

ARTICLE 10 -
"F-H" FLOOD HAZARD DISTRICT

Section 1000 Purpose

It is the purpose and intent of the Flood Hazard District to promote the general health, welfare and safety of the community; to encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future; to minimize the danger to public health by protecting water supply and natural drainage; to reduce financial burdens imposed on the community, its residents and the Borough of Mount Holly Springs by preventing excessive development in areas subject to flooding; to prevent loss of life and property; and to comply with federal and state flood-plain management requirements.

Section 1001 Abrogation

This Article supersedes any other conflicting provision which may be in effect in identified floodplain areas. However, the requirements of any underlying District shall remain in full force and effect to the extent that the provisions therein are more restrictive.

Section 1002 Permitted Uses

- A. All uses, buildings and structures permitted in the applicable District underlying the Flood Hazard District are permitted in the Flood Hazard District, subject to the regulations, restrictions and requirements of the underlying District and this Article.
- B. Routine maintenance and repair of any existing, man-made watercourse servicing an industrial facility shall be permitted as of right, only subject to any State and Federal permit requirements, but not subject to the Flood Hazard District regulations.

Section 1003 Administration

Any references in Article 10 to the Zoning Officer shall mean and refer, when applicable to applying and enforcing provisions of the Uniform Construction Code under Article 10 of the Zoning Ordinance, to any Building Codes Official engaged by the Borough.

A. Building Permits Required/Applicability

Building permits shall be required before any construction or development is undertaken within any area of the Borough. A Building Permit shall not be required in the Flood Hazard District for minor repairs to existing buildings or structures.

Prior to the issuance of any building permit, the Zoning Officer 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 Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the US Clean Water Act, Section 404, 33 U.S.C. 1344. No permit shall be issued until this determination has been made.

In addition to any requirements specified for the issuance of a building permit in this Article, all requirements of Article 16 of the Zoning Ordinance are applicable to the issuance of a building permit for

construction or development in the Flood Hazard District. In addition, an applicant for a building permit shall provide the following before a building permit is issued:

1. 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 (100) year flood. Such document shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or development
2. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
3. 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.
4. Plans of all proposed buildings, structures or other improvements, drawn at suitable scale showing the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988 as well as the elevation of the one hundred (100) year flood.

B. Review by County Soil and Water Conservation District

A copy of all plans for new construction in the Flood Hazard District shall be submitted to the County Soil and Water Conservation District for review and comment prior to the issuance of a building permit and no permit shall be issued without a favorable recommendation of the County Soil and Water Conservation District.

C. Inspection and Revocation

1. During the construction period, the Zoning Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with information submitted by the applicant and with all applicable municipal laws and ordinances. The Zoning Officer shall make as many inspections during and upon completion of the work as are necessary
2. In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area at any reasonable hour to enforce the provisions of this Article.
3. In the event the Zoning Officer discovers that the work does not comply with the permit application or any applicable laws or ordinances, or that there has been a false statement or misrepresentation by any applicant, the Zoning Officer shall revoke the Building Permit and report such fact to the Borough Council of the Borough of Mount Holly Springs for whatever action it deems necessary.

Section 1004 Identification of Floodplain Areas

A. Identification

The identified floodplain area shall be those areas of the Borough of Mount Holly Springs which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated March 16, 2009 or the most recent revision thereof and the accompanying maps prepared for the Borough of Mount Holly Springs by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

B. Description of Floodplain Areas

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

1. FW (Floodway Area) – the areas identified as “floodway” in the AE Zone in the Flood Insurance Study prepared by FEMA.
2. FF (Flood-Fringe Area) – the remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated.
3. FA (General Floodplain Area) – the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevation have been provided. When available, information from other Federal, State and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

In lieu of the above, the Borough 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 Borough.

The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

C. Change in Identification of Area

The identified floodplain area may be revised or modified by the Borough of Mount Holly Springs where studies or information provided by a qualified agency or person documents the need for such revision, and such revision is approved by the Federal Emergency Management Agency (FEMA).

D. 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 or determination may appeal to Borough Council. The burden of proof shall be on the appellant.

Section 1005 Technical Provisions and Requirements

A. General

1. 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 and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified prior to any alterations or relocation of any watercourse.

Any reference in this Article 10 to any code or publication shall include and refer to any revised, amended, updated, supplemented and/or successor code or publication.

2. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and, any other applicable codes, ordinances and regulations.

B. Specific Requirements for FW and FA Areas

1. In addition to all other applicable requirements, within any Floodway Area (FW), the following provisions apply:
 - a. Any new construction, development, use, activity or encroachment that would cause any increase in flood heights shall be prohibited.
 - b. No new construction or development shall be allowed unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.
2. Within any FA (General Floodplain Area), the following provisions apply:
 - a. No new construction or development shall be located within the area measuring fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.

C. Elevation and Floodproofing Requirements

1. Residential Structures

Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated at least one and one half (1 ½) feet above the one hundred year flood elevation.

The design and construction standards and specifications contained in 2003 International Building Code (IBC) (Sections 1612.4, 1603.1.6 and 3403.1) and in the 2003 International Residential Code (IRC) (Sections R323.1.4, R323.2.1 and R323.2.2) and American Society of Civil Engineers (ASCE) 24 (Sections 2.4 and 2.5, Chapter 5) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

2. Non-residential Structures

- a. Within any identified floodplain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
- b. Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1 ½) feet above the one hundred (100) 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 "Flood-Proofing Regulations" published by the US Army Corps of Engineers (June 1972, as amended March 1992) 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.

D. Space Below the Lowest Floor

1. Fully enclosed space below the lowest floor (including basement) is prohibited.
2. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.

Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- a. a minimum of two 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 foot above grade.
 - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
3. Consideration may be given to the requirements of 34 PA Code (Chapters 401-405 as amended) and the 2003 IRC (Sections R323.2.2 and R323.1.4) and the 2003 IBC (Sections 1612.4, 1612.5 and 1203.3).

E. Accessory Structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements, and all other requirements of this ordinance.

1. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. Floor area shall not exceed 600 square feet.
3. The structure will have a low damage potential
4. The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
5. Power lines, wiring, and outlets will be at least one and one half (1 ½) feet above the 100 year flood elevation.
6. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. Sanitary facilities are prohibited

8. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. 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 openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. the bottom of all openings shall be no higher than one (1) foot above grade.
 - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

F. Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

1. Fill

If fill is used, it shall:

- a. Extend laterally at least fifteen (15) feet beyond the building line from all points.
- b. Consist of soil or small rock materials only – Sanitary Landfills shall not be permitted.
- c. Be compacted to provide the necessary permeability and resistance to Erosion, scouring, or settling.
- d. Be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Zoning officer.
- e. Be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the 2003 IBC (Section 1801.1 and 1803.4) shall be utilized.

2. Drainage Facilities

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. The provisions contained in the 2003 IBC (Appendix G401.5) shall be utilized.

3. Water and Sanitary Sewer Facilities and Systems

- a. 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.
- b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

- c. no part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- d. The design and construction provisions of the UCC and 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Appendix G Sections 401.3 and 401.4) the 2003 IRC (Section 323.6) the ASCE 24-98 (Section 8.3), FEMA #348, Protecting Building Utilities From Flood Damages and the International Private Sewage Disposal Code (Chapter 3) shall be utilized.

4. 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.

5. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

6. 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 Section 1006, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

7. Placement of Buildings and Structures

- a. 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 so designed to have a minimum effect upon the flow and height of flood water.
- b. The following shall not be placed or caused to be placed in the Flood Hazard District: structures or other matter which may impede, retard or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property.
- c. Fencing.
 - (i) Solid and/or privacy type fences or screening are prohibited in the Flood Hazard District.
 - (ii) All fencing in the Flood Hazard District shall be an open-type of fence (including but not limited to picket, metal post, wrought iron or split rail).

8. Anchoring

- a. All building and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

- b. 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.
 - c. The design and construction requirements of the UCC pertaining to this subsection as referred to in 34 PA Code (Chapter 401-405 as amended) and contained in the 2003 IBC (Sections 1605.2.2, 1605.3.2, 1612.4 and Appendix G501.3), the 2003 IRC (Sections R301.1 and R323.1.1) and ASCE 24-98 (Section 5.6) shall be utilized.
9. Floors, Walls and Ceilings.
- a. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the building.
 - b. Plywood used at or below the Regulatory Flood Elevation shall be of a “marine” or water-resistant variety.
 - c. All finished flooring, including carpeting or carpet cushions employed as finished flooring used at or below the Regulatory Flood Elevation shall be made of materials which are stable and resistant to water damage resulting from submersion.
 - d. 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.
 - e. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.
 - f. The provisions of the UCC pertaining to this subsection and referenced in the 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC Sections 801.1.3, 1403.2, 1403.3, 1403.6 and 1404.2), the 2003 IRC (Sections R323.1.7 and R501.3) and ASCE 24-98 (Chapter 6).
10. Paints and Adhesives
- a. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of “marine” or water-resistant quality
 - b. Adhesives used at or below the Regulatory Flood Elevation shall be of a “marine” or water-resistant variety.
 - c. All wooden components (doors, trim, cabinets, etc.) shall be finished with a “marine” or water-resistant paint or other similar finishing material.
 - d. The standards and specifications contained in 34 PA Code (Chapters 401-405, as amended) the 2003 IBC (Sections 801.1.3, 1403.7 and Appendix G) and the 2003 IRC (Section R323.1.7).
11. Electrical Components
- a. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.

- b. Separate electrical circuits shall serve lower levels and shall be dropped from above.
- c. The provisions pertaining to the above provisions and referenced in the UCC and 34 PA Code (Chapters 401-405) as amended and contained in the 2003 IBC (Section 1612.4), the IRC (Section R323.1.5), the 2000 IFGC (Sections R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

12. Equipment

Water Heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation. Such equipment shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

The provisions of the UCC pertaining to this subsection and referenced in the 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC Sections 801.1.3, 1403.2, 1403.3, 1403.6 and 1404.2), the 2003 IRC (Sections R 323.1.7 and R501.3) and ASCE 24-98 (Chapter 6).

13. 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.

14. Prohibited Uses

No removal of topsoil, quarrying, sanitary landfills, junkyards and/or dumps shall be allowed.

15. Uniform Construction Code Coordination

The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this Ordinance, to the extent that they are more restrictive and/or supplement the requirements of this Ordinance.

International Building Code (IBC) 2003 or the latest edition thereof; Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402 and Appendix G.

International Residential Building Code (IRC) 2003 or the latest edition thereof; Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

Section 1006 Development Which May Endanger Human Life

- A. The provisions of this Section shall be applicable, in addition to any other applicable provisions of this Ordinance, or any other ordinance, code or regulation.
- B. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Pennsylvania Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:
 - 1. Will be used for the production or storage or any of the following dangerous materials or substances; or,

2. 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; or,
3. 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. 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

C. Within any Floodway Area, any structure of the kind described in Subsection B. above, shall be prohibited.

D. Where permitted within any Flood-Fringe Area, any structure of the kind described in Subsection B. above shall be:

1. elevated or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above the one-hundred year flood and
2. designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

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 flood-proofing contained in the publication "Flood-Proofing Regulations" (US Army Corps of Engineers, June 1972 as amended march 1992), or with some other equivalent watertight standard.

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

Section 1007 Special Requirements for Manufactured Homes

A. Within any Floodway or Flood-Fringe area, manufactured homes shall be prohibited.

- B. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Borough Official for manufactured home parks and manufactured home subdivisions, where applicable.

Section 1008 Existing Structures

- A. The provisions of this Article do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, such improvement shall be made subject to the following:
 - 1. No expansion or enlargement of an existing structure shall be allowed within the Floodway area that would cause any increase in the elevation of the one hundred (100) year flood.
 - 2. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible. The market value shall be determined by a licensed real estate professional and submitted in writing to the Borough.
 - 3. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this ordinance. The market value shall be determined by a licensed real estate professional and submitted in writing to the Borough.

The above activity shall also address the requirements of the 34 PA Code Chapters 401-405, as amended and the 2003 IBC (Sections 3403.1 and 1612.4) and the 2003 IRC (Sections 323.1.4).

In addition, the requirements of 34 PA Code Chapter 401-405, as amended and the 2003 IRC (Sections R102.7.1, R105.3.1 and Appendices E and J) or the latest revision thereof and the 2003 IBC (Sections 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this Section.

Section 1009 Activities Requiring Special Permits

- A. The provisions of this Section shall be applicable, in addition to any other applicable provisions of this Ordinance, or any other ordinance, code, or regulation.
- B. Identification of Activities Requiring a Special Permit.

In accordance with the Pennsylvania Flood Plain Management Act (Act 1978-166) and regulations adopted by the Department of Community and Economic Development as required by the Act, the following obstructions and activities are permitted only by Special Permit, in the identified floodplain area:

- 1. 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:
 - a. Hospitals
 - b. Nursing Homes
 - c. Jails or Prisons

2. The commencement of, or any construction of, a manufactured home park or manufactured home subdivision or substantial improvement to an existing manufactured home park or manufactured home subdivision.

C. Application Requirements

Applicants for Special Permits shall provide five copies of the following items:

1. A written request including a completed Building Permit Application form.
2. A small scale map showing the vicinity in which the proposed site is located.
3. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. North arrow, scale and date
 - b. Topography based upon the North American Vertical Datum of 1988, showing existing and proposed contours at intervals of two (2) feet.
 - c. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
 - d. The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations.
 - e. 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.
 - f. The location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities.
 - g. The location of all proposed buildings, structures, utilities, and any other improvements.
 - h. Any other information which the Borough considers necessary for adequate review of the application.
4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
 - a. Sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations as appropriate.
 - b. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.
 - c. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood.
 - d. Detailed information concerning any proposed flood-proofing measures

- e. Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths.
 - f. Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades.
 - g. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
5. The following data and documentation:
- a. 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.
 - b. 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 (100) year flood.
 - c. 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 one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life.
 - d. 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 one hundred (100) year flood elevations and flows.
 - e. 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 the one hundred (100) year flood elevation and the effects such materials and debris may have on the one hundred (100) year flood elevations and flows.
 - f. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - g. 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.
 - h. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166.
 - i. 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 (100) year flood.

D. Application Review Procedures

Upon receipt of an application for a Special Permit by the Borough, the following procedures shall apply in addition to all other applicable permit or other plan approval procedures which are already established.

1. Within three (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 for its review and recommendations.

Copies of the application shall also be forwarded to the Borough Planning Commission and Borough Engineer for review, comment and recommendation.
2. The applicant has the responsibility of making certain that the application is complete.
3. If the Borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
4. If the Borough approves or conditionally approves an application, it shall file written notification, together with the application and all pertinent information, with the Pennsylvania Department of Community and Economic Development within five (5) working days after the date of approval or conditional approval.
5. Before issuing the Special Permit, the Borough shall allow the Pennsylvania Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and the decision made by the Borough.
6. If the Borough does not receive any communication from the Pennsylvania Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.
7. If the Pennsylvania 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.

E. Technical Requirements for Development Requiring a Special Permit

In addition to any other applicable requirements of this Ordinance, the following provisions shall also apply to the activities requiring a Special Permit. If there is any conflict between any of the following requirements and any otherwise applicable provision of this Ordinance, or any code or regulation, the more restrictive provision shall apply.

1. 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:
 - (i) The structure will survive inundation by waters of the one hundred (100) 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 (100) year flood elevation.

- (ii) The lowest floor elevation (including basement) will be at least one and one half (1 ½) feet above the one hundred (100) year flood elevation.
 - (iii) 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 (100) year flood.
 - b. It shall prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
 - 2. 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 Pennsylvania Department of Community and Economic Development.
- F. Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements of this section.

Section 1010 Variances

- A. In the event compliance with any of the requirements of this Article results in an exceptional hardship of a unique nature upon the landowner, the Zoning Hearing Board of the Borough may, upon request, grant relief from the strict application of the requirements, subject to the following conditions, requirements and restrictions:
- 1. No variance shall be granted for any construction, development, use or activity within any Floodway area that would cause any increase in the one hundred (100) year flood elevation.
 - 2. The landowner submits a detailed plan of the proposed buildings, structures or improvements setting forth the information required under Section 1009C.4 of this ordinance.
 - 3. A detailed survey of the subject property is submitted with the application for a variance, which survey shall be at the expense of the landowner.
 - 4. All provisions and requirements for the grant of a variance under Article 16 of this Ordinance and the Pennsylvania Municipalities planning Code shall be strictly followed.
 - 5. The Zoning Hearing Board concludes that the requested variance:
 - a. Will not substantially violate any of the objectives or intent of this Ordinance.
 - b. If authorized, will represent the minimum variance that will afford reasonable relief to the landowner under the requirements of this Ordinance.
 - 6. Whenever a variance is granted, the Zoning Hearing Board shall notify the landowner or applicant in writing that:
 - a. The granting of a variance may result in increased premium rates for flood insurance.
 - b. The variance may increase the risk to life and property.

7. In reviewing any request for a variance, the Zoning Hearing Board, shall consider, at a minimum, the following:
 - a. That there is good and sufficient cause.
 - b. That failure to grant the variance would result in exceptional hardship to the applicant or landowner.
 - c. That the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances or regulations.
8. Except for a possible modification of the one and one half (1 ½) feet freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to Activities Requiring Special Permits (Section 1009) or to Development Which May Endanger Human Life (Section 1006).
9. 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 Emergency Management Agency. Notwithstanding any of the above however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

Section 1011 Compliance with National Flood Insurance Program Floodplain Management Criteria

All persons shall fully comply with the requirements of the National Flood Insurance Program Floodplain Management Criteria as published in the Federal Register effective January 1, 1986 and October 1, 1986.

Section 1012 Disclaimer

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. This ordinance does imply that areas outside any identified floodplain areas, or that land uses permitted within such areas, will be free from flooding.

The grant of any permit, variance or approval of any construction, improvements, subdivision or land development in the Flood Hazard District does not constitute a representation, guaranty or warranty of any kind by the Borough or any official, agent or employee thereof, of the safety or practicability of the proposed use and shall not create any liability on behalf of the Borough, its officials, agents or employees.

Section 1013 Definitions

Unless specifically defined below, the words and phrases used in this Article shall have such meaning as prescribed in Article 2 of this Ordinance, as amended, and if not so defined, shall be interpreted so as to give this Article its most reasonable application.

Basement – means any area of the building having its floor below ground level on all sides.

Borough – the Borough of Mount Holly Springs, Cumberland County, Pennsylvania.

Building – a combination of materials to form a structure having walls and a roof. Included shall be all manufactured homes, mobile homes and trailers to be used for human habitation.

Completely Dry Space – a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Development – any manmade change to improved or unimproved real estate, including, but not limited to, the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured or mobile homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage or equipment or materials; and the subdivision of land.

Essentially Dry Space – a space which will remain dry during flooding except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

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 – means 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 Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

Floodway Fringe – Those portions of land within the Floodplain District subject to inundations by the one-hundred year flood, beyond the floodway in areas where detailed study and profiles are available.

Historic Structure – any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;
2. Certified or preliminarily determined by the Secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. by an approved state program as determined by the Secretary of the Interior; or
 - b. directly by the Secretary of the Interior in states without approved programs.

Identified Floodplain Area – the floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

Land Development – any of the following activities

1. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - a. a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - b. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.

Lowest Floor – the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant, partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the construction is in violation of the applicable non-elevation design requirements of this Ordinance.

Manufactured Home – defined as provided for in Section 59.1 of the final rule of the Federal Emergency Management Agency

Manufactured Home Park or Subdivision – defined as provided for in Section 59.1 of the final rule of the Federal Emergency Management Agency

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 oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

New Construction – structures for which the start of construction commenced on or after March 10, 1980, and includes any subsequent improvements thereto.

One Hundred Year Flood – a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

Ordinance – the Mount Holly Springs Borough Zoning Ordinance

Person – an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

Recreational Vehicle – a vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood Elevation – the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 ½) feet.

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

Start of Construction – the definition of start of construction shall be as provided in the final rule of the Floodplain Management Criteria.

Structure – anything constructed or erected on the ground or attached to the ground including, but not limited to, building, sheds, manufactured homes, and other similar items.

Substantial Damage – damage from any cause sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred. The market value shall be determined in writing by a licensed real estate professional.

Substantial Improvement – any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. The market value shall be determined in writing by a licensed real estate professional. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not however include either:

1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Uniform Construction Code (UCC) – the statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC. Any reference to the 2003 IBC or the 2003 IRC in this Ordinance shall be considered a reference to the latest version or any successor and/or updated year (usually triennial) year version of those same codes.

Watercourse – any natural or manmade channel through which water flows