

ARTICLE 9

Flood Hazard District

900. FINDINGS

- A. The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry.
- B. Certain areas of Newtown Township are floodplain areas subject to periodic flooding from watercourses or inadequate drainage, wet soils or soils having a high-water table, which flooding results in loss of property, danger to life, damage to structures, injury to people, disruption of public and private activities and services, burdensome public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- C. Flood losses are caused by the cumulative effect of obstructions in floodplain areas causing increases in flood heights and velocities and the occupancy of floodplain areas by uses vulnerable to floods.
- D. Certain sections of Newtown Township are aquifer recharge areas which form the source of the underground water supply and are especially sensitive to pollution and contamination from inappropriate surface uses.
- E. Drainage areas, wet soils or soils having a high-water table and water courses located in Newtown Township are part of integrated drainage basins and as such, the construction or other alteration of land within the Township that increases runoff also increases the flood hazard to communities downstream.

901. INTENT

- A. It is the purpose of this article to promote the public health, safety and general welfare and to minimize flood losses.
- B. The specific intent of this article is:
 - 1. To promote the general health, safety, and welfare of the community.
 - 2. To regulate or prevent the erection of buildings and other structures in areas unfit for development by reason of periodic flooding, unsanitary drainage conditions and related hazards.
 - 3. To protect public health and the environment by preventing pollution of surface and subsurface water supplies and providing surface area to absorb water for maintenance of the subsurface water supply.
 - 4. To protect public safety by managing the use of natural floodplains and valley flats which are subject to periodic flooding.
 - 5. To prevent the increase in flood volume and rate of flow which results from covering floodplains with impervious surfaces and from impeding natural drainage channels.

6. To provide areas for the deposition of sediment.
 7. To prevent added downstream damage from increased flood volume and rate of flow and to permit uses of the floodplain compatible with the preservation of natural conditions and the maintenance of the stream flow throughout the year.
 8. To minimize the financial burden imposed on individuals, businesses, governmental units, and the public in general.
 9. To promote responsible floodproofing measures within the Floodplain Management District.
 10. To encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
 11. To comply with federal and state floodplain management requirements.
- C. Designation of Floodplain Administrator. The Zoning Officer of the Township of Newtown is hereby designated and may be referred to herein as the Floodplain Administrator. The Assistant Township Manager, or other individual assigned in writing by the Floodplain Administrator, shall be the Alternate Floodplain Administrator and shall have all powers and responsibilities as the Floodplain Administrator when serving in that capacity.

902. ESTABLISHMENT AND IDENTIFICATION OF DISTRICT

- A. Overlay district.
1. The Floodplain Management District (FMD), also referred to herein as "Floodplain District", as defined and described by this article shall be deemed an overlay district where applicable on any zoning district now or hereafter delineated on the Township Zoning Map.
 2. Should the Floodplain Management District be declared inapplicable to any parcel of land by reason of action by the Zoning Officer, the Zoning Hearing Board, or any court of competent jurisdiction, the zoning applicable to such parcel shall be deemed to be the underlying district in which the parcel is located, without consideration of the Floodplain Management District.
 3. Should the zoning of any parcel or any part thereof over which the Floodplain Management District is located be changed through any legislative or administrative actions or judicial discretion, such change shall have no effect on the Floodplain Management District unless such change was made with respect to the Floodplain Management District.
 4. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within Newtown Township unless the proposed work has been reviewed for compliance with the provisions of this article by the Zoning Officer and a permit issued.
 5. A compliance review shall not be required for minor repairs to existing buildings or structures.
- B. Establishment of boundaries. The Floodplain Management District is defined and established as those areas of the Township subject to flooding as defined in the following

enumerated subsections, with the most extensive of those areas described in the following subsections determining the outermost boundary of the Floodplain Management District:

1. All lands designated by the soil map symbols and mapping unit names shown on maps contained in the Soil Survey Report of Chester and Delaware Counties issued by the Soil Conservation Service (i.e., the Natural Resources Conservation Service (NRCS)) United States Department of Agriculture, dated May 1963 or later revision, as follows:

Map Symbol	Mapping Unit Name
We	Wehadkee silt loam
Ch	Chewacla silt loam
WoA, WoB, WoC	Worsham silt loam

2. All areas which have flooded within the last 100 years, as recorded or indicated by written or other objective records, such as surveys by the United States Army Corps of Engineers.
3. All areas which, by hydrological stream profile analysis conducted by a registered professional engineer or geologist are calculated to be inundated during a nominal one-hundred-year-frequency flood. Such analysis shall be required prior to the issuance of any permits if, after consultation with the Township Planning Commission and Township Engineer, the Zoning Officer has reason to believe that the applicant's property, or a portion thereof, is in such close proximity to a floodplain area as to be subject to inundation by a one- hundred-year-frequency flood. If the analysis demonstrates that the property or a portion thereof will not be subject to inundation, such permits as are required shall be considered for approval, but shall not be issued unless and until the applicant has complied with all other applicable provisions of this article and with all other applicable ordinances and regulations.
4. All areas of Newtown Township classified as special flood hazard areas (SFHAs) as identified by the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated **November 18, 2009**, prepared for the Township and issued by the Federal Emergency Management Agency (FEMA), including all digital data developed as part of the Flood Insurance Study, or most recent revision thereof.
 - a. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Newtown Township and declared to be part of this Code.
 - b. These areas shall consist of the following specific areas:
 - (1) FW (Floodway area): the areas identified as "floodway" in the AE Area by the FIS and FIRM. 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 FIS.

- (2) FF (flood-fringe area): the remaining portions of the one-hundred-year floodplain in those areas identified as an AE Area with or without identified or delineated floodplain by the FIS and FIRM. The basis for the outermost boundary of this area shall be the one-hundred-year-flood elevations as shown in the flood profiles contained in the FIS.
 - (3) FA (general floodplain area): the areas identified as A Area by the FIS and FIRM for which no one-hundred-year-flood elevations have been provided. When available, information from other federal, state and other acceptable sources shall be used to determine the one-hundred-year elevation, as well as a floodway area, if possible. When no other information is available, the one-hundred-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. In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computation, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.
5. All areas containing hydric soils as determined by the following hydric soil boundary short procedure:
 - a. A landowner, upon executing an agreement with the Township Board of Supervisors, may submit detailed soil profiles and a report to the Township Engineer for purposes of determining hydric soil classification and the boundary of the Floodplain Management District.
 - b. If the Township Engineer and the landowner agree that the site-specific information supplied by the landowner indicates an accurate classification of the soils, then the Township Board of Supervisors will accept the extent of hydric soil as the boundary of the Floodplain Management District if not in conflict with the floodplain area and the community-identified flood hazard areas.
6. All areas of Newtown Township classified as special flood hazard areas (SFHAs).
7. Community-identified flood hazard areas, which are those areas where the Township has identified local flood hazard or ponding areas based on historical data and records, or has 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.
8. Areas not reflected above, but which may be subject to inundation. These areas shall be identified by field survey and by hydrologic and hydraulic calculation and

shall be subject to the review and approval of the Township Engineer, who shall make the determination as to the outermost boundary. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or geologists, 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.

C. Boundary revision and disputes.

1. Studies used to establish the boundaries of the Floodplain Management District will be available in the Township Municipal Building for reference.
2. The boundaries of the Floodplain Management District may be revised or modified by the Board of Supervisors from time to time upon recommendation by the Township Engineer based upon detailed engineering studies or information provided by a qualified agency or person that documents the need for such revision. However, prior to any such change, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six months after the date such information becomes available, the Township will notify FEMA of the changes by submitting technical or scientific data.
3. Whenever there is a difference between any map setting forth the Floodplain Management District or a portion thereof and the data contained in the studies, the data contained in the studies shall determine the boundary of the Floodplain Management District.
4. Should a dispute with respect to the boundaries of the Floodplain Management District arise, an initial determination of the boundaries shall be made by the Zoning Officer after review and comment on the boundary dispute by the Township Engineer.
5. Any party aggrieved by a decision of the Zoning Officer as to the boundaries of the Floodplain Management District may appeal the decision to the Zoning Hearing Board as provided by this chapter. The burden of proof in such an appeal shall be on the appellant.
6. Insofar as various natural conditions, including areas forming the Floodplain Management District, may change, such changes may be determined by detailed on-site survey techniques and hydrologic and hydraulic studies.
7. The Zoning Hearing Board shall determine whether a proposed use is within the Floodplain Management District upon appeal from a decision of the Zoning Officer.
8. The Zoning Hearing Board may consider the findings of a detailed on-site survey and hydrologic and hydraulic studies presented by the landowner and/or applicant, and other evidence presented by the landowner and/or applicant and other parties recognized by the Zoning Hearing Board who may support or oppose the decision of the Zoning Officer.
9. All changes to the boundaries of the Floodplain Management District are subject to the review and approval of the Federal Insurance Administrator.
10. An applicant shall pay all fees for processing applications and shall reimburse the Township for all professional fees and costs of reviews and reports prepared in

reviewing a dispute of the Floodplain Management District boundary.

903. USE AND ACTIVITY WITHIN DISTRICT

- A. Permitted uses. The following uses shall be permitted in the Floodplain Management District provided disturbance to any existing woodlands and degradation of water quality are minimized to the greatest extent practicable, and subject to applicable elevation and floodproofing regulations:
1. Agriculture uses, excluding structures, such as farming, cultivation and harvesting of crops according to recognized soil conservation practices, which shall in no case cause alluvial deposits to build up in watercourses or cause undue erosion to the floodplain management.
 2. Pasture and grazing land, excluding structures.
 3. Outdoor plant nursery or orchard, excluding structures.
 4. Forestry, lumbering and reforestation, according to recognized soil conservation practices, excluding storage and mill structures.
 5. Recreation uses, such as a park, day camp, picnic grounds, tent camping, golf course, hiking and riding trails, hunting, fishing, and swimming areas, excluding buildings.
 6. Game farm and fish hatchery, excluding buildings.
 7. Wildlife sanctuary, woodland or nature preserves and arboretum, excluding structures.
- B. Special exception uses. The following uses in the Floodplain Management District may be approved by special exception by the Zoning Hearing Board upon application, review and comment by the Township Planning Commission and the Township Engineer, and hearing before the Zoning Hearing Board:
1. As an area for front, side or rear yards and required lot area for any district, provided that such yards are not to be used for on- site sewage disposal systems or for non-wire fences or any other structure; however, no more than half of any required yard setback area on a lot may extend into the Floodplain Management District, and no more than 1/4 of the required minimum lot area for any lot may extend into the Floodplain Management District, provided that no building or structure and no sanitary drainage field shall be placed within the Floodplain Management District.
 - a. Inclusion of Flood Management District land as part of lots in order to meet minimum lot area or yard requirements is contingent upon complying with the objectives and standards set forth in the specific intent of this article and with any other pertinent municipal regulation.
 - b. If such compliance cannot be shown, the area within the Floodplain Management District shall not be considered for purposes of determining lot areas or yard requirements.
 2. Roadways serving as corridor crossings, road and parking areas to serve other permitted uses in the Floodplain Management District, or roads where required by

the regulations for any contiguous district.

3. Utility transmission lines.
 4. Storm and sanitary sewers and sewage pumping stations.
 5. Sealed public water supply wells and water pipelines.
 6. Dams, bridges and culverts approved by the Commonwealth of Pennsylvania, Department of Environmental Protection, any other governmental agency having regulatory or advisory jurisdiction over the watershed in question.
 7. Grading, provided that the effect is not to substantially alter the effective cross-sectional profile of the stream basin, including the floodplain, at the point of the proposed use, provided that a detailed engineering study shall accompany any application for a special exception on this ground and must be approved by the Department of Environmental Protection, and any other governmental agency having regulatory or advisory jurisdiction.
- C. Prohibited uses. Any use or activity not specifically permitted herein or authorized as a special exception shall be prohibited within the Floodplain Management District.
1. The following uses and activities are specifically prohibited in the Floodplain Management District and no variance shall be granted because the uses and activities have been identified as being dangerous to human life or posing a special hazard in a floodplain:
 - a. Public and private hospital and medical facilities.
 - b. Public and private nursing homes, and continuing care retirement communities.
 - c. Jails, penitentiaries, and detention centers.
 - d. Mobile and manufactured home parks and subdivisions, and substantial improvements to such parks and subdivisions.
 - e. Any wastewater facility not specifically permitted by the Newtown Township Wastewater Facilities Plan for operation in a floodplain.
 - f. The storage, manufacture, or use of any material, natural or otherwise, especially including, but not limited to, the following hazardous substances:
 - (1) Acetone.
 - (2) Ammonia.
 - (3) Benzene.
 - (4) Calcium carbide.
 - (5) Carbon disulfide.
 - (6) Celluloid.
 - (7) Chlorine.

- (8) Hydrochloric acid.
 - (9) Hydrocyanic acid.
 - (10) Magnesium.
 - (11) Nitric acid and oxides of nitrogen.
 - (12) Petroleum products (gasoline, fuel oil, etc.).
 - (13) Phosphorus.
 - (14) Potassium.
 - (15) Sodium.
 - (16) Sulphur and sulphur products.
 - (17) Pesticides (including insecticides, fungicides, and rodenticides).
 - (18) Radioactive substances, insofar as such substances are not otherwise regulated.
 - (19) Other uses as may be defined as "hazardous" by the Pennsylvania Department of Community and Economic Development or the Department of Environmental Protection.
- g. Junkyard or storage yard.
 - h. Commercial or industrial lot for the exhibition of goods, such as automobiles or other products for sale or distribution.
 - i. Removal of site vegetation in any manner without a Township- approved plan for erosion and sedimentation control.
 - j. Any construction or development or construction that would cause any increase in the one-hundred-year base flood elevation within any floodway, as demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice.
 - k. Any construction or development that would be located within the area measured 50 feet landward from the top-of-bank of any watercourse.
2. The following uses are specifically prohibited in the Floodplain Management District although a variance may be granted by the Zoning Hearing Board for any of these uses in accordance with the requirements and provisions of this chapter and Pennsylvania law; and upon review and comment on the variance application by the Township Planning Commission and the Township Engineer.
- a. Construction, enlargement or expansion of all freestanding structures and buildings, with the exception of dams, bridges and culverts as approved by the Pennsylvania Department of Environmental Protection.
 - b. The alteration or relocation of the course of flow of any watercourse, with the exception of stream channel improvements approved by the Pennsylvania Department of Environmental Protection.

- (1) A variance may be granted by the Zoning Hearing Board to alter or relocate a watercourse after review and comment on the variance application by the Township Planning Commission and the Township Engineer, and the approval of the alteration or relocation by the Pennsylvania Department of Environmental Protection and any other governmental agency with applicable jurisdiction.
- (2) All adjacent municipalities shall be notified prior to the alteration or relocation of a watercourse. Copies of such notification shall be sent to the Federal Emergency Management Agency. The flood-carrying capacity within the altered or relocated portion shall be maintained.

- c. Private water supply wells.
- d. Placement of fill, including the deposit of topsoil and the grading thereof; excavation of soil and rock; grading or regrading of land; and the construction of retaining walls. A variance application for such use shall be accompanied by a plan indicating the fill or material proposed to be deposited and how such fill or other materials will be protected against erosion by the use of riprap, vegetation or bulkheads.
- e. Encroachment upon any watercourse, with the exception of dams, bridges and culverts as approved by the Pennsylvania Department of Environmental Protection and the Zoning Hearing Board through special exception approval.
- f. Clearing of all existing vegetation, except where such clearing is necessary to prepare land for an approved use and where the effects of these actions are mitigated by the establishment of cover vegetation.
- g. Application of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards.
- h. Stormwater management facilities.

D. Existing and nonconforming structures and uses.

1. The provisions of this article do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of this article and the provisions of this chapter with respect to nonconforming uses shall apply.
2. Damaged existing structures. Structures located within the Floodplain Management District may be rebuilt if destroyed by fire or other catastrophe, provided that the reconstruction shall be in compliance with the floodproofing or elevation requirements of this article and, if located in the floodway, shall not result in an increase in the base flood elevation. If fill is used to raise the finished surface of the lowest floor two feet above the base flood elevation, the fill shall be placed as specified by this article.
3. Improvement and reconstruction of existing structures. The following provisions shall apply whenever any expansion, enlargement, or substantial improvement is made to an existing structure located within the Floodplain Management District, or an existing structure within the Floodplain Management District is reconstructed:

- a. Any modification, alteration, or improvement, of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this article.
 - b. No expansion, enlargement, substantial improvement, or reconstruction of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the base flood elevation.
 - c. No expansion, enlargement, substantial improvement, or reconstruction of an existing structure shall be allowed within any AE Area without floodway that would, together with all other existing and approved development, increase the BFE more than one foot at any point.
 - d. No expansion, enlargement, substantial improvement, or reconstruction of an existing structure shall be undertaken in the direction of the nearest watercourse on the property.
 - e. No expansion, enlargement, substantial improvement, or reconstruction of an existing structure shall be permitted unless two means of access are provided across the property to the existing structure, and an evacuation plan indicating alternate vehicular access and escape routes is prepared and submitted to the Township.
 - f. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this article must comply with all requirements that do not preclude the structure's continued designation as historic. Any variance from the requirements of this article will be the minimum necessary to preserve the historic character and design of the historic structure.
 - g. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this article.
4. Horizontal floodplain buffer area. Uses and/or activity in the area adjacent to the Floodplain Management District shall be in accordance with the regulations and requirements of this article and the zoning districts in which that area exists. However, no building or structure of any nature, and no work such as permanent filling or excavation shall be permitted within a horizontal floodplain buffer area, established at two feet above the base flood elevation. The buffer may be part of any lot to meet lot area and yard requirements. Said buffer shall be noted on any plan as "horizontal floodplain buffer area."

904. APPLICATION FOR ZONING PERMIT, CONDITIONAL USE, OR VARIANCE

A. Zoning permits.

1. In the Floodplain Management District, a zoning permit shall be required for any new or change of land use, including but not limited to construction or alteration of buildings and structures for which a building permit is required, subdivision and land development, streets and other paving, utilities, mining, dredging, filling, grading, excavating or drilling operations, and the storage of materials and

equipment.

2. A zoning permit may be issued in the form of a building permit, use and occupancy permit, zoning certification, or other final approval as determined by the Zoning Officer.

B. Application for a zoning permit:

1. Application for a zoning permit shall be filed with the Zoning Officer, who shall make an initial determination with respect to the application and whether a variance or special exception is required.
2. If a variance or special exception is required, then the Zoning Officer will provide the applicant with a determination of the zoning relief required and advise the applicant that an application for a variance shall be forwarded to the Zoning Hearing Board, along with required studies or information and the findings of the Zoning Officer.
3. The Zoning Officer and Building Code Official shall review applications and may consult with the Township Engineer to determine if all other necessary governmental permits such as those required by state and federal laws have been obtained.

C. Content of application for a zoning permit.

1. Applications shall include five copies of all required information plus any other pertinent information as may be required by the Zoning Officer.
2. Applications shall be made on forms supplied by the Township and shall contain the following:
 - a. Name and address of applicant.
 - b. Name and address of owner of land on which proposed construction is to occur.
 - c. Name and address of contractor.
 - d. Site location including address.
 - e. Listing of other permits or relief required.
 - f. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before flood damage occurred as applicable.
3. If any proposed construction or development is located entirely or partially within the Floodplain Management District, applicants shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:
 - a. The proposed use is consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable laws and regulations.
 - b. Utilities and facilities, such as sewer, gas, electrical and water systems are

located and constructed to minimize or eliminate flood damage.

- c. Adequate drainage is provided so as to reduce exposure to flood hazards.
 - d. Structures will be anchored to prevent floatation, collapse, or lateral movement.
 - e. Building materials are flood-resistant.
 - f. Appropriate practices to minimize flood damage have been used.
 - g. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/ or located to prevent water entry or accumulation.
4. Applications shall include a location map, using a scale no smaller than one inch being equal to 1,000 feet, identifying the location and surrounding area of the proposed work or use.
 5. Applications shall include a plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 50 feet or less, showing the following:
 - a. North arrow, scale, and date.
 - b. Topographic contour lines based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of one foot.
 - c. For all watercourses, the centerline and bottom of stream and top of bank elevations.
 - d. The location of the finish floor elevation of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development, and including all property and lot lines including dimensions, and the size and the site expressed in acres or square feet.
 - e. The location and elevation of all existing streets, drives, and other accessways, and the location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations.
 - f. The location and elevation 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.
 - g. The location and elevation of the Floodplain Management District boundaries, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities.
 - h. The location and elevation of all proposed buildings, structures, utilities, and any other improvements.

development.

- d. Detailed information needed to determine compliance with safeguards with respect to development which may endanger human life, including:
 - (1) The amount, location and purpose of any dangerous materials or substances which are intended to be used, produced, stored or otherwise maintained on site.
 - (2) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances during a base flood.
 - (3) A statement certified by a registered professional engineer or geologist that contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood elevation, including a statement concerning the effects such pollution may have on human life.
 - (4) A statement certified by a registered professional engineer or geologist that contains a complete and accurate description of the effects the proposed development will have on base flood elevation elevations and flows.
 - (5) A statement certified by a registered professional engineer that contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation elevations and flows.
 - (6) Where any excavation or grading is proposed, a plan to implement and maintain erosion and sedimentation control.
 - (7) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.
- e. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- f. Where any excavation or grading is proposed, a plan meeting the requirements to implement and maintain erosion and sedimentation control.

8. Applications shall be accompanied by the prescribed fee, payable to the Township.

D. Additional permit requirements for construction. In addition to the building permit application requirements normally required by the Township, the Township Building Code Official shall require the following specific information to be included as part of an application for a building permit in the Floodplain Management District:

- 1. For structures to be elevated:
 - a. A plan showing the size of the proposed structure and its relation to the lot

where it is to be constructed.

- b. A determination of elevations of the existing grade, proposed finished grade and lowest floors certified by a registered professional engineer.
- c. Plans showing the method of elevating the proposed structure, including details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc. When required by the Building Code Official, these plans shall be prepared by a registered professional engineer or architect.
- d. Plans showing the methods used to protect utilities (including sewer, water, telephone, electric, gas, etc.) from flooding to an elevation at least 1 1/2 feet above the base flood elevation at the building site.

2. For structures to be floodproofed:

- a. Plans showing details of all floodproofing measures, prepared by a registered professional engineer and showing the size of the proposed structure and its relation to the lot where it is to be constructed.
- b. A determination of elevations of existing grades, proposed finished grades, lowest floors and floodproofing limits, certified by a registered professional engineer.
- c. A certificate prepared by a registered professional engineer who prepared the plans that the structure in question, together with attendant utility and sanitary facilities, is designated so that:
 - (1) Below an elevation two feet above the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water.
 - (2) The structure will withstand the hydrostatic, hydrodynamic, buoyant, impact and other forces resulting from the flood depths, velocities, pressures and other factors associated with the base flood elevation.

E. Special exception and variances. In addition to the information required for a zoning permit application, an application for special exception or a variance shall be accompanied by the following:

1. Detailed engineering studies indicating the effects on drainage and streams on all affected or adjacent properties as well as the subject property.
2. An application for amending the boundaries of the Floodplain Management District if the boundaries will be affected by the proposed special exception or variance.
3. A FEMA elevation certificate with a determination of elevations of the existing grade, proposed finished grade, base flood elevation and lowest floor (including basement) certified by a registered professional engineer.
4. Applications shall be accompanied by the prescribed fee, payable to the Township.

F. Other agency review.

1. Review by County Conservation District. A copy of all applications and plans for any proposed construction or development in the Floodplain Management District shall be submitted by the applicant to the County Conservation District for review and comment to the Zoning Officer prior to the issuance of a permit.
 - a. The applicant shall provide the Zoning Officer with proof of submission to the County Conservation District.
 - b. The comments and recommendations of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan of work or use.
2. Review of application by others. The Zoning Officer may require an applicant to submit a copy of all plans and applications for any proposed construction or development in the Floodplain Management District to be any other appropriate agencies and/or individuals (e.g., Planning Commission, Municipal Engineer, etc.) for review and comment.
 - a. The applicant shall provide the Zoning Officer with proof of submission to any other appropriate agencies and/or individuals.
 - b. The comments and recommendations of the reviewing agency or individual shall be considered by the Zoning Officer for possible incorporation into the proposed plan of work or use.

G. Changes.

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

905. STANDARDS FOR SPECIAL EXCEPTION OR VARIANCE

- A. The Zoning Hearing Board may request the review and recommendations of the Township Engineer, Township Planning Commission, County Planning Commission, and/or the County Conservation District at least 30 days prior to a hearing on an application for special exception or variance with respect to a property in the Floodplain Management District.
- B. The Zoning Hearing Board shall exercise discretion in allowing only those uses which are substantially in accord with the stated intent of this chapter and article. An applicant shall demonstrate the following:
 1. The effect of the use shall not substantially alter the cross-section profile of the watercourse and floodplain at the location of the proposed use.
 2. Lands abutting the watercourse, both upstream and downstream, shall not be unreasonably adversely affected by the proposed use.
 3. The general welfare or public interest of Newtown Township or other municipalities in the same watershed shall not be adversely affected.

4. With respect to variance applications, the strict enforcement of this article would create undue hardship by denying a reasonable use of an existing lot which is situated either wholly or partially in the Floodplain Management District.
- C. In any instance where the Zoning Hearing Board is required to consider a request for a special exception or variance from the provisions of this article, the Board shall, to the extent permitted by law, consider the following factors, where appropriate, to be established by the applicant, who shall have the burden of proving that the criteria and conditions can be satisfied:
1. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance or special exception shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one-hundred-year-flood elevation.
 2. The danger that 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 avoid causing disease, contamination and unsanitary conditions.
 4. The susceptibility of the proposed use to flood damage and the effect of such damage on the owner.
 5. The availability of alternative locations not subject to flooding for the proposed use.
 6. The compatibility of the proposed use with existing and foreseeable uses.
 7. The relationship of the proposed use to the comprehensive plans and floodplain management program for the area.
 8. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 9. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwater expected at the site.
 10. Such other factors which are relevant to the purposes of this article.
- D. An affirmative decision shall not be issued by the Zoning Hearing Board for an application within the designated floodway unless the effect of such proposed activity on flood heights is fully offset by accompanying stream improvements.
- E. The Zoning Hearing Board shall notify the applicant, in writing, that the issuance of a decision to allow construction of a structure below the base flood elevation will result in increased premium rates for flood insurance, and such construction below the base flood elevation increases risk to life and property.
- F. The Township shall maintain a record of all decisions and notifications, including jurisdiction for their issuance and the Township shall report such decisions to the appropriate agencies.
- G. Elevation and floodproofing of structures.
1. Any new structures permitted by special exception or variance shall be constructed

and placed on the land so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the watercourse flow and base flood elevation. Such structures shall be elevated in accordance with the provisions contained in this article and the Uniform Construction Code.

2. Any new structure permitted as a special exception or by variance shall be floodproofed in accordance with the provisions contained in this article and the Uniform Construction Code.
 - a. All new structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
 - b. All new structures shall be constructed so as to prevent the entrance of floodwaters into the water supply and waste treatment systems as well as other utility and facility systems. In addition, waste treatment systems shall be designed to minimize or eliminate discharges from the systems into the floodwaters.
3. Any additions to existing structures permitted as a special exception or by variance shall be elevated to the greatest extent possible according to the provisions contained in this article and the Uniform Construction Code. For nonresidential structures only, if any portion of said addition is not elevated above the BFE, said addition shall be floodproofed in accordance with the provisions contained in this article and the Uniform Construction Code. All residential additions must be so elevated.
4. Any new structure permitted as a special exception or by variance shall be provided with two means of access across the property to the structure, one of which shall serve as an alternate vehicle access outside of the Floodplain Management District.
5. For any new structure permitted as a special exception or by variance shall have filed with the Township and other appropriate disaster preparedness authorities an evacuation plan indicating alternate vehicular access to and escape routes from the structure.

906. VARIANCE CONDITIONS

- A. If compliance with the elevation or floodproofing requirements stated in this article would result in an exceptional hardship for a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirement. Relief issued shall conform to the following conditions:
 1. If granted, a variance shall involve only the least modification necessary to provide relief.
 2. In granting any variance, the Zoning Hearing Board shall attach reasonable conditions and safeguards necessary to protect the public health, safety, and welfare of the Township.
 3. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - a. The variance may result in increased premium rates for flood insurance.

- b. The variance may increase risks to life and property.
- 4. In considering any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:
 - c. That there is good and sufficient cause for the variance, including:
 - (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
 - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (3) That such unnecessary hardship has not been created by the applicant.
 - (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - d. That failure to grant the variance would result in exceptional hardship to the applicant.
 - e. That the granting of the variance will:
 - (1) Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense;
 - (2) Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- 5. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted shall be submitted as required by FEMA.
- 6. Any new residential structure or substantial improvement of a residential structure which cannot be elevated to two feet above the base flood elevation shall be floodproofed as specified herein and in accordance with the requirements established for the W1-W2 classes by the Office of the Chief of Engineers, United States Army, Publication No. EP 1165 2 314, June 1972, as amended.
- 7. Any modification, alteration, reconstruction or improvement of any kind to an

existing residential structure, to an extent or amount of less than 50% of its market value, which cannot be elevated or floodproofed to the base flood elevation shall be elevated to the maximum extent possible or floodproofed for the remaining height to the base flood elevation for the modified, altered, reconstructed or improved portion.

8. Any new nonresidential structure or substantial improvement of a nonresidential structure which cannot be elevated or floodproofed to at least two feet above the base flood elevation shall be elevated to the maximum extent possible or floodproofed for the remaining height to at least two feet above the base flood elevation.
9. Any modification, alteration, reconstruction or improvement of any kind to an existing nonresidential structure, to an extent or amount of less than 50% of its market value, which cannot be elevated or floodproofed to at least two feet above the base flood elevation shall be elevated to the maximum extent possible and floodproofed for the remaining height to the base flood elevation.
10. Any new construction, development, uses or activities allowed by variance within the Floodplain Management District shall be undertaken in strict compliance with the provisions contained in the Township Code and any other applicable codes, ordinances and regulations. In addition, when such development is proposed within the area measured 50 feet landward from the top of bank of any watercourse, a permit shall be obtained from the Department of Environmental Protection.

907. SPECIAL USE REQUIREMENTS

A. Alteration or relocation of watercourse.

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse regardless of location 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.
2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse regardless of location unless it can be shown that the activity will not reduce or impede the flood-carrying capacity of the watercourse in any way.
3. FEMA, the Pennsylvania Department of Community and Economic Development, and the Pennsylvania Department of Environmental Protection shall be notified prior to any alteration or relocation of any watercourse.

B. Special requirements for manufactured homes.

1. Within the Floodplain Management District, manufactured homes shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
2. Where permitted within the Floodplain Management District, manufactured homes, and any improvements thereto, shall be:
 - a. Placed on a permanent foundation.

- b. Elevated so that the lowest floor of the manufactured home is at least two feet above the base flood elevation.
 - c. Anchored to resist flotation, collapse, or lateral movement.
 3. Installation of manufactured homes shall be done in accordance with the manufacturer's installation instructions as provided by the manufacturer.
 4. All 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 following:
 - a. Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations for units 50 feet or more in length, and one additional tie per side for units less than 50 feet in length.
 - b. Frame ties shall be provided at each corner of the manufactured home, with five additional ties per side at intermediate locations for units 50 feet or more in length, and four additional ties per side for units less than 50 feet in length.
 - c. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds and resisting a minimum wind velocity of 90 miles per hour.
 5. All manufactured homes and any improvements thereto shall 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 manufactured home will be at least two feet above the base flood elevation.
 - b. Adequate surface drainage shall be provided.
 - c. Adequate access for a hauler shall be provided.
 - d. Where pilings are used for elevation, the lot shall be large enough to permit steps; piling foundations shall be placed in stable soil not more than 10 feet apart; reinforcement shall be provided for pilings that will extend for six feet or more above the ground level.
 6. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Township and other appropriate disaster preparedness authorities for manufactured home subdivisions.
 7. Placement of a manufactured home on a lot shall require a building permit.
- C. Special requirements for recreational vehicles.
 1. Except for storage facilities for which a variance has been granted by the Zoning Hearing Board, recreational vehicles in the Floodplain Management District shall:
 - a. Be on the site for fewer than 180 consecutive days; and
 - b. Be fully licensed and ready for highway use.

908. DESIGN AND CONSTRUCTION STANDARDS

A. Placement of buildings and structures.

1. 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.
2. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent floatation, collapse, or lateral movement.
3. Within the Floodplain Management District, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection.

B. Elevation and floodproofing requirements.

1. Residential structures.

- a. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to at least two feet above the base flood elevation.
- b. Any modification, alteration, reconstruction or improvement of any kind to an existing residential structure to an extent or amount of less than 50% of its market value shall be elevated or floodproofed to the base flood elevation.
- c. Existing residential structures located in a designated floodway shall not be expanded or enlarged unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying stream improvements.

2. Nonresidential structures.

- a. All new construction and substantial improvements of nonresidential structures shall have the lowest floor (including basement) elevated or floodproofed to at least two feet above the base flood elevation. The floodproofing measures shall ensure that the structure is watertight with walls substantially impermeable to the passage of water and has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
- b. Any modification, alteration, reconstruction or improvement of any kind to an existing nonresidential structure to an extent or amount of less than 50% of its market value shall be elevated or floodproofed to the base flood elevation.
- c. Existing nonresidential structures located in a designated floodway shall

not be expanded or enlarged unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying stream improvements.

3. Space below the lowest floor.
 - a. Fully enclosed space below the lowest floor (including basement) is prohibited.
 - b. Partially enclosed space below the lowest floor (excluding basement) that 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 either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
 - (2) The bottom of all openings shall be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
4. Accessory structures.
 - a. Structures accessory to a principal building or use need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
 - (1) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles or the storage or support of tools, material or equipment related to the principal use or activity.
 - (2) Floor area shall not exceed 100 square feet.
 - (3) The structure will have a low damage potential.
 - (4) The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
 - (5) Power lines, wiring and outlets will be at least 1 1/2 feet above the one-hundred-year flood elevation.
 - (6) With the exception of alternative energy generation or conversion equipment, permanently affixed utility equipment and appliances, including but not limited to furnaces, heaters, washers and dryers, are permitted only at elevations above the base flood elevation.
 - (7) Sanitary facilities are prohibited.

- (8) The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
- (a) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
 - (b) The bottom of all openings shall be no higher than one 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.

C. Fill. If fill is used to raise the finished surface of the lowest floor two feet above the base flood elevation, the fill shall be placed as follows:

- 1. Fill shall extend beyond a structure for a sufficient distance to provide acceptable access for the intended use of the structure.
- 2. Fill shall extend laterally 15 feet beyond the building line from all points of a residential structure.
- 3. Fill shall extend laterally 15 feet beyond the building line, at a minimum of 25% of the perimeter of a nonresidential structure.
- 4. Fill material shall consist of soil or rock materials only.
- 5. Fill material shall be compacted to provide the necessary stability and resistance to erosion, scouring or settling.
- 6. Fill slopes shall be no steeper than one vertical to two horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Township Engineer.
- 7. Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

D. Drainage facilities. Drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

E. Utility, electrical, and mechanical systems.

- 1. Water and sanitary sewer facilities and systems.
 - a. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.

- b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
 - c. On-site sewer disposal systems are prohibited in a floodplain.
 2. Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall be located above the base flood elevation.
 3. Fuel supply systems. 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. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.
 4. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
 5. All air ducts, large pipes, storage tanks, and other similar objects or components located below the flood elevation shall be securely anchored or affixed in accordance with accepted engineering practices to prevent floatation.
- F. Streets. The finished elevation of all new streets shall be no more than one foot below the base flood elevation.
- G. Storage. No materials that are buoyant, flammable, explosive or in time of flooding could be injurious to human, animal or plant life shall be stored below an elevation of one foot above base flood elevation.
- H. Electrical components.
 1. Electrical distribution panels shall be at least three feet above the base flood elevation.
 2. Separate electrical circuits shall serve lower levels and shall be dropped from above.
 3. All electric water heaters, electric furnaces, electric air-conditioning and ventilating systems and other electrical equipment or apparatus shall be permitted only at elevations at least three feet above the base flood elevation.
- I. Floors, walls and ceilings.
 1. Wood flooring used at or below the base 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 base flood elevation shall be of a marine or water-resistant variety.
 3. Walls and ceilings at or below the base 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 base flood elevation shall be made of metal or other water-resistant material.

- J. Paints and adhesives.
 - 1. Paints and other finishes used at or below the base flood elevation shall be of marine or water-resistant quality.
 - 2. Adhesives used at or below the base flood elevation shall have a bonding strength that is unaffected by inundation (i.e., marine or water-resistant quality).
 - 3. All wooden components (doors, trim, cabinets, etc.) shall be sealed with a marine or water-resistant quality or similar product.
- K. Uniform Construction Code coordination. The standards and specifications contained in the Uniform Construction Code as adopted in Pennsylvania shall apply to construction in the Floodplain Management District, to the extent that they are more restrictive and/or supplement the requirements of this article.
- L. Post-construction documentation.
 - 1. Technical or scientific data shall be submitted to FEMA for a letter of map revision (LOMR) within six months of the completion of any new construction, development, or other activity resulting in changes in the base flood elevation. A LOMR or conditional letter of map revision (CLOMR) is required for:
 - a. Any development that causes a rise in the base flood elevations within the floodway; or
 - b. Any development occurring in an area without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
 - c. Alteration or relocation of a watercourse, including but not limited to installing culverts and bridges.

909. DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR

- A. To ensure that flood damage controls are being employed in all new construction and improvements within the Floodplain Management District, the Zoning Officer as the Floodplain Administrator shall provide an applicant information concerning the location of the district boundaries relative to the proposed construction, improvements, or use and the water surface elevation of the one-hundred-year flood at the proposed site. The source of the information concerning the district boundary shall be the Flood Insurance Study for the Township as prepared by the Federal Emergency Management Agency, Federal Insurance Administration, and other sources as appropriate according to those cited in this article regarding the Floodplain Management District for the Township. The source for the information concerning the base flood elevation shall be the Flood Insurance Study.
- B. The Zoning Officer shall issue a zoning permit only after it has been determined that the proposed work or use to be undertaken will be in conformance with the requirements of this article and all other applicable laws, regulations, codes and ordinances.
- C. Prior to the issuance of any permit, the Zoning Officer shall review an application for a permit to determine if all other necessary government permits required by state and federal laws have been obtained. No permit shall be issued until this determination has been made.
- D. In the case of existing structures, prior to the issuance of any permit, the Zoning Officer

shall review the history of repairs to the subject structure, so that any repetitive loss issues can be addressed before a permit is issued.

- E. During the construction period, the Zoning Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable laws and regulations. The Zoning Officer shall make as many inspections during and upon completion of the work as are necessary.
- F. The Zoning Officer shall have the authority to enter any building, structure, premises or development in the Floodplain Management District, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this article.
- G. In the event the Zoning Officer discovers that the work or use does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Zoning Officer shall revoke the applicable permits and report such fact to the Township Manager and Board of Supervisors for whatever action it considers necessary.
- H. The Zoning Officer shall maintain in perpetuity all records associated with the requirements of this article including, but not limited to, permitting, inspection and enforcement.

910. START OF CONSTRUCTION

- A. Unless otherwise specified under the UCC, work on proposed construction shall begin within 180 days after the date of permit issuance and shall be completed within 12 months after the date of permit issuance or the permit shall expire unless a time extension is granted, in writing, by the Zoning Officer.
- B. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Zoning Officer to approve such a request and the original permit is compliant with the ordinance and FIRM/FIS in effect at the time the extension is granted.
- C. Placards. In addition to a permit, the Zoning Officer shall issue a placard that shall be displayed on the premises during the time construction is in progress. The placard shall show the number of the permit, the date of its issuance, and be signed by the Zoning Officer.

911. ENFORCEMENT; VIOLATIONS AND PENALTIES

- A. Notices. Whenever the Zoning Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this article, or of any regulations adopted pursuant thereto, the Zoning Officer shall give notice of such alleged violation as hereinafter provided.
 - 1. Notices shall be in writing.
 - 2. A notice shall include a statement of the reasons for its issuance.
 - 3. A notice shall allow a reasonable time not to exceed a period of 30 days for the performance of any act required for compliance.

4. A notice shall be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other authorized method.
5. A notice shall contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article.

B. Penalties.

1. Any person who fails to comply with any or all of the requirements or provisions of this article or who fails or refuses to comply with any notice, order of direction of the Zoning Officer or any other authorized employee of the municipality shall be subject to the applicable penalties specified by this chapter.
2. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this article.
3. The imposition of a fine or penalty for any violation of, or noncompliance with, this article 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.
4. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this article may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

- C. Appeals.** Any person aggrieved by any action or decision of the Zoning Officer concerning the administration of the provisions of this article may appeal to the Zoning Hearing Board as provided by this chapter for Zoning Hearing Board appeals.

912. ABROGATION AND GREATER RESTRICTIONS

- A. This article supersedes any other conflicting provisions which may be in effect in the Floodplain Management District; however, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive.
- B. If there is any conflict between any of the provisions of this article, the more restrictive shall apply.

913. SPECIAL REQUIREMENTS FOR SUBDIVISIONS AND DEVELOPMENT

All subdivision proposals and development proposals containing at least 50 lots or at least five 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 and letter of map revision. Submittal requirements and processing fees shall be the responsibility of the applicant.