

## **Chapter 8**

### **Floodplains**

[See also §27-639.3.E, “Flood Evacuation Plans.”]

#### **Part 1 Floodplains**

§8-101. Authority  
§8-102. Regulations Adopted  
Exhibit 8-A



**Part 1****Floodplains****§8-101. Authority.**

The enactment of this Part is authorized by the Second Class Township Code, the Pennsylvania Floodplain Regulations and Federal Floodplain Regulations.

(*Ord. 12.3.2007, 12/4/2007, §I*)

**§8-102. Regulations Adopted.**

1. Hepburn Township, through the passage of this Part, hereby adopts the Lycoming County Floodplain Regulations and Ordinance.

2. The Lycoming County Floodplain Regulations and Ordinance maintains the basics for the minimum and in excess of the minimum of the State and Federal guidelines for regulating uses and development in mapped floodplains.

3. Hepburn Township adopts the following sections of the Lycoming County Zoning Ordinance<sup>1</sup> as it applies specifically to floodplain regulations:

A. Article 5, §5160 - Floodplain Regulations.

B. Article 5, §5220 - Aquatic Resource Buffers.

C. Article 10, §§10110, 10120A - General Procedure for Zoning/Development Permit Applications, Permit Exemptions.

D. Article 10, §10130 G and H - Compliance with Municipal Floodplain Regulations and Administration of County Floodplain Regulations.

E. Article 14, §14300 r - Definitions including but not limited to “basement,” “development,” “flood . . . to . . . freeboard,” “general floodplain,” “hazardous materials,” “improvement, substantial,” “lowest floor,” “mobile home,” “mobile home park,” “new construction,” “open space,” “recreations vehicles includes floodplain cross-reference,” “regulatory flood,” “regulatory flood elevation,” “special permit,” and “substantial damage.”

(*Ord. 12.3.2007, 12/4/2007, §II*)

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<sup>1</sup>Editor's Note: See Exhibit 8-A of this Part.



## Exhibit 8-A

### Lycoming County Zoning Ordinance<sup>2</sup>

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#### SECTION 5160 FLOODPLAIN REGULATIONS

The floodplain management requirements found in this Section have been designed to satisfy state and federal floodplain management requirements and to provide for protection from flood hazards. The regulations of this Section will allow individual municipalities, subject to the Lycoming County Zoning Ordinance, to participate in the Federal Flood Insurance Program without having a local floodplain management ordinance; however, these provisions shall not apply to those municipalities which have a local Floodplain Management Ordinance in effect.

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#### SECTION 5220 AQUATIC RESOURCE BUFFERS

- A. Definition.** An aquatic resource buffer is defined as an existing naturally vegetated area, or an area established in vegetation and managed to protect streams, ponds, lakes, and other aquatic resources from man-made disturbances.
- B. Findings of Fact.** In developing this Ordinance, the County has made the following findings with regard to the functions of the aquatic resource buffer:
1. To provide for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering water bodies;
  2. to minimize the adverse effects of human activities on shorelines, stream banks, and aquatic resources; and,
  3. to maintain the natural environment of streams, lakes, ponds and other aquatic resources.
- C. Determination.**
1. Standard width: An aquatic resource buffer shall extend inland fifty (50) feet from shorelines and stream banks. In the case of contiguous slopes of fifteen (15%) percent or greater, the buffer shall be expanded four (4) feet for every one (1%)

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<sup>2</sup>Editor's Note: Excerpted from the Lycoming County Zoning Ordinance as posted to [http://www.lyco.org/DotNetNuke/Portals/1/PlanningCommunityDevelopment/Documents/EDPS\\_PDFs/zoning/New%20Zoning%20Ordinance.pdf](http://www.lyco.org/DotNetNuke/Portals/1/PlanningCommunityDevelopment/Documents/EDPS_PDFs/zoning/New%20Zoning%20Ordinance.pdf), August 5, 2008.

percent of slope, or to the top of the slope, whichever is greater in extent.

2. The shoreline or stream bank shall be determined by:
  - (a) The elevation one (1) foot above the maximum discharge elevation of an outlet control structure which controls the elevation of a lake or pond; or,
  - (b) the top of any natural bank surrounding a natural lake or pond which has no outlet control structure, or the top of the stream bank.

#### **D. Aquatic Resource Protection.**

1. In all developments, disturbance to aquatic resource buffers shall be prohibited unless in accordance with this Section.
2. **Modification.** The Zoning Administrator may establish an aquatic resource buffer of such lesser width as may be necessary to permit reasonable development within the standard aquatic resource buffer if:
  - (a) The aquatic resource buffer covers more than fifty percent (50%) of a lot which was a lot of record at the time when this Ordinance was adopted.
  - (b) The size and character of existing structures within the standard aquatic resource buffer precludes any practical use of the portion of that buffer lying on the landward side of such structures as an aquatic resource buffer.
  - (c) Disturbance to the buffer is necessary in order to provide vehicular, boat, or utility access to the site, provided that no other reasonable alternative which would avoid or minimize disturbance of the buffer are available.
  - (d) This Ordinance does not prohibit selective clearing of understory vegetation in an aquatic resource buffer in order to provide a view for waterfront property, as long as the existing groundcover and canopy trees are maintained.
  - (e) **Extent of Reduction** - Any reduction of the standard aquatic resource buffer authorized by Subsection D.2 above shall be the least necessary to permit reasonable development of the lot.

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#### **SECTION 10110 GENERAL PROCEDURE FOR A ZONING/DEVELOPMENT PERMIT APPLICATION**

All persons desiring to undertake any new construction, substantial improvement of an existing structure, or change in the use or increased intensity of use of a building or lot shall apply to the municipal permit officer for a Zoning/Development Permit by completing a joint permit application form and by submitting the required fee. The municipal permit officer shall then refer a copy of the joint application to the Zoning Administrator, who shall then

either grant or deny the zoning approval or refer the application to the Zoning Hearing Board for their consideration. After receiving both zoning and development approvals, and being issued the Zoning/Development Permit by the Zoning Administrator, the applicant may proceed with the proposal as approved.

Following completion of the project, the applicant shall notify the Zoning Administrator for a final inspection. If the Zoning Administrator finds that the project has been completed in accordance with the terms of the Zoning/Development Permit, he shall notify the municipal permit officer who shall then issue a Certificate of Compliance for single-family residential uses or a Certificate of Occupancy for multi-family residential uses or non-residential uses, upon compliance with the municipal building requirements.

In addition to meeting the requirements of this Ordinance, the applicant shall meet all other regulations or codes in effect in the municipality or as may be hereafter adopted, including, but not limited to, Municipal Floodplain Management Ordinances, building permit requirements, and Airport Hazard Area regulations. Nothing herein shall relieve any applicant of the responsibility of seeking any permit required by any applicable statute, ordinance, or regulation in compliance with all of the terms of this Ordinance.

Refer to Appendix A for an illustration of general procedures for Zoning/Development Permits. Appendix B illustrates the procedures for Certificates of Compliance (single-family residential) and Certificates of Occupancy (multi-family residential and non-residential uses).

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## **SECTION 10120 ZONING/DEVELOPMENT PERMIT REQUIRED**

A Zoning/Development Permit shall be required prior to the erection, addition, or alteration of any building or portion thereof; prior to the change in use or increase in the intensity of use; or prior to the change or extension of a non-conforming use; except as listed below. (In some instances, even though a joint Zoning/Development Permit may be exempted as listed below, additional permits, such as a municipal building permit, may need to be obtained prior to beginning construction or alterations.)

### **A. Exemptions.**

*With the exception of uses or activities situated within the regulatory floodplain, Zoning/Development Permits shall not be required for the following:*

1. Interior alterations when there is no increase in ground floor exterior dimension and no change in use.
2. General maintenance and repair to existing buildings or structures; including siding, roofing, painting, and similar activities which do not involve substantial improvement or an increase in the exterior dimensions of the existing building.
3. Crop or tree farming.

4. Landscaping, provided that said activity shall not obstruct free and clear vision at the intersection of any street, or obstruct the view of any authorized traffic sign, signal or device.
5. Construction or erection of fences, steps, or other similar structures; provided all such structures shall not obstruct free and clear vision at the intersection of any street, or obstruct the view of any authorized traffic sign, signal or device.
6. Placement or location of private utility lines as long as they do not cross or occupy public roads or rights-of-way.
7. Satellite dish receivers.
8. Emergency efforts to secure and shore up a structure for health, safety or sanitary reasons or to assure safe living conditions.

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## **SECTION 10130 APPLICATION FOR ZONING/DEVELOPMENT PERMITS**

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**G. Compliance with Municipal Floodplain Regulations.** In the case of uses or activities which are subject to the requirements of a local Floodplain Management Ordinance, the applicant shall submit verification of municipal floodplain development approval and/or certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor, and elevations are in compliance with the applicable Municipal Floodplain Ordinance. For proposals involving floodproofing, the applicant shall submit certification by a registered professional engineer or registered architect that the floodproofing measures being implemented adequately meet the requirements of the Municipal Floodplain Ordinance.

### **H. Administration of County Floodplain Regulations**

#### **1. Permit Requirements**

To insure that the appropriate flood damage controls are being utilized, the applicant/ landowner shall apply for and obtain a Zoning/Development Permit prior to the commencement of any construction, development, or substantial improvement activity within the designated floodplain district. The applicant shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Administrator to determine that:

- a. All such proposals are consistent with the need to minimize flood damage and conform to 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 to reduce exposure to flood hazards.

2. **Application Requirements.** The applicant shall submit a completed Zoning/ Development Permit application form and other pertinent information (e.g., any or all of the technical information contained in Section 5160H) as may be required by the Zoning Administrator to make the above determinations. At a minimum, the application shall include the following:

a. The name and address of applicant.

b. The name and address of the property owner.

c. The name and address of the contractor

d. A listing of other permits required.

e. A brief description of proposed work and the estimated cost.

f. A plan which satisfies the requirements of Section 10240 and includes the following information:

(1) All property and lot lines, including dimensions and the size of the site expressed in acres or square feet.

(2) If available, information pertaining to the floodway and the flow of water, including direction and velocities.

(3) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.

(4) If available, the elevation of the 100-year flood.

(5) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood.

(6) Detailed information concerning any proposed floodproofing measures.

g. The following data and documentation:

(1) Documentation, certified by a registered professional engineer or architect, indicating that the cumulative effect of the proposed development within the Floodplain Elevation District, when combined with all other existing and anticipated development, will not increase the elevation of the 100-year flood more than one (1) foot at any point.

(2) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been

adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the 100-year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or development.

- (3) Detailed information needed to determine compliance with Section 5160.C.12, Storage; and Section 5160G, Development Which May Endanger Human Life, including:
      - i. The amount, location and purpose of any materials or substances referred to in Sections 5160.C.12 and 5160.G 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 structures to prevent leaks or spills of the dangerous materials or substances listed in Section 5160.C.12 during a 100-year flood.
    - (4) The appropriate component of the Department of Environmental Protection's Planning Module for land development.
    - (5) 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.
  - h. Any new residential, commercial, or industrial uses are required to submit an emergency preparedness, evacuation, and rescue plan that has been reviewed by the appropriate agencies; e.g., EMA coordinators, DCED, FEMA, DEP, and County Department of Public Safety. Whenever the applicant's building site is located in or surrounded by the regulatory floodplain, the approved emergency preparedness plan shall insure the safe evacuation of the property in the flood event.
3. **Review by County Conservation District.** A copy of all plans for proposed development in any floodway district shall be submitted by the Zoning Administrator to the County Conservation District for review and comment prior to the issuance of a permit. The recommendations of the County Conservation District may be incorporated into the plan to provide for protection against predictable hazards.
  4. **Review of Application by Others.** A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Administrator to any other appropriate agencies and/or individuals (e.g., planning commission, municipal engineer, etc.) for review and comment.
  5. **Other Permit Requirements.** Prior to the issuance of any Zoning/Development Permit, the Zoning Administrator shall review the application to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No Zoning/

Development Permit shall be issued until this determination has been made and until it has been determined that the proposed work will be in compliance with the requirements of this and all other applicable codes and ordinances.

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## **DIVISION 14300      DEFINITIONS**

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**Basement.** A portion of a building located partially underground, having more than fifty (50%) percent of its clear floor-to-ceiling height below grade.

The following shall apply for floodplain management purposes:

1. That portion of a building partly underground, but having less than one-half (1/2) of its clear height below the average lot grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of adjoining ground is more than five (5) feet or if used for business or dwelling purposes.
2. A basement shall be that area of a building or structure having its floor subgrade (below ground level) on all sides.

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### **Development.**

1. The division of a parcel of land into two (2) or more parcels;
2. the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings, structures, or accessory structures;
3. any use or change in use of any buildings or land;
4. any extension of any use of land;
5. any clearing, grading, or other movement of land;
6. mining, dredging, filling, grading, paving, excavation or drilling operations; or
7. the storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities; for which permission may be required pursuant to this Ordinance.

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

\* \* \*

**Flood.** A temporary inundation of normally dry land areas.

**Flood, 100-Year.** A level of flooding that, on the average, is expected to occur once every 100-years (i.e. that has a one (1%) percent chance of occurring each year, although the flood may occur at any time in any year).

**Floodproofing.** Any combination of structural and non-structural additions, changes or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water, and sanitary facilities, structures, and their contents.

**Flood Fringe.** That portion of the 100-year floodplain outside the floodway, excluding approximated 100-year flood zones on the community's Flood Boundary and Floodway Map (FBFM) or Flood Insurance Rate Map (FIRM).

**Floodplain.** 1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation and has a one (1%) percent chance of occurring each year (i.e., is likely to occur once every 100-years); 2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

**Floodway.** The designated area of a floodplain as shown on the community's Flood Boundary and Floodway Map (FBFM) or Flood Insurance Rate Map (FIRM) required to carry and discharge flood waters of a 100-year flood without cumulatively raising the flood elevation.

**Footcandle.** A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

**Freeboard.** A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

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**General Floodplain.** The portion of the floodplain area for which no specific flood profiles exist and which is designated as approximated areas on the community's Flood Insurance

Rate Map (FIRM).

\* \* \*

**Hazardous Materials.** Any substance or mixture of substances having properties capable of producing adverse effects on the health or safety of a human being, including those specified under floodplain management regulations.

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**Improvement, Substantial.** Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or,
2. any alteration of a structure or site documented as deserving preservation by the Pennsylvania State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications, or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other non-structural components.

(For purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.)

The following shall apply for floodplain management purposes:

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,” regardless of the actual repair work performed. The term does not, however, include either:

1. 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,
2. any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

\* \* \*

**Lowest Floor.** The lowest floor elevation of an enclosed area of a building or structure (including basement or cellar). An unfinished flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement or cellar area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

\* \* \*

**Mobile Home.** A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to required utilities.

The following shall apply for floodplain management purposes:

A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and is constructed so that it may be used without a permanent foundation. The term shall also include park trailers, travel trailers, recreational vehicles and other similar types of manufactured homes placed on a site for a period of time exceeding one-hundred eighty (180) consecutive days.

\* \* \*

**Mobile Home Park.** A development containing mobile homes placed on lots specifically designed for them. Such a facility shall meet all requirements for mobile home park uses listed in Section 4120. (Also, see Section 3220G.) A parcel or contiguous parcels of land under single ownership which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

For floodplain management purposes, the term shall also include facilities for the placement of two (2) or more park trailers, travel trailers, recreational vehicles, and other similar types of manufactured housing for non-transient use or a period of time exceeding one-hundred eighty (180) days.

\* \* \*

**New Construction.** The construction, reconstruction, renovation, repair, extension, expansion, alteration, location, or relocation of a building including mobile homes, structures,

and/or improvements such as street utilities. For floodplain management purposes, the term shall also include construction and subsequent improvements thereto for which the start of construction commenced on or after the date the participating municipality first enacted floodplain management regulations.

The dates for member municipalities are as follows:

Brown Township	August 14, 1985
Cascade Township	October 2, 1982
Cogan House Township	October 1, 1979
Cummings Township	September 17, 1980
Jackson Township	November 7, 1988
Jordan Township	October 2, 1983
Lewis Township	December 26, 1972
McHenry Township	October 13, 1986
McIntyre Township	October 5, 1981
McNett Township	September 23, 1981
Mifflin Township	April 16, 1985
Moreland Township	February 2, 1985
Muncy Township	August 17, 1987
Penn Township	July 28, 1988
Piatt Township	April 1, 1980
Borough of Salladasburg	May 9, 1983
Washington Township	August 1, 1983

\* \* \*

**Open Space.** Land that is to be used primarily for resource protection, agriculture, recreational purposes or otherwise left undisturbed and specifically excluding road rights-of-way and lots. Where lots are above the minimum sizes required by this Ordinance, and the excess lot area is deed restricted to open space uses, it may be counted as open space. In the case of floodplain areas, open space uses would have a relatively low flood damage potential and not involve structures.

\* \* \*

**Recreational Vehicle.** A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted on or towed by another vehicle (see Section 3230A). The basic entities are as follows:

**Camping Trailer.** A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfolds at the campsite to provide temporary living quarters for recreational, camping, or travel use.

**Motor Home.** A vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use built on or permanently attached to a self-propelled

motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

**Park Trailer.** A recreational vehicle that meets the following criteria:

1. Built on a single chassis mounted on wheels.
2. Primarily designed as temporary living quarters for seasonal or destination camping which may be connected to utilities necessary for operation of installed fixtures and appliances.
3. Have a gross trailer area not exceeding four-hundred (400) square feet in the set-up mode.
4. Have a gross trailer area not less than two-hundred forty (240) square feet and certified by the manufacturer as complying with ANSI A119.5.

**Travel Trailer.** A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require special highway movement permits when towed by a motorized vehicle and of gross trailer area less than three-hundred twenty (320) square feet.

**Truck Camper.** A portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pick-up truck.

The following shall apply for floodplain management purposes: A portable or mobile vehicle used for temporary living or sleeping accommodations without a permanent foundation. Included in this definition are travel trailers, truck campers, motor homes and similar types of vehicles used for recreational, camping or travel purposes. Such vehicles are permitted to be used only in campground areas or recreational vehicle parks in the municipality or on private independent parcels.

**Regulatory Flood.** The flood that has been selected to serve as the basis upon which the Floodplain Management provisions of this Ordinance have been based; the 100-year flood.

**Regulatory Flood Elevation.** The 100-year flood elevation plus a freeboard safety factor of one and one-half (1-1/2) feet.

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**Special Permit.** A special approval needed for specific types of development being proposed to be located in any portion of the designated floodplain. (See Section 607 for a listing of the activities requiring special permits and details of such situations.)

\* \* \*

**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 exceeds fifty (50%) percent or more of the market value of the structure before the damage occurred.

