

## **ARTICLE III. FLOODPLAIN REGULATIONS**

### **SECTION 301. IDENTIFICATION OF ONE-HUNDRED (100) YEAR FLOODPLAIN AREAS**

1. For the purpose of this ORDINANCE, a ONE-HUNDRED (100) YEAR FLOODPLAIN shall be delineated and regulated by this ORDINANCE for the following lands within the TOWNSHIP having any of the following characteristics:
  - A. A drainage AREA equal to or exceeding 150 acres. The measurement of the drainage AREA shall be calculated from the lowest elevation of the WATERCOURSE within the property. If any section of the WATERCOURSE equals or exceeds the 150 acres of drainage AREA the entire length of the WATERCOURSE within the property shall be regulated.
  - B. The WATERCOURSE has been studied and mapped by FEMA. Any FEMA identified FLOODPLAIN AREAS of the TOWNSHIP, classified as SPECIAL FLOOD HAZARD AREAS (SFHAs) in the FIS and the accompanying FIRMs dated April 19, 2005 or the most recent revision thereof, and issued by the FEMA, including all digital data developed as part of the FIS.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the TOWNSHIP and declared to be part of this ORDINANCE.

2. The ONE-HUNDRED (100) YEAR FLOODPLAIN boundaries and ONE-HUNDRED (100) YEAR FLOOD ELEVATIONS shall be determined by a licensed professional registered by the Commonwealth of Pennsylvania. The study must be prepared in accordance with this ORDINANCE and be reviewed and APPROVED by the TOWNSHIP ENGINEER. Calculation of the ONE-HUNDRED (100) YEAR FLOOD peak flows must be independently calculated for the specific site under consideration. If the peak flow rate calculated for the site is equal to or less than ten (10) percent of FEMA study results at comparable geographic locations, information from FEMA FIS may be incorporated into the study.
3. All studies submitted to the TOWNSHIP shall include a computer disk with the data used to establish the FLOODPLAIN.
4. If any physical change is contemplated which would change the FLOODPLAIN AREA, designated by DHUD or FEMA in the FIS dated April 19, 2005 including latest revisions, it may be modified by the TOWNSHIP where studies or information is provided by a qualified professional ENGINEER in accordance with this ORDINANCE. However, prior to any such change to the SFHA, approval must be obtained from FEMA for compliance with the rules and regulations of the National FLOOD Insurance Program. As soon as practical, but not later than six (6) months after the date that such information becomes available, the TOWNSHIP shall notify FEMA of the changes to the SFHA by submitting technical or scientific data provided by the DEVELOPER.

5. No encroachment, alteration, or IMPROVEMENT of any kind shall be made to any WATERCOURSE until all municipalities immediately adjacent to the encroachment, alteration, or IMPROVEMENT have been notified by the TOWNSHIP, and until all required permits or approvals have been first obtained from DEP, Bureau of Waterways Engineering and the U.S. Army Corp of Engineers.

In addition, FEMA and DCED shall be notified prior to any alteration or relocation of any WATERCOURSE.

6. Within any FLOODPLAIN AREA, no encroachments, including FILL, NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTS, or other DEVELOPMENT shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in FLOOD levels within the community during the occurrence of the BASE FLOOD discharge.

## **SECTION 302. RESOLUTION OF DISPUTES AND VARIANCES**

1. The ZONING HEARING BOARD shall have jurisdiction to hear appeals from a determination concerning the identification of any FLOODPLAIN AREA and from an initial determination made by the TOWNSHIP Zoning Officer or the TOWNSHIP ENGINEER, either of whom may consult with other TOWNSHIP staff or appropriate persons in making this determination. The ZONING HEARING BOARD shall also have jurisdiction to hear applications for variances.
2. Proceedings on such appeals or variances and the proceedings shall be in accordance with the Zoning Ordinance. Upon receipt of such appeal or application for variance, the ZONING HEARING BOARD shall set a time and place for the hearing in accordance with the requirements of the MPC. Notice of the time and place of the hearing on the appeal or application for variance shall be given to all parties. The burden of proof shall be on the appellant/applicant.
3. Any persons aggrieved by any decision of the ZONING HEARING BOARD may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth of Pennsylvania.
4. The ZONING HEARING BOARD shall hear and decide applications for variances in accordance with the following requirements in addition to the criteria for variances as set forth in the MPC:
  - A. No variance shall be granted for any CONSTRUCTION, DEVELOPMENT, IMPROVEMENT, use or activity within any FLOODWAY AREA.
  - B. Except for a possible MODIFICATION of the regulatory ONE-HUNDRED (100) YEAR FLOOD ELEVATION requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to

DEVELOPMENT proscribed by Prohibited Activities or to DEVELOPMENT which may endanger human life.

- 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. In reviewing any request for a variance, the ZONING HEARING BOARD shall consider, at a minimum, 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:
    - (a) Not result in an unacceptable or prohibited increase in FLOOD heights, additional threats to public safety, or extraordinary public expense.
    - (b) Not create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local laws, ordinances or regulations.
- F. Wherever a variance is granted, the ZONING HEARING BOARD 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.
- G. 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 DCED or FEMA.

## **SECTION 303. PERMITTED USES**

The following uses are permitted in the ONE-HUNDRED (100) YEAR FLOODPLAIN and they are permitted only if done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended, DEP Rules and Regulations , all other applicable provisions of this ORDINANCE and other applicable ordinances and do not impact adjacent properties:

1. AGRICULTURE, horticulture, forestry, vegetated best management practices and RIPARIAN BUFFERS, all if done in accordance with an APPROVED CONSERVATION PLAN, all excluding any STRUCTURES, and excluding any grading or filling which would cause any increase in FLOOD heights or frequency.
2. EROSION and sedimentation control measures excluding any grading or filling which would cause any increase in FLOOD heights or frequency.
3. Public and private recreational uses such as parks, swimming AREAS (excluding swimming pools), play AREAS, day camps, campgrounds (excluding campsites for overnight camping), picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, game farms, AREAS or clubs for hunting, fishing, or boating (including marker or anchor buoys), paved BIKE PATHS, PATHWAYS and hiking and horseback riding trails, all excluding any STRUCTURES, and excluding any grading or filling which would cause any increase in FLOOD heights or frequency.
4. Harvesting of any wild crop, such as marsh hay, ferns, moss, berries, tree fruits and seeds, or wild rice.
5. Activities related to the preservation of natural amenities, including wildlife sanctuaries, nature preserves, woodland preserves, botanical gardens and arboretums, excluding any activity which would cause any increase in FLOOD heights or frequency.
6. Stream IMPROVEMENTS whose sole purpose is to improve aquatic life habitat or stabilize an EROSION problem, and which are reviewed by the applicable permitting agencies, excluding any activity which would cause any increase in FLOOD heights or frequency.
7. Blinds for the shooting or observation of wildlife, provided that such blinds may only be placed, erected, and maintained during the open season established by the Pennsylvania Game Commission or other governmental entity having jurisdiction thereof for the taking of migratory waterfowl and the three weeks immediately preceding and three weeks immediately following that open season. Blinds must be removed during all other times of the year.

8. Ponds that do not create any increase in FLOODING and are APPROVED by the applicable permitting agencies. **[Added 6-27-2005 by Ord. No. 2005-17].**
9. Public utility facilities (except BUILDINGS) under the exclusive jurisdiction of the Pennsylvania Public Utility Commission or utility facilities which are operated, owned or maintained by a municipality or a municipal authority organized under the laws of the Commonwealth of Pennsylvania to provide public water service, public sewer service or similar service, subject to the provisions of Section 307.17 of this ORDINANCE.
10. Marker buoys.
11. All projects undertaken by the TOWNSHIP.

#### **SECTION 304. USES ALLOWED BY CONDITIONAL USE APPROVAL BY THE BOARD OF COMMISSIONERS**

1. Consideration for approval or disapproval for a conditional use request shall be vested solely with the COMMISSIONERS as set forth in the procedure outlined in this Section.
2. This Section shall not be construed to mean the DEVELOPER can by right merely meet the standards set forth herein. These standards and requirements are minimum standards only. The COMMISSIONERS may require more stringent standards, based on the specific and unique nature and condition of the site, and surrounding AREAS, in order to protect the health, safety, and welfare of the citizens of the TOWNSHIP.
3. The following uses are permitted in the designated ONE-HUNDRED (100) YEAR FLOODPLAIN AREAS when conditional use approval is granted by the COMMISSIONERS through the conditional use process as outlined in Section 2810.3 of The Zoning Ordinance of Manheim TOWNSHIP, as amended and when done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, 35 P.S. §691.1et seq.; DEP Rules and Regulations; and all other provisions of this ORDINANCE and other applicable ordinances or regulations:
  - A. PARKING LOTS, loading AREAS, DRIVEWAYS, and aircraft landing strips and taxiways, if they are consistent with the provisions of Section 304.3.L. of this ORDINANCE and its subparagraphs and are not identified as prohibited uses.
  - B. Water oriented uses such as docks, piers, wharves, marinas, boat liveries, and boat launching ramps.
  - C. Utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission nor operated, owned or maintained by a MUNICIPALITY or a municipal authority organized under the laws of the Commonwealth of Pennsylvania providing water service, sewer service or similar service, subject

to the conditions and restrictions set forth in Section 304.3.L. of this ORDINANCE.

- D. Fish hatcheries, including uncovered ponds and raceways, which do not increase ONE-HUNDRED (100) YEAR FLOOD heights or frequency, and which are APPROVED by the Pennsylvania Fish Commission, but excluding other STRUCTURES.
- E. Water monitoring devices which do not increase ONE-HUNDRED (100) YEAR FLOOD heights or frequency.
- F. Picnic pavilions, picnic tables, park benches, fireplaces and grills, and playground equipment, if anchored to prevent floatation, excluding any grading or filling which would cause any increase in heights or frequency.
- G. CULVERTS, BRIDGES, approaches to public and private CULVERTS and BRIDGES, and FLOOD hazard reduction STRUCTURES for the purpose of protecting only lawfully existing nonconforming STRUCTURES, provided that all necessary approvals have been obtained from all other governmental agencies.
- H. Extraction of sand, gravel, and other mineral resources, excluding topsoil provided that all necessary approvals have been obtained from all other governmental agencies.
- I. High tensile wire strand fences of not more than three wire strands for enclosing large animals.
- J. Other uses similar to the above, provided the use is not prohibited under Section 305 of this ORDINANCE.
- K. FLOODPROOFING to protect only lawfully existing nonconforming STRUCTURES and lawfully existing nonconforming uses within STRUCTURES.
- L. Placing of FILL to raise a portion of a lot above the ONE-HUNDRED (100) YEAR FLOODPLAIN ELEVATION, provided the same meets all of the following: **[Added 10-29-2001 by Ord. No. 2001-10].**
  - (1) The surface AREA and volume of the two-, five-, ten-, twenty-five-, fifty-, and ONE-HUNDRED (100) YEAR FLOODPLAIN must be greater than or equal to the existing surface AREA and volume of the corresponding FLOODPLAIN, measured within the lot upon which the FILL is placed.
  - (2) No FILL shall be placed within a designated FEMA ONE-HUNDRED (100) YEAR FLOODWAY.

- (3) No excavation or FILL shall be permissible within 200 feet of any existing occupied or occupiable STRUCTURE unless it is demonstrated that the ONE-HUNDRED (100) YEAR FLOODPLAIN will have no adverse impact.
  - (4) Review and approval by all applicable regulatory agencies.
- 4. Standards and Criteria for Conditional Use approval: In deciding upon the allowance of conditional use permitted by Section 304.3 of this ORDINANCE, the COMMISSIONERS shall determine that, in addition to all other requirements, the following standards and criteria have been complied with:
  - A. The proposed project must be designed in such a way as to contain all upstream and downstream changes in water surface elevation to the property on which the proposed project is located. In AREAS which have FEMA ONE-HUNDRED (100) YEAR FLOODPLAIN delineated by the latest revisions of the FIS for the TOWNSHIP, any changes in ONE-HUNDRED (100) YEAR water surface elevations or boundaries must be shown on the plans and APPROVED by FEMA.
  - B. That no increase of the surface elevation of the ONE-HUNDRED (100) YEAR FLOODS, or frequency of the ONE-HUNDRED (100) YEAR FLOODS except as described in Section 304.4.A.
  - C. That the possibility of disease, contamination, and unsanitary conditions is minimized.
  - D. That the proposed use is compatible with existing and anticipated DEVELOPMENT.
  - E. That the proposed use is consistent with the COMPREHENSIVE PLAN and any FLOODPLAIN management program for the AREA.
  - F. That the safety of access to the property in times of FLOODING for ordinary and emergency vehicles will be assured.
  - G. That the proposed activity will not unduly alter natural water flow or water temperature.
  - H. That archeological or HISTORIC sites and STRUCTURES, endangered or threatened species of animals or plants, high quality wildlife habitats, scarce vegetation types, and other irreplaceable land uses will not be degraded or destroyed.
  - I. That the natural, scenic, and aesthetic values at the proposed site will be conserved.

- J. That any proposal straddling a municipal boundary shall be submitted to each municipality's planning commission and governing body for review and comment, prior to any decision by the COMMISSIONERS.
- K. That the susceptibility of the proposed facility and its content to FLOOD damage, the effect of such damage on the individual owners, and the need for and effect of FLOODPROOFING, are minimized.
- L. That the grant of the conditional use shall not cause:
  - (1) Additional threats to public safety.
  - (2) Extraordinary public expense.
  - (3) Creation of nuisances.
  - (4) Conflict with local laws or ordinances.
- M. That STRUCTURES will be anchored to prevent flotation, collapse, or lateral movement and that BUILDING materials are FLOOD-resistant.

5. The burden of proof in the determination of allowance of a conditional use shall be on the applicant. The COMMISSIONERS may require the applicant to submit such plans, specifications, cross-sections, calculations, and other information as it may deem necessary.

6. The COMMISSIONERS may, through the conditional use process, permit MODIFICATIONS of provisions of this Section. An applicant desiring to obtain such MODIFICATION shall, when making application for conditional use approval for conditional use, also make application for MODIFICATIONS under this Section. The COMMISSIONERS shall consider an application for MODIFICATIONS by conditional use as part of the application. However, the granting of a MODIFICATION shall not have the effect of making null and void the intent and purpose of this ORDINANCE. Any conditional use to permit a MODIFICATION of the requirements of this ORDINANCE shall be subject to the following standards:

- A. The proposed MODIFICATION shall not result in any danger to the public health, safety or welfare by increasing the FLOOD heights, velocities, and frequencies.
- B. The design and IMPROVEMENT shall not have an adverse impact on the natural drainage systems of the TOWNSHIP.

- C. The design and IMPROVEMENT shall maintain the existing flows and quality of the WATERCOURSES in the TOWNSHIP and the Commonwealth of Pennsylvania.
- D. The design and IMPROVEMENT shall maintain the FLOOD carrying capacity of WATERCOURSES.
- E. The applicant shall demonstrate that the proposed MODIFICATION will allow for equal or better results and represents the minimum MODIFICATION necessary.
- F. The proposed MODIFICATION shall meet the relevant criteria set forth in Section 60.3 of Title 44 of the Code of Federal Regulations or any future corresponding federal regulation for FLOOD-prone AREAS.

If the COMMISSIONERS determine that the applicant has met this burden, it may grant a MODIFICATION of the requirements of this ORDINANCE. In granting MODIFICATIONS, the COMMISSIONERS may impose such conditions, in its judgment; secure the objectives and purposes of this ORDINANCE.

## **SECTION 305. PROHIBITED USES**

- 1. The following OBSTRUCTIONS, activities and uses are prohibited in the designated ONE-HUNDRED (100) YEAR FLOODPLAIN AREA:
  - A. All uses prohibited either expressly or implicitly in the underlying zoning district for the land in question.
  - B. All new STRUCTURES, or any expansion, enlargement or addition to an existing STRUCTURES with the exception of those specifically allowed in Section 303 and Section 304 of this ORDINANCE.
  - C. Sanitary landfills, dumps, junk and salvage yards, and outdoor storage of vehicles or materials.
  - D. 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 in Section 303 of this ORDINANCE and uses by conditional use specified in Section 304 of this ORDINANCE.
  - E. Removal of topsoil, except such removal of topsoil as is necessary to accomplish and carry out the permitted uses in Section 303 and uses by conditional use specified in Section 304 of this ORDINANCE.

- F. Damming of any WATERCOURSE, except as provided for in Section 303 and Section 304 of this ORDINANCE.
- G. Any parts of any on-site sewage disposal systems or manure handling systems.
- H. Swimming pools.
- I. Stockpiling, storage, or disposal of buoyant materials, logging slash, herbicides, PESTICIDES, domestic or industrial waste, RADIOACTIVE MATERIALS, petroleum or other flammable materials, explosives, poisonous materials, HAZARDOUS MATERIAL, or other materials which, if FLOODED, would pollute the WATERCOURSE or be injurious to human, animal, or plant life.
- J. The following list of materials and substances, which are considered dangerous to human life are prohibited to be produced or stored in any FLOODPLAIN AREA:
  - (1) Acetone.
  - (2) Ammonia.
  - (3) Benzene.
  - (4) Calcium carbide.
  - (5) Carbon disulfide.
  - (6) Cellulide.
  - (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.
- K. Cemeteries for humans or animals.
- L. Zoo, menagerie, wild animal farm or domestic or farm animal enclosures which will not allow all animals to escape FLOOD waters of maximum FLOOD elevation without human intervention while remaining safely confined.
- M. Any activity or use which may, whether alone or in combination with others, except where specifically authorized elsewhere in this ORDINANCE:

- (1) Endanger human life.
- (2) Obstruct, impede, retard, change, or increase the velocity, direction, or flow of FLOOD waters.
- (3) Increase the surface elevation of FLOODS, or the frequency of FLOODS.
- (4) Catch or collect debris carried by FLOOD waters.
- (5) Be placed where the natural flow of the stream or FLOOD waters would carry it downstream to the damage or detriment of property within or adjacent to the FLOODPLAIN AREA.
- (6) Degrade the water carrying capacity of any WATERCOURSE, CHANNEL, or FLOODPLAIN.
- (7) Increase the rate of local RUNOFF, EROSION, or sedimentation.
- (8) Degrade the quality of surface water or the quality or quantity of groundwater.
- (9) Be susceptible to flotation and subsequent movement which would cause damage to other property.
- (10) Create unhealthful ponding or other sanitary conditions;
- (11) Not be in harmony with the intent and purpose of this ORDINANCE as set forth in Section 102 of this ORDINANCE.

N. PARKING AREAS designed or used for storage and PARKING AREAS for hotels, motels and other transient lodgings.

2. The following OBSTRUCTIONS, activities, and uses shall be prohibited within identified FLOODPLAIN AREAS:

- A. Hospitals, public or private,
- B. Nursing Homes, public or private,
- C. Jails,
- D. New MOBILE HOME PARKS and MOBILE HOME subdivisions, and SUBSTANTIAL IMPROVEMENTS to such existing parks and subdivisions,
- E. MANUFACTURED HOMES, and

F. RECREATIONAL VEHICLES.

3. No variance shall be granted which would allow any of these prohibited activities or STRUCTURES to locate, expand, or enlarge, in any designated ONE-HUNDRED (100) YEAR FLOODPLAIN AREA.

**SECTION 306. NONCONFORMING USES AND STRUCTURES IN THE FLOODPLAIN AREA**

1. All uses or STRUCTURES in the designated FLOODPLAIN AREA lawfully existing on the effective date of this ORDINANCE which are not in conformity with the provisions of this ORDINANCE shall be deemed nonconforming uses or STRUCTURES. Such nonconforming uses or STRUCTURES may be continued, maintained, repaired, and FLOODPROOFED, except as otherwise provided for in this ORDINANCE. However, such nonconforming uses or STRUCTURES may at any time be improved to comply with existing Commonwealth of Pennsylvania or Manheim TOWNSHIP health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.
2. Nonconforming uses or STRUCTURES which have been discontinued or vacated for twelve (12) consecutive months shall be considered abandoned. Vacation of land or STRUCTURES or the non-operative status of the use normally carried on by the property shall be evidence of discontinuance. The COMMISSIONERS may require the removal of any abandoned nonconforming use or STRUCTURE upon proper notice to the owner of the property on which an abandoned nonconforming use or STRUCTURE exists. If the owner has not completely removed the abandoned use or STRUCTURE within a time not to exceed nine (9) months, the COMMISSIONERS shall have the authority to itself cause the removal to be accomplished, the costs of such removal to be paid by the property owner.
3. A nonconforming use or STRUCTURE may not be expanded or modified in any manner which would increase or aggravate FLOODING or FLOOD hazards. Nothing shall be done which would otherwise violate any of the provisions of this ORDINANCE. No nonconforming use or STRUCTURE shall be expanded, enlarged, or altered in any way which increases its nonconformity with respect to height, AREA, yard, and other requirements established in the TOWNSHIP Zoning Ordinance, or in any way which causes it to occupy more space within the FLOODPLAIN AREA than was occupied by it on the date on which the TOWNSHIP first enacted FLOODPLAIN regulations (June 24, 1968).
4. A nonconforming use or STRUCTURE may be replaced, repaired, or rebuilt if it is damaged or destroyed by any means, including FLOODS, to the extent of less than fifty (50) percent of its fair market value at the time of its damage or destruction. In such a case, however, the nonconformity of the new use or STRUCTURES, with respect to requirements as expressed in provisions of this ORDINANCE, shall not exceed that of the original use or STRUCTURE which was damaged or destroyed. Nothing shall be done which would otherwise violate any of the provisions of this ORDINANCE.

5. A nonconforming use or STRUCTURE which has been damaged or destroyed by any means, including FLOODS, to the extent of fifty (50) percent or more of its fair market value at the time of its damage or destruction may not be replaced, restored, repaired, reconstructed, improved, or rebuilt in any way other than in complete conformity and full compliance with the provisions of this ORDINANCE, the TOWNSHIP Zoning Ordinance and all applicable laws, regulations and ordinances.
6. The Zoning Officer or the TOWNSHIP ENGINEER shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed use or STRUCTURE at the time of its damage or destruction, and may call on any experts or authorities, including the Building Code Official, they may deem necessary to arrive at a fair and impartial determination. Appeals of the determination of the Zoning Officer or the TOWNSHIP ENGINEER may be made to the ZONING HEARING BOARD in accordance with Section 302 of this ORDINANCE.
7. HISTORIC STRUCTURES undergoing repair or rehabilitation that would constitute a SUBSTANTIAL IMPROVEMENT as defined in this ORDINANCE, must comply with all ORDINANCE requirements that do not preclude the STRUCTURE's continued designation as a HISTORIC STRUCTURE. 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. The COMMISSIONERS shall have the right to waive any of the requirements of this ORDINANCE, based on the above, for the repair or rehabilitation of any HISTORIC STRUCTURE or resource in accordance with applicable state and federal standards.

## **SECTION 307. DESIGN AND PERFORMANCE STANDARDS**

1. Unless otherwise specified in this ORDINANCE, the standards and criteria included in this Section are to be used, together with the provisions of the ACT and all other TOWNSHIP ordinances in administration of this ORDINANCE. Except as specifically provided otherwise in this ORDINANCE, nothing contained in this ORDINANCE shall be construed to affect the other ordinances of the TOWNSHIP.
2. Where applicable and where possible, all necessary permits or other written approvals must be obtained from all other agencies before any approvals of plans or permits may be granted by TOWNSHIP or its agencies, officials, or employees.
3. RIPARIAN BUFFERS and riparian forest buffers shall be in compliance with the requirements of the Zoning Ordinance of Manheim TOWNSHIP, as amended and the Stormwater Management Ordinance of Manheim TOWNSHIP, as amended.

4. Where necessary permits or written approvals from other agencies cannot be obtained prior to action by TOWNSHIP or its agencies, officials, or employees, permits shall be conditioned upon receiving such other agencies permits or written approval.
5. No regulations of the Commonwealth of Pennsylvania governing WATERCOURSES are amended or repealed by this ORDINANCE.
6. No encroachment, alteration, or IMPROVEMENT of any kind shall be made to any WATERCOURSE until all municipalities immediately adjacent to the encroachment, alteration or IMPROVEMENT have been notified by the DEVELOPER and until all required permits or approvals have been obtained from DEP, Bureau of Waterways Engineering. In addition, FEMA and DCED shall be notified prior to any alteration or relocation of any WATERCOURSE.
7. All uses and STRUCTURES allowed under this ORDINANCE, shall be designed, constructed, and placed so as to offer the minimum OBSTRUCTION possible to the flow of water, and shall be designed to have a minimum effect upon the flow, velocity, or height of FLOOD waters. Whenever possible, such STRUCTURES shall be constructed with the longitudinal axis parallel to the direction of FLOOD flow, and, as far as is practicable, such STRUCTURES shall be placed approximately on the same FLOOD flow lines as those of nearby STRUCTURES.
8. All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTS shall be constructed by (1) methods and practices that minimize FLOOD damage; (2) using FLOOD resistant BUILDING materials and (3) designing and locating electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities to prevent water entry or accumulation.
9. All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTS of permanent non-residential STRUCTURES shall either; (1) have the LOWEST FLOOR (including BASEMENT) elevated to a minimum of one (1) foot above the ONE-HUNDRED (100) YEAR FLOOD ELEVATION, as defined by Section 301 of this ORDINANCE or; (2) together with attendant utility and sanitary facilities, be FLOODPROOFED to be a minimum of one (1) foot above the ONE-HUNDRED (100) YEAR FLOOD ELEVATION, the STRUCTURE is watertight, and with walls substantially impermeable to the passage of water and with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
10. All authorized IMPROVEMENTS or additions to existing residential STRUCTURES not meeting the definition of SUBSTANTIAL IMPROVEMENTS shall be elevated or FLOODPROOFED to the greatest extent possible.
11. All authorized new or substantially improved residential STRUCTURES shall have the LOWEST FLOOR (including BASEMENT) elevated to one (1) foot above the ONE-HUNDRED (100) YEAR FLOOD ELEVATION, as defined by Section 301 of this ORDINANCE.

12. Where FLOODPROOFING is authorized by this ORDINANCE, it shall be certified by a registered professional and shall be done according to the standards and provisions for FLOODPROOFING classes W-1 or W-2, as contained in FLOODPROOFING Regulations, published by the Office of the Chief of Engineers, U.S. Army, publication EP 1165 2 314 (June 1972 and as subsequently amended), where such standards and provisions do not conflict with other provisions of this ORDINANCE. Where reference is made in FLOODPROOFING Regulations to the "RFD" (Regulator FLOOD Datum), it shall be interpreted to mean the ONE-HUNDRED (100) YEAR FLOOD ELEVATION, as defined by this ORDINANCE.
13. All NEW CONSTRUCTION or SUBSTANTIAL IMPROVEMENTS to nonconforming STRUCTURES, including BUILDINGS, air ducts, pipes, and storage tanks within the FLOODPLAIN AREA shall be firmly anchored to prevent flotation, movement, or collapse, thus reducing the possibility of the blockage of BRIDGE openings and other restricted sections of the WATERCOURSE.
14. NEW CONSTRUCTION or SUBSTANTIAL IMPROVEMENTS cannot be granted a variance which would permit a STRUCTURE to be in non-compliance with the need to elevate or FLOODPROOF to a minimum of one (1) foot above the BASE FLOOD ELEVATION. Similarly, no CONSTRUCTION or SUBSTANTIAL IMPROVEMENTS can be granted a variance to be located within the FLOODWAY AREA.
15. Fully enclosed space or partially enclosed space below the LOWEST FLOOR (including BASEMENT) is prohibited.
16. Adequate drainage shall be provided for all new DEVELOPMENT to reduce exposure to FLOOD hazards.
17. Public utility facilities and STRUCTURES (except BUILDINGS) subject to the jurisdiction of the Pennsylvania Public Utility Commission or utility facilities which are operated, owned or maintained by a municipality or a municipal authority organized under the laws of the Commonwealth of Pennsylvania are required to comply with the following standards in the interest of achieving the purpose and intent of this ORDINANCE:
  - A. Public utility facilities and associated STRUCTURES such as pipelines, gas lines, STORM SEWER, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communications facilities, should, except for necessary vents, be designed and installed underground so as to be at or below the existing natural surface GRADE within the FLOODPLAIN, and in such a manner as will prevent flotation, minimize or eliminate FLOOD damage, and not alter the cross-sectional AREA of the FLOODPLAIN. All new or replacement water supply facilities or sanitary sewage facilities should be designed to minimize or eliminate infiltration

of FLOOD waters into the facilities and discharges from the facilities into FLOOD waters. All gas lines should have a system of shut-off valves for service to the FLOODPLAIN AREA to allow positive control during FLOOD emergencies.

- B. Public utility electrical transmission lines and supporting STRUCTURES should be installed so as to minimize or eliminate FLOOD damage. Above-ground electrical transmission lines should be designed to meet the following standards:
  - (1) Above-ground lines and supporting STRUCTURES should enter the FLOODPLAIN AREA only to cross a WATERCOURSE, should cross the WATERCOURSE and the FLOODPLAIN using the most direct and shortest route possible consistent with the goals, objectives, purposes and intents of this ORDINANCE, should make the minimum number of crossings necessary, and should be designed and installed so as to minimize or eliminate FLOOD damage.
  - (2) Supporting STRUCTURES for above-ground lines within the FLOODPLAIN should be the minimum number necessary to carry the lines across the FLOODPLAIN.
  - (3) Facilities and service in the FLOODPLAIN AREA should be designed so that FLOOD damage within the FLOODPLAIN AREA does not disrupt service outside the AREA.
- 18. Any on-site waste disposal system shall be located to avoid impairment to FLOOD-prone AREAS or contamination from them during FLOODING.
- 19. All MOBILE HOMES and MANUFACTURED HOMES and any IMPROVEMENTS 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 and MANUFACTURED HOMES including MOBILE HOME PARK and MANUFACTURED HOME 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 (4) corners of the MOBILE HOME or MANUFACTURED HOME, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.
  - B. Frame ties shall be provided at each corner of the MOBILE HOME or MANUFACTURED HOME, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.

- C. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4800) pounds.
- 20. All MOBILE HOMES and MANUFACTURED HOMES and any IMPROVEMENTS thereto shall also be placed on a permanent foundation and be elevated 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 MOBILE HOME or MANUFACTURED HOME will be a minimum of one (1) foot above the elevation of the designated ONE-HUNDRED (100) YEAR FLOOD.
  - B. Adequate surface drainage is provided.
  - C. Adequate access for a hauler is provided.
- 21. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Emergency Management Coordinator for MOBILE HOME PARKS, MOBILE HOME subdivisions or MANUFACTURED HOMES where appropriate.
- 22. The standards and specifications contained in the International Building Code (IBC) and the International Residential Building Code (IRC) as incorporated into the UCC, 34 PA Code (Ordinances 401-405), as amended shall apply to the above and other sections and subsections of this ORDINANCE, to the extent that they are more restrictive and/or supplement the requirements of this ORDINANCE. **[Added 6-27-2005 by Ord. No. 2005-17]**