

- C. Overlay Zones Established. The following overlay zones as set forth in Table 4-1.1 and associated special regulations, requirements, and standards are hereby established, and as applicable, the respective overlay zones may be shown on the Official Zoning Map listed in Article 1 of this Zoning Ordinance relating to *Establishment of Zones and Official Zoning Map (§ 108.)*.

**TABLE 4-1.1
OVERLAY ZONES**

OVERLAY ZONE NAME: OFFICIAL ZONING MAP & TEXT SYMBOL	ARTICLE 4, SPECIFIC SECTION REFERENCE
1. Floodplain Overlay (FPO) Zone.	Section 402
2. Airport Overlay (APO) Zone.	Section 403
3. Village Overlay (VO) Zone.	Section 404
4. Open Space Design Overlay (OSDO) Zone.	Section 405

Section 402. Floodplain Overlay (FPO) Zone.

- A. 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 Township Board of Supervisors of the Township of Rapho does hereby order as follows in Article 4 of this Zoning Ordinance relating to *Floodplain Overlay (FPO) Zone (§ 402.)*.
- B. Abrogation and Greater Restrictions. The regulations and standards of Article 4 of this Zoning Ordinance relating to *Floodplain Overlay (FPO) Zone (§ 402.)* 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 standards of Article 4 of this Zoning Ordinance relating to *Floodplain Overlay (FPO) Zone (§ 402.)*, the more restrictive shall apply.
- C. Warning and Disclaimer of Liability.
1. The degree of flood protection sought by the provisions of Article 4 of this Zoning Ordinance relating to *Floodplain Overlay (FPO) Zone (§ 402.)* is considered reasonable for regulatory purposes and is based on accepted 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 4 of this Zoning Ordinance relating to *Floodplain Overlay (FPO) Zone (§ 402.)* 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.

2. Article 4 of this Zoning Ordinance relating to *Floodplain Overlay (FPO) Zone (§ 402.)* shall not create liability on the part of the Township of Rapho or any officer or employee thereof for any flood damages that result from reliance on Article 4 of this Zoning Ordinance relating to *Floodplain Overlay (FPO) Zone (§ 402.)* or any administrative decision lawfully made thereunder.

D. Designation of the Floodplain Administrator. The Township Zoning Officer is hereby appointed to administer and enforce Article 4 of this Zoning Ordinance relating to *Floodplain Overlay (FPO) Zone (§ 402.)* and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

1. Fulfill the duties and responsibilities set forth in these regulations;
2. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees; or
3. Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations.

Administration of any part of these regulations by another entity shall not relieve the Township of Rapho of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program (NFIP) as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

E. Duties and Responsibilities of the Floodplain Administrator.

1. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the:
 - a. Pennsylvania Sewage Facilities Act (Act 1966-537, as amended);
 - b. Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended);
 - c. Pennsylvania Clean Streams Act (Act 1937-394, as amended); and
 - d. U.S. Clean Water Act, Section 404, 33, U.S.C. 1344.

No permit shall be issued until this determination has been made.

2. The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
3. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the NFIP.

F. Purpose Statement. In the interest of public health, safety and welfare, the establishment of floodplain conservation controls have been adopted for the following purposes to:

1. Combine with other zoning requirements certain restrictions made necessary for the floodplains to promote the general health, welfare and safety of Rapho Township.
2. Prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions or other hazard.
3. Minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage.
4. Reduce the financial burdens imposed upon the community, its governmental units and its individuals by frequent and periodic floods and the overflow of lands.
5. Permit certain uses which can be appropriately located in the floodplain as defined herein the subsection below relating to *Identified Floodplain Area (§ 402.H.)* and in Article 2 relating to *Floodplain Overlay Terms & Phrases in Specific Terms and Definitions (§ 202.A.128.)* and which will not impede the flow of floodwaters or otherwise cause danger to life and property at or above or below their locations along the floodway as defined in the subsection below relating to *Identified Floodplain Area (§ 402.H.)* and in Article 2 of this Zoning Ordinance relating to *Floodplain Overlay Terms & Phrases in Specific Terms and Definitions (§ 202.A.128.)*.
6. Permit only those uses in the floodplain compatible to the preservation of natural conditions which are conducive to the maintenance of constant rates of water flow throughout the year by:
 - a. Withholding rapid water runoff contributing to downstream flooding; and
 - b. Providing area for groundwater absorption for the maintenance of the subsurface water supply.
7. Provide sufficient drainage courses to carry abnormal flows of storm water in periods of heavy precipitation.

G. Delineation of the Floodplain Overlay (FPO) Zone.

1. The (FPO) Zone is defined and established as those areas of Rapho Township subject to flooding, as delineated and defined in the subsections below relating to *Identified Floodplain Area (§ 402.H.1. through § 402.H.3.)*. The most extensive of these areas described in the following sources shall determine the outermost boundary of the (FPO) Zone.
2. Those areas subject to inundation by the waters of the one hundred (100) year flood, as delineated in the FIS) and the accompanying FIRMs for the Township of Rapho, Lancaster County, Pennsylvania, as prepared by FEMA, dated April 19, 2005 or the

most recent revision thereof, including all digital data developed as part of the FIS.

3. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Township of Rapho and declared to be a part of this Zoning Ordinance.

H. Identified Floodplain Area. The identified floodplain area shall consist of the following specific zones:

1. Floodway Zone. The Floodway Zone shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.
 - a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - b. Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the PA DEP Regional Office.
2. AE Zone. The AE Zone shall be those areas identified as Zone AE on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
 - a. The AE Zone adjacent to the floodway shall be those areas identified as Zone AE on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
 - b. AE Zone without floodway shall be those areas identified as Zone AE on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.
 - c. No permit shall be granted for any construction, development, use, or activity within any AE Zone without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

3. A Zone.

- a. The A Zone shall be those areas identified as Zone A on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.
- b. In lieu of the above, the Township of Rapho 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 of Rapho.

I. Floodplain Studies Available. Studies used to establish the (FPO) Zone boundaries shall be available for reference and the use of the Township of Rapho and for inspection of any interested party during office hours.

J. Space Below the Lowest Floor.

- 1. Fully enclosed space below the lowest floor (excluding basements) 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 "fully enclosed space" also includes crawl spaces.
- 2. 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, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- K. Changes in Identification of Area. The Identified Floodplain Area may be revised or modified by the Township Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, the Township of Rapho shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data.
- L. Boundary Disputes. Should a dispute arise concerning any boundary of the (FPO) Zone, the initial determination of the Floodplain Administrator may be appealed to the Township Zoning Hearing Board. The burden of proof in such an appeal shall be on the property owner.
- M. Overlay Concept. The (FPO) Zone shall be deemed an overlay on any zone now or hereafter applicable to any lot.
1. Should the (FPO) Zone be declared inapplicable to any tract by reason of:
 - a. The Township Board of Supervisors in amending this Zoning Ordinance;
 - b. The Township Zoning Hearing Board; or
 - c. Any court of competent jurisdiction so interpreting the same;then the zoning applicable to such tract shall be deemed to be the base zone in which it is located.
 2. Should the zoning of any tract or part thereof where the (FPO) Zone is located be changed through any legislative or administrative actions or judicial decision, such changes shall have no effect on the (FPO) Zone, unless such change was included as part of the original application.
- N. Permitted Uses. Uses permitted in this subsection below (§ 402.N.1. through § 402.N.11.) are required to obtain a permit in accordance with Article 9 of this Zoning Ordinance relating to *Zoning Permits (§ 902.)*. The following uses and no others are permitted in the (FPO) Zone:
1. Cultivation and harvesting of crops according to recognized soil conservation practices.
 2. Pasture, grazing land.
 3. Outdoor plant nursery, orchard.
 4. Recreation use, such as park, day camp, picnic grove, golf course, hunting, fishing and boating club, excluding buildings or structures.
 5. Forestry, lumbering and reforestation, excluding storage and mill buildings or structures.

6. Harvesting of any wild crops, such as marsh hay, ferns, moss, berries, or wild rice.
 7. Game farm, fish hatchery, hunting and fishing reserves, excluding buildings or structures.
 8. Wildlife sanctuary, woodland preserve, arboretum.
 9. Outlet installations for sewage treatment plants.
 10. Sealed public water supply wells.
 11. Utility transmission line.
- O. Special Exception Uses. The following uses may be permitted by the Township Zoning Hearing Board as a special exception in accordance with Article 8 of this Zoning Ordinance relating to *Special Exceptions in Zoning Hearing Board's Functions (§ 805.B.)*:
1. Accessory uses customarily incidental to any of the uses permitted in the subsection above relating to *Permitted Uses (§ 402.N.)*.
 2. Residential front, side and/or rear yards and uses customarily incidental thereto, except that no structures shall be permitted. Inclusion of floodplain lands with the residential lots in order to meet minimum lot area or yard requirements is contingent upon complying with the objectives and standards set forth in the subsection above relating to the *Purpose Statement (§ 402.F.)* and with any other pertinent Township of Rapho regulations. If such compliance cannot be shown, the land area within the floodplain area shall not be calculated for purposes of determining lot areas or yard requirements.
 3. Non-paved parking lots where required by the regulations for any other class or zone.
 4. Front, side and/or rear yards of any other zone, except that an area so utilized shall not be inconsistent with the objectives and standards set forth in the subsection above relating to the *Purpose Statement (§ 402.F.)* and with any other pertinent Township of Rapho regulations.
 5. Retaining walls, flood retention dams and culverts, bridges and approaches to public and private culverts and bridges, subject to compliance with the standards set forth in the subsection below relating to *Design and Performance Standards (§ 402.Q.)*.
 6. Public and private utilities, provided that the:
 - a. Applicant can offer expert testimony that the proposed use requires location within the (FPO) Zone and cannot be located elsewhere with equal effectiveness;

- b. Proposed use does not involve any of those uses listed in the subsection below relating to *Prohibited Uses (§ 402.P.)*;
- c. Use complies with all applicable requirements set forth in the subsection below relating to *Design and Performance Standards (§ 402.Q.)*; and
- d. Applicant furnishes written evidence of all needed county, state and federal approvals.

P. Prohibited Uses. The following uses and activities are prohibited in the (FPO) Zone:

- 1. All structures and buildings, except those specifically permitted as set forth in the subsections above relating to *Permitted Uses (§ 402.N.)* and *Special Exception Uses (§ 402.O.)* respectively.
- 2. The filling in of floodplain areas, grading, removal of topsoil, damming or relocation of any water course, except as is necessary to accomplish the uses permitted as set forth in the subsections above relating to *Permitted Uses (§ 402.N.)* and *Special Exception Uses (§ 402.O.)* respectively, and provided no grading or filling is authorized which would cause any increase in flood heights or frequency.
- 3. Sanitary landfill or disposal sites, dump, junk yard, outside storage of vehicles and/or materials.
- 4. On-site sewage disposal system.
- 5. Swimming pools.
- 6. 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 five hundred fifty-five [550] gallons or other comparable volume or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises:
 - a. Acetone.
 - b. Ammonia.
 - c. Benzene.
 - d. Calcium Carbide.
 - e. Carbon Disulfide.
 - f. Celluloid.

- g. Chlorine.
 - h. Hydrochloric Acid.
 - i. Hydrocyanic Acid.
 - j. Magnesium.
 - k. Nitric Acid and Oxides of Nitrogen.
 - l. Petroleum products (gasoline, fuel, oil, etc.).
 - m. Phosphorus.
 - n. Potassium.
 - o. Sodium.
 - p. Sulphur and Sulphur products.
 - q. Pesticides (including insecticides, fungicides and rodenticides).
 - r. Radioactive substances, insofar as such substances are not otherwise regulated.
7. The following kinds of activities are prohibited when located entirely or partially within an identified floodplain area. The commencement, or the construction of any structure used for any of the following:
- a. Hospitals.
 - b. Nursing homes.
 - c. Jails or prisons.
 - d. Manufactured/mobile homes, manufactured/mobile home parks, and manufactured/mobile home subdivisions and/or land developments.
8. Special Requirements for Subdivisions and Development.
- a. Subdivision proposals and development proposals containing at least fifty (50) lots or at least five (5) acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be prohibited.
 - b. But if permitted by a special exception or a variance in accordance with the subsection below relating to Standards and Criteria for Special Exceptions

and Variances (§ 402.U.), subdivision proposals and development proposals containing at least fifty (50) lots or at least five (5) acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR). Submittal requirements and processing fees shall be the responsibility of the applicant.

9. Special Requirements for Recreational Vehicles.

- a. Recreational vehicles in Identified Floodplain Areas shall be prohibited.
- b. But if permitted by a special exception or a variance in accordance with the subsection below relating to *Standards and Criteria for Special Exceptions and Variances § 402.U.*, recreational vehicles within any Identified Floodplain Area shall:
 - (1). Be on the site for fewer than one hundred eighty (180) consecutive days; and
 - (2). Be fully licensed and ready for highway use; or
 - (3). Meet the permit requirements for manufactured/mobile homes in the subsection above relating to *Special Requirements for Manufactured/Mobile Homes in Design and Performance Standards (§ 402.Q.3.)*

Q. Design and Performance Standards.

1. General.

- a. No permitted use or use allowed by special exception shall be permitted within the floodway if the proposed use or development would cause any increase in the one hundred (100) year flood elevation.
- b. 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 of Rapho, and until all required permits or approvals have first (1st) been obtained from the PA DEP Regional Office.
- c. 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.

- d. Storm drainage facilities shall be designed to convey the flow of storm water 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.
- e. 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.
- f. 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.

2. Structural.

- a. All authorized new residential structures (limited to nonconforming structures) as set forth in the subsection below relating to *Nonconforming Uses and Structures (§ 402.S.)* shall have the lowest floor (including basement) elevated to one foot above the one hundred (100) year flood elevation.
- b. All authorized new nonresidential structures (limited to nonconforming structures as set forth in the subsection below relating to *Nonconforming Uses and Structures (§ 402.S.)*) shall have the lowest floor (including basement) elevated to one (1) foot above the one hundred (100) year flood elevation or, together with attendant utility and sanitary facilities, be flood proofed to that level in accordance with the W-1 or W-2 standards, as contained in the publication *Flood-Proofing Regulations*, UUSACE, June 1972 (as amended March 1992).
- c. All structures, including buildings, air ducts, large pipes and storage tanks shall be firmly anchored to prevent flotation, movement or collapse.

3. Special Requirements for Manufactured/Mobile Homes.

- a. Manufactured/mobile homes and manufactured/mobile home parks are prohibited in the (FPO) Zone, except as a continuation of a nonconforming use.
- b. If any existing manufactured/mobile home shall be replaced, reconstructed, or expanded by addition thereto, then the manufactured/mobile home shall be:
 - (1). Anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the following:

- (a). Over-the-top ties shall be provided at each of the four (4) corners of the manufactured/mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.
- (b). Frame ties shall be provided at each corner of the manufactured/mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.
- (c). All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

(2). Elevated in accordance with the following requirements:

- (a). The standards or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the manufactured/mobile home will be one and one-half (1½) feet or more above the elevation of the one hundred (100) year flood.
- (b). Adequate surface drainage is provided.
- (c). Adequate access for a hauler is provided.
- (d). Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

- c. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Township Board of Supervisors for manufactured/mobile home parks.

R. Nonconforming Uses and Structures.

- 1. Continuation. All uses or structures lawfully existing in the (FPO) Zone on August 16, 1982 which are not in conformity with the provisions of this (FPO) Zone, shall be deemed nonconforming uses or structures. Such nonconforming uses or structures may be continued, maintained, repaired and flood proofed, except as otherwise provided for in the (FPO) Zone.
- 2. Expansion. Nonconforming structures located within the floodway shall not be

expanded or enlarged if any increase in the one hundred (100) year flood elevation would result.

3. Repair, Reconstruction or Improvement. A nonconforming structure may be repaired, reconstructed or improved provided that the repair, reconstruction or improvement is to an extent or amount less than fifty (50) percent its fair market value. Repair, reconstruction or improvement to an extent of fifty (50) percent or more of the fair market value of the structure shall constitute a substantial improvement and shall be prohibited.
- S. Floodplain Permit and Application Procedures. Within the (FPO) Zone, a permit shall be required for any proposed development, construction, reconstruction, placement, replacement, renovation, extension, repair or other improvements of uses or structures, including the placement of manufactured/mobile homes, and activities, such as mining, dredging, filling, grading, paving or drilling operations. In accordance with this subsection and Article 9 of this Zoning Ordinance relating to *Zoning Permits (§ 902.)*, an application for a permit shall be filed with the Floodplain Administrator who shall make an initial determination on the application. For a use other than those permitted as set forth in the subsection above relating to *Permitted Uses (§ 402.N.)*, an application seeking approval of a special exception or variance shall be forwarded to the Township Zoning Hearing Board, along with required studies or information. Every permit application for development or construction within the (FPO) Zone shall include or be accompanied by all information necessary for the Floodplain Administrator to determine that the proposal meets all the provisions of this (FPO) Zone. Included within this submission shall be copies of all necessary state and federal permits. The following information is specifically required:
1. The elevation, in relation to mean sea level, of the lowest floor (including basement).
 2. Whether or not the structure includes a basement.
 3. If the structure is to be flood proofed, the elevation (in relation to mean sea level) to which the structure is to be flood proofed.
 4. If the structure is to be flood proofed, a document certified by a registered professional engineer or architect certifying that the flood proofing methods used meet the provisions of this (FPO) Zone.
 5. The elevation of the one hundred (100) year flood.
- T. Construction or Development Located Entirely or Partially within any Identified Floodplain Area. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
1. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

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; and
7. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

U. Standards and Criteria for Special Exceptions and Variances. In addition to the provisions of Article 8 of this Zoning Ordinance, in hearing and deciding upon special exceptions and/or variances to be granted or denied under the provisions of the (FPO) Zone, the Township Zoning Hearing Board shall also determine that the following standards and criteria have been complied with:

1. No special exception or variance shall be granted for any use, structure or development within the floodway if any increase in the one hundred (100) year flood elevation would result.
2. In addition to the standards generally applicable to variances, variances shall only be granted upon a:
 - a. Showing of good and sufficient cause;
 - b. Determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with any other applicable laws, ordinances or regulations.
3. Variances shall only be granted upon the determination that the variances are the minimum necessary to afford relief, considering the flood hazard. If it should become necessary to grant any variance, the applicant shall be required to comply with all the applicable requirements of the most recent version of the NFIP requirements 60.3(a) and (b) (as amended), including the requirements for flood proofing, anchoring and elevation. The applicant must also comply with any other requirements considered necessary by the Township of Rapho.

4. Whenever a variance is granted, the Township Zoning Hearing Board shall notify the applicant in writing that:
 - a. The granting of the variance may result in increased premium rates for flood insurance if construction occurs below the one hundred (100) year flood elevation.
 - b. Such variance may increase the risk to life and property.
5. In granting a special exception or variance, the Township Zoning Hearing Board shall require that all buildings and structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.
6. A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Township Zoning Hearing Board. The Township Zoning Hearing Board shall report such decisions in the annual report sent to the FEMA.

Section 403. Airport Overlay (APO) Zone.

A. Application. The regulations and standards contained in this (APO) Zone shall apply to all applications for development within the (APO) Zone of Rapho Township to:

1. Erect a new structure;
2. Add to or increase the height of an existing structure;
3. Establish, erect, and/or maintain any use, structure, or object (natural or manmade);

within the (APO) Zone of Rapho Township.

B. Purpose and Intent. The purpose of the (APO) Zone is to:

1. Create an overlay zone that considers safety issues around the Lancaster Airport (LNS);
2. Regulate and restrict the heights of established uses, constructed structures, and objects of natural growth;
3. Create appropriate related surface zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such surface zones; and
4. Create a permitting process for certain uses, structures, and objects within said related zones.