

Salford Township Zoning Ordinance Revisions to comply with Changes to the
National Flood Insurance Program Rules and Regulations

**SALFORD TOWNSHIP
Montgomery County, Pennsylvania**

Ordinance #173

WHEREAS, 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.

NOW THEREFORE, it is hereby **ENACTED** and **ORDAINED** by the Salford Township Board of Supervisors that the Township's Zoning Ordinance is hereby amended as follows:

SECTION I. Ordinance 133, The Salford Township Zoning Ordinance in 2006, Article 2, Definitions, shall be amended to add or replace the following definitions as follows:

**ARTICLE 2
DEFINITIONS**

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").

BASE FLOOD ELEVATION (BFE). 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. The BFE is also shown on the FIS profile, and can be determined for Zone A Floodplains.

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

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.

FLOOD INSURANCE STUDY (FIS) . The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPROOFING. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

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 this ordinance.

HISTORIC STRUCTURES. Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Pennsylvania Historical and Museum Commission (PHMC) as meeting the criteria for individual listing on the National Register, or;
- b. Certified or preliminarily determined by the Pennsylvania Historical and Museum Commission (PHMC) as contributing to the historical significance of a National Register historic district or a district preliminarily determined by the PHMC to be eligible to qualify for listing in the National Register, or;
- c. Designated as historic by a municipal ordinance:
 - i. Identified individually or as part of a local historic district by a zoning ordinance under the authority of the Pennsylvania Municipalities Planning Code, or
 - ii. Located in a local historic district that has been certified by the Pennsylvania Historical and Museum Commission as meeting the requirements of the Pennsylvania Historic District Act.

MANUFACTURED HOME, MOBILE HOME. A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. Such a structure shall be considered a single family residence for purposes of this Ordinance. The term includes trailers, mobile homes, park trailers, travel trailers, recreational vehicles and other similar vehicles which are placed on a site for more than 180 consecutive days. However, recreational vehicles may remain on a site for more than 180 days if it is fully licensed and ready for highway use and only then will not be considered a manufactured home.

MANUFACTURED HOME PARK OR SUBDIVISION, MOBILE HOME DEVELOPMENT. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MOBILE HOME. See Manufactured Home.

MOBILE HOME DEVELOPMENT. See Manufactured Home Park or Subdivision.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after February 3, 1982 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.

RECREATIONAL VEHICLE. A vehicle which is:

- a. built on a single chassis;
- b. not more than 400 square feet, measured at the largest horizontal projections;
- c. designed to be self-propelled or permanently towable by a light-duty truck,
- d. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REPETITIVE LOSS. Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

SPECIAL FLOOD HAZARD AREA (SFHA). 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.

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 from the date of the permit and shall be completed within 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 manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or 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.

STRUCTURE. Any form or arrangement of building material involving the necessity of providing proper support, bracing, anchoring, or other protection against the forces of the elements. This shall include, but is not limited to, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

VIOLATION. Means the failure of a structure or other development to be fully compliant with the community's flood plain 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.

TRAILER OR MOBILE HOME. See Manufactured Home.

SECTION 2. Ordinance 133, The Salford Township Zoning Ordinance in 2006, Article 3, Administration, shall be amended to add the following subsection J. to Section 301. as follows:

ARTICLE 3 ADMINISTRATION

SECTION 301.

- J. The Zoning Officer is hereby appointed as the Floodplain Administrator to administer and enforce the floodplain provisions of this ordinance and carry out the functions to maintain compliance with the requirements of the National Flood Insurance Program. Duties of the Floodplain Administrator shall include, but not be limited to:
1. The annual or biennial submission of a report to the Federal Insurance Administrator concerning the Township's participation in the National Flood Insurance Program, including, but not limited to, the development and implementation of flood plain management regulations.
 2. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits 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. No permit shall be issued until this determination has been made.

3. Review subdivision proposals and other proposed new development, including manufactured home parks, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards;

SECTION 3. Ordinance 133, The Salford Township Zoning Ordinance in 2006, Article 8, General Provisions, shall be amended to add the following Section 819. Watercourse Alterations, as follows:

ARTICLE 8 GENERAL PROVISIONS

SECTION 819. Watercourse Alterations. If the alteration of any river or stream or any of its tributaries is proposed:

- A. All adjacent communities and the Pennsylvania Department of Community and Economic Development shall be notified by the entity proposing such alteration, and copies of these notifications shall be sent by such entity to the NFIP Administrator and the Township Zoning Officer at least 60 days prior to such alteration.
- B. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.
- 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.

SECTION 4. Ordinance 133, The Salford Township Zoning Ordinance in 2006, Article 16, FPC Flood Plain Conservation District, shall be deleted in its entirety and replaced with the following:

ARTICLE 16 FPC FLOOD PLAIN CONSERVATION DISTRICT

SECTION 1600. Declaration of Legislative Intent. In addition to the goals and objectives stated in the Declaration of Legislative Intent found in Article 1, Section 101 of this Ordinance, the specific intent of this Article with respect to FPC Flood Plain Conservation Districts shall be to protect areas of floodplain subject to and necessary for the containment of flood waters, and to permit and encourage the retention of open space land uses which will be so located and utilized as to constitute a harmonious and appropriate aspect of the continuing physical development of Salford Township. In advancing these principles and the general purposes of the Zoning Ordinance and Comprehensive Plan, the following shall be the specific objectives of the FPC District:

- A. To combine with present zoning requirements, certain restrictions made necessary for flood prone areas to promote the general health, welfare and safety of the Township.
- B. To minimize danger to public health by protecting the quality and quantity of surface and subsurface water supplies adjacent to the underlying flood hazard areas and promoting safe and sanitary drainage.
- C. To protect the entire Township from individual uses of land which may have an effect upon subsequent expenditures for public works and disaster relief, and adversely affect the economic well-being of the Township.

- D. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding.
- E. To permit only those uses which can be appropriately located in the floodplain as herein defined and which will not impede the flow or storage of floodwaters, or otherwise cause danger to life and property at, above, or below their locations along the floodplains.
- F. To require that uses vulnerable to floods, including public facilities be constructed so as to be protected from flood damage in accordance with the purpose and requirements of the Flood Insurance Program, P.L. 93-234, and the National Flood Insurance Act of 1968.
- G. To provide retention areas for the temporary storage of floodwaters.
- H. To maintain undisturbed the ecological balances between those natural systems elements, including wildlife, vegetation and marine life, dependent upon watercourses and water areas.
- I. To provide sufficient drainage courses to carry abnormal flows or stormwater in periods of heavy precipitation.
- J. To protect adjacent landowners and those both upstream and downstream from damages resulting from development within a floodplain and the consequent obstruction or increase in flow of floodwaters.
- K. To protect other municipalities within the same watershed from the impact of improper development and the consequent increased potential for flooding.

SECTION 1601. Boundaries of the Flood Plain Conservation District. The Flood Plain Conservation District is defined and established to include the following:

- A. Those areas subject to a one-percent (1%) annual chance flood as delineated on the Flood Insurance Rate Map (FIRM), which forms a part of the "Flood Insurance Study" prepared for Salford Township by the Federal Emergency Management Agency and dated March 2, 2016, or the most recent revision thereof. The one-percent (1%) annual chance flood boundary is designated as Zones A and AE on the FIRM, and consists of the Floodway, Floodway Fringe, and Approximated (General) Floodplain.
- B. Any low area adjoining and including any water, or course or body of water subject to periodic flooding or overflow. In order to have such an area declared not to be floodplain, applicant shall establish to the Township's satisfaction that said area is free of the hazard of flood damage.
- C. Studies used to establish the boundaries shall be available in the Township Municipal Building for reference, including those areas designated as special flood hazard areas on the Flood Insurance Rate Map of the Township of Salford prepared by the Federal Emergency Management Agency.
- D. Any party wishing to develop in areas where flood elevations have not been established, the Applicant shall supply engineering studies to the Township sufficient so that the Township Engineer may determine if said areas are to be considered as a one-percent (1%) annual chance flood plain. If said area(s) is not part of the area proposed for building, the Township may not require such studies at the advice of the Township Engineer, but the Township shall require said soil areas to be appropriately identified on all subdivision, development, or building plans to be submitted to the Township. *[Ordinance 147, 2010-07-07]*
- E. Changes in Identification of Area. The Floodplain Conservation District may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, the Township shall notify FEMA of the changes by submitting technical or scientific data.

SECTION 1602. Overlay Concept. The FPC District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot.

- A. Should the FPC District be declared inapplicable by legislative or administrative actions or judicial decision, the zoning applicable to such lot shall be deemed to be the District in which it is located without consideration of this Article.
- B. Should the zoning of any parcel or any part thereof in which the FPC District is located be changed through any legislative or administrative actions or judicial decision, such change shall have no effect on the FPC District unless such change was included as part of the original application.
- C. In any zoning district, the minimum setback of all structures from the centerline of all watercourses shall be determined by the maximum front, rear or side yard requirements in the applicable section of the zoning ordinance, except where such conditions as defined in Section 1601 herein prescribe a greater setback.

SECTION 1603. Boundary Interpretations and Appeals Procedure. Should a dispute concerning the FPC District boundaries arise, an initial determination shall be made by the Zoning Officer.

- A. Any party aggrieved by this decision, claiming the criteria used for delineating the boundary as defined in Section 1601 herein, is or has become incorrect because of changes due to natural or other causes may appeal to the Zoning Hearing Board as provided in this Ordinance.
- B. The burden of proof with respect to going forward with the evidence and with respect to the burden of persuasion shall be on the appellant.
- C. Should the appeal ask that the Zoning Hearing Board grant a change to the Floodplain Boundary as defined in Section 1601, above, the Zoning Hearing Board shall refer such appeal to the Federal Emergency Management Agency and shall take no action on the appeal until that Agency's recommendation is been received.

SECTION 1604. Uses Permitted in a FPC District. The following uses and no other shall be permitted in the FPC District provided that the use if located within the floodway will not cause any increase in the one-percent (1%) annual chance flood elevation.

- A. Cultivation and harvesting crops according to recognized soil conservation practices.
- B. Pasture and grazing of animals according to recognized soil conservation practices.
- C. Outdoor plant nursery or orchard according to recognized soil conservation practices.
- D. Wildlife sanctuary, woodland preserve, arboretum and passive recreation or parks, including hiking, bicycle and bridle trails, but including no facilities subject to damage by flooding.
- E. Game farms, fish hatchery, or hunting and fishing reserve for the protection and propagation of wildlife, but permitting no structures.
- F. Front, side and rear yards and required lot area in any district, provided such yards are not to be used for on-site sewage disposal systems.
- G. Normal accessory uses (excepting enclosed structures, fences and swimming pools) permitted under the usual zoning in residential, commercial and industrial districts.
- H. Improvements to Existing Structures. The following provisions shall apply whenever any improvement is made to an existing structure located within the Flood Plain Conservation District:

1. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the Base Flood Elevation (BFE).
 2. No expansion or enlargement of an existing structure shall be allowed within any AE Area/District with floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
 3. No expansion or enlargement of an existing structure shall be undertaken in the direction of the streambank.
 4. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
 5. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance must comply with all ordinance requirements that do not preclude the structure's continued designation as an historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from the ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.
 6. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2012 IBC and the 2012 IRC.
 7. 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 ordinance.
 8. A permit shall be required for all proposed development in this district, including but not limited to minor repairs to existing buildings or structures.
- I. Recreational vehicles, provided they either:
1. Are located on the site for fewer than 180 consecutive days, or
 2. Are fully licensed and ready for highway use.

SECTION 1605. Prohibited Uses. The following uses shall not be permitted in the FPC District:

- A. All freestanding structures and buildings and retaining walls, with the exception of flood retention dams, culverts and bridges as approved by the Pennsylvania Department of Environmental Resources, and as permitted by Special Exception under the provisions of Section 1606.
- B. Excavation, drilling, and the filling, grading, or removal of topsoil from all floodplain lands as defined in Section 1601, herein, except as approved by Special Exception under the provisions of Section 1606.
- C. The relocation of any watercourse. See related provisions in Salford Township Subdivision and Land Development Ordinance.
- D. Sanitary landfills, dumps, junkyards, outdoor storage of vehicles and materials.
- E. On-site sewage disposal systems.
- F. Sewage treatment plant.

G. Private or a public water supply well.

H. The production, use, or storage of radioactive materials and materials considered dangerous to human life, including, but limited to:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulfur and sulfur products
- Pesticides, including insecticides, fungicides, and rodenticides.

I. Uses similar to the ones in this section, above.

SECTION 1606. Uses Permitted By Special Exception. The following uses may be permitted by Special Exception from the Zoning Hearing Board and upon the condition that no use permitted as a Special Exception shall cause any increase in the one-percent (1%) annual chance flood elevation. *[Ordinance 147, 2010-07-07]*

- A. Recreational use, whether open to the public or restricted to private membership, such as parks, camps, picnic areas, golf courses, fishing areas, sport or boating clubs, not to include enclosed structures or toilet facilities, but permitting structures such as piers, docks or floats usually found in waterfront recreational areas.
- B. Dams, culverts, and bridges with the approval of appropriate authorities with jurisdiction such as the Commonwealth of Pennsylvania, Department of Environmental Resources.
- C. Storm sewers and impoundment basins, with the approval of the Township Engineer and the Pennsylvania Department of Environmental Resources.
- D. Roads, driveways and parking facilities.
1. In the case of roads and driveways no such facilities shall be permitted as a Special Exception if viable alternative alignments are feasible. *[Text deleted. Ordinance 147, 2010-07-07]*
 2. In the case of parking facilities, no such facility shall be permitted as a Special Exception unless satisfactory evidence is submitted that such parking will not be utilized during periods of flood flow, thus posing no threat to the safety of the vehicles, their users, and/or to downstream properties. Temporary parking for periods not to exceed one hour, and/or parking for recreation uses would be examples of such exceptions. *[Text deleted. Ordinance 147, 2010-07-07]*

[3. Text deleted. Ordinance 147, 2010-07-07]

- E. Excavation, drilling, grading or regrading of lands, only in connection with an otherwise permitted use, or other use permitted by Special Exception, including the removal of top soils or the deposit of top soils and the grading thereof. The application for a Special Exception for such a use shall be accompanied by the following:
1. Detailed engineering studies indicating the effects on drainage and streams on all adjacent properties as well as the property in question, including the necessary data to determine whether the boundaries of the Flood Plain Conservation District would be affected if the application were granted.
 2. An application for amending the boundaries of the FPC District if the boundaries are affected by the excavation, drilling, grading or regrading of land.
 3. A plan indicating the deposition of any fill or materials proposed to be deposited by the excavation, drilling, grading or regrading of land and the method of protection against erosion. Such fill or other materials shall be protected against erosion by riprap, vegetative cover or other approved method.
- F. Utility transmission lines.
- G. Utilities and facilities, such as sewer, gas, electrical, and water systems, provided they are located and constructed to minimize or eliminate flood damage.
1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate the infiltration of flood waters.
 2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 3. No part of any on-site sewage system shall be located within any Floodplain Conservation District 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.
 4. The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code shall be utilized.
- H. Similar uses to the above which are in compliance with the intent of this Article.

SECTION 1607. Application Procedure. For any subdivision or use of land in the FPC District, excepting subdivisions and uses existing as of the date of the enactment of this Ordinance, an application for a floodplain use permit shall be filed with the Zoning Officer who shall make an initial determination on the application.

- A. For subdivisions or a use other than those permitted in Section 1604, an application seeking approval by Special Exception or Variance shall be forwarded to the Zoning Hearing Board along with required studies or information and the findings of the Zoning Officer.
- B. Any application involving the use of fill, the construction of structures, or storage of materials shall be accompanied by the following:
1. A plan certified by a Registered Professional Engineer which accurately locates the floodplain proposal with respect to the floodplain district limits, channel or stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property fill limits and elevations and flood proofing measures including those required by the provision of this Article.
 2. Additional information as deemed necessary by either the Zoning Officer or the Zoning Hearing Board for the evaluation of effects of the proposal upon flood flows and flood water storage and to render a decision on the proposed floodplain use, including, but not limited to, the following:

- a. A typical valley cross-section showing the channel of the stream, the floodplain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development and high water information.
- b. Plan surface view showing elevation contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities and soil, types and other pertinent information.
- c. Profile showing the slope of the bottom of the channel of flow line of the stream.
- d. Specifications for building construction and materials, "flood proofing", filling, grading, storage of materials, water supply, and sanitary facilities.
- e. A plan or document certified by a Registered Professional Engineer that the flood proofing measures are consistent with requirements for the flood protection elevation for the particular area and that the proposal will not result in any increase in flood levels within the township during the occurrence of the base flood discharge.
- f. Where Base Flood Elevation data are utilized on the FIRM:
 - i. The designs shall show the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures.
 - ii. If the structure is to be floodproofed so 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, the designs shall show the elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- g. Where no Base Flood Elevation data are available on the FIRM:
 - i. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the Floodplain Conservation District which is nearest the construction site.
 - ii. In lieu of the above (11.b.i.), 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, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

C. Subdivision.

- 1. No subdivision of any parcel with any land in the FPCD shall create any area of land that, due to the subdivision might require a variance for reasonable use of the land.
- 2. All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision.

SECTION 1608. Procedures for Consideration of a Special Exception or Variance. In addition to the procedures specified in Article 4 of this Ordinance, the following procedures outlined below shall apply to all Variance or Special Exception reviews under this Article:

- A. The Zoning Hearing Board shall request the review and recommendations of the Soil Conservation Service, U.S. Department of Agriculture and the U.S. Army Corps of Engineers, at least 30 days prior to the public hearing.
- B. The Zoning Hearing Board shall request, at least 30 days prior to the public hearing, the review and recommendations of the Salford Township Planning Commission.
- C. The Zoning Hearing Board shall request, at least 30 days prior to the public hearing, the review and recommendations of technical agencies such as the Montgomery County Planning Commission, or other planning agencies to assist in determining the environmental impact of the proposed use(s).
- D. In rendering a decision, the Zoning Hearing Board may impose special measures or conditions as deemed reasonably necessary and appropriate for the proposed use(s) to conform with the intent of this Article.

SECTION 1609. Standards for Approval of Uses by Special Exception. The Zoning Hearing Board shall exercise discretion allowing only those uses which are substantially in accord with the stated objectives in Section 1600 herein. In considering a use as a Special Exception, the Zoning Hearing Board shall consider as a minimum, the following:

- A. The effect of the use shall not substantially alter the cross-sectional profile of the streams and floodplains at the location of the proposed use.
- B. Lands abutting the waterway, both upstream and downstream shall not be unreasonably affected by the proposed use.
- C. The general welfare or public interest of Salford Township or of other municipalities in the same watershed shall not be adversely affected.

SECTION 1610. Standards for Approval of Uses by Variance. A property owner of a lot of record, as of the date of the enactment of this Article, who is able to prove that 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 FPC District, may seek relief by applying for a Variance from the Zoning Hearing Board.

- A. The Zoning Hearing Board, after deciding upon the merits of the application, may permit the applicant to make some reasonable use of the property in question, while ensuring that such use will not violate the basic objectives of this Article, as specified in Section 1600, herein.
- B. In considering a use as a Variance, the Zoning Hearing Board shall consider those standards outlined in Section 1609, herein.
- C. Any structure permitted by Variance shall meet the following requirements:
 - 1. Shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water, shall be designed to have a minimum effect upon the flow and height of flood water, shall minimize flood damage within the flood-prone areas, and provide adequate drainage to reduce exposure to flood hazards.
 - 2. The lowest floor including basement of all structures shall be at or above the one-percent (1%) annual chance flood elevation, unless it meets the requirements of subsection E. below.
 - 3. Shall be anchored to resist flotation, collapse, or lateral movement.

4. Areas below the lowest floor which are used solely for vehicle parking, building access, or storage and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters.
 5. Shall be constructed with materials resistant to flood damage.
 6. Shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that have been designed and/or located to prevent water entry or accumulation.
 7. Designs for meeting the requirements of this Article shall be certified by a registered Professional Engineer or Architect.
 8. The design and construction standards and specifications contained in the 2012 International Building Code (IBC) and in the 2012 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be used.
- D. No structure shall be permitted by variance in a floodplain, which is to be used as the principal use of the property or as a residence of any kind, including temporary, permanent, or accessory.
- E. Any structure permitted by variance as an accessory use need not be elevated or flood-proofed 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, or for any business or similar use, but shall be limited to the parking of vehicles, or to the storage of tools, material, or equipment related to the principal use. The structure shall not be occupied or used, as a jail or prison, nursing home, or hospital.
 2. Floor area shall not exceed 200 square feet.
 3. The structure shall have a low potential to be damaged.
 4. The structure shall be located on the site so as to cause the least possible obstruction of floodwaters.
 5. Any power lines, wiring and outlets shall be at least 18 inches above the one-percent (1%) annual chance flood.
 6. There shall be no permanently affixed utility equipment or appliances such as heaters, washers, dryers, etc.
 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 to meet these requirements shall be certified by a Professional Engineer or Architect registered in the Commonwealth.
 9. 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.

10. No radioactive material or material considered dangerous to human life may be produced in, used for any activity in, or stored in, any structure for which a variance is given under this section. Such materials include, but are not limited to:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulfur and sulfur products
- Pesticides, including insecticides, fungicides, and rodenticides.

F. No variance shall be granted for any construction, use or activity within any floodway that would cause any increase in the one-percent (1%) annual chance flood, Base Flood Elevation.

G. Whenever a variance is granted pursuant to the provisions of this section, the Zoning Hearing Board shall include in its ruling a notification to the applicant that (a) the granting of the Variance may result in increased premiums for flood insurance, and (b) such Variance may increase the risk to life and property.

H. A report of all variances granted within this District shall be included in the Township's yearly report to the Federal Insurance Administration.

SECTION 1611. Uses and/or Structures Rendered Non-Conforming by the Adoption of this District. Following the adoption of this Article, any use or structure which is situated within the boundaries of the FPC District and which does not conform to the permitted uses specified in Section 1604, herein, shall become a non-conforming use or structure, regardless of its conformance to the District in which it is located without consideration of this Article. Notwithstanding other provisions to the contrary elsewhere in this Ordinance, no nonconforming use in the FPC District may be expanded except by Variance. Any existing non-conforming residential structure which is to be substantially improved or any existing non-conforming accessory structure which has sustained substantial damage and requires repair as a result shall meet the requirements of Section 1604.H. and Section 1610.C.

SECTION 1612. Certificate of Compliance. No vacant land shall be occupied or used and no building hereafter erected, altered or moved on the floodplain of any river or stream shall be occupied until a certificate of compliance shall have been issued by the Zoning Officer. The Zoning Officer shall request the applicant to submit a certification by a Registered Professional Engineer that the finished fill and building floor elevations, flood proofing measures, or other flood protection factors were accomplished in compliance with the provisions of this Ordinance. The Zoning Officer shall issue a certification of compliance only if the building or premises and the proposed use thereof conform to all the requirements of this Ordinance.

SECTION 1613. Other Reviews. Nothing contained in the provisions of this Article shall exempt an applicant, landowner, or developer from any requirements for review and approval of the proposal stated in the Township's Subdivision and Land Development Ordinance.

SECTION 1614. Municipal Liability. The granting of a zoning permit or approval of a subdivision or land development plan in or near the FPC District shall not constitute a representation, guarantee or warranty of any kind by the

municipality, or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon Salford Township, its officials, or employees. The degree of flood protection intended to be provided by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This Ordinance does not imply that areas outside FPC District boundaries or land uses permitted within such districts will always be totally free from flooding or flood damages.

SECTION 5. Amendment/Modification.

The Board does hereby reserve the right, from time to time, to adopt amendments or modifications to this Ordinance.

SECTION 6. Repeal and Ratification.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the ordinances of the Township that are unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 7. Severability.

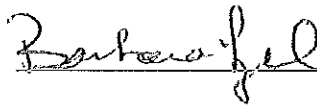
Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 8. Effective Date.

This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this 1ST day of JUNE, 2016, by the Salford Township Board of Supervisors.

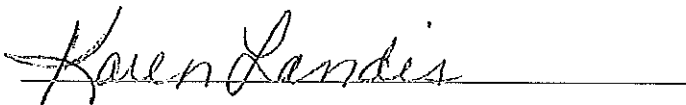
**SALFORD TOWNSHIP
BOARD OF SUPERVISORS**



BARBARA LYNCH, Chairperson

[Seal]

Attested by:



KAREN LANDIS, Secretary