

**CHAPTER 8**  
**FLOODPLAINS**

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**Part 1**

**Floodplain Regulations**

§101. Technical Provisions.

1. In General.

- A. No encroachment, alteration or improvement of any kind shall be made to any water course until all adjacent municipalities which may be effected by such action shall be notified by the Borough, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands, In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified prior to any alteration or relocation of any water course.
- B. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Part and in any other applicable codes, ordinances and regulations, including all required permits from those governmental agencies from which approval is required by Federal or common law.

2. Special Requirements for Floodway Area.

- A. With any Floodway area (hereinafter referred to as "FW"), the following provisions apply:
  - (1) Any new construction, development, use, activity or encroachment that would cause any increase in the one hundred (100) year flood heights shall be prohibited.
  - (2) No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

3. Elevation and Floodproofing Requirements.

- A. Residential Structures. Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to or above the regulatory flood elevation.
- B. Nonresidential Structures.
  - (1) Within any identified floodplain area, any new construction or substantial improvement of a nonresidential structure shall have the

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lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

- (2) Any nonresidential structure or part thereof, having a lowest floor which is not elevated to at least one and one-half (1 1/2) feet above the one hundred (100) year flood elevation, shall be flood proofed in a completely or essentially dry manner in accordance with the W-1 or W-2 space classification standards contained in the publication entitled "Floodproofing Regulations," published by U.S. Army Corps of Engineers (June, 1972, as amended March, 1992), 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 referenced standards.

### C. Space Below the Lowest Floor.

- (1) A fully enclosed space below the lowest floor (including basement) is prohibited.
- (2) A partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access or incidental storage in an area other than a basement shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - (a) A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
  - (b) The bottom of all openings shall be no higher than one (1) foot above grade.
  - (c) Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

### D. Accessory Structures. Structures accessory to a principal building need not be elevated or flood proofed to remain dry, but shall comply, at a minimum, with the following requirements:

- (1) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material and equipment related to the principal use or activity.
- (2) The floor area shall not exceed six hundred (600) square feet.
- (3) The structure will have a low damage potential.
- (4) The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
- (5) Any power lines, wiring and outlets will be at least one and one-half (1 1/2) feet above the one hundred (100) year flood elevation.
- (6) Any permanently affixed utility equipment and appliances, such as furnaces, heaters, washers, dryers, etc., are prohibited.
- (7) Sanitary facilities are prohibited.
- (8) The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of flood waters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must be either certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - (a) A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
  - (b) The bottom of all openings shall be no higher than one (1) foot above grade.
  - (c) Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

4. Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area.

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

- (1) Extend laterally at least fifteen (15) feet beyond the building line from all points.
- (2) Consist of soil or small rock materials. Sanitary landfills shall not be permitted.

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- (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
  - (4) Be no steeper than one (1) vertical to two (2) horizontal feet unless substituted data, justifying steeper slopes, are submitted to and approved by the Zoning Administrator.
  - (5) Be used to the extent to which it does not adversely effect adjacent 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 flood waters.
  - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
  - (3) No part of any on-site sewage system shall be located within any 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 (1) 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 Chapter 27, Zoning, §314(15)(A), "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 obstruction to

the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

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 building.
- (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 "wood resistant material."

J. Paints and Adhesives.

- (1) Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water resistant" quality.
- (2) Adhesives used at or below the regulatory flood elevation shall be of "marine" and "water resistant" variety.
- (3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water resistant" paint or other finishing.

K. Electrical Components.

- (1) Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
- (2) Separate electrical circuits shall have serve lower levels and shall be dropped from above.

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- L. Equipment. Water heaters, furnaces, air conditioning and ventilating units and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.
  - M. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of the system in the event that flood water infiltration occurs.
5. Special Requirements for Manufactured Homes.
- A. Within any FW (Floodway Area), manufactured homes or mobile homes shall be prohibited.
  - B. Where permitted within any floodplain area, all manufactured homes or mobile homes, and any improvements thereto, shall be:
    - (1) Placed on a permanent foundation.
    - (2) Elevated so that the lowest floor of the manufactured home or mobile home is one and one-half (1 1/2) feet or more above the elevation of the one hundred (100) year flood.
    - (3) Anchored to resist flotation, collapse or lateral movement.

(Ord. 1388, 9/12/1977, §1; as amended by Ord. 1836, 12/9/1996, §2)

§102. Administration. To insure that the aforementioned flood damage controls are being employed in all new construction or substantial improvements within the floodplain district, the Building Inspector shall provide the applicant information concerning the location of the district boundaries relevant to his proposed construction and the water surface elevation of the one hundred (100) year flood at the proposed construction site. The source of this information shall be the Flood Insurance Study for the Borough of Pottstown as prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated December 19, 1996, or the most recent revision thereof. When reviewing permit applications, the Building Inspector shall consider whether proposed work is designed and anchored to prevent flotation, collapse or lateral movement; uses material and equipment resistant to flood damage and uses construction methods that minimize flood damage.

- A. Plan Requirements. The Building Inspector shall require the following specific information to be included as part of an application for a building permit for work within the Floodplain District.
  - (1) For structures to be elevated to an elevation at least one and one-half (1 1/2) feet above the base flood elevation:

- (a) A plan showing the size of the proposed structure and its relation to the lot where it is to be constructed.
  - (b) A determination of elevations of the existing ground, proposed finished ground, lowest floors certified by a registered professional engineer, surveyor or architect.
  - (c) Plans showing the method of elevating the proposed structure, including details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc. When required by the Building Inspector, these plans shall be prepared by a registered professional engineer or architect.
  - (d) Plans showing the methods used to protect utilities (including sewer, water, telephone, electric, gas, etc.) from flooding to an elevation at least one and one-half (1 1/2) feet above the base flood elevation at the building site.
- (2) For structures to be floodproofed to an elevation at least one and one-half (1 1/2) feet above the base flood elevation (nonresidential structures only):
- (a) Plans showing details of all floodproofing measures, prepared by a registered professional engineer or architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.
  - (b) A determination of elevations of existing ground, proposed finished ground, lowest floor and floodproofing limits, certified by a registered certified engineer, surveyor or architect.
  - (c) A certificate prepared by the registered professional engineer or architect who prepared the plans in subsection (A)(1)(a), above, that the structure in question, together with attendant utility and sanitary facilities, is designed so that:
    - 1) Below an elevation of one and one-half (1 1/2) feet above the base flood elevation, the structure is water tight with walls substantially impermeable to the passage of water.
    - 2) The structure will withstand the hydrostatic, hydrodynamic, buoyant impact and other forces resulting from the flood depths, velocities, pressures and other factors associated with the base flood.

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- (3) Detailed information needed to determine compliance with §102(4)(F), "Storage of this Part [and] Chapter 27, Zoning, §314(5)(A), "Development Which May Affect Human Life," including:
    - (a) The amount, location and purpose of any materials or substances referred to in §102(4)(F) and Chapter 27, §314(15)(A), which are intended to be used, produced, stored or otherwise maintained on site.
    - (b) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Chapter 27, §314(15)(A), during a one hundred (100) year flood.
  - (4) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
  - (5) Where any excavation of grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation.
- B. 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 Building Permit Officer to any other appropriate agencies and/or individuals, including the Planning Commission, Borough Engineer, County Conservation District for review and comment.
- C. Changes. After the issuance of a building permit by the Building Permit Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer. Requests for any such change shall be in writing and shall be submitted by the applicant to the Building Permit Officer for consideration.
- D. Notices. Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part, or of any regulations adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall:
- (1) Be in writing.
  - (2) Include a statement of the reasons for its issuance.
  - (3) Allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires.

- (4) Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State.
  - (5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part.
- E. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Part or who fails or refuses to comply with any notice, order of direction of the Building Permit Officer or any other authorized employee of the Borough shall be guilty of an offense and, upon conviction, shall pay a fine to the Borough of Pottstown of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00), plus costs of prosecution. Each day that a violation of this Part continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of this Part. The imposition of a fine or penalty for any violation of, or noncompliance with, this Part shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be permitted to correct or remedy such violations and noncompliances with a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered or relocated in noncompliance with this Part may be declared by the Borough Council to be a public nuisance and abatable as such.
- F. Appeals.
- (1) Any person aggrieved by any action or decision of the Building Permit Officer concerning the administration of the provisions of this Part may appeal to the Borough Council. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Building Permit Officer.
  - (2) Upon receipt of such appeal, the Borough Council shall set a time and place, within not less than ten (10) nor more than thirty (30) days, for purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
  - (3) Any person aggrieved by any decision of the Borough Council may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth, including the Pennsylvania Floodplain Management Act.

(Ord. 1388, 9/12/1977, §2; as amended by Ord. 1836, 12/9/1996, §3)

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### §103. Definitions.

BASE FLOOD ELEVATION – the one hundred (100) year flood elevation.

BASEMENT – any area of a building have its floor below ground level. [Ord. 1836]

DEVELOPMENT – any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or the storage of equipment or materials. [Ord. 1836]

ESSENTIALLY DRY SPACE – a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water. [Ord. 1836]

FLOOD – a temporary inundation of normally dry land areas.

FLOODPLAIN AREA – a relatively flat or low land area which is subject to partial complete inundation from an adjoining or nearby stream, river or water course and/or any area subject to the unusual or rapid accumulation of surface waters from any source. [Ord. 1836]

FLOODPROOFING – any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

FLOODWAY – the designated area of a floodplain required to carry the discharged flood water of a given magnitude. For the purposes of this Part, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude. [Ord. 1836]

HISTORIC STRUCTURES – any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- C. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.

- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
- (1) By an approved State program as determined by the Secretary of Interior.
  - (2) Directly by the Secretary of the Interior in states without approved programs.

[Ord. 1836]

IDENTIFIED FLOODPLAIN AREA – the floodplain area specifically identified in this Part as being inundated by the one hundred (100) year flood. [Ord. 1836]

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 designated and built so that the structure is in violation of the applicable nonelevation design requirements of this Part. [Ord. 1836]

MANUFACTURED HOME – a transportable, single family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site completed and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation. The term includes mobile homes, park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than one hundred and eighty (180) consecutive days. [Ord. 1836]

MINOR REPAIR – the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any required means of egress or rearrangement of parts of a structure effecting the exit way requirements. Nor shall minor repairs include additions to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent or similar piping, electric wiring or mechanical or other work effecting public health or general safety. [Ord. 1936]

NEW CONSTRUCTION – structures for which the "start of construction" as herein defined commenced on or after the effective date of this Part. This term does not apply to any work on a structure existing before the effective date of this Part.

ONE HUNDRED (100) YEAR FLOOD – a flood that has one (1) chance in one hundred (100) or one (1) percent chance of being equaled or exceed in any year.

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For the purposes of this Part, the one hundred (100) year flood (base flood) as defined by the Federal Insurance Administration, Federal Emergency Management Agency. [Ord. 1836]

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 the excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation of the property of accessory buildings such as garages or sheds not occupied as dwelling units or part of the main structure. [Ord. 1836]

REGULATORY FLOOD ELEVATION – the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet. [Ord. 1836]

SPECIAL PERMIT – a special approval which is required for hospitals, nursing homes, jails and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of, a floodplain. [Ord. 1836]

START OF CONSTRUCTION – the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing of assembly of the structure or any part thereof on its piling or foundation. [Ord. 1836]

STRUCTURE – for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground.

SUBSTANTIAL DAMAGE – damage from any cause sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent or more of the market value before the damage occurred. [Ord. 1836]

SUBSTANTIAL IMPROVEMENT – any repair, 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," as defined herein, 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.

[Ord. 1836]

(Ord. 1388, 9/12/1977, §3; as amended by Ord. 1836, 12/9/1996, §4)

§104. Identification of Floodplain Areas.

1. Identification. The identified floodplain area shall be those areas of the Borough of Pottstown which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated December 19, 1996, and the accompanying maps prepared for the Borough of Pottstown by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof.
2. Description of Floodplain Areas. The identified floodplain area shall consist of the following specific areas:
  - A. FW (Floodway Area). The areas identified as "Floodway" in the AE zone in the Flood Insurance Study prepared by FEMA.
  - B. FF (Flood Fringe Area). The remaining portions of the one hundred (100) year floodplain in those areas identified as an AE zone in the Flood Insurance Study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

(Ord. 1388, 9/12/1977, §4; as amended by Ord. 1836, 12/9/1996, §5)

§105. Existing Structures in Identified Floodplain Areas.

1. Existing Structures. The provisions of this Part do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to an existing structure, the provisions of subsection (2) shall apply.
2. Improvements. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:
  - A. No expansion or enlargement of any existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.
  - B. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Part.

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

(Ord. 1388, 9/12/1977, §5; as amended by Ord. 1836, 12/9/1996, §6)

### §106. Variances.

1. In General. If compliance with any of the requirements of this Part would result in an exceptional hardship to a prospective builder, developer or landowner, the Borough may, upon request, grant relief from the strict application of the requirement.
2. Variance Procedures and Conditions. Requests for variances shall be considered by the Borough in accordance with the procedures contained in §102(F) and the following:
  - A. 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 (100) year flood elevation.
  - B. Except for possible modification of the one and one-half (1 1/2) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by §314(15)(A), "Development Which May Endanger Human Life."
  - C. If granted, a variance shall involve only the least modification necessary to provide relief.
  - D. In granting any variance, the Borough 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 Part.
  - E. Whenever a variance is granted, the Borough 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.
  - F. In reviewing any request for a variance, the Borough shall consider, at a minimum, the following:
    - (1) There is good and sufficient cause.

- (2) Failure to grant the variance would result in exceptional hardship to the applicant.
  - (3) The granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State or local ordinances or regulations.
- G. A complete record of all variance requests and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

(Ord. 1388, 9/12/1977; as added by Ord. 1836, 12/9/1996, §7)

§107. General Provisions.

1. Intent. The intent of this Part 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 and 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. Comply with Federal and State floodplain management requirements.
2. Applicability.
  - A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough of Pottstown, unless a building permit has been obtained from the Zoning Administrator.
  - B. A building permit shall not be required for minor repairs to existing buildings or structures.

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3. Abrogation and Greater Restrictions. This Part supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance 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 this Part, the more restrictive shall apply.
4. Warning and Disclaimer of Liability. The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Part 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. This Part shall not create liability on the part of the Borough of Pottstown or any officer or employee thereof for any flood damages that result from reliance on this Part or any administrative decision lawfully made thereunder.

(Ord. 1388, 9/12/1977; as added by Ord. 1836, 12/9/1996, §1)