

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

K. *Electrical Systems and Components.* The following shall apply:

(1) Electrical water heaters, furnaces, air conditioning and ventilating systems and other electrical equipment or apparatus shall not be located below the regulatory flood elevation.

(2) Electrical distribution panels shall be at least 3 feet above the 100-year flood elevation.

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

[Ord. 137]

L. *Plumbing.* The following shall apply:

(1) Water heaters, furnaces and other mechanical equipment or apparatus shall not be located below the regulatory flood elevation.

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

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

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

[Ord. 137]

(Ord. 59, 5/2/1985, §4.01; as amended by Ord. 137, 7/5/2005)

§8-503. Special Requirements for Manufactured Homes.

1. *Anchoring.* All manufactured homes and any additions thereto shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards Institute and National Fire Protection Association Standards as specified in the Standard for the Installation of Mobile Homes including Mobile Home Park Requirements [NFPA No. 501A-1974 (ANSI A119.3-1975)] as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:

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

B. Frame ties shall be provided at each corner of the manufactured home,

with five additional ties per side at intermediate locations for units 50 feet or more in length and four additional ties per side for units less than 50 feet in length.

C. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

2. *Elevation.* All manufactured homes and any improvements thereto shall be elevated on a permanent foundation in accordance with the following requirements:

A. The stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the elevation of the regulatory flood.

B. Adequate surface drainage is provided.

C. Adequate access for a hauler is provided.

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

3. An excavation plan indicating alternate vehicular access and escape routes shall be filed with Frazer Township for manufactured home parks and manufactured home subdivisions where appropriate.

4. No manufactured home shall be placed in any designated floodway area.

(*Ord. 59, 5/2/1985; as added by Ord. 137, 7/5/2005*)

§8-504. Development Which May Endanger Human Life.

1. In accordance with the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 *et seq.*, as amended, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which: [*Ord. 137*]

A. Will be used for the production or storage of any of the following dangerous materials or substances.

B. 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.

C. Will involve the production, storage, or use of any amount of radioactive substances.

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

- (1) Acetone.
- (2) Ammonia.
- (3) Benzene.
- (4) Calcium carbide.
- (5) Carbon disulfide.
- (6) Celluloid.

- (7) Chlorine.
- (8) Hydrochloric acid.
- (9) Hydrocyanic acid.
- (10) Magnesium.
- (11) Nitric acid and oxides of nitrogen.
- (12) Petroleum products (gasoline, fuel oil, etc.).
- (13) Phosphorus.
- (14) Potassium.
- (15) Sodium.
- (16) Sulphur and sulphur products.
- (17) Pesticides (including insecticides, fungicides and rodenticides).
- (18) Radioactive substances, insofar as such substances are not otherwise regulated.

2. Within any identified floodplain area, any new or substantially improved structure of the kind described in subsection .1, above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

3. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in subsection .1, above shall be:

A. Elevated or designed and constructed to remain completely dry up to at least 1½ feet above the 100-year flood.

B. Designed to prevent pollution from the structure or activity during the course of a 100-year flood.

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

(*Ord. 59, 5/2/1985, §4.02; as amended by Ord. 137, 7/5/2005*)

Part 6**Activities Requiring Special Permits****§8-601. General.**

In accordance with the Pennsylvania Floodplain Management Act, 32 P.S. §679.10 *et seq.*, as amended, regulations promulgated by the Department of Community and Economic Development, as required by the Act, the following obstructions and activities are permitted only by special permit if located partially or entirely within any identified floodplain area: [*Ord. 137*]

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 parks or home subdivisions, and/or substantial improvement to an existing manufactured home park or manufactured home subdivision. [*Ord. 137*]

(*Ord. 59, 5/2/1985, §5.00; as amended by Ord. 137, 7/5/2005*)

§8-602. Application Requirements.

Applicants for special permits shall provide five copies of the following items:

- A. A written request including a completed building permit application form.
- B. A small-scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100 feet or less, showing the following:
 - (1) North arrow, scale and date.
 - (2) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of 2 feet.
 - (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
 - (4) The location of all existing streets, drives, other access ways and parking areas, with information concerning widths, pavement types and construction and elevations.
 - (5) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities and any other natural and man-made features affecting or affected by the proposed activity or development.
 - (6) The location of the floodplain boundary line, information and spot elevations concerning the 100-year flood elevations and information concern-

ing the flow of water including direction and velocities.

(7) The location of all proposed buildings, structures, utilities and any other improvements.

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

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

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

(2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.

(3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood.

(4) Detailed information concerning any proposed flood-proofing measures.

(5) Cross-section drawings for all proposed streets, drives, other access ways and parking areas, showing all rights-of-way and pavement widths.

(6) Profile drawings for all proposed streets, drives and vehicular access ways including existing and proposed grades.

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

E. The following data and documentation:

(1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.

(2) Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100-year flood.

(3) A statement, certified by a registered professional engineer, architect, landscape architect or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100-year flood; including a statement concerning the effects such pollution may have on human life.

(4) A statement certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100-year flood elevations and flows.

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

(6) The appropriate component of the Department of Environmental Protections' "Planning Module for Land Development."

(7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.

(8) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under §302 of Act 1978-16.

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

(*Ord. 59, 5/2/1985; as added by Ord. 137, 7/5/2005*)

§8-603. Application Review Procedures.

Upon receipt of an application for a special permit by the Township, the following procedures shall apply in addition to all other applicable permit procedures which are already established.

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

B. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respects the application is deficient.

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

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

E. Before issuing the special permit, the Township shall allow the Department of Community and Economic Development 30 days after receipt of the notification by the Department to review the application and the decision made by the Township.

F. If the Township does not receive any communication from the Department of Community and Economic Development during the 30-day review period, it may issue a special permit to the applicant.

G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the special permit.

(*Ord. 59, 5/2/1985; as added by Ord. 137, 7/5/2005*)

§8-604. Technical Requirements for Development Requiring a Special Permit.

In addition to any other applicable requirements, the following provisions shall

also apply to the activities requiring a special permit. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provision shall apply:

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

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

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

(b) The lowest floor elevation (including basement) will be at least 1½ feet above the 100-year flood elevation.

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

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

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

(Ord. 59, 5/2/1985; as added by Ord. 137, 7/5/2005)

§8-605. Location in Floodplain.

Within any identified floodplain area, any structure of the kind described in §8-503, above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

(Ord. 59, 5/2/1985; as added by Ord. 137, 7/5/2005)

§8-606. Variances for Special Permits.

Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements of this Section.

(Ord. 59, 5/2/1985; as added by Ord. 137, 7/5/2005)

Part 7**Exiting Structures in Identified Floodplain Areas****§8-701. Conditions for Continuation.**

1. Structures existing in any identified flood-prone area prior to May 2, 1985, but which are not in compliance with this Chapter, may continue to remain subject to the conditions of this Section.

2. Existing structures located in any identified floodway area shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.

3. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or flood proofed to the greatest extent possible.

4. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall be undertaken only in full compliance with the provisions of this Chapter.

(Ord. 59, 5/2/1985, §6.01; as amended by Ord. 137, 7/5/2005)

Chapter 8**Variances****§8-801. General.**

If compliance with the elevation or flood-proofing requirements of this Chapter would result in an exceptional hardship for prospective builder, developer or landowner, the Township Zoning Hearing Board may, upon request, grant relief from the strict application of the requirement.

(*Ord. 59, 5/2/1985, §7.00; as amended by Ord. 137, 7/5/2005*)

§8-802. Variance Procedures and Conditions.

1. Requests for variances shall be considered by the Township Zoning Hearing Board in accordance with the procedures contained in §8-312 and the following: [*Ord. 137*]

A. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the 100-year flood elevation. [*Ord. 137*]

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

C. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Chapter.

D. Whenever a variance is granted, the Township shall notify the applicant in writing that:

(1) The granting of the variance may result in increased premium rates for flood insurance.

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

E. Before granting any request for a variance, the Zoning Hearing Board shall find the following:

(1) That there is good and sufficient cause.

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

(3) That the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with any other applicable local or State ordinance and regulations.

[*Ord. 137*]

F. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal

Insurance Administration. [*Ord. 137*]

2. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures, effects of buoyancy, and other forces associated with the 100-year flood. [*Ord. 137*]

(*Ord. 59, 5/2/1985, §7.01; as amended by Ord. 137, 7/5/2005*)