

# Borough of Modena

## FLOODPLAIN DEVELOPMENT PERMIT

### Terms and Conditions

**Permit Required:** As required by the Federal Emergency Management Agency (FEMA) Code of Federal Regulations, National Flood Insurance Program, (NFIP) 44 CFR Part 60.3(a)(1), no work of any kind may begin in the Special Flood Hazard Area (SFHA) until a Floodplain Development Permit is issued. The permit shall be for all structures and for all development, including fill and other activities, as set forth in the Floodplain Ordinance. Examples of such activities include but are not limited to new construction, reconstruction, rebuilding, placement of manufactured homes, placement of small outbuildings, fences, walls, clearing of trees and other vegetation, placement of driveway culverts or bridges, long term storage of equipment and materials or any man-made change to improved or unimproved real estate such as dredging, drilling, excavation, filling, grading, logging, mining, or paving. The floodplain development permit requirement is intended to allow the Borough to monitor activities located in the SFHA to ensure the following:

- Base flood elevations do not significantly change as a result of development
- Buildings in floodways and floodplains are constructed and maintained properly
- Substantially damaged/improved buildings are brought into compliance with current floodplain regulations.

**Application for Permit:** Application for a Floodplain Development Permit shall be made on forms furnished by the Borough. If a change of ownership of the affected property occurs following the issuance of a permit and prior to issuance of a Certificate of Compliance, the new owner(s) shall submit an application within 15 days of the date of ownership change. If a new application is not submitted within the 15 days, all work must cease immediately. No deviation from the original application is allowed except the change of ownership. By signing and submitting this application the Applicant certifies that all statements contained in the application, and in any additional attachments, are true and accurate. All applications shall include the following:

- A. Plans in duplicate, drawn to scale, showing:
  - The nature, location, dimensions and elevations of the area in question, including the location of the property with reference to river and stream channels, floodplain and floodway, and the location of permanent or temporary reference marks
  - Existing and proposed structures and/or development
  - Fill and excavation details
  - Storage of materials
  - Location of drainage facilities
  - Elevation (in relation to mean sea level) of the bottom floor of all structures (including basements or crawl spaces)
  - Engineering details and description of the extent to which any watercourse will be altered or relocated as a result of proposed development
  - If applicable, elevation (in relation to mean sea level) to which any structure will be flood proofed and certification by a registered professional engineer that flood proofing methods for any structure meet the flood proofing criteria established in the Floodplain Ordinance
  - Extent of foundation walls and footings below finished grade
  - Size and location of all flood openings/vents
  - Elevations of all mechanical, electrical, plumbing, and ducting
- B. For structures, an Elevation Certificate based on construction drawings from a registered engineer or licensed surveyor. A finished construction Elevation Certificate will be required upon completion of the structure before the Certificate of Compliance is issued.
- C. Copies of environmental permits from federal or state agencies, if applicable, and evidence of notification of the adjacent communities and FEMA of any alteration or relocation of watercourses.
- D. Any additional information required by the Floodplain Administrator.

**Note: Application for a Floodplain Development Permit (FDP) is a SEPARATE Process from the Building Permit application process. The FDP is a prerequisite for application to the Building Department for all development in the Special Flood Hazard Area.**

**Field Information:** The applicant's engineer or surveyor shall establish two temporary Base Flood Elevation marks within 50 feet of the proposed development and the floodway boundary shall be marked every 50 feet across the property. The floodway boundary shall be established using the Flood Insurance Rate Map or Flood Boundary and Floodway Map.

**Review:** Upon receipt of a completed Floodplain Development Permit Application the Floodplain Administrator shall review the application and grant or deny the requested development permit, in accordance with the provisions of the Floodplain Ordinance and current FEMA NFIP rules and regulations.

**Notice To Applicant, Issuance Of Permit:** After a decision has been rendered, the Floodplain Administrator shall return one copy of the application and decision, including any special permit conditions that apply, after having marked such copy either as approved or denied and attested to the same by signing such copy. One copy of the completed application, decision and special conditions shall be retained by the Floodplain Administrator. The Floodplain Administrator shall issue a placard to be posted in a conspicuous place on the affected property, and the placard shall remain posted until a Certificate of Compliance is issued, attesting to the fact that the use or alteration is in compliance with the provisions of the Floodplain Ordinance.

**Certificate of Compliance:** The development may not be used or occupied until a Certificate of Compliance is issued. By signing and submitting this application the Applicant gives consent to the Floodplain Administrator or a designee to make reasonable inspections prior to the issuance of a Certificate of Compliance.

**Non-Conversion Declaration:** Residential structures with enclosed areas below the Base Flood Elevation will require a Non-Conversion Declaration to be signed and recorded before the Certificate of Compliance is issued.

**Expiration and Revocation of Floodplain Development Permit:** A Floodplain Development Permit shall be subject to expiration and/or revocation by the Floodplain Administrator under the following circumstances:

- Upon change of ownership, the new owner does not submit an application within 15 days of the change of ownership.
- The owner deviates from the original application in any way other than change of ownership.
- Work has not started within 180 days of permit approval or if work is suspended for 180 days. (Extensions may be granted by the Floodplain Administrator but must be obtained within one year of the date of issue.)

**Appeals:** Any person aggrieved by a decision of the Floodplain Administrator in the grant or denial of a Floodplain Development Permit may appeal such decision to the Borough Council by filing a notice of appeal stating the nature of the appeal within thirty (30) days of the return of the Floodplain Administrator's decision to the Applicant. The Borough Council shall schedule and hold a public hearing in accordance with the local ordinance to further consider the application. Following the public hearing, the Borough Council shall, within fifteen (15) days of the hearing affirm or reverse the decision of the Floodplain Administrator. The decision of the Borough Council shall be in writing with findings of fact and conclusions of law that explain the criteria and standards considered relevant, state the facts relied upon, and explain the justification for the decision.

**Document retention:** In accordance with NFIP regulations, State Building Code and the Floodplain Ordinance, documentation related to this application must be retained. Specifically, all records including but not limited to Floodplain Development Permits, elevation certificates, engineering certificates, Non-Conversion Declarations, Certificates of Compliance and plot maps must be permanently retained by the Borough for public inspection at Borough Hall.

Date Received: \_\_\_\_\_ Permit Number: \_\_\_\_\_ Date of Decision: \_\_\_\_\_ By: \_\_\_\_\_

# **Borough of Modena Floodplain Development Permit Application**

## OFFICE USE ONLY

☐ PCEC ☐ FWA ☐ FCEC ☐ NCD ☐ Attachments

☐ Approved ☐ Denied ☐ Special Conditions

## Property information

Address:	UPI:	Map and Taxlot #:
		FIRM Panel:

Zone:	<input type="checkbox"/> Floodway	BFE:	Min. Elev. of Lowest Floor:
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## Applicant information (property owner on current deed of record)

Last name:	First name:
Street address:	Mailing address:
Phone:	Mobile phone:

## Project information

Project description (please be specific, attach pages if necessary):

## Section A: Structural development (check all that apply)

Type of structure	Type of structural activity
<input type="checkbox"/> Residential (1 to 4 families)	<input type="checkbox"/> New structure
<input type="checkbox"/> Residential (more than 4 families)	<input type="checkbox"/> Demolition of existing structure
<input type="checkbox"/> Combined use (Residential and Non-residential)	<input type="checkbox"/> Replacement of existing structure
<input type="checkbox"/> Non-residential	<input type="checkbox"/> Relocation of existing structure <sup>1</sup>
<input type="checkbox"/> Elevated	<input type="checkbox"/> Addition to existing structure <sup>1</sup>
<input type="checkbox"/> Floodproofed (attach certification)	<input type="checkbox"/> Alteration to existing structure <sup>1</sup>
<input type="checkbox"/> Manufactured Home	Other:
<input type="checkbox"/> Located on individual lot	
<input type="checkbox"/> Located in manufactured home park	

## Section B: Other development activities (Check all that apply)

<input type="checkbox"/> Clearing of trees, vegetation or debris	<input type="checkbox"/> Grading
<input type="checkbox"/> Connection to public utilities or services	<input type="checkbox"/> Mining
<input type="checkbox"/> Drainage improvement (including culvert work)	<input type="checkbox"/> Paving
<input type="checkbox"/> Dredging	<input type="checkbox"/> Placement of fill material
<input type="checkbox"/> Drilling	<input type="checkbox"/> Roadway or bridge construction
<input type="checkbox"/> Fence or wall construction	<input type="checkbox"/> Watercourse alteration (attach description)
<input type="checkbox"/> Excavation (not related to a structured development listed in Section A)	
<input type="checkbox"/> Other development not listed (specify)	

## Signature

*By signing below, I agree to the terms and conditions of this permit and certify to the best of my knowledge the information contained in this application is true and accurate<sup>2</sup>.*

(PRINTED name)	(SIGNED name)	(Date)
(PRINTED name)	(SIGNED name)	(Date)

<sup>1</sup>If the value of an addition or alteration to a structure equals or exceeds 50% of the value of the structure before the addition or alteration, the entire structure must be treated as a substantially improved structure. A relocated structure must be treated as new construction.

<sup>2</sup>Attach forms if there are additional property owners. This permit application will not be accepted without the signature of all property owners on the current deed of record.