

*True + Attested Copy*  
*Mary A. Klein*  
*Secretary*

TOWNSHIP OF ANTRIM, FRANKLIN COUNTY  
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 323 OF 2012

AN ORDINANCE AMENDING THE ANTRIM TOWNSHIP ZONING CHAPTER OF THE CODE OF THE TOWNSHIP OF ANTRIM

**WHEREAS**, the Township of Antrim currently has zoning regulations as set forth in Chapter 150 of the Code of the Township of Antrim, Pennsylvania; and

**WHEREAS**, the Antrim Township Board of Supervisors desire to amend said Chapter 150 in order to promote the public health, safety and welfare of the residents of the Township; and

**WHEREAS**, the Antrim Township Board of Supervisors desire to amend said Chapter 150 in order to meet the needs of our community and regulations of the Pennsylvania Environmental Protection Agency; and

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the Board of Supervisors of the Township of Antrim pursuant to the "Pennsylvania Municipalities Code" (53 P.S. § 10101 et seq.) as follows:

**Section 1-** Article II, Section 150-4 entitled "Definitions" shall be amended by adding or replacing the following definitions in alphabetical order:

**BASE FLOOD** a flood that 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.

**BASEMENT** -- any area of the building having its floor below ground level on all sides.

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

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FLOOD INSURANCE RATE MAP** - 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** - 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.

**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 of this ordinance.

**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 that are placed on a site for more than 180 consecutive days.

**MANUFACTURED HOME PARK OR SUBDIVISION** - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**NEW CONSTRUCTION** - structures for which the start of construction commenced on or after April 24, 1981 and includes any subsequent improvements thereto.

**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.

**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. 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/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.

**SUBSTANTIAL DAMAGE** - 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 that have incurred "substantial damage 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."

**VIOLATION** - This definition is for the purpose of the Flood Plain Regulations only. 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.

Any current definitions inconsistent with the above definitions are deleted.

**Section 2** - Article XVII, Section 150-40-150-57 entitled "Flood Hazard District (FH)" shall be deleted in its entirety, replaced with the following and the remaining sections shall be renumbered accordingly:

§ 150-40. 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 Antrim, Franklin County, Pennsylvania, does hereby order as follows.

§ 150-41. Purpose.

This district superimposes a zoning district on a district underlying it on the Antrim Township Zoning Map<sup>EN</sup> by establishing an additional set of standards and criteria which should be considered minimum requirements consistent within the district itself. Furthermore, the intent of this district is to:

- A. Promote the general health, welfare and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units and its residents by preventing excessive development in areas subject to flooding.
- E. Preserve the natural characteristics of designated flood-prone areas by preventing rapid water runoff to contribute to downstream flooding and by providing areas for groundwater absorption for maintenance of the surface water supply.

§ 150- 42. Administration

A. Designation of the Floodplain Administrator

The Zoning Officer is hereby appointed to administer and enforce Article XVII and is referred to herein as the Floodplain Administrator.

B. Duties and Responsibilities of the Floodplain Administrator

- (1) The Floodplain Administrator shall issue a Land Use Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of Article XVII and all other applicable codes and ordinances.
- (2) Prior to the issuance of any Land Use 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) 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 Land Use 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.
- (4) 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 Article XVII.
- (5) In the event the Floodplain Administrator discovers that the work does not comply with the Land Use 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 Land Use Permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
- (6) The Floodplain Administrator shall maintain all records associated with the requirements of Article XVII including, but not limited to, permitting, inspection and enforcement.
- (7) The Floodplain Administrator shall consider the requirements of the 34 PA Code and the

2006 IBC and the 2006 IRC or latest revisions thereof.

§ 150-43. Establishment of Flood Hazard District boundaries.

The identified floodplain area shall be any areas of the Township of Antrim, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated January 18, 2012 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 the Township of Antrim and declared to be a part of Article XVII.

§ 150-44. Applicability of District regulations.

- A. This district shall serve as an overlay to the existing underlying districts as shown on the Official Zoning Map, EN and the provisions for the Flood Hazard District shall serve as a supplement to those underlying districts.
- B. Where there exists any conflict between the provisions of this Flood Hazard District and any underlying district, the more restrictive provision shall apply.
- C. Article XVII supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other code provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of Article XVII, the more restrictive shall apply.

§ 150-45. Determination of the one-hundred-year-flood elevation.

- A. 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 one hundred (100) year flood elevations have been provided. For the purpose of this section, the one-hundred-year-flood elevation shall be used as the basis for regulation. When available, information from federal, state and other acceptable sources shall be used to determine the one-hundred-year elevation, as well as a floodway area, if possible. When no other information is available, the one-hundred-year-flood elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.
- B. In lieu of the above, the Board of Supervisors 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 Township Engineer.

§ 150-46. Alterations and improvements to watercourses.

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. No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits and approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management. Also, notification shall be sent to FEMA.

§ 150-47. Changes and disputes in identification of area.

The identified floodplain area may be revised or modified by the Board of Supervisors where studies or data provided by a qualified agency or person document the need for such a revision. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify the FEMA of the changes by submitting technical or scientific data. Prior to any such change, approval shall be obtained from FEMA. Should any dispute concerning any identified floodplain boundary arise, initial determination shall be made by the Township Planning Commission and any party aggrieved by this decision may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

§ 150-48. Prohibited uses.

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 is prohibited:

- (1) Hospitals.
- (2) Nursing homes.
- (3) Jails or prisons.
- (4) A new mobile home park or mobile home subdivision, or substantial improvements to an existing mobile home park or mobile home subdivision.

B. Development which may endanger human life. 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 100 pounds or 12 gallons or other comparable amount and any amount of radioactive substances and a maximum of 550 gallons of petroleum products) of any of the following dangerous materials or substances on the premises shall be prohibited:

Acetone  
Ammonia  
Benzene  
Calcium carbide  
Carbon disulfide  
Celluloid  
Chlorine  
Hydrochloric acid  
Hydrocyanic acid  
Magnesium  
Nitric acid and oxides of nitrogen  
Pesticides (including insecticides, fungicides and rodenticides)  
Petroleum products (gasoline, fuel oil, etc.)  
Phosphorus  
Potassium  
Radioactive substances, insofar as such substances are not otherwise regulated  
Sodium  
Sulfur and sulfur products

§ 150-49. Application procedures and requirements.

- A. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Land Use and/or building permits and/or subdivision and land development applications shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
- (1) All such proposals are consistent with the need to minimize flood damage and conform to the requirements of Article XVII and all other applicable codes and ordinances.
  - (2) All utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage.
  - (3) Adequate drainage is provided so as to reduce exposure to flood hazards.
  - (4) Structures will be anchored to prevent floatation, collapse, or lateral movement.
  - (5) Building materials are flood-resistant.
  - (6) Appropriate practices that minimize flood damage have been used.
  - (7) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.
- B. Applicants shall file the following minimum information plus other pertinent information as may be required by the Floodplain Administrator to make the above determination:
- (1) A complete application form.
  - (2) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
    - (a) North arrow, scale and date.
    - (b) Topographic contour lines.
    - (c) All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet.
    - (d) The location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development.
    - (e) The location of all existing streets, drives, and other access ways; and
    - (f) The location of any existing bodies of water or watercourses, identified floodplain areas and, if available, information pertaining to the floodway, the flow of water, including direction and velocities.
  - (3) Plans of all proposed buildings, structures and other improvements, drawn at a suitable scale, showing the following:
    - (a) The proposed lowest floor elevation based upon North American Vertical Datum of 1988.
    - (b) The elevation of the one-hundred-year flood.
    - (c) The elevation of the base flood;
    - (d) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one-hundred-year flood.
    - (e) Detailed information concerning any proposed flood proofing measures.
    - (f) Supplemental information as may be necessary under 34 PA Code, the 2006 IBC or the 2006 IRC.

- (4) The following data and documentation:
- (a) A document, certified by a registered professional engineer, which states that the proposed construction or development has been adequately designed to withstand, pressures, velocities, impact and uplift forces associated with the base flood elevation. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or development.
  - (b) Detailed information needed to determine compliance with Article XVII, to include:
    - i. Amount, location and purpose of any material or substances referred heretofore which are intended to be used, produced, stored or otherwise maintained on site.
    - ii. Description of safeguards incorporated into the design of the proposed structure to prevent leaks or spills of any polluting or dangerous substance or material during the base flood.
  - (c) The appropriate component of the Department of Environmental Protection's Planning Module for Land Development.
  - (d) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.
  - (e) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood elevation; and
  - (f) Detailed information concerning any proposed flood proofing measures and corresponding elevations.
  - (g) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an Special Floodplain Area when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point.
  - (h) Detailed information needed to determine compliance with § 150-51:
    - i. the amount, location and purpose of any materials or substances which are intended to be used, produced, stored or otherwise maintained on site.
    - ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances during a base flood.
  - (i) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
  - (j) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
- (5) Applications for Permits shall be accompanied by a fee, payable to the municipality as set forth by Resolution of the Board of Supervisors.

§ 150-50. Required permits.



- A. Land Use and/or Building permits shall be required before any construction or development is undertaken within any area of the Township and affected by this district. Such application shall contain the following:
2. Name and address of applicant.
  3. Name and address of owner of land on which proposed construction is to occur.
  4. Name and address of contractor.
  5. Site location including address.
  6. Listing of other permits required.
  7. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
  8. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. Prior to the issuance of any Land Use and/or Building permit, the Zoning Officer shall review the application for 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);EN the Pennsylvania Dam Safety and Encroachment Act (Act 1978-325, as amended);EN and the U.S. Clean Water Act, Section 404, 33 U.S.C. Subsection 1334. No application shall be accepted by the Zoning Officer until this determination has been made.

§ 150-51. General regulations.

- A. In the identified floodplain area, the development and/or use of land shall be permitted, provided that the development and/or use complies with the restrictions and requirements of Article XVII and all other applicable codes and ordinances in force in the Township.
- B. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one-hundred-year-flood elevation.
- C. Within Zones without a designated floodway, new development shall not be permitted unless it is demonstrated that the cumulative effect of all the past and projected development will not increase the BFE by more than 1 foot.
- D. Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams and Waterways Management.
- E. 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. Submittal requirements and processing fees shall be the responsibility of the applicant.
- F. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved structure shall be 1 1/2 feet or more above the one-hundred-year-flood elevation.
- G. Any structure, or part thereof, having a lowest floor (including basement) which is not elevated to at least 1 1/2 feet or more above the one-hundred-year-flood elevation shall be

flood proofed in a completely or essentially dry manner in accordance with the W1 and W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the United States Army Corps of Engineers (June 1972) or with some other equivalent standard. All plans and specifications for such flood proofing 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-related standards.

- H. Enclosed areas below the lowest floor (including basement) are prohibited.

§ 150-52. Design and construction standards.

The following minimum standards shall apply for all construction and development within any identified floodplain area:

- A. Fill. If fill is used, it shall:
- (1) Extend laterally at least 15 feet beyond the building line from all points.
  - (2) Consist of soil or small rock materials only; sanitary landfills shall not be permitted.
  - (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
  - (4) Be no steeper than one vertical to two feet horizontal, unless substantiated data justifying steeper slopes is submitted to the Township Engineer for review and approved by the Board of Supervisors.
  - (5) Be used to the extent to which it does not adversely affect properties.
- B. Drainage facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- C. Water and sanitary sewer facilities and systems.
- (1) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
  - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
  - (3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it or contamination from it during a flood.
- D. Other utilities. All other utilities, such as gas lines, electrical and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- E. Streets. The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.
- F. Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life, and not listed in § 150-47B, Development which may endanger human life, shall be stored at or above the regulatory flood elevation and/or flood proofed to the maximum extent possible.

- G. Placement of buildings and structures. All buildings and structures shall be designed, located and constructed so as to offer the minimum effect upon the flow and height of floodwater.
- H. Anchoring.
- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
  - (2) All air ducts, large pipes, storage tanks and other similar objects or components located below the regulatory flood elevation shall be securely anchored or fixed to prevent flotation.
- I. Floors, walls and ceilings.
- (1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the buildings.
  - (2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or water-resistant variety.
  - (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
  - (4) Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.
- J. Paints and adhesives.
- (1) Paints and other finishes used at or below the regulatory flood elevation shall be of a marine or water-resistant quality.
  - (2) Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
  - (3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a marine or other water-resistant paint or other finishing material.
- K. Electrical components.
- (1) Electrical distribution panels shall be at least three feet above the one-hundred-year-flood elevation.
  - (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- L. Equipment. Water heaters, furnaces, air-conditioning and ventilation units and other mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.
- M. Fuel supply systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the systems and discharges from the systems into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

§ 150-53. Special requirements for mobile homes.

- A. Within any identified floodplain area, all mobile homes and any additions thereto shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
- B. Where permitted within any identified floodplain area, all mobile homes and additions thereto shall be:

- (1) Placed on a permanent foundation.
- (2) Elevated so that the lowest floor of the mobile home is 1 1/2 feet or more above the elevation of the one-hundred-year flood.
- (3) Anchored to resist flotation, collapse or lateral movement.

§ 150-54 Special Requirements for Recreational Vehicles

- A. Recreational vehicles in Zones A1-30, AH and AE must either
- (1) be on the site for fewer than 180 consecutive days,
  - (2) be fully licensed and ready for highway use, or
  - (3) meet the permit requirements for mobile homes in § 150-52

§ 150-55. Existing structures in identified floodplain areas.

Any structure existing prior to the enactment of Article XVII, as amended, may continue to remain, provided that:

- A. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this district.
- B. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or flood proofed to the greatest extent possible.
- C. 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 one-hundred-year flood.

§ 150-56. Variances.

If compliance with any of the requirements of Article XVII would result in exceptional hardship to a prospective builder, developer or property owner, the Zoning Hearing Board may, upon request to the Zoning Hearing Board, grant relief from the strict application of the requirements of Article XVII. Requests for a variance shall be made according to this chapter and the following procedure:

- A. If granted, a variance shall involve only the least modification necessary to provide relief.
- B. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this chapter.
- C. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant, in writing, that:
  - (1) The granting of the variance may result in increased premium rates for flood insurance.
  - (2) Such variance may increase the risks to life and property.
- D. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:
  - (1) That there is good and sufficient cause.
  - (2) That failure to grant the variance would result in exceptional hardship to the applicant.
  - (3) That the granting of the variance will:

- (a) Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense;
  - (b) Nor create nuisances, cause fraud on or victimize the public or conflict with any other applicable state or local ordinances and regulations.
- E. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board.
- F. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one-hundred-year flood.
- G. No variance shall be granted for the uses or activities prohibited in § 150-47.
- H. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred-year flood.
- I. The Zoning Hearing Board may, upon request from an applicant, consider the possibility of modifying the freeboard requirements of 1 1/2 feet above the one-hundred-year-flood elevation, provided that the applicant can demonstrate and the Zoning Hearing Board can determine that:
- (1) There are unique physical circumstances, such as exceptional topographical or other existing natural or man-made conditions, peculiar to the property.
  - (2) Because of such physical circumstances and conditions, the proposed substantial improvement cannot be reasonably designed and constructed in compliance with the provisions of the applicable requirements and that a reduction is therefore necessary.
  - (3) Failure to grant the request will result in exceptional hardship to the applicant.
  - (4) Approval of the request will not result in increased flood heights within any designated floodway.
  - (5) Approval of the request will not result in any additional threat to the public health and safety or result in any extraordinary public expense or create any nuisance.
  - (6) Approval of the request will not result in any conflict with any other applicable laws or regulations.
- J. In approving a request for a reduction in the required freeboard, the Zoning Hearing Board shall:
- (1) Authorize the least reduction necessary to provide relief.
  - (2) Make notification.
    - [a] Notify the applicant, in writing, that approval of the request will:
      - i. Result in increased premium rates for flood insurance.
      - ii. Increase risks to the structure, its contents and occupants.
    - [b] Such notification shall be included with the Township records.
  - (3) Maintain a complete record of all requests which have been approved authorizing reductions in freeboard.
  - (4) Report all such requests which have been approved in its annual report to the Pennsylvania Department of Community and Economic Development and FEMA.

§ 150-57. Appeals from decision of Zoning Officer.

In addition to the procedures for appeals as contained in this chapter, in any appeal pertaining to the boundaries of this district resulting from claims that the district has become incorrect because of changes either natural or man-made, the burden of proof shall be on the appellant. Such proof

shall be based on a detailed report using either the Log Pearsons III Method, the Twenty-Four-Hour Evaluation Hydrograph or other commonly accepted methods of determining runoff.

§ 150-58. Municipal liability.

The granting of a Land Use and/or building or zoning permit or the approval of a subdivision or land development plan in this district shall not constitute a representation, guaranty or warranty of any kind by the Township, or any of its officials or employees, of the practicability or safety of any structure, use or development, and shall not create liability or cause of action against such public body, official or employee for any damage that may result pursuant thereto.

§ 150-59. Warning and Disclaimer of Liability.

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

Article XVII shall not create liability on the part of the Township of Antrim or any officer or employee thereof for any flood damages that result from reliance on Article XVII or any administrative decision lawfully made there under.

**Section 3 – Effective Date.** This Ordinance shall become effective in accordance with the law.

**Section 4 – Repealer.** All other Township ordinances or parts of other ordinances in conflict herewith, are hereby repealed.

**Section 5 - Severability.** If any article, section, or provision of this Ordinance should be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

ENACTED by the Board of Supervisors of the Township of Antrim at its regular meeting on the day of January 24, 2012.

Attest:

Joyce A. Nowell  
Mary Klein, Secretary

Joyce A. Nowell, Acting Secretary

SUPERVISORS OF ANTRIM TOWNSHIP

[Signature]  
, Chairman  
[Signature]  
[Signature]  
[Signature]  
[Signature]