

Chapter 8

Floodplains

Part 1

Floodplain Regulations

- §8-101. Purpose
- §8-102. Special Permit Required
- §8-103. Application for Permit Requirements
- §8-104. Special Permit Procedures
- §8-105. Criteria for Issuing Special Permit
- §8-106. Prohibited Structures
- §8-107. Variances
- §8-108. Provisions

Part 1**Floodplain Regulations****§8-101. Purpose.**

1. This Part is passed pursuant to the Pennsylvania Floodplain Management Act and regulations by the Pennsylvania Department of Community and Economic Development. [Ord. 408]

2. *Definitions.* The following definitions shall govern this Part:

Hospital—any building designed or used, whether charitable or not, for the care and treatment of sick, injured, needy, aged, infirmed, or any other persons using or intended to be treated by providing medical and/or surgical care.

Jail—any building designed and/or used for the confinement of persons held in lawful custody.

Mobile home park—any parcel of land designed or used for occupancy in mobile homes.

Mobile home—any structure not of a permanent nature which is used for the dwelling of persons connected to utilities and designed without a permanent foundation.

Nursing home—an establishment operated privately or publicly for the maintenance, care, housing, and for nursing care for persons. It shall include persons who are unable to care for themselves and persons who are aged or chronically ill as well as persons who are mentally infirm.

(Ord. 330, 5/8/1985, §I; as amended by Ord. 408, 8/11/2011)

§8-102. Special Permit Required.

The following types of construction, use and activities shall be permitted only by special permit, if located partially or entirely within any identified floodplain area:

A. The commencement of any of the activities named below or the construction, enlargement, or expansion of any structure used, or intended to be used, as a hospital, nursing home, jail, or prison.

B. The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

(Ord. 330, 5/8/1985, §II)

§8-103. Application for Permit Requirements.

Application requirements for special permits shall provide five copies and shall include the following items:

A. A written request including a completed building permit application form.

B. A small scale map showing the vicinity in which the proposed site is located.

C. A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being

equal to 100 feet or less, showing the following:

- (1) North arrow, scale, and date.
- (2) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of 2 feet.
- (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
- (4) The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths; pavement types and construction, and elevations.
- (5) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development.
- (6) The location of the floodplain boundary line, information and spot elevations concerning the 100-year flood elevations, and information concerning the flow of water including direction and velocities.
- (7) The location of all proposed buildings, structures, utilities, and any other improvements.
- (8) Any other information which the Borough considers necessary for an adequate review of the application.

D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

- (1) Sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate.
- (2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.
- (3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100-year flood.
- (4) Detailed information concerning any proposed flood-proofing measures.
- (5) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths.
- (6) Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades.
- (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and supporting documentation shall be provided:

- (1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.
- (2) Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately

designed to protect against damage from a 100-year flood.

(3) A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person, which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100-year flood, including a statement concerning the effects such pollution may have on human life.

(4) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100-year flood elevations and flows.

(5) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below a 100-year flood elevation and the effects such materials and debris may have on 100-year flood elevations and flows.

(6) The appropriate component of the Department of Environmental Protection to implement and maintain erosion and sedimentation control. [Ord. 408]

(7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control. [Ord. 408]

(8) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under §302 of the Flood Plain Management Act, 32 P.S. §679.302. [Ord. 408]

(9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100-year flood.

(Ord. 330, 5/8/1985, §III; as amended by Ord. 408, 8/11/2011)

§8-104. Special Permit Procedures.

Upon receipt of an application for a special permit in a floodplain area by the Borough, the following procedures shall apply in addition to all other applicable permit procedures heretofore established:

A. Within 3 working days following receipt of the application, a complete copy of the application and all accompanying documentation may be forwarded to the County Planning Commission by certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Borough Planning Commission and Borough Engineer for review and comment.

B. If an application is received which is incomplete, the Borough shall notify the applicant in writing, stating in what respect the application is deficient.

C. If the Borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

D. If the Borough approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered certified mail, within 5

working days after the date of approval. [Ord. 408]

E. Before issuing the special permit, the Borough shall allow the Department of Community and Economic Development a 30-day review period. [Ord. 408]

F. If the Borough does not receive any communication from the Department of Community and Economic Development after 30 days, it may issue a special permit to the applicant. [Ord. 408]

G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Borough and the applicant, in writing, of the reasons for the disapproval, and the Borough shall not issue the special permit.

(Ord. 330, 5/8/1985, §IV; as amended by Ord. 408, 8/11/2011)

§8-105. Criteria for Issuing Special Permit.

In addition to any other applicable requirements, the following criteria shall be applicable and bear upon whether or not a permit shall issue. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provision shall apply.

A. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will provide the following:

(1) Fully protect the health and safety of the general public and occupants of the proposed structure. At a minimum, all new structures shall be designed, located and constructed so that:

(a) The structure will survive inundation by waters of a 100-year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the 100-year flood elevation.

(b) The lowest floor elevation (including basement) will be at least 1½ feet above the 100-year flood elevation.

(c) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during a 100-year flood.

(2) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

B All 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 Borough and the Department of Community and Economic Development. [Ord. 408]

(Ord. 330, 5/8/1985, §V; as amended by Ord. 408, 8/11/2011)

§8-106. Prohibited Structures.

Within any identified floodplain area, any structure of the kind described in §8-102, above, shall be prohibited within the area measured 50 feet landward from the top-of-

bank of any watercourse.

(*Ord. 330, 5/8/1985, §VI*)

§8-107. Variances.

Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements of this Section.

(*Ord. 330, 5/8/1985, §VII*)

§8-108. Provisions.

The provisions of this Section shall be applicable, in addition to any other applicable provisions of this Part, or any other ordinance, code, or regulation.

A. In accordance with the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 *et seq.*, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances, or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume, or any amount of radioactive substances) of any of the following materials or substances on the premises, shall be subject to the provisions of this Section, in addition to all other applicable provisions: [*Ord. 408*]

- (1) Acetone.
- (2) Ammonia.
- (3) Benzene.
- (4) Calcium carbide.
- (5) Carbon disulfide.
- (6) Celluloid.
- (7) Chlorine.
- (8) Hydrochloric acid.
- (9) Hydrocyanic acid.
- (10) Magnesium.
- (11) Nitric acid and oxides of nitrogen.
- (12) Petroleum products (gasoline, fuel oil, etc.).
- (13) Phosphorus.
- (14) Potassium.
- (15) Sodium.
- (16) Sulphur and sulphur products.
- (17) Pesticides (including insecticides, fungicides, and rodenticides).
- (18) Radioactive substances, insofar as such substances are not otherwise regulated.

B. Within any floodway area any structure of the kind described in subsection .1, above, shall be prohibited.

C. Within any general floodplain area, any structure of the kind described in subsection .1, above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

D. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this Section.

(*Ord. 330, 5/8/1985, §VIII; as amended by Ord. 408, 8/11/2011*)