
ARTICLE 1314
Flood Districts

1314.01 Applicability of Provisions Relating to Designated Flood Plain Districts	1314.07 Description and Special Requirement of Identified Flood Plain Areas
1314.02 Compliance with Flood Protection Regulations	1314.08 Flood-Fringe District
1314.03 Warning and Disclaimer of Liability	1314.09 Existing Structures in Flood Plain Districts
1314.04 Interpretation of District Boundaries	1314.10 Approximated Flood Plain District
1314.05 Description of Boundaries	1314.11 Special Exceptions and Variances
1314.06 District Provisions	1314.12 Enforcement

1314.01 APPLICABILITY OF PROVISIONS RELATING TO DESIGNATED FLOOD
PLAIN DISTRICTS

Provisions relating to designated Flood Plain District shall apply to all lands within the jurisdiction of the City of Franklin and shown on the Official Zoning Map as being located within the boundaries of any flood plain district. (Ord. 11 of 1978, Sect. 3, Passed 9-25-78; Ord. 4 of 2009, Sect. 2, Passed 4-6-2009)

1314.02 COMPLIANCE WITH FLOOD PROTECTION REGULATIONS

No structure or land shall hereafter be used, and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this Ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Ordinance. The definitions of the terms and provisions of this Ordinance shall include those set forth in Sections 1302.02 and 1705.01 of the Codified Ordinances of the City of Franklin, and, in the event of a conflict in definition, the definition set forth in Section 1705.01 shall control. (Ord. 11 of 1978, Sect. 2, Passed 9-25-78; Ord. 4 of 2009, Sect. 2, Passed 4-6-2009; Ord. 9 of 2013, Sect. 1, Passed 12-9-2013)

1314.03 WARNING AND DISCLAIMER OF LIABILITY

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

This Ordinance shall not create liability on the part of the City of Franklin or any officer or employee thereof for any flood damages that result from reliance on this

Ordinance or any administrative decision lawfully made thereunder. (Ord. 11 of 1978, Sect. 3, Passed 9-25-78; Ord. 4 of 2009, Sect. 2, Passed 4-6-2009)

1314.04 INTERPRETATION OF DISTRICT BOUNDARIES

Initial interpretations of the boundaries of the Flood Plain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the districts, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires. (Ord. 2 of 2009, Sect. 2, Passed 4-6-2009)

1314.05 DESCRIPTION OF BOUNDARIES

a.) Basis of Districts:

The identified floodplain area shall be any areas of the City of Franklin, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) effective January 16, 2014, 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. (Ord. 9 of 2013, Sect. 2, Passed 12-9-2013)

The above references FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the City of Franklin and declared to be a part of this Ordinance. (Ord. 9 of 2013, Sect. 2, Passed 12-9-2013)

- 1.) The Floodway District (FW) is delineated for purposes of this Ordinance using the criteria that a certain area within the flood plain must be capable of carrying waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The Floodway District is shown on the City of Franklin Official Zoning Map. The areas included in this District are specifically defined in Table II of the above referenced Flood Insurance Study and shown on the accompanying Flood Boundary Floodway Map.
- 2.) The Flood-Fringe District (FF) shall be that area of the 100 year flood plain not included in the Floodway District. The basis for the outermost boundary of this District shall be the one hundred (100) year flood elevations contained in the flood profiles of the FIS and as shown on the accompanying Flood Boundary and Floodway Map. In any FF without a designated floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the base flood elevation (BFE) by more than one (1) foot. (Ord. 9 of 2013, Sect. 3, Passed 12-9-2013)

- 3.) The Approximated Flood Plain District (FA) shall be that flood plain area for which no detailed flood profiles or elevations have been provided. They are shown on the maps accompanying the FIS prepared by the FEMA. Where the specific 100 year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers, Flood Plain Information Reports, U.S. Geological Survey-Flood Prone Quadrangles, etc., than the applicant for the proposed use, development and/or activity shall determine this elevation in accordance 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 reflect correctly currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the City. (Ord. 9 of 2013, Sect. 4, Passed 12-9-2013)

b.) Overlays:

- 1.) The Flood Plain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and, as such, the provisions of the flood plain districts shall serve as a supplement to the underlying district provisions.
- 2.) Where there happens to be any conflict between the provisions or requirements of any of the Flood Plain Districts and those of any underlying district, the most restrictive provisions and/or those pertaining to the flood plain districts shall apply.
- 3.) In the event any provision concerning a Flood Plain District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.

(Ord. 11 of 1978, Sect. 3, Passed 9-25-78; Ord. 4 of 2009, Sect. 2, Passed 4-6-2009)

1314.06 DISTRICT PROVISIONS

A. All uses, activities, and development occurring within any flood plain district shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances, such as the City of Franklin Building Code, the City of Franklin Subdivision Code and Land Development Ordinance.

No encroachment, alteration, or improvement of any kind shall be made to any watercourse, drainage ditch, or any other drainage facility or system, or any other unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse, drainage ditch, or any other drainage facility or system 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 shall have been notified by the City of Franklin, and until all required permits or approvals have first been obtained from the Commonwealth of Pennsylvania Department of Environmental Protection Regional Office. In addition, FEMA and the Commonwealth of Pennsylvania Department to Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

The Identified Floodplain Area may be revised or modified by the Council of the City of Franklin 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. Technical or scientific data shall be submitted to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes in the BFE. (Ord. 9 of 2013, Sect. 5, Passed 12-9-2013)

B. The construction, enlargement, or expansion of any structure used, or intended to be used, in any Identified Floodplain Area for any of the following activities is prohibited:

- (1) Hospitals;
- (2) Nursing Homes;
- (3) Jails or prisons;
- (4) Commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to any existing manufactured home park or manufactured home subdivision.

(Ord. 9 of 2013, Sect. 6, Passed 12-9-2013)

C. With regard to development which may endanger human life, the following provisions shall be applicable:

- (1) In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

- (a) will be used for the production or storage of any of the following dangerous materials or substances; or
- (b) will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or
- (c) will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- 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.
- (2) Within any Identified Floodplain Area, any new or substantially improved structure of the kind described in Section 1314.06 C. (1) shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- (3) Within any Floodway Area, any structure of the kind described in Section 1314.06 C. (1) shall be prohibited. Where permitted within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in Section 1705.15 A. of the Codified Ordinances of the City of Franklin shall be elevated to remain

completely dry up to at least one-and-one-half (1-1/2) feet above base flood elevation and built in accordance with all relevant sections of Articles 1314 and 1705 of the Codified Ordinances of the City of Franklin.

- (4) Where permitted within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in Section 1705.15 B. of the Codified Ordinances of the City of Franklin shall be built in accordance with all relevant sections of Lay articles 1314 and 1705 of the Codified Ordinances of the City of Franklin, including:
- (a) elevated, or designed and constructed to remain completely dry up to at least one-and-one-half (1-1/2) feet above base flood elevation; and
 - (b) designed to prevent pollution from the structure or activity during the course of a base flood.

Any such structure or part thereof that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972, as amended March 1992) or with some other equivalent watertight standard.

(Ord. No. 9 of 2013, Sect. 7, Passed 12-9-2013)

D. All subdivision proposals and development proposals containing at least fifty (50) lots or at least five (5) acres, whichever is 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. (Ord. No. 9 of 2013, Sect. 8, Passed 12-9-2013)

1314.07 DESCRIPTION AND SPECIAL REQUIREMENT OF IDENTIFIED FLOOD PLAIN AREAS

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

(a.) Floodway Area

(1) Description: The area identified as floodway in the FIS, which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively 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 floodplain areas where no floodway has been identified in the FIS.

(2) Special Requirements

(i.) Any encroachment that would cause any increase in flood heights shall be prohibited.

(ii.) No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

(3) Permitted Uses

In the Floodway District, the following uses and activities are permitted, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment:

(i.) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

(ii.) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.

(iii.) Accessory residential uses such as yard areas, gardens, play areas, and pervious parking areas.

(iv.) Accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, airport landing strips, etc.

(4) Uses Permitted by Special Exception

The following uses and activities may be permitted by Special Exception provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance:

- (i.) Structures except for mobile homes accessory to the uses and activities in Section 1314.07 (a.) (3) above.
- (ii.) Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.
- (iii.) Water-related uses and activities such as marinas, docks, wharves, piers, etc.
- (iv.) Extraction of sand, gravel and other materials.
- (v.) Temporary uses such as circuses, carnivals and similar activities.
- (vi.) Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.
- (vii.) Other similar uses and activities provided they cause no increase in flood heights and/or velocities. All uses, activities, and structural developments shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable codes and ordinances.

(b) AE Area/District

- (1) Description: The areas identified as Zones AE and A1-30 in the FIS which are subject to inundation by the 1-percent-annual chance flood event determined by detailed methods and have base flood elevations (BFEs) shown.

(2) Special Requirements

- (i.) 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 from the Department of Environmental Protection Regional Office.
- (ii.) In AE Area/District without a designated floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one (1) foot.

(c) An Area/District

- (1) Description: The areas identified as Zone A in the FIS which are subject to inundation by the 1-percent-annual-chance flood event determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no BFEs or flood depths are shown.

(2) Special Requirements

- (i.) 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 from the Department of Environmental Protection Regional Office.
- (ii.) When available, information from other Federal, State, and other acceptable sources shall be used to determine the BFE, as well as a floodway area, if possible. When no other information is available, the BFE 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, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the City of Franklin.

(d) Shallow Flooding Area

- (1) Description: The areas identified as Zones AO and AH in the FIS. These areas are subject to inundation by 1-percent-annual-chance shallow flooding where average depths are between one and three feet.
- (2) Special Requirements
 - (i.) Establish drainage paths to guide floodwaters around and away from structures on slopes.

(Ord. 9 of 2013, Sect. 9, Passed 12-9-2013)

1314.08 FLOOD-FRINGE DISTRICT

In the Flood-Fringe District, the development and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the City of Franklin Building Code, all other applicable codes and ordinances. (Ord. 11 of 1978, Sect. 3, Passed 9-25-78; Ord. 4 of 2009, Sect. 2, Passed 4-6-2009)

1314.09 EXISTING STRUCTURES IN FLOOD PLAIN DISTRICTS

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- (1) Existing structures and/or uses located in any floodway district shall not be expanded or enlarged (unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements).
- (2) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain district to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible regardless of its location in the flood plain district.
- (3) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use regardless of its location in a flood plain district to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of this and any other applicable ordinances.
- (4) Uses or adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

(Ord. 11 of 1978, Sect. 3, Passed 9-25-78; Ord. 4 of 2009, Sect. 2, Passed 4-6-2009)

(5) No expansion or enlargement of an existing structure shall be allowed within any Flood-Fringe District (FF) that would, together with all other existing and anticipated development, increase the base flood elevation (BFE) more than one (1) foot at any point. (Ord. 9 of 2013, Sect. 10, Passed 12-9-2013)

1314.10 APPROXIMATED FLOOD PLAIN DISTRICT

a.) In the Approximated Flood Plain District, no development, use or activity (including fill, grading and/or substantial improvements to structures, etc.) shall be permitted unless the applicant for the proposed development, use or activity, has demonstrated that the proposed undertaking, when combined with all other existing and anticipated development, uses and activities, will not increase the water surface elevation of the one hundred (100) year flood more than one (1) foot at any point. The engineering principle, equal reduction of conveyance, shall be used to make the determination of increases in flood heights.

b.) In the floodway portion of the District, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements. Only those uses and/or activities provided for in the Floodway District (FW) shall be permitted in the floodway portion of this District.

c.) In the remaining portion of this District, all development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the City of Franklin Building Code and all other applicable codes and ordinances. (Ord. 11 of 1978, Sect. 3, Passed 9-25-78; Ord. 4 of 2009, Sect. 2, Passed 4-6-2009)

1314.11 SPECIAL EXCEPTIONS AND VARIANCES

In passing upon applications for Special Exceptions and Variances, the Zoning Hearing Board shall consider all relevant factors and procedures specified in other sections of the Zoning Ordinance, and:

- 1.) The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed use, development or activity within the Floodway District that will cause any increase in flood levels during the one hundred (100) year flood.
- 2.) The danger that materials may be swept on to other lands or downstream to the injury of others.
- 3.) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- 4.) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- 5.) The importance of the services provided by the proposed facility to the community.

- 6.) The requirements of the facility for a waterfront location.
- 7.) The availability of alternative locations not subject to flooding for the proposed use.
- 8.) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- 9.) The relationship of the proposed use of the comprehensive plan and flood plain management program for the area.
- 10.) The safety of access to the property in times of flooding or ordinary and emergency vehicles.
- 11.) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- 12.) Such other factors which are relevant to the purposes of this Ordinance.

The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception or variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

Special exceptions and/or variances shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense, (d) create nuisances, (e) cause fraud or victimization of the public or (f) conflict with local laws or ordinances.
(Ord. 11 of 1978, Sect. 3, Passed 9-25-78; Ord. 4 of 2009, Sect. 2, Passed 4-6-2009)

1314.12 ENFORCEMENT

This Article shall be enforced in accordance with Article 1309 of this Ordinance.
(Ord. 9 of 2013, Sect. 11, Passed 12-9-2013)