

TOWNSHIP OF EPHRATA
LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 258

**AN ORDINANCE AMENDING THE EPHRATA TOWNSHIP ZONING
ORDINANCE OF 2000 BY REVOKING SECTION 410 OF ARTICLE IV,
FLOODPLAIN (FP) DISTRICT AND REPLACING IT IN ITS ENTIRETY
WITH A NEW SECTION 410 THAT SATISFIES THE NEW FEMA
REQUIREMENTS FOR FLOODPLAINS WHILE STILL SATISFYING
THE REQUIREMENTS OF THE PA. MPC.**

Whereas the Federal Emergency Management Agency (FEMA) has revised its Flood plain maps and definitions for Region III, and

Whereas the Township in order to maintain Flood insurance eligibility for its citizens must amend its Floodplain (FP) Ordinance and Floodplain maps to meet the revised floodplain delineations, definitions and construction standards.

NOW THEREFORE, BE AND IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Ephrata, Lancaster County, Pennsylvania as follows:

Section 1. The Ephrata Township Zoning Ordinance of 2000, as amended, Article IV, Section 410 is hereby revoked in its entirety and is hereby replaced by the following revised Article IV Section 410 as set forth below as stated.

Section 410. FLOODPLAIN (FP) DISTRICT

A. Intended Purpose

1. The Floodplain District includes the areas of Ephrata Township, which are subject to periodic inundation by floodwaters. This inundation results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, impairment of the tax base, and other adverse effects on the public health, safety, and general welfare.
2. In the interest of public health, safety and welfare, the regulations of the Floodplain District are designed and intended to protect floodplain areas subject to and necessary for floodwaters, to permit and encourage the retention of open land uses so located and utilized as to constitute a harmonious and appropriate part of the physical development of

Ephrata Township as provided for in the Ephrata Township Comprehensive Plan, and to guide incompatible development into more appropriate zoning districts.

3. In advancing these principles and the general purposes of this Zoning Ordinance and the Ephrata Township Comprehensive Plan, and as a supplement to Section 410 of this Zoning Ordinance, the specific intent of this district includes the following:
 - a. To combine with present regulations, certain restrictions necessary for the control of floodplains for the general health, safety, and welfare of the community.
 - b. To prevent the erection of structures in areas unfit for human usage by reason of damage from flooding.
 - c. To minimize danger to public health by protection of waters quality and promoting safe and sanitary drainage.
 - d. To control development which, acting alone or in combination with similar development, will create and impose additional unjustified burdens on the community, its governmental units, and its individuals for the costs of flood control works, rescue, relief, emergency preparedness measures, sandbagging, pumping, temporary dikes or levees, as well as business interruptions, factory closings, disruptions of transportation routes, and interference with utility services, as well as other factors that result in loss of wages, sales, and production and generally adversely affect the economic well being of the community.
 - e. To maintain a stable tax base through the preservation or enhancement of property values adjacent to the floodplain, as well as by preventing the creating of future flood blighted areas on floodplains.
 - f. To permit certain uses which can appropriately be located in the floodplain as herein defined without impeding the flow of floodwaters or otherwise causing danger or damage to life or property at, above, or below their locations in the floodplain.
 - g. To permit certain uses in the floodplain in ways that preserve natural conditions conducive to the maintenance of ecological balance, wildlife and productive wildlife habitat, marine life and productive marine habitat, other healthy biotic systems, scenic and natural values, constant rates of water flow throughout the year, and areas for groundwater absorption for sustaining the subsurface water supply.
 - h. To provide sufficient unimpeded drainage courses and prohibit the restriction of their carrying capacities so as to safely carry abnormal flows of storm water from periods of heavy precipitation.
 - i. To encourage the utilization of appropriate construction practices that will minimize flood damage in the future.

- j. To prevent the placement of materials which might be swept by floods onto other lands or downstream to the injury of others.
- k. To provide for public awareness of flooding potential and to discourage and protect unwary individuals from buying land and structures that are unsuited for intended purposes because of flood hazards.
- l. To regulate uses, activities, development, and structures which, acting alone or in combination with existing or future uses, activities, development, or structures, will cause increases in flood heights, velocities, and frequencies.
- m. To provide areas for the deposition of sediment.
- n. To protect people and property in other municipalities within the same watershed from the impact of improper development in floodplains and the consequent increased potential for flooding.

B. Definitions. Unless specifically defined below or in Section 1002 of Article X of this Zoning Ordinance, words and phrases used in this Article shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Zoning Ordinance its most reasonable application. The present tense shall include the past and future tenses. Words used in the singular include the plural, and words used in the plural include the singular. The words "shall" and "will" are mandatory, and the words "may" and "should" are permissive. The following specific definitions of words and phrases are intended to supplement the definitions contained in Section 1002, Article X, and are intended to be applicable to this Section only:

1. Accessory use or structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. 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).
3. 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.
4. Basement: Any area of the building having its floor below ground level on all sides.
5. Building: a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
6. Channel: A natural or artificial watercourse with a definite bed and banks that confine and conduct continuously or periodically flowing water.
7. Channel Flow: That water which is flowing within the limits of a defined channel.

8. 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.
9. Conservation Plan: A plan including a map(s) and narrative that, at the very least, outlines an erosion and sedimentation control plan for an identified parcel of land.
10. 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 manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
11. Driveway: A private drive providing access between a public or private street or access drive and a permitted use or structure.
12. Essentially dry space: A space which 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.
13. Fill: Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments and causeways.
14. Flood: A temporary inundation of normally dry land areas.
15. 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.
16. 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.
17. Flood of Record: The flood that has reached the highest flood elevation above mean sea level at a particular location.
18. Floodplain area: 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.
19. Floodproofing: Any combination of structural and nonstructural additions, changes, of adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
20. 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.

21. Hazardous Material: Materials that have the potential to damage health or impair safety. Hazardous materials include but are not limited to inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, and arsenic and their common salts, lead, nickel, and mercury and their inorganic salts or metallo-organic derivatives; coal, tar acids, such as phenols and cresols, and their salts; petroleum products; and radioactive material. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers.

22. Historic structure: 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 Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. 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;
- c. 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
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified 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.

23. Identified floodplain area: The floodplain area specifically identified in this Ordinance as being inundated by the base flood.

24. Land development: Any of the following activities:

- a. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - (1) A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of,

or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

b. A subdivision of land.

25. 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.
26. Manufactured 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. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
27. 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.
28. Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
29. Maximum Flood Elevation: The water surface elevations of a flood that would completely fill the floodplain to the boundaries of the Floodplain District.
30. Mean Sea Level: The average height of the sea for all stages of the tide, using the North American Vertical Datum of 1988.
31. Minor repair: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, pavilion or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety
32. New construction: Structures for which the start of construction commenced on or after April 5, 2016 and includes any subsequent improvements to such structures. Any construction started after May 19, 1981 and before April 5, 2016 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.
33. Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, or other matter in, along, across, or projecting into any channel,

watercourse, or floodplain, which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to cause damage to life or property.

34. 100-Year Flood: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).
35. 100-Year Flood Boundary: The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e. that has a one percent chance of being flooded each year). A study by the Federal Emergency Management Agency (FEMA), the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this boundary.
36. 100-Year Flood Elevation: The water surface elevations of the 100-Year Flood.
37. Person: An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
38. Pesticide: Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.
39. Petroleum Product: Oil or petroleum of any kind as in any form, including crude oil and derivatives of crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.
40. Post-FIRM Structure: is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated May 19, 1981, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.
41. Pre-FIRM Structure: is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated May 19, 1981, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.
42. Radioactive Material: Any natural or artificially produced substance that emits radiation spontaneously.
43. 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 temporary living quarters for recreational, camping, travel, or seasonal use.

44. Regulatory flood elevation: The base flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.
45. 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.
46. Soil Survey: The latest published version of the United States Department of Agriculture's soil survey for Lancaster County, Pennsylvania.
47. Solid Waste: Garbage, sludge, refuse, trash, rubbish, debris and other discarded materials, including but not limited to solid and liquid waste materials resulting from industrial, commercial, agricultural, residential, and community activities.
48. 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.
49. 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.
50. Structure: Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land, walled and roofed buildings, including gas or liquid storage tanks that are principally above ground, as well as manufactured homes.
51. Subdivision: The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into

parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

52. 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.
53. Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which 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 either:
 - a. 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, or;
 - b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure".
54. Uniform Construction Code (UCC): The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.
55. Watercourse: A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake, or other body of surface water, carrying or holding surface water, whether natural or man-made.
56. Watershed: All the land from which water drains into a particular watercourse.
57. 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.

C. Lands in District Defined.

The identified floodplain area shall be any areas of Township of Ephrata, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated April 5, 2016 and 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 Township of Ephrata and declared to be a part of this Chapter.

The identified floodplain area shall consist of the following specific areas:

1. FW (Floodway Area) - The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.
 - a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - b. Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
2. 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.

The AE Area adjacent to the floodway 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 and a floodway has been delineated.

3. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and FIS for which no base flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one-hundred(100) year elevation, as well as a floodway area, if possible. When no other information is available, the base 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, data, facts, analyses, and computations, shall be submitted in sufficient detail to allow a thorough technical review by the Township.

4. Within any Identified Floodplain Area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse unless a permit is obtained by the Department of Environmental Protection (DEP).

D. Boundary Disputes.

1. Should a dispute concerning any boundary of the Floodplain District arise, the initial determination of the zoning officer may be appealed to the Zoning Hearing Board. The burden of proof in such an appeal shall be on the property owner. The property owner shall pay all costs associated with the hearing before the Zoning Hearing Board, including all costs for advertising public notice, for fees to Zoning Hearing Board Members, for fees to the municipal solicitor, and for all stenographic records including the attendance of a stenographer and, when necessary, the transcription of the records.
2. All changes to the boundaries of the Floodplain District which affect areas identified in Subsection C.1.a. of this Section are subject to the review and approval of the Federal Emergency Management Agency (FEMA) for compliance with the Rules and Regulations of the National Flood Insurance Program.

E. Relationship to Other Sections.

The provisions of this Section create an overlay zoning district that is applicable within floodplains in all other zoning districts established by this Zoning Ordinance. To the extent the provisions of this Section are applicable and more restrictive, they shall supersede conflicting provisions within all other Sections of this Zoning Ordinance and all other ordinances of Ephrata Township. However, all other provisions of all other Sections of this Zoning Ordinance and all other ordinances of Ephrata Township shall remain in full force.

F. Permitted Uses -

The following uses are permitted by right in the Floodplain District, and they are permitted only if done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act

394 of 1937, as amended; the Rules and Regulations of the Pennsylvania Department of Environmental Protection; Subsections H and J of this Section; and all other applicable provisions of this Zoning Ordinance:

1. Agriculture, horticulture, and forestry, all excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
2. Erosion and sedimentation control measures, facilities, and structures, provided no increase in flood heights or frequency, unhealthful ponding, or other unsanitary conditions shall occur.
3. Public and private recreational uses such as parks, swimming areas (excluding swimming pools), play areas, day camps, campgrounds (excluding camp sites), picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, game farms, areas or clubs for hunting,

fishing, and/or boating (including marker or anchor buoys), paved bicycle paths, and hiking and horseback riding trails, all excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.

4. Harvesting of any wild crop, such as marsh hay, ferns, moss, berries, tree fruits and seeds, or wild rice, excluding any plants appearing on the latest edition of the United States List of Endangered and Threatened Plant Species maintained by the United States Fish and Wildlife Service and/or the Pennsylvania List maintained by the Pennsylvania Natural Diversity Inventory (PNDI).
5. Activities related to the preservation of natural amenities, including wildlife sanctuaries, nature preserves, woodland preserves, botanical gardens, arboretums or blinds for the observation of wildlife (provided no increase in flood heights or frequency, unhealthful ponding, or other unsanitary conditions shall occur), excluding any other structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
6. Open space and front, side, or rear yards required by other Sections of this Zoning Ordinance. Floodplain land may be used to meet minimum open space, yard and lot area requirements, provided that the purpose and intent of this Section, as set forth in Subsection A of this Section, together with the requirements of any other pertinent municipal regulations, are complied with; if such compliance cannot be shown, the land areas within the Floodplain District shall not be used or calculated for purposes of meeting lot open space, area, or yard requirements.
7. Stream improvements whose sole purpose is to improve aquatic life habitat, and which are approved by the Pennsylvania Fish Commission and reviewed by the Lancaster County Conservation District, and subject to the provisions of Subsection J.2.c. of this Section.
8. One or two strand fences, which don't cause damming or result in increased flood heights.
9. Picnic tables, park benches, fireplaces and grills, open air pavilions, and playground equipment and other recreational structures, all if anchored to prevent flotation.
10. Blinds for the shooting of wildlife, provided that such blinds may only be placed, erected, and maintained during the open season established by the Pennsylvania Game Commission for the taking of migratory waterfowl and the three weeks immediately preceding that open season and the three weeks immediately following that open season. Blinds must be removed during all other times of the year.
11. Circuses, carnivals, and similar transient enterprises, provided that natural vegetative ground cover is not destroyed, removed, or covered in such a way as to create erosion or sedimentation.
12. Farm ponds that are constructed in accordance with a Conservation Plan reviewed by the Lancaster County Conservation District and which do not create any increase in flood heights or frequency, and subject to the provisions of Subsection J.2.c. of this Section.

13. Floodproofing and flood hazard reduction structures to protect only lawfully existing and registered nonconforming structures and lawfully existing and registered nonconforming uses within structures.
14. Public utility facilities (except buildings) under the exclusive jurisdiction of the Pennsylvania Public Utility Commission and specifically exempted from control by municipal zoning ordinances subject to the provisions of Subsection J.7 of this Section.
15. Public utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission, subject to the following conditions:
 - a. Facilities such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communications facilities, shall, together with associated structures, but excepting necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain. All new or replacement water supply facilities and/or sanitary sewage facilities shall be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the shut-off valves for service to the Floodplain District to allow positive control during flood emergencies.
 - b. Electrical distribution lines and supporting structures shall be installed so as to minimize or eliminate flood damage, and all lines of less than fifteen (15) kilovolts shall be installed underground, below the existing natural surface grade within the floodplain. Above ground electrical distribution and transmission lines of fifteen (15) kilovolts or more may be allowed above ground as a special exception.
16. Marker Buoys.
17. Culverts, bridges, and approaches to public and private culverts and bridges which following conditions:
 - a. Review and/or approval by the Lancaster County Planning Commission, if required.
 - b. Approval by the Susquehanna River Basin Commission, if required.
 - c. Approval by the Pennsylvania Department of Environmental Protection, if required.
 - d. Approval by the United States Army Corps of Engineers, if required.
 - e. Approval by the Pennsylvania Department of Transportation, if required.
 - f. If approval by the Pennsylvania Department of Transportation is not required, the proposed use must still meet all of the appropriate minimum design standards of the Pennsylvania Department of Transportation.
 - g. The proposed structure must be designed in such a way as to have the capacity to allow the unrestricted passage of waters of maximum flood elevation

below and through it without any upstream or downstream increase in water surface elevation.

G. Special Exception Uses and Variances.

1. The following uses are permitted in the Floodplain District only when special exceptions are granted by the Zoning Hearing Board as provided for herein and in Article VI, when permitted by the underlying zoning district as permitted uses or special exception uses, and when done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended, the Rules and Regulations of the Pennsylvania Department of Environmental Protection, and all other provisions of this Zoning Ordinance.
 - a. Parking lots, loading areas, driveways, and aircraft landing strips and taxiways if they are consistent with the provisions of Subsection H. of this Section, except that parking lots designed or used for storage and parking lots for hotels, motels, and other transient lodgings are prohibited.
 - b. Water-oriented uses such as docks, piers, wharves, marinas, boat liveries, and boat launching ramps.
 - c. Above ground electrical distribution and transmission lines of fifteen (15) kilovolts or more may be allowed above ground as a special exception, provided they are certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania as meeting all of the following standards:
 - i. Above ground lines and supporting structures shall enter the Floodplain District only to cross a watercourse, shall cross the watercourse and the Floodplain District using the most direct and shortest route possible consistent with the goals, objectives, purposes, and intents of this Zoning Ordinance, shall make a minimum number of crossings necessary, and shall be designed and installed so as to minimize or eliminate flood damage.
 - ii. Above ground lines shall be elevated so that their lowest portions are a minimum of ten feet above the maximum flood elevation.
 - iii. Supporting structures for above ground lines within the Floodplain District shall be the minimum number necessary to carry the lines across the Floodplain District. Supporting structures shall be designed and installed so as to be able to withstand the maximum volume, velocity, and force of floodwaters which can be expected at the point where they are located.
 - iv. Facilities and services in the Floodplain District shall be designed so that damage within the District does not disrupt service outside the District.
 - d. Fish hatcheries, including uncovered ponds and raceways, which are approved by the Pennsylvania Fish Commission, but excluding other structures.

- e. Water monitoring devices.
- f. Wastewater treatment plants and water supply treatment plants.
- g. Extraction of sand, gravel, and other mineral resources, excluding topsoil.
- h. Other uses similar to the above, provided the use will not increase flood elevations or velocities.

2. Standards and Criteria for Special Exceptions

In addition to the provisions of Article VI, in hearing and deciding upon special exceptions to be granted or denied under the provisions of this Section, the Zoning Hearing Board shall also determine that the following standards and criteria have been complied with:

- a. The danger to life and property due to increased flood heights, velocities, or frequencies caused by encroachments, is minimized.
- b. That the danger that floodwaters or materials may be swept onto other lands or downstream to cause injury to others is minimized.
- c. That the possibility of disease, contamination, and unsanitary conditions is minimized and especially that any proposed water supply or sanitation systems are able to prevent these problems.
- d. That the susceptibility of the proposed facility and its contents to flood damage, the effect of such damage on the individual owners, and the need for and effect of floodproofing, are minimized.
- e. That the proposed facility and its services are important to the community.
- f. That the proposed facility needs a waterfront or floodplain location.
- g. That there are no available alternate locations not subject to flooding for the proposed use.
- h. That the proposed use is compatible with existing and anticipated development.
- i. That the proposed use is consistent with the Ephrata Township Comprehensive Plan and any floodplain management program for the area.
- j. That the safety of access to the property in times of flooding for ordinary and emergency vehicles is assured.
- k. That the expected area, height, depth, velocity, pressure, frequency, duration, rate of rise, seasonality, and sediment, debris, and pollutant load of floodwaters expected at the site is not inconsistent with the proposed use. That the proposed activity will not unduly alter natural water flow or water temperature.

- l. That archeological or historical sites and structures, endangered or threatened species of animals or plants, high quality wildlife habitats, scarce vegetation types, and other irreplaceable land uses will not be degraded or destroyed.
 - m. That the natural, scenic, and aesthetic values at the proposed site will be conserved.
 - n. That the danger, damage, and injury to all adjoining properties on both sides of any watercourse, regardless of municipality, is minimized. In this regard, any proposal affecting an adjacent municipality shall be submitted to that municipality's planning commission and governing body for review and comment.
 - o. That the granting of the special exception will not result in any of the following:
 - i. Increases in flood elevations or velocities.
 - ii. Additional threats to public safety.
 - iii. Extraordinary public expense.
 - iv. Creation of nuisances.
 - v. Fraud or victimization of the public.
 - vi. Conflict with local laws or ordinances.
3. In hearing and deciding upon special exceptions to be granted or denied under the provisions of this Section, the burden of proof shall be on the applicant. The Zoning Hearing Board may require the applicant to submit such plans, specifications, and other information as it may deem necessary to assist it in arriving at a fair and impartial determination. Such required information may include, but is not limited to, the following:
 - a. Plans drawn to scale showing the nature, location, dimensions, and elevations of the lot, existing or proposed structures, fill storage of materials, floodproofing measures, and the relationship of the above to the location of the channel.
 - b. A typical valley cross-section showing the channel of the watercourse, elevations of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 - c. A plan (surface view) showing elevations or 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 facilities, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.
 - d. A profile showing the slope of the bottom of the channel or flow line of the watercourse.

- e. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply facilities and sanitary facilities.
4. In hearing and deciding upon special exceptions to be granted or denied under the provisions of this Section, the Zoning Hearing Board may solicit the comments and recommendations of the Ephrata Township Planning Commission, and any other experts or authorities it may deem necessary to assist it in arriving at a fair and impartial determination.
5. In granting any special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.
6. Fees for Special Exceptions. Any fees assessed an applicant for a special exception, whether for a hearing, a flood study, or any other purpose, shall not exceed those costs directly associated with the particular application.
7. Variances. Variances from the provisions of this Section are discouraged. Where, however, a variance is essential, the following requirements of the National Flood Insurance Program must be complied with in addition to all other variance provisions of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. In all variance proceedings, the burden of proof shall be on the applicant.
 - a. No variance shall be granted for any development, structure, use or activity within the Floodplain District that would cause any increase in flood levels during the base flood as defined by Subsection C.1.a. of this Section, unless such development, use or activity is accompanied by measures to offset the impact of its location in the Floodplain District.
 - b. Variances shall only be granted upon:
 - i. A showing of good and sufficient cause.
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with any other applicable laws, ordinances, or regulations.
 - iv. A determination that the granting of a variance will not jeopardize Ephrata Township's participation in the National Flood Insurance Program.
 - c. Variance shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d. Whenever a variance is granted, the Board will notify the applicant in writing that:

i. The granting of the variance may result in increased premium rates for flood insurance.

ii. Such variance may increase the risks to life and property.

e. A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Board and an annual report sent to FEMA.

H. Prohibited Uses (No variance shall be granted).

The following uses are prohibited in the Floodplain District:

1. All uses prohibited either expressly or implicitly in the underlying zoning district for the land in question.
2. All structures, with the exception of those specifically allowed in Subsections F. and G. of this Section.
3. Sanitary landfills, dumps, junk and salvage yards, and outdoor storage of vehicles and/or materials.
4. Placing, depositing, or dumping any spoil, fill, or solid waste, except such grading or filling necessary to accomplish and carry out those uses which are permitted in Subsections F., G. and I. of this Section; provided, however, that no grading or filling is permitted which would cause any increase in flood height or frequency.
5. Removal of topsoil, excluding sod production and nursery activities as allowed in Subsections F. and G. of this Section, and excluding such grading and filling necessary to accomplish and carry out those uses which are permitted in Subsections F. and G. of this Section; provided, however, that no grading or filling is permitted which would cause any increase in flood heights or frequency.
6. Damming or relocation of any watercourse, except as provided for in Subsections F. and G. of this Section.
7. Any parts of any on-site sewage disposal system.
8. Swimming pools.
9. Fences except one or two-strand fences that don't cause damming or result in increases flood heights.
10. Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable

volume or any amount of radioactive substances) of any of the following dangerous materials or substances:

- a. Acetone
- b. Ammonia
- c. Benzene
- d. Calcium carbide
- e. Carbon disulfide
- f. Celluloid
- g. Chlorine
- h. Hydrochloric acid
- i. Hydrocyanic acid
- j. Magnesium
- k. Nitric acid and oxides of nitrogen
- l. Petroleum products (gasoline, fuel oil, etc.)
- m. Phosphorus
- n. Potassium
- o. Sodium
- p. Sulfur and sulfur products
- q. Pesticides (including insecticides, fungicides, and rodenticides)
- r. Radioactive substances, insofar as such substances are not otherwise regulated.
- s. Any other materials or substances deemed hazardous by the Township, State or appropriate Federal agency.

11. Cemeteries for humans or animals.

12. Zoos, menageries, wild animal farms, or domestic or farm animal enclosures which will not allow all animals to escape floodwaters of maximum flood elevation without human intervention while remaining safely confined.

13. The following obstructions and activities as set forth in the Pennsylvania Floodplain Management Act (Act 1978-166):

a. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

- i. hospitals
- ii. nursing homes
- iii. jails or prisons

b. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

14. Any development, structure, or use that may, whether alone or in combination with others, and except where specifically authorized elsewhere in this Section:

- a. Endanger human life.
- b. Obstruct, impede, retard, change, or increase the velocity, direction or flow of floodwaters.
- c. Increase the surface elevation of floods, or the frequency of floods.
- d. Catch or collect debris carried by floodwater.
- e. Be placed where the natural flow of the stream or floodwaters would carry it downstream to the damage or detriment of property within or adjacent to the Floodplain District.
- f. Degrade the water carrying capacity of any watercourse, channel, or floodplain.
- g. Increase the rate of local runoff, erosion, or sedimentation.
- h. Degrade the quality of surface water or the quality or quantity of ground water.
- i. Be susceptible to flotation and subsequent movement that would cause damage to other property.
- j. Create unhealthful ponding or other unsanitary conditions.
- k. Not be in harmony with the intent and purpose of this Section, as set forth in Subsection A. of this article.
- l. Fully and partially enclosed space below the lowest floor (including basement) is prohibited.

I. Nonconforming Uses and Structures in the Floodplain District

1. Continuation: All uses or structures lawfully existing in the Floodplain District on the effective date of this Section which are not in conformity with the provisions of this Section shall be deemed nonconforming uses or structures. Such nonconforming uses or structures may be continued, maintained, repaired, and floodproofed, except as otherwise provided for in this Section. However, such nonconforming uses or structures may at any time be improved to comply with existing Pennsylvania or Ephrata Township health, sanitary or safety code specifications which are necessary solely to assure safe living conditions.
2. Abandonment: Nonconforming uses or structures that have been discontinued or vacated for twelve (12) consecutive months shall be considered abandoned. Vacation of land or structures or the comparative status of the use normally carried on by the property shall be evidence of discontinuance. No abandoned use or structure may be reestablished, repaired, or reoccupied. The Ephrata Township Supervisors may require the removal of any abandoned nonconforming use or structure upon proper notice to the owner of the property on which an abandoned nonconforming use or structure exists. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine months, the Ephrata Township Supervisors shall have the authority to itself cause the removal to be accomplished, the costs of such removal to be paid by the property owner.
3. Expansion and Modification: A nonconforming use or structure may not be expanded or modified in any manner that would increase or aggravate flooding or flood hazards. Nothing shall be done which would otherwise violate any of the provisions of this Section. No nonconforming use or structure shall be expanded, enlarged, or altered in any way which increases its nonconformity with respect to height, area, yard, and other requirements established in other Sections of this Zoning Ordinance, nor in any way which causes it to occupy more space within the Floodplain District than was occupied by it on November 19, 1980, or on such subsequent date when said use or structure was identified as being located within the Floodplain District, unless said expansion or enlargement is offset by measures to preclude any increased flood elevations or increased flood velocities.
4. Replacement and Rebuilding:
 - a. A nonconforming use or structure may be replaced, repaired or rebuilt if it is damaged or destroyed by any means, including floods, to the extent of less than fifty percent of its fair market value at the time of its damage or destruction. In such a case, however, the nonconformity of the new use or structure with respect to requirements as expressed in provisions of this Zoning Ordinance shall not exceed that of the original use or structure which was damaged or destroyed. Nothing shall be done which would otherwise violate any of the provisions of this Section.

- b. A nonconforming use or structure which has been damaged or destroyed by any means, including floods, to the extent of fifty percent or more of its fair market value at the time of its damage or destruction may not be replaced, restored, repaired, reconstructed, improved, or rebuilt in any way other than in complete conformity and full compliance with the provisions of this Section, all other Sections of this Zoning Ordinance and all other ordinances of Ephrata Township. The Zoning Hearing Board may waive, as a special exception, the requirements of this paragraph where it is shown that such requirements could not be met on land owned by the appellant or where such requirements would impose undue hardship to the appellant in the efficient operation of the premises. In such a case, the Zoning Hearing Board shall be authorized to grant only the minimum relief necessary, and the least modification possible of the provisions of this Section, while respecting and maintaining the purpose and intents of this Section and abiding by the minimum standards set forth in the 44 CFR (Code of Federal Regulations) and Pennsylvania Flood Plain Management Act of 1978.
 - c. The zoning officer shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed use or structure at the time of its damage or destruction, and may call on any experts or authorities he may deem necessary to assist him in arriving at a fair and impartial determination. Appeals of the decision of the zoning officer may be made to the Zoning Hearing Board.
 - d. 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.
5. Historic Structures. The Zoning Hearing Board shall have the right to waive, as a special exception, any of the requirements of this Subsection and Section J for any structure listed on the National Register of Historic Places or the Pennsylvania Register of Historic Sites and Landmarks, or certified as being eligible for inclusion on such lists, and the provisions of Subsection G - 2., 3., 4. and 5. of this Section shall be applied in such a case.

J. Design and Performance Standards

- 1. Applicability: Unless otherwise specified in this Section, the standards and criteria included in this Subsection are to be used, together with the provisions of all other Sections and all other ordinances in force in Ephrata Township by the zoning officer and Zoning Hearing Board in their administration of this Section.
- 2. Regulations and Reviews of Other Agencies:
 - a. Where applicable and where possible, all necessary local, state and federal permits or other written approval must be obtained from all other agencies before any approvals of plans, special exceptions, variances, or permits may be granted by Ephrata Township or its agencies.
 - b. Where necessary permits or written approvals from other agencies cannot be obtained prior to action by Ephrata Township, any approval of plans, special

exceptions, variances, or permits by Ephrata Township or its agencies, officials, or employees shall be conditioned upon receiving such other agencies' permits or written approvals.

c. No regulations of the Commonwealth governing watercourses are amended or repealed by this Ordinance. Prior to any proposed alteration or relocation of any watercourse, a permit shall be obtained from the Pennsylvania Department of Environmental Protection, and notification of any such proposal shall be given to all affected adjacent municipalities.

3. Improvements: The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

a. 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.

b. No expansion or enlargement of an existing structure shall be allowed within any AE area without a designated floodway that would, together with all other existing and anticipated development, increase the base flood elevation more than one (1) foot at any point.

c. 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.

d. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood-proofed to the greatest extent possible.

e. 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.

4. Elevation and Floodproofing Requirements

5. Residential Structures:

Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation. The design and construction standards and specifications contained in the 2003 IBC (Sec. 1612.4, 1603.1.6 and 3403.1) and in the 2003 IRC (Sec. R323.1.4, R323.2.1, and R323.2.2) and ASCE 24 (Sec. 2.4 and 2.5, Chap. 5) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

Non-residential Structures:

In AE, AI-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation, or be designed and constructed so that the space enclosed below the Regulatory Flood Elevation:

- a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
- b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:

In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the Regulatory Flood Elevation determined in accordance with the following:

The A Area/District 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 base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

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, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

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. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the latest edition thereof adopted by the State of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

6. Fill. If fill is used, it shall:

- a. extend laterally at least fifteen (15) feet beyond the building line from all points;
- b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
- d. be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer; and,
- e. be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the 2003 IBC (Sec. 1801.1 and 1803.4) shall be utilized.

7. Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

8. Anchoring: All structures, including buildings, air ducts, large pipes, and storage tanks, within the Floodplain District shall be firmly anchored to prevent flotation, movement or collapse, thus reducing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
9. Surface Drainage: Adequate drainage shall be provided for all new development to reduce exposure to flood hazards.
10. Public Utility Facilities and Structures: Public utility facilities and structures (except buildings) subject to the jurisdiction of the Pennsylvania Public Utility Commission are requested to comply with the following standards in the interest of achieving the purpose and intent of this Section.
 - a. Public utility facilities and associated structures such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communications facilities, should, except for necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain, and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not

alter the cross-sectional area of the floodplain. All new or replacement water supply facilities and/or sanitary sewage facilities should be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwaters. All gas lines should have a system of shutoff valves for service to the Floodplain District to allow positive control during flood emergencies.

- b. Public utility electrical distribution lines and supporting structures should be installed so as to minimize or eliminate flood damage and be installed underground below the existing natural surface grade within the floodplain. Above ground electrical transmission lines should be designed to meet the following standards:
 - i. Above ground lines and supporting structures should enter the Floodplain District only to cross a watercourse and the Floodplain District using the most direct and shortest route possible consistent with the goals, objectives, purposes and intents of this Zoning Ordinance; should make the minimum number of crossings necessary; and should be designed and installed so as to minimize or eliminate flood damage.
 - ii. Above ground lines should be elevated so that their lowest portions are a minimum of ten (10) feet above the maximum flood elevation.
 - iii. Supporting structures for above ground lines within the Floodplain District should be the minimum number necessary to carry out the lines across the Floodplain District. Supporting structures should be designed and installed so as to be able to withstand the maximum volume, velocity, and force of floodwaters which can be expected at the point where they are located.
 - iv. Facilities and service in the Floodplain District should be designed so that flood damage within the district does not disrupt service outside the district.

11. Agricultural Standards:

- a. A filter strip is required between any watercourse and any tilled land. Such strip shall be a minimum of fifteen (15) feet in width measured from the bank of the watercourse channel. The filter strip shall be planted and maintained in grass.
- b. Within the Floodplain District, a cover crop, such as annual rye grass, is required whenever the land is not being tilled for major crops.
- c. Livestock shall not be confined in pasture or other enclosures located entirely within the Floodplain District (See Subsection H.).

12. If any proposed construction or development is located entirely or partially

within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

- a. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances.
- b. all 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 that minimize flood damage have been used.

13. Water and Sanitary Sewer Facilities and Systems

- d. 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 flood waters.
- e. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

14. Plan Approvals and Building Permits

- a. Irrespective of the provisions of Section 704 of this Zoning Ordinance, within the Floodplain District permits shall be required for all proposed development, construction, reconstruction, placement, replacement, expansion, renovation, extension, repair, or other improvement of uses or structures, regardless of value, including but not limited to the placement of manufactured homes and activities such as mining, dredging, filling, grading, logging, paving, excavation, or drilling operations. Permits shall not be required for normal maintenance.
- b. Every application for work or uses within the Floodplain District shall include or be accompanied by all information necessary for the zoning officer to determine that the proposal meets all of the provisions of this Section and this Zoning Ordinance.
- c. The following information is specifically required to accompany all building permit applications involving structures within the Floodplain District:
 - i. The elevation (in relation to mean sea level) of the lowest floor (including basement).
 - ii. Whether or not the structure includes a basement.

- iii. If the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed.
 - iv. Plans and calculations which demonstrate to the satisfaction of the Township Engineer that there will be no increase in flood heights or velocity on any adjoining properties.
 - v. The elevation of the base flood.
- d. Where floodproofing is proposed to be utilized for a particular structure, the building permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania or a licensed professional architect registered by the Commonwealth of Pennsylvania certifying that the floodproofing methods used meet the provisions of Subsection J.4. of this Zoning Ordinance and are adequate to withstand the flood depths, pressures, velocities, impact, uplift forces, and other factors associated with the base flood as defined by Subsection C.1.a. of this Section, and indicating the specific elevation (in relation to mean sea level) to which such structure is floodproofed. Only non-residential structures may floodproof in lieu of elevating.
- e. A copy of all plans and applications for proposed construction or other improvements within the Floodplain District to be considered for approval may be submitted by the zoning officer to any other appropriate agencies and/or individuals for review and comment.
- f. Uniform Construction Code Coordination
- i. The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or requirements of this ordinance.

International Building Code (IBC) 2003 or the latest edition thereof:
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2003 or the latest edition thereof: Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

15. Municipal Liability

The lawful granting of a permit or making any other administrative decision under this Section shall not constitute a representation, guarantee, or warranty of any kind by Ephrata Township, or by any official, agent, or employee thereof, of the practicability or safety of any structure, use, or other plan proposed with respect to damage from flood or otherwise, and shall create no liability upon, or a cause of action against, such public body, official, agent, or employee for any flood damage that may result pursuant thereto or as a result of reliance on this Section. There is also

no assurance that lands not included in the Floodplain District are now or ever will be free from flooding or flood damage.

16. Validity

Severance: If any section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in this Section is for any reason, declared to be illegal, unconstitutional or invalid, by any court of competent jurisdiction, such decision shall not affect or impair the validity of this rSection or the Zoning Ordinance as a whole, or any other Article, Section, Subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance.

N. Statutory Authorization

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 Board of Supervisors of the Township of Ephrata does hereby order as follows.

O. Designation of the Floodplain Administrator

The Zoning Officer is hereby appointed to administer and enforce this Chapter 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.

In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Assistant Zoning Officer.

P. Duties of the Floodplain Administrator

1. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
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. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss concerns can be addressed before the permit is issued.
4. During the construction period, the Floodplain Administrator 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 municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
5. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Chapter.
6. In the event the Floodplain Administrator discovers that the work 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 Floodplain Administrator shall revoke the Permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
7. The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this Chapter including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
8. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.
9. 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 Chapter as the floodplain administrator/manager.

Q. Changes in Identification of Area

The Identified Floodplain Area 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 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.

R. 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.

S. Special Requirements for Manufactured Homes

1. Within any Identified Floodplain Area manufactured homes shall be prohibited. If a variance is obtained in accordance with the criteria in Article VIII, then the following provisions apply:
2. Within any Floodway Area/District, manufactured homes shall be prohibited. No variance shall be granted:
3. Within any Identified Floodplain Area manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
4. Where permitted within any Identified Floodplain Area, all 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 one and one half (1 ½) feet above base flood elevation;
 - c. and anchored to resist flotation, collapse, or lateral movement.
 - d. and have all ductwork and utilities including HVAC/heat pump elevated to the Regulatory Flood Elevation.
5. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Chapter 401-405 shall apply.
6. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the latest edition thereto adopted by the State of Pennsylvania, and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

T. Special Requirements for Recreational Vehicles

Within any Identified Floodplain Area recreational vehicles shall be prohibited. If a variance is obtained in accordance with the criteria in Article VIII, then the following provisions apply:

1. Recreational vehicles in Zones A, A1-30, AH and AE must:
 - a. be on the site for fewer than 180 consecutive days, and

- b. be fully licensed and ready for highway use, and
- c. be removed from the floodplain when a flood warning is issued.

Section 2. All other sections, parts and provisions of the Ephrata Township Zoning Ordinance of 2000, as amended, shall remain in full force and effect as previously enacted and amended.

Section 3. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

ADOPTION

This Chapter shall be effective on April 5, 2016 and shall remain in force until modified, amended or rescinded by Township of Ephrata, Lancaster County, Pennsylvania.

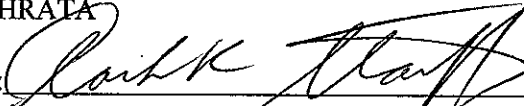
ENACTED AND ADOPTED by the Board of Supervisors this 1st day of March,
2016.

ATTEST:



Township Secretary

BOARD OF SUPERVISORS OF THE TOWNSHIP OF
EPHRATA

By: 

Chairman

CERTIFICATE

I, the undersigned, Secretary of the Township of Ephrata, Lancaster County, Pennsylvania (the "Township"), certify that the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township (the "Board"), which duly was enacted by affirmative vote of a majority of all members of the Board at a meeting of the Board duly convened and held according to law on March 1, 2016.

Date: 3/1/2016

John F. Weber
Secretary

(SEAL)