

TOWNSHIP OF WASHINGTON
COUNTY OF NORTHAMPTON
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 284

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING THE WASHINGTON TOWNSHIP ZONING ORDINANCE, AS AMENDED.

BE IT ORDAINED AND ENACTED AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Washington Township, County of Northampton and Commonwealth of Pennsylvania, that Ordinance No. 284 is hereby amended, as follows:

Article 2 Definitions (Section B)

33. Basement – A story in a building (excluding a subterranean building) which has a structural ceiling five (5') feet or more above the average level of finished grade abutting the exterior wall(s) fronting on any road. A basement shall be counted as one story in determining the permissible number of stories. For floodplain purposes, basement is defined as any area of the building having its floor below ground level on all sides.

87. Floodplain - A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

88. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

89. Floodway Fringe - That portion of the floodplain outside the floodway. Now referred to as AE Zone.

170. Recreational Vehicle - A vehicle (regardless of size) which is designed as a temporary dwelling for travel, recreational and vacation uses (regardless of whether it is self-propelled or is designed to be towed or carried by another vehicle). "Recreation Vehicle" includes any "Travel Trailer" or "Travel Unit" as defined in Sections 1.18 and 1.19 of Ordinance 157. For floodplain management purposes, a Recreational vehicle is a vehicle which is 1.) built on a single chassis; 2.) not more than 400 square feet, measured at the largest horizontal projections; 3.) designed to be self-propelled or permanently towable by a light-duty truck; 4.)

not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

198. Structure - Any man-made object having an ascertainable, stationary location on or in land or water, whether or not affixed to the land. The term structure shall include: building, signs, fences, walls, towers, swimming pool, porches, garages, and similar structures. "Structure" shall be interpreted as including the words "or part thereof." For floodplain management purposes, Structure is defined as a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Section 3.14 C 9

- b. Location. No swimming pool shall be located in front of the principal building. No swimming pool shall be located within ten (10') feet of a side or rear lot line or under any electrical lines, or over any on-lot sewage disposal field or system. Every swimming pool shall comply with the Pennsylvania Department of Environmental Protection Regulations for isolation distance from a septic drainage field.
- c. Barrier. Every in-ground and above-ground swimming pool, swimming pool appurtenance and barrier requirements shall comply with the current applicable requirements of the Pennsylvania Uniform Construction Code.

3.8 MEDIUM DENSITY RESIDENTIAL DISTRICT (RC)

5.16 WETLANDS AND HYDRIC SOILS

If a subdivision, land development or any other activity which requires permitting under Ordinance 271(amended Martins/Jacoby Creek Watershed Act 167 Stormwater Management Ordinance) and/or permitting under Ordinance 210 (Building Permits) includes wetlands or hydric soils, the Township may require the applicant to submit either a written determination from the U. S. Army Corps of Engineers that the area does not contain wetlands, or copies of permits for the proposed activity from the U. S. Army Corps of Engineers pursuant to Sections 9 and 10 of the River and Harbor Act of 1899, Section 404 of the Clean Water Act and Section 103 of the Marine Protection Research and Sanctuaries Act and from the Pa. Department of Environmental Protection pursuant to the Dam Safety and Encroachment Act.

Section 5.7

FLOODPLAIN REGULATIONS

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. Therefore, the Supervisors of the Township of Washington do hereby order as follows:

Section 5.7 A (1)

e. Regulate development in Flood Hazard Areas in accordance with the Federal Emergency Management Agency's and the National Flood Insurance Program's Requirements.

2. Abrogation and Greater Restrictions

This ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

3. Warning and Disclaimer of Liability

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

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

Section 5.7 B

1. Base Flood

A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100 year flood" or one-percent (1%) annual chance flood).

2. Base Flood Elevation

The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

5. Development

Any man-made change to improved or unimproved real estate including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations, storage of equipment or materials; and the subdivision of land.

7. Existing Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

8. Expansion to an Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

10. Flood Insurance Rate Map (FIRM)

The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

11. Flood Insurance Study (FIS)

The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

12. Floodplain

A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

14. Floodway Area

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

15. Lowest Floor

The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

17. Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land which has been planned and improved for the placement of two or more manufactured home lots for rent or sale.

19. New Construction

Structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and include any subsequent improvements to such structures. Any construction started after the effective date of community's first floodplain management ordinance adopted by the community and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

20. New Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

23. Regulatory Flood Elevation

The one-percent (1%) annual chance flood plus a freeboard safety factor of one and one-half (1 1/2') feet.

24. Special Flood Hazard Area

Means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1 A30, AE, A99, or, AH.

25. Start of Construction

Includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

26. Substantial Damage

Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

27. Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or "repetitive loss" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

28. Violation

Means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Section 5.7 C (2) a

- (1) Flood prone area boundaries, stream channels, flood elevation, velocities, pressures, impact and uplift forces associated with the base flood elevation, soil types, and existing and proposed contours, and
- (2) The exact size and location of the proposed construction and existing buildings or structures, including the location and elevations of streets, water supply and sanitary sewage facilities, proposed lowest floor and basement elevations in relation to mean sea level based on the North American Vertical Datum of 1988, and floodproofing measures.

Section 5.7 C (2) b

- (4) Building materials are flood-resistant;
- (5) Structures will be anchored to prevent floatation, collapse, or lateral movement;
- (6) Appropriate practices that minimize flood damage have been used; and
- (7) electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

Section 5.7 C (2)

c. A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the one-percent (1%) annual chance flood, pressures, velocities, impact, and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the one-percent (1%) annual chance flood.

d. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one-percent (1%) annual chance flood more than one foot at any point.

Section 5.7 C

5. Other Permit Issuance Requirements

a. Prior to the issuance of any Zoning Permit, the Zoning Officer shall review the application for such permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344.. (Section 404, 33, U.S.C. 1334).

b. Construction shall be considered to have started with the first placement of permanent construction of the site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure without poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

Section 5.7 C (7)

c. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

d. Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with the ordinance & FIRM/FIS in effect at the time the extension is granted.

Section 5.7 C

9. Designation of the Floodplain Administrator

The Zoning Officer is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

(A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

10. Additional Duties of the Floodplain Administrator

a. The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.

b. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.

c. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the floodplain administrator/manager.

Section 5.7 D

1. Identification

a. The identified floodplain area shall be those areas of The Township which are classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Rate Map (FIRM) dated July 16, 2014, which accompanies the Flood Insurance Study (FIS) issued by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof including all digital data developed as part of the Flood Insurance Study.

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

Section 5.7 C

- (1) The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
- (2) The A Area shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State or other acceptable sources shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest to the construction site.

2. Changes in Identification of Flood Prone Areas

The Identified Floodplain Area may be revised or modified by the Township Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data.

Section 5.7 E (1)

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

d. When a community proposes to permit the following encroachments:

- any development that causes a rise in the base flood elevations within the floodway; or
- any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
- alteration or relocation of a stream (including but not limited to installing culverts and bridges)
- the applicant shall (as per 44 CFR Part 65.12):
apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.

Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.

Upon completion of the proposed encroachments, a community shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.

2. Activities Prohibited in Any Identified Flood Hazard Area: No Variance Shall be Granted.

Section 5.7 E 3

b. **Nonresidential Structures** - Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. 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.

Section 5.7 E 4(c)

- (3) No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be

located so as to avoid impairment to it, or contamination from it, during a flood.

Section 5.7 E 4 (l)

(2) Electrical distribution panels shall be at least three (3') feet above the one-percent (1%) annual chance flood.

Section 5.7 E 4 (n)

n. Resisting Hydrostatic/Hydrodynamic Loads and Pressures, Buoyancy, Etc.

Notwithstanding any of the above, however, all structures shall be designated and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures, effects of buoyancy, and other forces associated with the one-percent (1%) annual chance flood.

Section 5.7 E 5 (b)

(1) 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 one and one-half (1 ½) feet above the Base Flood Elevation.

Section 5.7 E (6)

6. Special Requirements for Subdivisions and Development

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

7. Special Requirements for Recreational Vehicles

Recreational vehicles in Zones A, A1-30, AH and AE must either:

- a. be on the site for fewer than 180 consecutive days, and
- b. be fully licensed and ready for highway use,

or

c. meet the permit requirements for manufactured homes.

Section 5.7 F(2)

b. No variance shall be granted for any construction, development, use or activity within any AE area that would, together with all other existing and anticipated development, increase the one-percent (1%) annual chance flood more than one (1') foot at any point.

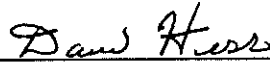
Section 5.7 F(2)

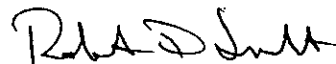
h. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures, effects of buoyancy, and other forces associated with the one-percent (1%) annual chance flood.

ORDAINED and ENACTED into an Ordinance on this 9th day of June, 2014

TOWNSHIP OF WASHINGTON

By: 
David Renaldo, Chairman


David Hess, Vice Chairman


Robert Smith, Supervisor

ATTEST:

By: 
Gail Putvinski, Secretary