

CHAPTER 65

FLOODPLAIN MANAGEMENT

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HISTORY: Adopted by the Board of Supervisors of the Township of Paradise 5-2-1989 by Ord. No. 93. Revised 7-21-09 by Ord. No. 172. Revised 11/19/12 by Ord. No. 203. Revised 5/6/13 by Ord. No. 208. Revised 5/20/13 by Ord. No. 209.

GENERAL REFERENCES

Mobile home parks -- See Ch. 80.
Subdivision and land development -- See Ch. 131.
Zoning -- See Ch. 160.

§ 65-1. Statutory authority.

The Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote the public health, safety, and the general welfare of its citizenry. Therefore, the Board of Supervisors of Paradise Township does hereby enact and ordain as follows.

§ 65-2. Statement of Intent.

The intent of this chapter is to:

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- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices to 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 regulating development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.
- F. Maintain the existing hydrologic regime through the sound management of flood plains for their capacity to convey, transport, store and dissipate flood flow volumes and velocities, to protect water quality and to maintain stream channel stability.
- G. Eliminate disturbance in flood plains of watercourses with a channel identified as vulnerable to destabilization due to disturbance and development within the floodplain.
- H. Maintain and restore stream buffers and their water quality values.

§ 65-3. Applicability.

- A. It shall be unlawful for any Person to undertake or cause to be undertaken any construction or development anywhere in an identified floodplain area within the Township of Paradise, unless an approved permit in compliance with this chapter has been obtained.
- B. A permit shall not be required for minor repairs to existing buildings or structures, provided that no structural changes or modifications are involved.

§ 65-4. Abrogation and greater restrictions.

This chapter supersedes any provisions currently in effect in floodplain areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this chapter, the more restrictive shall apply.

§ 65-5. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this chapter shall be declared invalid for any reason whatsoever by the final decision of a court of competent jurisdiction, such decision shall not affect the remaining portions of the chapter, which

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shall remain in full force and effect, and for this purpose the provisions of this chapter are hereby declared to be severable.

§ 65-6. Municipal liability.

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

This chapter shall not create liability on the part of the 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.

§ 65-7. Enforcement.

- A. Enforcing officer. This chapter shall be enforced in accordance with its literal terms by the Floodplain Administrator. The Zoning Officer is hereby appointed to administer and enforce this chapter and is referred to herein as the Floodplain Administrator.
- B. Duties and powers. The Floodplain Administrator shall examine all applications for permits and shall issue or deny a permit in accordance with the provisions of the chapter. The Floodplain Administrator shall have the right, after giving appropriate notice, to make an inspection of buildings or lots necessary for the proper execution of his/her duties and shall issue a written notice of violation to any Person violating any provision of this chapter. Such notice shall include a statement of the reason for its issuance, allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires and contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter. He/she shall keep records of applications and permits issued and denied, of notices issued for violations, of inspections made, of complaints received and such pertinent matter, a summary record of which shall be transmitted monthly to the Secretaries of the Board of Supervisors, the Planning Commission and the Zoning Hearing Board.

§ 65-8. Definition of terms.

For the purposes of this chapter only, the following terms are herein defined and shall control in the event of conflict with the definition of any similar term in Chapter 1:

- A. Existing manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of

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utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by Paradise Township.

- B. Existing structure - a structure for which the "start of construction" commenced before the effective date of the FIRM. "Existing structure" may also be referred to as "existing construction."
- C. Expansion to an existing manufactured home park or subdivision - the preparation of additional manufactured home ~~some~~ lots sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- D. Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.
- E. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- F. New construction - structures for which the start of construction commenced on or after November 25, 2012 and includes any subsequent improvements to such structures. Any construction started after September 2, 1988 and before November 25, 2012 is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within one hundred eighty (180) days of permit issuance.
- G. New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter.
- H. Post-FIRM Structure - is a structure for which construction or substantial improvement occurred after September 2, 1988 and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.
- I. Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred before September 2, 1988 and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.
- J. Start of Construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit and shall be completed within twelve (12) months after the date of issuance of the

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- permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- K. Structure - for floodplain management purposes only, a structure is defined as a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- L. Violation - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

§ 65-9. Permit required.

Within the identified floodplain area, all new construction or development is prohibited except modifications to existing structures, stormwater conveyances and permitted stream crossings and/or permitted stream bank repair/restoration permitted by the Pennsylvania Department of Environmental Protection and/or the US Army Corps of Engineers. A Zoning permit and a Building permit shall be required for all proposed construction associated with existing structures.

- A. Permit application procedures. All applications for modifications to existing structures submitted to the Floodplain Administrator for a permit shall be accompanied by four copies of a site development plan prepared in accordance with the provisions contained in ~ 65-9(F). A permit shall be issued or denied by the Floodplain Administrator after the filing of a complete and properly prepared application, subject to review by the Township Engineer in accordance with the following procedure.
- B. Referrals to Building Code Official. Within 10 days of the filing of a complete and properly prepared application for a permit, the Floodplain Administrator shall transmit one copy of such application to the Building Code Official.

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- C. Referral to the County Planning Commission. Should any site development plan involve any real property lying within a distance of 500 feet from the boundary of any borough or township or any state or federal lands, the Floodplain Administrator shall transmit to the Secretary of the County Planning Commission a copy of the application and site development plan within 10 days of the receipt thereof. The County Planning Commission shall report its opinions, findings and recommendations to the Floodplain Administrator within 30 days. Failure to do so shall constitute a favorable opinion of said site development plan by the County Planning Commission.
- D. Floodplain Administrator and Township Engineer review. In reviewing a site development plan, the Floodplain Administrator and Township Engineer shall take into consideration the design, location and adequacy of traffic access, parking, landscaping and screening, illumination and necessary public services and facilities and similar factors relating to the health, safety, welfare, comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, as well as the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances. The Floodplain Administrator shall also take into consideration comments made by the Building Code Official.
- E. Floodplain Administrator's action. Within 60 days of the filing of an application, the Floodplain Administrator shall either issue a permit or deny same and notify the applicant, in writing, as to the reasons why said permit was denied, unless the applicant consents to an extension of time in writing.
- F. Site development plans. In all cases where this chapter requires the submission of a site development plan, no permit shall be issued, except in conformity with the site development plan reviewed by the Floodplain Administrator and Township Engineer in accordance with this section.
- (1) Elements of a site development plan. The site development plan map should be prepared by a civil engineer, surveyor, land planner or architect or other competent person licensed in Pennsylvania, and be clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, on sheets measuring 24 by 36 inches. Elements of a site development plan shall include those listed below which are appropriate to the proposed development.
- (a) Basic data.
- [1] Name and address of applicant.
- [2] Name and address of owner of land on which proposed construction is to occur.
- [3] Name and address of contractor.

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- [4] Lot, block and section number of the property taken from the latest tax records.
 - [5] Name and address of person, firm or organization preparing the map.
 - [6] Date, North point and written and graphic scale.
 - [7] Description (bearings and distances) of the boundaries of the property and the size of the site expressed in acres or square feet.
 - [8] The location, names and widths of all existing roads.
 - [9] The names of owners of all adjoining lands as shown on the latest tax records.
 - [10] Existing deed restrictions or covenant applying to the property.
 - [11] Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred, if applicable.
- (b) Development data.
- [1] The location of existing or proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision or land development.
 - [2] The location of all uses not requiring structures, such as off-street parking and loading areas.
 - [3] The location and time of use of any proposed outdoor lighting or public address system.
 - [4] The location and plans for any outdoor signs.
 - [5] The location and arrangement of proposed means of ingress and egress, including sidewalks, driveways or other paved areas.
 - [6] Any proposed landscaping, screening or grading.
 - [7] The location of existing and proposed water lines, storm sewer lines and sanitary sewer lines or alternate means of water supply, storm drainage and sewage disposal.
 - [8] Existing and proposed contours at an interval of not more than two feet.

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- [9] Finish ground elevations.
- [10] The proposed lowest floor elevations of any proposed building based upon the North American Vertical Datum of 1988.
- [11] Power source and elevations.
- [12] Water supply.
- [13] Sanitary facilities.
- [14] The location of any existing bodies of water or watercourses, delineation of floodplain areas showing Base Flood Elevations, identified floodplain areas and, if available, information pertaining to the floodway and the flow of water, including direction and velocities.
- [15] Any existing or proposed stream improvements or protective work and detailed information concerning any proposed floodproofing measures and corresponding elevations.
- [16] Extent and types of soils present on the site.
- [17] Site location plan at a reduced scale.
- [18] Any proposed deed restrictions or covenants.
- [19] All plans for proposed subdivision, land development and/or other new construction that involve tracts that are located entirely or partially within an identified floodplain area shall assure that the proposals are consistent with the need to minimize flood damage, that all utilities and facilities are located, elevated and constructed to minimize or eliminate flood damage and that adequate drainage is provided to reduce exposure to flood hazard.
- [20] Effects of proposed use on adjacent landowners or impact statements of an advisory nature supplied prior to application from all appropriate state and regulatory agencies governing state waters. The designated official may at his discretion request such advisory opinions before granting permit.
- [21] The certification by professional engineer or registered architect that the site improvements and/or structural design are adequate to provide the required floodproofing, watertightness, anchoring against flotation or collapse, and resistance to lateral movement and to withstand the pressures, velocities, impact and uplift forces associated with the base flood, that building materials are flood-resistant, and that construction

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methods and practices used will minimize flood damage. 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.

- [22] The certification by a professional engineer or architect that the cumulative effect of any proposed development within an AE Area without floodway, when combined with all other existing and anticipated development, will not increase the elevation of the base flood more than one foot at any point.
- [23] Evidence that any applicable federal and/or state permit has been applied for. Copies of all such approved permits shall be transmitted to the Floodplain Administrator prior to his/her issuance of a permit.
- [24] The appropriate component of the Department of Environmental Protection's Planning Module for Land Development, if required.
- [25] A plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
- [26] Detailed information with respect to buoyant materials on the site below the Base Flood Elevation and the safeguards incorporated to prevent leaks or spills of dangerous materials.
- [27] Certification by a professional engineer that within the floodway the proposed new construction or development will not cause any increase in the Base Flood Elevation.
- [28] Certification by a professional engineer that electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

§ 65-10. Other permit issuance requirements.

- A. Prior to issuance of a permit for modification to any existing structure and/or a permitted stream crossing or stream bank repair/restoration within the floodplain area, the applicant shall provide copies of all federal and state permits to the Floodplain Administrator, 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 Building or

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Zoning permit shall be issued until approved copies of all required permits have been supplied to the township.

- B. 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 Regional Office. In addition, the Federal Emergency Management Agency shall be notified by the township prior to any alteration or relocation of any watercourse.
- C. Proposed modification to any existing structure must comply with the 2006 IRC, 2006 IBC, ASCE 24, 34 Pa. Code §§ 401-405, and Chapter 44 of the Paradise Township Code of Ordinances or their successor statutes or regulations.

§ 65-11. Review by County Conservation District.

A copy of all applications and plans for any proposed construction or development in any floodplain area to be considered for approval shall be submitted by the applicant to the County Conservation District for review and comment prior to the issuance of a permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator and Township Engineer for possible incorporation into the proposed plan.

§ 65-12. Review of application by others.

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the township to any other appropriate agencies and/or individuals for review and comment.

§ 65-13. Inspection and revocation.

Construction and/or development within the floodplain area is subject to inspection by an approved inspector appointed by the Board of Township Supervisors. If it is determined that the work is not in compliance with the permit application and with all applicable township laws or ordinances, the permit shall be revoked and reported to the Township Board of Supervisors for whatever action is considered necessary.

§ 65-14. Fees.¹

An application for a permit shall be accompanied by both an application and an inspection fee as set by the Township Board of Supervisors from time to time. The application fee is not refundable. Any required fees pursuant to the requirements of Chapter 160, Zoning, as they relate to all permits shall also be paid.

¹Editor's Note: The current Fee Schedule is on file in the township offices.

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§ 65-15. Time limits for construction.

Any permit shall expire if construction has not commenced within one hundred eighty (180) days after the date of issuance or has not been completed within twelve (12) months from said date, unless an extension, not to exceed six months, is authorized, in writing, by the Floodplain Administrator.

§ 65-16. Variances and appeals.

- A. The Zoning Hearing Board of the Township of Paradise shall hear appeals and requests for variance to this chapter and review all pertinent and additional information to grant the applicant's construction permit in the floodplain area where unreasonable hardship is created by the provisions of this chapter, all in accordance with the provisions of Article VII of Chapter 160 of the Paradise Township Code of Ordinances. At all times in exercising these procedures, the Township of Paradise must require the greatest amount of flood protection possible.
- B. Standards for granting of variances by a Zoning Hearing Board from the regulations contained in this chapter are as follows:
- (1) A variance shall only be allowed for the reconstruction or replacement of utilities for structures in existence as of the date of this ordinance, to include septic systems and wells..
 - (2) No variance shall be granted for any construction, development, use, or activity within any AE area without Base Flood Elevation that would, together with all other existing and anticipated development, increase the Base Flood Elevation more than one (1) foot at any point.
 - (3) No variance shall be granted for prohibited uses listed in § 65-28.
 - (4) Variances may be issued for substantial improvement of existing structures constructed below the Regulatory Flood Level, in accordance with the requirements of Subsection B(4)(a), (b) and (c) which follow:
 - (a) Variances may be issued by the township upon a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship to the applicant; and a determination that a grant of variance would not result in increased flood heights or cause additional threats to public safety or create nuisances or cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
 - (b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

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- (c) Other than floodway areas where no variance can be granted, the township shall notify the applicant in writing that the issuance of a variance to construct a structure below the Regulatory Flood Elevation may result in increased premium rates for flood insurance and such construction below the Regulatory Flood Elevation increases the risk to life and property. Such notification shall be maintained by the township with a record of all variance action, including justification for their issuance. Variances must be submitted to the Federal Emergency Management Agency in the township's annual report.
- (d) Historic Structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined by this ordinance, must undergo review as described in this section, and must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from the ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.
- (5) In granting any variance, the township shall attach whatever reasonable conditions and safeguards it considers necessary in order to project the public health, safety and welfare and to achieve the objectives of this chapter.
- (6) A complete record of all variance requests and related actions shall be maintained by the township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.

§ 65-17. Violations and penalties.

- A. Any Person who or which has violated the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the Person violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation.

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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 noncompliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered or relocated in noncompliance with this chapter may be declared by the Board to be a public nuisance and abatable as such.

§ 65-18. Changes.

After the issuance of a permit by the Floodplain Administrator, no changes of any kind shall be made to the permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing and shall be submitted by the applicant to the Floodplain Administrator for consideration.

§ 65-19. Placards.

In addition to the permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in process. This placard shall show the number of the permit, the date of its issuance and be signed by the Floodplain Administrator.

§ 65-20. Establishment of floodplain area.

The Township of Paradise, Monroe County, Pennsylvania, hereby establishes an identified floodplain area to include any areas of Paradise Township classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated May 2, 2013 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study and any Community Identified Flood Hazard Areas. The floodplain area shall be deemed an overlay on any existing or hereafter established, zones or districts created by other codes or ordinances within the Township of Paradise. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Paradise Township and declared to be a part of this ordinance.

§ 65-21. Determination of the floodplain area.

A. For purposes of this chapter, the regulatory floodplain areas shall consist of the following specific areas:

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- (1) Floodway Area (FW) - The areas identified as "Floodway" on the FIRM as well as those floodway areas which have been identified in other available studies or sourced of information for those AE areas where no floodway has been identified in the FIS.
- (2) AE Area without floodway - Those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which Base Flood Elevations have been provided in the FIS but no floodway has been delineated.
- (3) A Area - Those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one percent (1%) annual chance flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the 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.

§ 65-22. Community Identified Flood Hazard Areas.

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

§ 65-23. Floodplain boundary change.

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. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA). Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, Paradise Township shall notify the FEMA of the changes by submitting technical or scientific data.

§ 65-24. Boundary dispute.

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Should a dispute concerning any district boundary arise, an initial determination shall be made by the Floodplain Administrator. Any party aggrieved by this decision may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

§ 65-25. Specific requirements.

A. In any identified floodplain area the modification to any existing structure shall be permitted, provided that the development and/or use adheres to the restrictions and requirements of this chapter and all other applicable codes and ordinances in force in the township.

B. Within any identified AE Zone, any substantial improvement of a residential or non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation.

Within any identified A Zone where there are no Base Flood Elevations specified on the FIRM, any substantial improvement of a residential or non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation in accordance with § 65-21(A)(3).

C. Within any identified floodplain Area, no modification to any existing structure shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the base flood more than one foot at any point.

D. Within any identified floodplain area, no modification to any existing structure shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.

E. Within any floodway area, no encroachment or modification to any existing structure shall be permitted.

F. Space below the lowest floor.

1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

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- a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space;
- b. The bottom of all openings shall be no higher than one (1) foot above grade.
- c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

G. Recreational vehicles shall not be stored in any identified floodplain area.

H. Alteration or relocation of watercourse:

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

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

§ 65-26. Design and construction standards.

Along with compliance with Chapter 44 of the Paradise Township Code of Ordinances, the following minimum standards shall apply for all modifications to an existing structure proposed to be undertaken within any identified floodplain area:

- A. All new drainage facilities within and leading to or from the floodplain area shall be adequately designed and installed to eliminate or minimize damage resulting from the flood waters of the base flood. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

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- B. Replacement water supply systems and replacement sanitary sewer facilities and systems shall be located, designed, and constructed to eliminate or minimize infiltration of floodwaters into the systems and discharge from the systems into floodwaters, to avoid impairment during flooding and minimize flood damage.
- C. 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.
- D. If fill is used, it shall extend laterally at least 15 feet beyond the building line from all points; consist of soil or small rock materials only; be compacted to provide the necessary permeability and resistance to erosion, scouring or settling; be no steeper than one vertical to two horizontal, unless substantiated data justifying steeper slopes are submitted to and approved by the Floodplain Administrator; and be used to the extent to which it does not adversely affect adjacent properties.
- E. All modifications to existing structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water, shall be designed to have a minimum effect upon the flow and height of floodwaters, and shall utilize flood-resistant building materials.
- F. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life and not listed in §65-28A(9)(a) shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.
- G. All modifications to existing structures, including manufactured homes, shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
- H. All air ducts, large pipes, storage tanks and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- I. Electrical distribution panels shall be at least three feet above the Base Flood Elevation. Separate electrical circuits shall serve lower levels and shall be dropped from above.
- J. 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.
- K. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters.

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Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

- L. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located to prevent water entry or accumulation.

- M. 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.

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

§ 65-27. Modification of existing structures in floodplain areas.

- A. Structures existing in any floodplain area prior to the enactment of this chapter, but which are not in compliance with these provisions, may continue to remain, provided that 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 (*substantial improvement*) shall be undertaken only in full compliance with the provisions of this chapter.

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- B. No expansion or enlargement of an existing structure shall be allowed within any floodway.
- C. Any improvement to any existing structure that meets the definition of Repetitive Loss shall only be permitted by variance in accordance with § 65-16 and shall comply to the fullest extent with the provisions of § 65-9 through § 160-15.

§ 65-28. Prohibited uses.

- A. The following activities and development present a special hazard to the health and safety of the general public or may result in significant pollution, increased flood levels or flows or debris endangering life and property if such activities and development are located, either entirely or partially, within any identified floodplain area. The following activities and development are, therefore, prohibited:
 - (1) Hospitals (public or private).
 - (2) Nursing homes (public or private).
 - (3) Jails or prisons.
 - (4) New structures, including Manufactured Homes.
 - (5) New manufactured home parks and manufactured homes subdivisions and substantial improvements thereto.
 - (6) Facilities necessary for emergency response, such as fire, ambulance and police stations, civil defense preparedness buildings and facilities, emergency communications facilities, evacuation and emergency medical centers.
 - (7) New septic systems and/or sewage treatment facilities.
 - (8) The placement of fill material that is not associated with a permitted activity.
 - (9) Any substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or will involve the production, storage or use of any amount of radioactive substances.
 - (a) The following list of materials and substances are considered dangerous to human life:

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- [1] Acetone.
- [2] Ammonia.
- [3] Benzene.
- [4] Calcium carbide.
- [5] Calcium 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.

(b) No variance shall be granted for the prohibited uses above set forth.

- B. Because of the special hazards presented by the above list of activities and development, they shall be prohibited from locating within any floodplain area within the Township of Paradise.
- C. No variance shall be granted for any construction, development, use, or activity within any floodway area.

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§ 65-29. Flood resistance.

Notwithstanding any and all provisions of all parts heretofore set forth, all modifications to existing structures shall be designed and constructed so as to have a capability of resisting the base flood.

§ 65-30. Definitions.²

- A. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular.
- B. Except as defined in this chapter and this Code (see Chapter 1, General Provisions, Article II, Definitions), all words shall carry the customary meaning.

§ 65-31. Political jurisdiction liability.

The grant of a permit or approval under this chapter shall not constitute a representation, guaranty or warranty of any kind whatsoever and shall create no liability upon the Township of Paradise, its officers, agents or employees.

²Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).