

**CHAPTER 8
FLOODPLAINS**

PART 1

GENERAL PROVISIONS

- §8-101. Intent**
- §8-102. Applicability**
- §8-103. Abrogation and Greater Restrictions**
- §8-104. Warning and Disclaimer of Liability**

PART 2

ADMINISTRATION

- §8-201. Building Permits Required**
- §8-202. Issuance of Building Permit**
- §8-203. Application Procedures and Requirements**
- §8-204. Review by County Conservation District**
- §8-205. Review of Application by Others**

PART 3

IDENTIFICATION OF FLOODPLAIN AREAS

- §8-301. Identification**
- §8-302. Description of Floodplain Areas**
- §8-303. Changes in Identification of Area**
- §8-304. Boundary Disputes**

PART 4

GENERAL TECHNICAL REQUIREMENTS

- §8-401. General**
- §8-402. Special Requirements for the AE Area/District**
- §8-403. Design and Construction Standards**
- §8-404. Development Which May Endanger Human Life**
- §8-405. Special Requirements for Manufactured Homes**

FLOODPLAINS

PART 5

ACTIVITIES REQUIRING SPECIAL PERMITS

- §8-501. General**
- §8-502. Application Requirements for Special Permits**
- §8-503. Application for Review Procedures**
- §8-504. Special Technical Requirements**

PART 6

EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

- §8-601. Existing Structures**
- §8-602. Improvements**

PART 7

VARIANCES

- §8-701. Variance Procedures and Conditions**

PART 8

DEFINITIONS

- §8-801. General**
- §8-802. Specific Definitions**

PART 1
GENERAL PROVISIONS

§8-101. Intent.

The intent of this Chapter 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 or 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.

(Ord. 944, 6/11/1990, Art. 1, §1.00)

§8-102. Applicability.

- 1. 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 Philipsburg unless a building permit has been obtained from the Building Permit Officer.
- 2. A building permit shall not be required for minor repairs to existing buildings or structures.

(Ord. 944, 6/11/1990, Art. 1, §1.01)

§8-103. Abrogation and Greater Restrictions.

This Part supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other 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.

(Ord. 944, 6/11/1990, Art. 1, §1.02)

FLOODPLAINS

§8-104. Warning and Disclaimer of Liability.

1. 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 man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Part does not imply that areas outside any identified floodplain area or that land uses permitted within such areas will be free from flooding or flood damage.
2. This Part shall not create liability on the part of the Borough of Philipsburg or any officer or employee thereof for any flood damage that results from reliance on this Part or any administrative decision lawfully made hereunder.

(Ord. 944, 6/11/1990, Art. 1, §1.04)

PART 2
ADMINISTRATION

§8-201. Building Permits Required.

Building permits shall be required before any construction or development is undertaken within any area of the Borough of Philipsburg.

(Ord. 944, 6/11/1990, Art. II, §2.00)

§8-202. Issuance of Building Permit.

1. The Building Permit Officer shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
2. Prior to the issuance of any building permit the Building Permit Officer shall review the application for permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 19978-325, as amended), the Pennsylvania Clean Streams Act (Act 1937-394, as amended), the U.S. Clean Water Act, §404, 33 U.S.C. §1344. No permit shall be issued until this determination has been made.
3. 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 Borough of Philipsburg and until all required permits or approvals have been first obtained from the Department of Environmental Protection.
4. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning shall be notified by the Borough of Philipsburg prior to any alteration or relocation of any watercourse.

(Ord. 944, 6/11/1990, Art. II, §2.01; as amended by A.O.)

§8-203. Application Procedures and Requirements.

1. Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Borough of Philipsburg. Such application shall contain the following:
 - A. Name and address of the applicant.

FLOODPLAINS

- B. Name and address of owner of land on which proposed construction is to occur.
 - C. Name and address of contractor.
 - D. Site location.
 - E. Listing of other permits required.
 - F. Brief description of proposed work and estimated cost.
 - G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:
 - A. 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.
 - B. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
 - C. Adequate drainage is provided so as to reduce exposure to flood hazards.
 3. Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in §8-502) as may be required by the Building Permit Officer to make the above determination:
 - A. A completed building permit application form.
 - B. 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) Topographic contour lines, if available.
 - (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 and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development.

- (5) The location of all existing streets, drives and other accessways.
 - (6) The location of any existing bodies of water or watercourses, identified floodplain areas and, if available, information pertaining to the floodway and the flow of water, including direction and velocities.
- C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- (1) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.
 - (2) The elevation of the one-hundred-year flood.
 - (3) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred-year flood.
 - (4) Detailed information concerning any proposed floodproofing measures.
- D. The following data and documentation:
- (1) Documentation, certified by a registered professional engineer or architect, to show that the cumulative affect of any proposed development within an AE Area/District, when combined with all other existing and anticipated development, will not increase the elevation of the one-hundred-year flood more than one foot at any point.
 - (2) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one-hundred-year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
 - (3) Detailed information needed to determine compliance with §8-403(F), "Storage" and §8-404, "Development Which May Endanger Human Life," including:
 - (a) The amount, location and purpose of any dangerous materials or substances which are intended to be used, produced, stored or otherwise maintained onsite.
 - (b) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the danger-

FLOODPLAINS

ous materials or substances listed in §8-404 during a one-hundred-year flood.

- (4) The appropriate component of the Department of Environment Protection, "Planning Module for Land Development."
- (5) 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. 944, 6/11/1990, Art. II, §2.02; as amended by A.O.)

§8-204. Review by County Conservation District.

A copy of all applications and plans for any proposed construction or development in any identified area to be considered for approval shall be submitted by the Building Permit Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Building Permit Officer for possible incorporation into the proposed plan.

(Ord. 944, 6/11/1990, Art. II, §2.03)

§8-205. 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 (e.g., Planning Commission, Borough Engineer, etc.) for review and comment.

(Ord. 944, 6/11/1990, Art. II, §2.04)

PART 3

IDENTIFICATION OF FLOODPLAIN AREAS

§8-301. Identification.

The identified floodplain area shall be those areas of Philipsburg Borough which are subject to the one-hundred-year flood as shown on the Flood Insurance Rate Map (FIRM) which accompanies the Flood Insurance Study (FIS) prepared for the Borough by the Federal Emergency Management Agency (FEMA), dated August 15, 1990 or the most recent revision thereof.

(Ord. 944, 6/11/1990, Art. III, §3.00)

§8-302. Description of Floodplain Areas.

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

The identified floodplain area shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by the FEMA and for which one-hundred-year flood elevations have been provided in the FIS.

(Ord. 944, 6/11/1990, Art. III, §3.01)

§8-303. Changes in Identification of Area.

The identified floodplain area may be revised or modified by the Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any change, approval must be obtained from the Federal Insurance Administration (FIA).

(Ord. 944, 6/11/1990, Art. III, §3.02)

§8-304. Boundary Disputes.

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Borough Planning Commission and any party aggrieved by this decision may appeal to the Council. The burden of proof shall be on the appellant.

(Ord. 944, 6/11/1990, Art. III, §3.03)

PART 4

GENERAL TECHNICAL REQUIREMENTS

§8-401. General.

1. In the identified floodplain area, the development and/or use of any land shall be permitted; provided, that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the Borough.
2. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one-hundred-year flood elevation.
3. Within any AE Area/District, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one-hundred-year flood more than one foot at any point.
4. Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection. Any nonresidential structure or part thereof having a lowest floor which is not elevated to 1 1/2 feet or more above the one-hundred-year flood elevation shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication "Floodproofing Regulations" published by the U.S. Army Corps of Engineers (June, 1972) or with some other equivalent standard. All plans and specification for such floodproofing 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.
5. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved nonresidential structure shall be 1 1/2 feet or more above the one-hundred-year flood elevation or be floodproofed up to that height. Any nonresidential structure or part thereof having a lowest floor (including basement) which is not elevated to at least 1 1/2 feet above the one-hundred-year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing Regulations" published by the U.S. Army Corps of Engineers (June, 1972) or with some other equivalent standard. All plans and specifications for such floodproofing 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.

FLOODPLAINS

6. Enclosed areas below the lowest floor (including basement) are prohibited.
7. Within any AE Area, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of one-hundred-year flood more than one foot at any point.

(Ord. 944, 6/11/1990, Art. IV, §4.00; as amended by A.O.)

§8-402. Special Requirement for the AE Area/District.

Within any AE Area/District, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one-hundred-year flood more than one foot at any point.

(Ord. 944, 6/11/1990, Art. IV, §4.01)

§8-403. Design and Construction Standards.

The following minimum standards 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 15 feet beyond the building line from all points.
 - (2) Consist of soil or small rock materials only, sanitary landfills shall not be permitted.
 - (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
 - (4) Be no steeper than 1 vertical to 2 horizontal feet unless substantiated data justifying steeper slopes are submitted to and approved by the Building Permit Officer.
 - (5) Be used to the extent to which it does not adversely affect 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 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 onsite 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 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 §8-404, "Development Which May Endanger Human Life" shall be stored at or above the regulatory flood elevation and/or floodproofed 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 minim 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 affixed 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, perpen-

FLOODPLAINS

dicular to the flooring grain without causing structural damage to the building.

- (2) Plywood used at or below the regulatory flood elevations 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) Window, doors and other components at or below the regulatory flood elevation shall be made of metal or other water resistant material.

J. Paint and Adhesives.

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

K. Electrical Components.

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

L. Equipment. Water heaters, furnaces, air conditioning and ventilating units and other 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 these systems in the event that flood water infiltration occurs.

(Ord. 944, 6/11/1990, Art. IV, §4.02)

§8-404. Development Which May Endanger Human Life.

1. In accordance with the Pennsylvania Floodplain Management Act and the regulations adopted by the Department of Environmental Protection as required by the Act, any new or substantially improved structure which:
 - A. Will be used for the production or storage of any of the following dangerous materials or substances.
 - B. Will be used for any activity requiring the maintenance of a supply of more than 550 gallons or other comparable volume of any of the following dangerous materials or substances on the premises.
 - C. Will involve the production, storage or use of any amount of radioactive substances shall be subject to the provisions of this Section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:
 - (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) Phosphorous.
 - (14) Potassium.
 - (15) Sodium.

FLOODPLAINS

- (16) Sulphur and sulphur products.
 - (17) Pesticides (including insecticides, fungicides and rodenticides).
 - (18) Radioactive substances, insofar as such substances are not otherwise regulated.
2. Within any identified floodplain area, any new or substantially improved 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.
 3. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in subsection (1) above, shall be:
 - A. Elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above the one-hundred-year flood.
 - B. Designed to prevent pollution from the structure or activity during the course of a one-hundred-year flood.
 4. Any such structure or part thereof that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Floodproofing Regulations" (U.S. Army Corps of Engineers, June, 1972) or with some equivalent water-tight standard.

(Ord. 944, 6/11/1990, Art. IV, §4.03; as amended by A.O.)

§8-405. Special Requirements for Manufactured Homes.

1. Within any identified floodplain area, all manufactured homes and any additions thereto shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
2. Where permitted within any identified floodplain area, all manufactured homes and additions thereto shall be:
 - A. Placed on a permanent foundation.
 - B. Elevated so that the lowest floor of the manufactured home is 1 1/2 feet or more above the elevation of the one-hundred-year flood.
 - C. Anchored to resist flotation, collapse or lateral movement.

(Ord. 944, 6/11/1990, Art. IV, §4.04)

PART 5

ACTIVITIES REQUIRING SPECIAL PERMITS

§8-501. General.

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Floodplain Management Act, the following activities shall be prohibited within any identified floodplain area unless a special permit has been issued by the Department of Environmental Protection:

- A. The commencement of any of the following activities or the construction, enlargement or expansion of any structure used or intended to be used for any of the following activities:
 - (1) Hospitals.
 - (2) Nursing homes.
 - (3) Jails or prisons.

- 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. 944, 6/11/1990, Art. V, §5.00; as amended by A.O.

§8-502. Application Requirements for Special Permits.

Applicants for special permits shall provide five copies of 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.

FLOODPLAINS

- (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 and any other natural and manmade features affecting or affected by the proposed activity or development.
 - (6) 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 manmade features affecting or affected by the proposed activity or development.
 - (7) The location of the floodplain boundary line, information and spot elevations concerning the one-hundred-year flood elevations and information concerning the flow of water, including direction and velocities.
 - (8) The location of all proposed buildings, structures, utilities and any other improvements.
 - (9) Any other information which the Borough considers necessary for 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 drawing, 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 one-hundred-year flood.
 - (4) Detailed information concerning any proposed floodproofing 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 documentation:

- (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 the one-hundred-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 development during the course of a one-hundred-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, landscape architect or other qualified person which contains a complete and accurate description of the effects proposed.
- (5) A statement, certified by a registered professional engineer, architect, landscape architect or other qualified person which contains a completed and accurate description of kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one-hundred-year flood elevation and the effects such materials and debris may have on one-hundred-year flood elevation and flows.
- (6) The appropriate component of the Department of Environmental Protection's Planning Module for Land Development.
- (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.
- (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 Act 1978-166.
- (9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one-hundred-year flood.

FLOODPLAINS

(Ord. 944, 6/11/1990, Art. V, §5.01; as amended by A.O.

§8-503. Application for Review Procedures.

Upon receipt of an application for a special permit by the Borough of Philipsburg, the following procedures shall apply in addition to those of Part 2:

- A. Within 3 working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Borough of Philipsburg Planning Commission and Borough of Philipsburg Engineer for review and comment.
- B. If an application is received that is incomplete, the Borough of Philipsburg shall notify the applicant, in writing, stating in what respect the application is deficient.
- C. If the Borough of Philipsburg decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If the Borough of Philipsburg 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 or certified mail, within 5 working days after the date of approval.
- E. Before issuing the special permit, the Borough of Philipsburg shall allow the Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the application and decision made by the Borough of Philipsburg.
- F. If the Borough of Philipsburg does not receive any communication from the Department of Community and Economic Development during the thirty-day review period, it may issue a special permit to the applicant.
- G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Borough of Philipsburg and the applicant, in writing, of the reasons for the disapproval and the Borough of Philipsburg shall not issue the special permit.

(Ord. 944, 6/11/1990, Art. V, §5.02; as amended by A.O.

§8-504. Special Technical Requirements.

1. In addition to the requirements of Part 4, the following minimum requirements shall also apply to any proposed development requiring a special permit. If there

is any conflict between any of the following requirements and those in Part 4 or in any other code, ordinance or regulation, the more restrictive provision shall apply.

2. 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:
 - A. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:
 - (1) The structure will survive inundation by waters of the one-hundred-year flood without any lateral movement or damage to either the structure itself or to any of its equipment or contents below the one-hundred-year flood elevation.
 - (2) The lowest floor elevation will be at least 1 1/2 feet above the one-hundred-year flood elevation.
 - (3) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one-hundred-year flood.
 - B. Prevent any significant possibility of pollution, increased flood levels or flows or debris endangering life and property.
3. 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 of Philipsburg and the Department of Community and Economic Development.

(Ord. 944, 6/11/1990, Art. V, §5.03; as amended by A.O.

PART 6

EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

§8-601. Existing Structures.

The provisions of this Part do not require any changes or improvement to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of §8-602 shall apply.

(Ord. 944, 6/11/1990, Art. VI, §6.00)

§8-602. 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 an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one-hundred-year flood.
- B. No expansion or enlargement of an existing structure shall be allowed within any AE Area that would, together with all other existing and anticipated development, increase the one-hundred-year flood elevation more than one foot at any point.
- C. Any modification, alteration, reconstruction or improvement of any kind to any existing structure, to an extent or amount of 50% 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.
- D. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

(Ord. 944, 6/11/1990, Art. VI, §6.01)

PART 7

VARIANCES

§8-701. Variance Procedures and Conditions.

1. Requests for variances shall be considered by the Borough of Philipsburg in accordance with 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-year flood elevation.
 - B. No variance shall be granted for any construction, development, use or activity with any AE Area that would, together with all other existing and anticipated development, increase the one-hundred-year flood elevation more than one foot at any point.
 - C. Except for a possible modification of this 1 1/2 foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit (Part 5) or to "Development Which May Endanger Human Life," §8-404.
 - D. If granted, a variance shall involve only the least modification necessary to provide relief.
 - E. 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.
 - F. 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 variances may increase the risks to life and property.
 - G. In reviewing any request for a variance, the Borough shall consider, at a minimum, the following:
 - (1) That there is good and sufficient cause.
 - (2) That failure to grant the variance would result in exceptional hardship to the applicant.

FLOODPLAINS

- (3) That the granting of the variance will neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense, nor create nuisances, cause fraud on or victimize the public or conflict with any other applicable State of local ordinances and regulations.
 - H. 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.
2. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred-year flood.

(Ord. 944, 6/11/1990, Art. VII, §7.01)

PART 8

DEFINITIONS

§8-801. General.

Unless specifically defined below, words and phrases used in this Part shall be interpreted as to give this Part its most reasonable application.

(Ord. 944, 6/11/1990, Art. VIII, §8.00)

§8-802. Specific Definitions.

ACCESSORY USE OR STRUCTURE — a use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

BUILDING — a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

CONSTRUCTION — the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of manufactured homes.

DEVELOPMENT — any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of manufactured homes, streets and other paving utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

FLOOD — a temporary inundation of normally dry land areas.

FLOODPLAIN AREA — a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPROOFING — any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Part, the floodway shall be capable of accommodating a flood of the 100 year magnitude.

FLOODPLAINS

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 site complete 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 park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME PARK — a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

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 affecting the exitway requirements, nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

ONE HUNDRED YEAR FLOOD — a flood that, on the average, is likely to occur once every 100 years (i.e., that has 1% chance of occurring each year, although the flood may occur in any year).

REGULATORY FLOOD ELEVATION — the one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 feet.

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

STRUCTURE — anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, mobile homes and other similar items.

SUBDIVISION — the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other division of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or residential dwellings, shall be exempted.

SUBSTANTIAL IMPROVEMENT — any repair, reconstruction or improvement of a structure, the cost of which equal or exceeds 50% of the market value of the

structure either before the improvement of repair is started or if the structure has been damaged and is being restored, before the damage occurred.

(Ord. 944, 6/11/1990, Art. VIII, §8.01)