

ORDINANCE #2009-62

AMMENDMENT TO ORDINANCE No. 11 AN ORDINANCE ESTABLISHING REQUIREMENTS FOR FLOODPLAIN MANAGEMENT/FEMA NEW REGULATIONS.

BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Supervisor of Marion Township to amend the Marion Township Floodplain Management/FEMA New Regulations.

Amended to read:

All references to Federal Insurance Administrator will be changed to read Federal Emergency Management Agency (FEMA)

All references to Department of Environmental Resources will be changed to read Department of Environmental Protection.

All references to Department of community Affairs will be changed to read Department of Community & Economic Development

All references to National Geodetic Vertical Datum of 1929 will be changed to read North American Vertical Datum of 1988.

Section 3.0 will be amended to read as follows:

The identical floodplain area shall be any areas of Marion Township, subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated May 4, 2009 and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency. Including all digital data developed as part of the Flood Insurance Study.

Section 4.00.F be amended to read as follows:

Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term “partially enclosed space” also included 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 (1) square inch for every square foot of enclosed space.
2. the bottom of all openings shall be no higher than (1) foot above grade.
3. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Section 5.00 will be amended to include the following provisions:

Section 5.01 Application Requirement for Special Permits

Applicants for Special Permits shall provide five copies of the following items:

- A. A written request including a completed Building permit Application Form.
- B. A small-scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less showing the following:
 1. north arrow, scale and date;
 2. topography based upon the North American Vertical Datum of 1988, showing existing and proposed contours at intervals of two (2) feet;
 3. all property and lot lines including dimensions, and size of the site expressed in acres or square feet;
 4. the location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 5. the location of any existing bodies of water or water courses, 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.
 6. the location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;
 7. the location of all proposed buildings, structures, utilities, and any other improvements; and
 8. any other information, which the municipality considers necessary for adequate review of the application.
- D. Plans of proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
 1. sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevation, as appropriate;
 2. for any proposed building, the elevation of the lowest floor (including basement) and as required, the elevation of any other floor;
 3. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;
 4. detailed information concerning any proposed flood proofing measures;
 5. cross section drawings for all proposed streets, drives, other access ways, and parking areas, showing all rights-of way and pavement widths;
 6. profile drawings for all proposed streets, drives, and vehicular access ways including existing and proposed grades; and
 7. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.
- E. The following data and documentation:
 1. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.
 2. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;
 3. a statement, certified by a registered professional engineer, architect, landscape architect or other qualified person which contains a complete and accurate

- description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;
4. a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects of the proposed development will have on one hundred (100) year flood elevations and flows;
 5. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possible exist or be located on the site below the one hundred (100) year elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;
 6. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"
 7. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
 8. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
 9. an evacuation plan, which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

Section 5.02 Application Review Procedures

Upon receipt of an application for a Special Permit by the Township the following procedures shall apply in addition to those of Article II:

- A. Within three (3) working days following receipt of the application, a completed copy of the application and all accompany documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment.
- B. If an application is received that is incomplete, the township shall notify the applicant in writing, stating in what respect the application is deficient.
- C. If the Township decides to disapprove an application, it shall notify the applicant, in writing of the reasons for the disapproval.
- D. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.
- E. Before issuing the Special Permit, the Township shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made the Township.
- F. If the Township does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.
- G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township and applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

Section 5.03 Special Technical Requirements

- A. In addition to the requirement of Article IV of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Article IV of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
- B. No application for a Special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - a. The structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipments or contents below the one hundred (100) year flood elevation.
 - b. The lowest floor (including basement) elevation will be at least one and one half (1-½) feet above the one hundred (100) year flood elevation.
 - c. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.
 2. Prevent any significant possibility of pollution, increase flood levels or flows, or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualification, 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 and Department of Community and Economic Development.

Section 7.01A shall be amended to read as follows:

No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any crease in the one hundred (100) year flood elevation.

Definition section will be amended to include all of the following:

Section 8.01 Specific Definitions

Basement – means any area of the building having its floor below ground level on all sides

Completely dry space – a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Essentially dry space – a space that will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Floodway – the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposed of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

Historic structure - any structure that is:

- (i) Listed individually in the national Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (iv) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been either:
 - 1. By an approved state program as determined by the Secretary of the Interior or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

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 designated and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured home- a structure, transportable in one or more sections, which is build on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term included park trailers, travel trailers, recreational and other similar vehicles, which are placed on a site for more than 180 consecutive days.

Manufactured Home Park – a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

New Construction – structures for which the start of construction commenced on or after November 2, 1984, and includes any subsequent improvements thereto.

Recreational Vehicle – a vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

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.

ENACTED AND ORDAINED as an Amendment to the Marion Township Floodplain Management/FEMA New Regulations Ordinance 11 originally enacted April 13, 1987 will be enacted this 10th day of March 2009.

Attest:

Marion Township Supervisors

Ellie Trulick
Secretary/Treasurer

