

ARTICLE XIV
FH – FLOOD HAZARD OVERLAY DISTRICT

1401 Purpose.

In furtherance of the objectives of the Hereford Township and Washington Township Joint Municipal Comprehensive Plan, and the purpose statements and community development objectives set forth in Article I of this Ordinance, the regulations set forth herein are intended to achieve the following specific purposes:

- A. To reduce financial burdens imposed on the community, its government and its individuals by preventing excessive development in areas subject to periodic flooding.
- B. To require all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage through the use of appropriate construction practices.
- C. To regulate uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
- D. To restrict or prohibit certain uses, activities, and development from locating within areas subject to flooding.
- E. To comply with the provisions of the National Flood Insurance Program and the Pennsylvania Floodplain Management Act (Act 1978-166).

1402 General Provisions.

The provisions of this Article shall apply to all areas of Hereford Township located within the boundaries of any FH - Flood Hazard Overlay District, as established by this Article.

A. Compliance

No structure shall be constructed and no existing structure shall be enlarged, converted, relocated or structurally altered, and no area shall be graded, filled, or excavated, in any FH - Flood Hazard Overlay District except in full compliance with the terms and provisions of this Article and other applicable regulations.

B. Permit Required

A zoning permit and/or building permit, as applicable, shall be required for all activities which include, but are not limited to constructing, demolishing, or moving buildings or other structures, paving, filling, grading, excavation, mining, dredging or drilling operations, or the storage of materials and equipment, provided, however, that those structures, land uses, and water uses lawfully existing prior to the adoption of this

Ordinance shall not be required to comply with this Article unless expansions or exterior additions are proposed, or compliance is necessary to correct a serious and substantial threat to public health, safety, or property.

Prior to the issuance of any building permit, the Building Inspector shall review the application for 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); the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

C. Disclaimer of Liability

The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on the use of normal and customary engineering methods of study. Floods that exceed the levels anticipated herein may occur on rare occasions. Floodwater heights may be increased by man-made or natural causes including, but not limited to, ice jams and bridge openings restricted by debris. In such events, areas outside identified floodplains and land uses permitted within such areas may be subject to flooding or flood damage, regardless of the adherence to the standards of this Article.

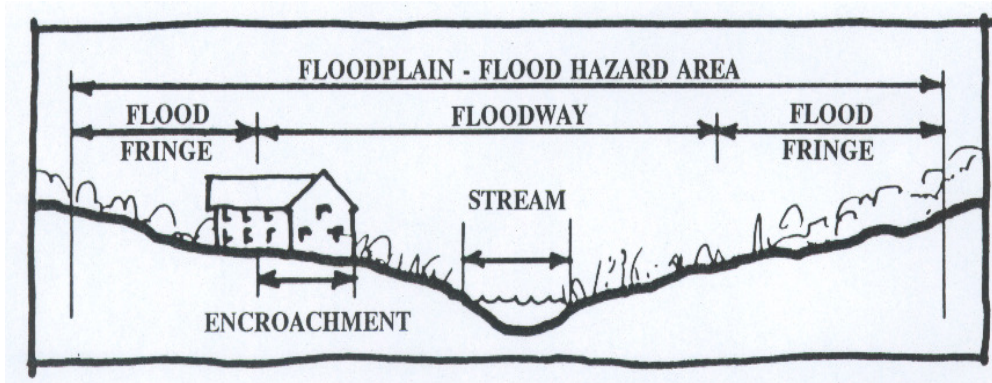
The adoption of this Article and Ordinance, the granting of a permit, or the issuance of any administrative decision under this Ordinance shall not constitute a representation, guarantee, or warrant by Hereford Township or by any official, agent or employee thereof, of the practicability or safety of any structure or land use with respect to damage from flooding, collapse, erosion or otherwise, and shall create no liability upon or cause of action against such public body, official, agent or employee for any damage that may result pursuant thereto or as a result of reliance on the provisions of this Article.

1403 Determination of Areas in District.

- A. The FH - Flood Hazard Overlay District shall include all areas subject to inundation by the waters of the one hundred (100) year flood and subdistricts as determined in Section 1403.B. below. The source of this delineation shall be the Flood Insurance Study (FIS) for the Township of Hereford, Berks County, Pennsylvania, prepared by the Federal Emergency Management Agency (FEMA), Federal Flood Insurance Administration, dated December 5, 1997, or the most recent revision thereof as issued by FEMA.
- B. The FH - Flood Hazard Overlay District shall be comprised of three (3) subdistricts as follows:
1. Floodway. The areas identified as “Floodway” in the Flood Insurance Study (FIS) prepared by FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those

floodplain areas where no floodway has been identified in the Flood Insurance Study.

2. Flood Fringe. The remaining portions of the one hundred (100) year floodplain in those areas in the FIS where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the FIS.



3. Approximated Floodplain.
 - a. The areas identified as “Zone A” in the FIS for which the one hundred (100) year flood elevations have been provided. When available, information from other federal, state, and other acceptable sources (including those listed in subsection 3b below) shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.
 - b. In addition to the sources listed in subsection 3a above, the following data may be used to determine the approximated floodplain areas for the purposes of this Ordinance:
 - i. Corps of Engineers – Floodplain Information Reports.
 - ii. U.S. Geological Survey – Flood-Prone Quadrangles.
 - iii. USDA Soil Survey of Berks County – Alluvial soils.
 - iv. Pennsylvania Department of Environmental Protection flood control investigations.
 - v. Known high water marks from past floods.

- c. In the event of a dispute concerning the actual boundary of the FH - Flood Hazard Overlay District, an initial determination shall be made by the Zoning Officer. Such determination by the Zoning Officer may be appealed to the Zoning Hearing Board. The burden of proof in such an appeal shall rest with the appellant. All revisions to the boundaries of the FO - Flood Hazard Overlay District are subject to the review and approval of the Federal Insurance Administrator for the National Flood Insurance Program in accordance with its rules and regulations.

1404 District Boundary Change.

The delineation of the FH - Flood Hazard Overlay District boundary may be revised and modified by the Board of Supervisors where there are changes through natural or man-made events and where the effects of those changes have been documented and/or recommended by the U.S. Army Corps of Engineers, Philadelphia District, the Federal Flood Insurance Administration, or FEMA. All such changes shall be subject to the review and approval of the Administrator of the National Flood Insurance Program.

1405 Uses Permitted By-Right.

The following uses and no others are permitted within the FH - Flood Hazard Overlay District, provided they are conducted in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 349 of 1937 and the Rules and Regulations of the Pennsylvania Department of Environmental Protection, as amended and all other applicable provisions of this Ordinance and other local, state and federal regulations:

- A. Agricultural uses such as: general farming, pasture, orchard, grazing, outdoor plant nurseries, truck farming, forestry, and wild crop harvesting.
- B. Provided no impervious materials are used, recreational uses such as: park, camp, picnic grounds, golf courses, golf driving range, archery and shooting ranges, hiking and riding trails, hunting and fishing areas, game farm, fish hatchery, woodland preserve, game preserve, nature preserve, wildlife sanctuary, swimming areas or other conservation use.
- C. Municipal or public use, including recreational areas.
- D. Uses accessory to those permitted by the underlying zoning district, including yards and parking, provided no impervious materials are used.

1406 Special Exception Uses.

The following uses may be permitted upon the issuance of a special exception by the Zoning Hearing Board as provided herein and in Section 1411, provided they are conducted in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 349 of 1937 and the Rules and Regulations of the Pennsylvania Department of Environmental Protection, as amended and all other applicable provisions of this Ordinance and other local, state and federal

regulations. In issuing any special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance:

- A. Accessory uses customarily incidental to any of the foregoing permitted uses.
- B. Circuses, festivals, and similar transient amusement enterprises.
- C. Roadside stands and signs.
- D. Dams, culverts, impoundment basins, and bridges approved by the Pennsylvania Department of Environmental Protection and the U.S. Army Corps of Engineers, where applicable.
- E. Utilities and public facilities including streets, water lines, storm sewers and sewage treatment plants.
- F. Modifications to structures existing as of the date of adoption of this Ordinance, subject to the provisions of Section 1409 General Design and Construction Standards.
- G. Adaptive reuse of an existing building or structure in accordance with the underlying zoning district.

1407 Non-Conforming Uses and Existing Structures.

- A. All uses or structures in the FH - Flood Hazard Overlay District lawfully existing on the effective date of this Ordinance which do not conform with the provisions of this Article shall be deemed to be nonconforming. Such nonconforming uses or structures may be continued, maintained, repaired, and flood-proofed, except as otherwise prohibited in this Article. Such nonconforming uses or structures may be improved to comply with current Pennsylvania or Township health, safety or sanitary code specifications which are solely necessary to assure safe living conditions, subject to the following conditions:
 - 1. No expansion or enlargement of an existing structure and/or use shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.
 - 2. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure and/or use 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.
 - 3. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure and/or use to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood proofed to the greatest extent

possible.

- B. Notwithstanding provisions in Sections 2004 and 2005 to the contrary, no abandoned nonconforming use or structure shall be re-established, repaired, or re-occupied except in conformance herewith. In no event shall any abandoned nonconforming use or structure be re-established, repaired, or re-occupied after a determination that the use or structure constitutes a threat to public safety.

1408 Prohibited Uses.

- A. The following uses shall be prohibited within any designated FH - Flood Hazard Overlay District, and shall not be eligible for variance consideration:
1. The production or storage of any of the following materials or substances, or any activity requiring maintenance of a supply of more than five hundred and fifty (550) gallons, or other comparable volume of such materials or substances, or any amount of radioactive substances insofar as such substances are not otherwise regulated:
 - a. Acetone;
 - b. Ammonia;
 - c. Benzene;
 - d. Calcium carbide;
 - e. Carbon disulfide;
 - f. Celluloid;
 - g. Chlorine;
 - h. Hydrochloric acid;
 - i. Hydrocyanic acid;
 - j. Magnesium;
 - k. Nitric acid and oxides of nitrogen;
 - l. Petroleum products (gasoline, fuel oil, etc.);
 - m. Phosphorus;
 - n. Potassium;
 - o. Sodium;
 - p. Sulfur and sulfur products;
 - q. Pesticides (including insecticides, fungicides, and rodenticides);
 - r. Other hazardous or toxic materials similar to those listed above.
 2. Hospital.
 3. Nursing home.
 4. Jail.
 5. Mobile home, or mobile home park, or any substantial improvement to an existing mobile home park.

6. Sanitary landfills, dumps, salvage yards, outdoor storage of vehicles and/or materials, and junk yards.
7. Placing, depositing, and dumping any spoil, fill, or solid waste, except such grading, filling or depositing necessary to accomplish and carry out the permitted uses and uses by special exception specified in Sections 1405 and 1406 of this Article; provided, however, that no grading or filling is permitted which would cause any increase in flood heights or frequency.
8. Removal of topsoil, excluding nursery activities as allowed in Sections 1405 and 1406 of this Article and except such removal of topsoil as is necessary to accomplish and carry out the permitted uses and uses by special exception specified in Sections 1405 and 1406 of this Article; provided, however, that no grading or filling is permitted which would cause any increase in flood heights or frequency.
9. Swimming pools
10. Zoo, menagerie, wild animal farm or domestic farm animal enclosure which will not allow all animals to escape floodwaters without human intervention while remaining safely confined.
11. Cemeteries for humans or animals.
12. Any development, structure, or use which may, whether alone or in combination with others:
 - a. Endanger human life;
 - b. Obstruct, impede, retard, change, or increase the velocity, direction, or flow of floodwaters;
 - c. Increase the surface elevation of floods, or the frequency of floods;
 - d. Catch and collect debris carried by floodwaters;
 - e. Be placed where the natural flow of the stream or floodwaters would carry it downstream to the damage or detriment of property within or adjacent to the FH - Flood Hazard Overlay District.
 - f. Degrade the water carrying capacity of any watercourse, channel, or floodplain;
 - g. Degrade the quality of surface water or the quality or quantity of ground water;

- h. Be susceptible to flotation and subsequent movement which would cause damage to other property.
- i. Not be in harmony with the intent and purpose of this Article as set forth in Section 1401 of this Article.

1409 General Design and Construction Regulations.

The following standards shall apply to all new construction, including additions, improvements, and development, within the FH - Flood Hazard Overlay District, where such construction is permitted under Sections 1405, 1406, 1407 herein.

A. No Increase in Flood Heights

No new construction and/or development shall be permitted within any floodway area that may cause any increase in the elevation of the one hundred (100) year flood.

B. Proximity to Watercourses

Where permitted within any identified floodplain area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank, whichever is greater, of any watercourse, unless a permit is obtained from the Department of Environmental Protection.

C. Changes to Watercourses

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. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

D. Elevation of Residential and Non-Residential Structures

Where permitted within any identified FH - Flood Hazard Overlay District, the elevation of the lowest floor (including basement) of any new construction or substantial improvement of a residential structure, including an existing mobile home, or a non-residential structure, shall be one and one half (1 ½) feet or more above the one hundred (100) year flood elevation or be flood-proofed up to that height.

E. Flood Proofing of Non-Residential Structures

Any non-residential structure, or part thereof, having a lowest floor which is not elevated

to at least one and one half (1 ½) feet above the one hundred (100) year flood elevation, shall be flood-proofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled, “Floodproofing Regulations,” published by the U.S. Army Corps of Engineers (June 1972, as amended), or in accordance with an equivalent standard approved by the Township Engineer. All plans and specifications for such floodproofing shall be accompanied by a statement sealed by a registered professional engineer or architect who states that the proposed design and methods of construction are in conformance with the above referenced standards.

F. Space Below the Lowest Floor

1. Fully enclosed space below the lowest floor (including basement) is prohibited.
2. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term “partially enclosed space” also includes crawl spaces. Designs for meeting this requirement must be either certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a 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 covering or devices provided that they permit the automatic entry and exit of floodwaters.

G. Fill

Where fill is used, it shall:

1. Extend laterally at least fifteen (15) feet beyond the building line from all points.
2. Consist of soil or small rock materials only – sanitary landfills or construction and demolition debris shall not be permitted.
3. Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.

4. Have a slope with a ratio no greater than one (1) foot vertical to two (2) feet horizontal.
5. Be used to the extent to which it does not adversely affect adjacent properties, and does not extend closer than ten (10) feet to any lot line.

H. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets and appropriate channels or pipe, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

I. Water and Sanitary Sewer Facilities and Systems

All water and sanitary sewer facilities and systems shall conform to the following:

1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damage and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
3. No part of any on-site sewage system shall be located within any identified floodplain area, except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

J. 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.

K. Streets

The finished elevation of all new streets shall not be below the Regulatory Flood Elevation.

L. Storage

All materials that are buoyant, flammable, explosive, or, in time of flooding, could be injurious to human, animal or plant life, and not listed in Section 1408, Prohibited Uses, shall be stored at or above the Regulatory Flood Elevation or be flood-proofed to the maximum extent possible

M. 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 floodwater.

N. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement and shall be constructed in accordance with applicable Township building codes.
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.

O. 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” grade or similar 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. Window frames, doors and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

P. 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.

Q. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

R. Equipment

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

S. 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.

1410 Application Requirements for Building Permits.

A. Zoning Officer Determination Required

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 Zoning Officer to determine that:

1. All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this and all other applicable codes and ordinances.
2. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
3. Adequate drainage is provided so as to reduce exposure to flood hazards.

B. Required Information

Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in Section 1412.B.5) as may be required by the Zoning Officer to make the determination as required in Section 1410.A:

1. A completed building permit application form.
2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch equals one hundred (100) feet or less, showing the following:

- a. North arrow, scale, and date.
 - b. Topographic contour lines with a contour interval of not less than two (2) feet.
 - c. All property and lot lines including dimensions and the size of the site to the nearest hundredth (0.01) acre, expressed in acres or square feet.
 - d. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development.
 - e. The location of all existing streets, drives, and other accessways.
 - f. 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.
3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- a. The proposed lowest floor elevation of all proposed buildings based upon the National Geodetic Vertical Datum of 1929.
 - b. The elevation of the one hundred (100) year flood, and if available information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one hundred (100) year flood.
 - c. Profiles and elevations of buildings and streets showing the one hundred (100) year flood.
 - d. Detailed information concerning any proposed floodproofing measures.
 - e. All applicable easements, deed restrictions, variances, and rights-of-way.
4. The following data and documentation:
- a. A document, sealed by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact, and uplift forces associated with the one hundred (100) year flood. Such statement shall include a description of the type and extent of floodproofing measures, which have been incorporated into the design of the structure and/or the development.

- b. Detailed information needed to determine compliance with Section 1408.A.1, Storage, including:
 - i. The amount, location and purpose of any dangerous materials or substances that are intended to be used, produced, stored or otherwise maintained on the site.
 - ii. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 1408.A.1, during a one hundred (100) year flood.
- c. The appropriate component of the Department of Environmental Protection “Planning Module for Land Development.”
- 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.
- e. A description of the proposed use.

1411 Application Requirements for Special Exceptions.

A. Required Information

Applications for Special Exceptions shall conform to the requirements of Section 1409. In addition, the factors in Section 1411.B below shall be considered by the Zoning Hearing Board.

B. Review Factors

In reviewing applications for special exceptions, the Zoning Hearing Board shall consider all relevant factors and procedures contained in other sections of the Zoning Ordinance, as well as the following:

1. The danger to life and property due to the increased flood heights or velocities caused by encroachments.
2. The danger that those materials may be swept onto other lands or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

5. The importance of the services provided by the proposed facility to the community.
6. The requirements of the facility for a waterfront location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
10. The safety of access to the property in times of flood of ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
12. Such other factors which are relevant to the purposes of this Ordinance.

C. Supplemental Technical Review

The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for special exception to the Township Engineer for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

D. Conditions for Approving Special Exceptions

Special exceptions shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in:

1. Any increase in flood levels during the one hundred (100) year flood.
2. Additional threats to public safety.
3. Extraordinary public expense.
4. The creation of nuisance.
5. Any defrauding or victimization of the public.
6. Any conflict with local laws or ordinances.

1412 Variances.

A. If compliance with any of the requirements of this Ordinance would result in an unnecessary hardship for a prospective builder, developer, or landowner, the Zoning Hearing Board may, upon appeal, grant relief from the strict application of the requirements.

1. Variance Requirements

Appeals for variances shall be considered by the Zoning Hearing Board in accordance with the following:

- a. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation, cause additional threats to public safety, extraordinary public expense, defraud or victimize the public, conflict with any other applicable laws, ordinances, or regulations, or jeopardize the flood insurance program of the Township.
- b. Except for a possible modification of the freeboard requirements, no other revisions or modifications shall be granted, specifically the FH - Flood Hazard Overlay District General Design and Construction Regulations (Section 1409) shall not be modified.
- c. If granted, a variance shall involve only the least modification necessary to provide relief.
- d. 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 Ordinance.
- e. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - i. The granting of the variance may result in increased premium rates for flood insurance.
 - ii. Such variance may increase the risks to life and property.¹
- f. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:

¹ Divulging (1) and (2) to the applicant are requirement of the National Insurance Program. However, the Township does not in fact know how the variance may or may not affect insurance rates, and if the Township believes that the variance may increase the risk to life or property, then the variance should not be granted.

- i. That there is good and sufficient cause for granting the requested variance.
- ii. That failure to grant the variance would result in unnecessary hardship to the applicant.
- iii. That the request meets the criteria for the granting of a variance as required herein and in Section 1603 of this Ordinance.

- g. The Zoning Hearing Board shall maintain a complete record of all variance requests and related actions. In addition, a report of all variances granted during the year shall be included in the annual or biennial report to the Federal Insurance Administration.

- h. Notwithstanding any of the above, all structures shall be designed and constructed so as to have the capability of resisting the one hundred year flood.

B. Appeal Requirements for Variances

In addition to the requirements of Article XVI, Zoning Hearing Board, appellants for variances shall provide five (5) copies of the following items:

- 1. A written request including a completed building permit application form and describing the proposed activity or construction and estimated cost.
- 2. A map drawn at a scale of one (1) inch equal to not more than one thousand (1000) feet, showing the site location.
- 3. A plan of the entire site, clearly and legibly drawn at a scale no smaller than one (1) inch equals one hundred (100) feet, showing the following:
 - a. North arrow, scale, and date.
 - b. Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of not more than two (2) feet.
 - c. All property and lot lines and rights-of way, including dimensions and the size of the site expressed in acres or square feet.
 - d. The location of all existing streets, drives, and other accessways, 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 floodway and flood fringe boundary lines, information and spot elevations concerning the one hundred (100) year flood and Regulatory Flood elevations, and information concerning the flow of water, including direction and velocities.
 - g. The location of all proposed buildings, structures, utilities, and other improvements.
 - h. Any other information which the Township 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 by the Township, the elevation of any other floor.
 - c. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood.
 - d. Detailed information concerning any proposed floodproofing measures.
 - e. Cross-section drawings for all proposed streets, drives, other accessways and parking areas, showing all rights-of-ways and pavement widths.
 - f. Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades.
 - g. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and 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 owned by the applicant or the client he represents or in which the applicant has a demonstrated equitable interest.

- b. A statement sealed by a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood.
- c. A statement, sealed by a registered professional engineer, architect, or other qualified person, which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life.
- d. A statement, sealed 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 the one hundred (100) year flood elevations.
- e. A statement, sealed by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevations and flows.
- f. The appropriate component of the Department of Environmental Protection “Planning Module for Land Development,” if necessary.
- 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 Pennsylvania Department of Environmental Protection under Section 302 of Act 166.
- i. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

