

**MT. POCONO BOROUGH
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE 2

AN ORDINANCE OF THE BOROUGH OF MT POCONO, MONROE COUNTY, PENNSYLVANIA, TO AMEND THE MT POCONO BOROUGH ZONING ORDINANCE, ORDINANCE _____, AS AMENDED TO:

- ITEM 1 – ADD STANDARDS FOR FLOODPLAIN MANAGEMENT
- ITEM 2 – REVISE §215-105C (3)(c)[7]
- ITEM 3 –ADOPTION OF FIS AND FIRMS

ITEM 1: Replace 215-38 C with the following:

C. Floodplain Management

(1) General Provisions

(a) Intent - This Part §215-38 C is intended to:

1. Promote the general health, welfare, and safety of the community.
2. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
3. Minimize danger to public health by protecting water supply and natural drainage.
4. Reduce financial burdens imposed on the community, its governmental units, and its residents by preventing excessive development in areas subject to flooding.
5. Maintain the existing hydrologic regime through the sound management of floodplains for their capacity to convey, transport, store and dissipate flood flow volumes and velocities, to protect water quality and to maintain stream channel stability.

(b) Statutory Authorization

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Floodplain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, in addition to the authority provided by the Pennsylvania Municipalities Code, this Part §215-38 C is adopted as authorized by the Pennsylvania Floodplain Management Act of 1978.

(c) Applicability – This Part §215-38 C shall apply to all new construction, development, and improvements, including the placement of fill material, in any identified floodplain area.

1. It shall be unlawful for any person, partnership, business or cooperation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough of Mount Pocono unless a permit has been obtained from the Floodplain Administrator.

2. A permit shall not be required for minor repairs to existing buildings or structures unless required by other provisions of this Chapter.

(d) Warning and Disclaimer of Liability

1. The degree of flood protection sought by the provisions of this Part §215-38 C is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study.
2. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Part §215-38 C does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas, will be free from flooding or flood damages.
3. This Part §215-38 C shall not create liability on the part of the Borough or any officer or employee thereof for any flood damages that result from reliance on this Part §215-38 C or any administrative decision lawfully made thereunder.

(e) Abrogation and Greater Restrictions – This Part §215-38 C supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other Ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Part §215-38 C, the more restrictive shall apply.

(f) Severability – If any section, subsection, paragraph, sentence, clause, or phrase of the Part §215-38 C shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Chapter, which shall remain in full force and effect, and for this purpose the **provisions** of this Part §215-38 C are hereby declared to be severable.

(2) Administration

(a) Designation of the Floodplain Administrator – The Borough of Mount Pocono Zoning Officer is hereby appointed to administer and enforce this Part 21 5-38 C and is referred to herein as the Floodplain Administrator.

(b) Zoning Permits Required – A zoning permit shall be required before any construction or development is undertaken within any area of the Borough of Mount Pocono, including identified floodplain areas.

(c) Duties and Responsibilities of the Floodplain Administrator – In addition to the duties and responsibilities of the Zoning Officer established by Part §215-38 C, the Floodplain Administrator shall:

1. State and Federal Law – Prior to the issuance of any permit, 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 U.S. Clean Water Act, §404.33, U.S.C. 1344. No permit shall be issued until this determination has been made.

2. Construction Codes – The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

(3) **Application Procedures and Requirements** – Applications shall be made in accord with §215-104 of this Chapter and, in addition to the information required by §215-104 C, applications shall include the following:

- (a) Listing of other permits required.
- (b) Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
- (c) If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to demonstrate that:
 1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 2. all utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
 3. adequate drainage is provided so as to reduce exposure to flood hazards.
 4. structures will be anchored to prevent flotation, collapse, or lateral movement.
 5. building materials are flood resistant
 6. appropriate practices that minimize flood damage have been used.
 7. electrical, heating, ventilation, plumbing, air conditioning equipments, and other service facilities have been designed and/ or located to prevent water entry or accumulation.
- (d) In addition to those items required pursuant to Section §215-105C(3)(c), the following data and documentation is required:
 1. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood; and
 2. documentation, certified by a registered professional engineer, to show that the cumulative effect of any proposed development within a Special Flood Hazard Area when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point.
 3. 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 base flood.

4. detailed information needed to determine compliance with §215-38.(C)(11)(h), Storage, and §215-38.(C)(4)(d)[7], development which may endanger human life, including:
 - a. the amount, location and purpose of any materials or substances referred to in §215-38.(C)(11)(h) and §215-38.(C)(4)(d)[7] which are intended to be used, produced, stored or otherwise maintained on site.
 - b. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section §215-38.(C)(11)(h) during a base flood.
 5. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 6. 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 and stormwater management.
- (e) In addition to those items required pursuant to Section §215-105C(3)(c), plans shall include the following:
1. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 2. topographic contour lines, if available;
 3. the elevation of the base flood;
 4. supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC.

(4) **Basic Development Standard** In floodplain areas, only the following types of activities/development will be permitted:

- (a) Activities/Development that are compatible with maintaining the existing hydrologic regime and do not alter the cross sectional dimension of the floodplain and its storage capacity.
- (b) Activities/Development permitted under Title 25, Chapter 105 of the Pennsylvania Code, or conveyances required by Title 25, Chapter 102.
- (c) (c) Activities/Development specifically authorized by this §xxx.

(5) **Identification of Floodplain Areas**

- (a) Identification – The identified floodplain area shall be any areas of the Borough, classified as a special flood hazard area (SFHA) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated may 2, 2013, and issued by

the Federal Emergency management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Borough and declared to be part of this ordinance.

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

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 municipality.

- (c) Changes in Identification of Area - The floodplain area may be revised or modified by the Borough where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from the Federal Emergency Management Agency (FEMA). Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify the FEMA of changes to the Special Flood Hazard Area by submitting technical or scientific data.
- (d) Boundary Disputes - Should a dispute concerning any identified floodplain boundary arise, the determination shall be made by the Floodplain Administrator and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

(6) **Prohibited Development** In floodplain areas, the following shall be prohibited.

- (a) Buildings - All walled and roofed buildings.
- (b) Any new construction or development that will in any manner retard, divert or alter the natural flow of flood waters on the site except activities permitted by the Pennsylvania Department of Environmental Protection under Title 25, Chapter 105 of the Pennsylvania Code, or conveyances required by Title 25, Chapter 102.
- (c) No new construction or development shall be permitted within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, except as permitted per §215-38.B(7).
- (d) Developments of Special Concern

[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 shall be prohibited:

- [a] Hospitals
- [b] Nursing homes
- [c] Jails or prisons

[2] Manufactured Home Park or Subdivision - The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

[3] Mobile Home Park – The commencement of, or any construction of, a new mobile home park or substantial improvement to an existing mobile home park.

[4] Recreational Vehicles - the parking of recreational vehicles.

[5] Fill – The placement of fill material that is not associated with a permitted activity.

[6] Sewage Disposal - On-lot or community subsurface sewage disposal systems.

[7] Mineral Extraction – Structures associated with mining or oil and gas production, i.e. water storage, fluid containment, or well pads.

[8] **Dangerous Materials or Substances** – Any type of development or activity shall be prohibited which will be used for the production or storage of any of the following dangerous materials or substances; or, which will be used for any activity requiring the maintenance of a supply of more than five hundred and fifty (550) gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or, which will involve the production, storage, or use of any amount of radioactive substances. The following list of materials and substances are considered dangerous to human life:

- [a] Acetone
- [b] Ammonia
- [c] Benzene
- [d] Calcium carbide
- [e] Carbon disulfide
- [f] Celluloid
- [g] Chlorine
- [h] Hydrochloric acid
- [i] Hydrocyanic acid
- [j] Magnesium
- [k] Nitric acid and oxides of nitrogen
- [l] Petroleum products (gasoline, fuel oil, etc.)
- [m] Phosphorus
- [n] Potassium
- [o] Sodium
- [p] Sulphur and sulphur products
- [q] Pesticides (including insecticides, fungicides, and rodenticides)
- [r] Radioactive substances, insofar as such substances are not otherwise regulated
- [s] Any other substance as determined by the Borough.

(7) **Permitted Activities/Development**

The following activities/development are permitted in identified floodplain areas provided such activity/development does not involve any activity/development prohibited by §215-38.C(4):

- (a) Agricultural activities.
- (b) Plant nurseries.
- (c) Forestry and seed production.
- (d) Parking lots constructed to existing grade.
- (e) Fish hatcheries.
- (f) Temporary fairs or carnivals.
- (g) Accessory uses for residential purposes.
- (h) Private sportsmen’s club activities (for example, archery, hunting, horse shoes etc.).
- (i) Athletic facilities.
- (j) Orchards.
- (k) Wildlife sanctuaries.
- (l) Boat launch sites constructed to existing grade.
- (m) Unpaved trails.
- (n) Stream crossings permitted by DEP
- (o) Stormwater conveyance and stormwater management facilities for water quality as outlined in the Borough Stormwater Management Ordinance (Act 167).

(8) Unspecified Activities/Development

Any activity/development not expressly permitted in §215-38.C(7).shall only be permitted by variance and shall be undertaken only in full compliance with §215-38.C(12) and §215-38.C(13).However, no activity/development shall be permitted which involves any activity/development expressly prohibited by §215-38.C(6).

(9) Watercourses; Stream Banks

- (a) Alteration or Relocation of Watercourse

[1] Alteration or Relocation of Watercourse - No encroachment, alteration, improvement or development of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action, the Federal Emergency Management Agency, and the Pennsylvania Department of Community and Economic Development have been notified in writing by the applicant by certified mail, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Northeast Regional Office, and other applicable agencies. The applicant shall provide the Borough with proof of the required notifications and copies of any responses.

No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

[2] Restoration of Unstable Stream Banks - No stream bank restoration or stabilization projects shall be undertaken until the applicant provides a detailed report addressing the fluvial geomorphology of stable reaches above and below the unstable reach. Any restoration or stabilization project shall include all necessary measures to ensure the maintenance of stability in the adjacent stable reaches of the stream channel.

- (b) Letter of Map Revision – Technical or scientific data shall be submitted by the applicant to FEMA for a Letter of Map Revision (LOMR) as soon as practicable but within six (6)

months of the completion of any new construction, development or other activity resulting in changes in the base flood elevation. The situations when a LOMR or a Conditional Letter of Map Revision (CLOMR) are required are:

[1] Any development that causes a rise in the base flood elevations within the floodway;
or

[2] Alteration or relocation of a stream (including but not limited to installing culverts and bridges).

(10) Existing Structures in Floodplain Area

The provisions of this Section §215-38.C do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure in the identified floodplain area, the following provisions shall apply:

- (a) Substantial Improvement – Any substantial improvement to an existing structure shall be prohibited in any floodplain area.
- (b) Expansion or Enlargement – No permitted expansion or enlargement of an existing structure shall be allowed within fifty (50) feet landward from the top-of-bank of any watercourse within any A Area unless necessary permits are obtained from the Department of Environmental Protection Regional Office.
- (c) Danger to Human Life – No modification, alteration, reconstruction, or improvement of any kind to an existing structure shall be permitted which involves any activity which may endanger human life as listed in §215-38.C(4)(d)[7].
- (d) Less Than Substantial Improvement – 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 to the greatest extent possible.
- (e) Repetitive Loss – Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall only be permitted by variance and shall be undertaken only in full compliance with §215-38.C(10) and §215-38.C(11).
- (f) Construction Codes – The above activity shall also address the requirements of the 34PA Code, as amended and the 2009 IBC and the 2009 IRC.

(11) Newly Created Lots or Parcels

- (a) Existing Lots or Parcels of Record - In the case where an existing lot or parcel of record is located wholly within an identified floodplain area, or where the useable area of a lot or parcel partially within any identified floodplain area is found to be inadequate for the proposed development, any prohibited development listed in §215-38.C(6) may only be permitted by variance in accord with §215-38.C(12).

- (b) Newly Created Lots or Parcels

- [1] After the effective date of this Part §215-38 C, every lot or parcel created for development purposes shall contain an area adequate for the proposed use outside of a floodplain area, except as provided in [2], below. The subdivision plan and deed for any such lot or parcel shall include a restriction that the lot or parcel shall not be used for any

development which does not comply with the Borough floodplain regulations in effect when such development is proposed.

[2] After the effective date of this Part §215-38 C, the subdivision plan and deed for any lot or parcel created for non-development purposes (e.g., forestry or agriculture) which contains any identified floodplain area shall include a restriction that the lot or parcel shall not be used for any development which does not comply with the Borough floodplain regulations in effect when such development is proposed.

[3] No variance shall be granted for any development in any floodplain area contained within any lot or parcel created after the effective date of this Part §215-38 C. No variance shall be granted for any development in any floodplain area contained on any development plans submitted, after the effective date of this Part §215-38 C.

[4] All subdivision proposals at least 50 lots or at least 5 acres, whichever is the lesser, Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and flood way information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

(12) Variances

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer, or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in §215-110 and the following:

- (a) Alternatives Analysis – No variance shall be granted until the applicant has performed an alternatives analysis to find practicable alternatives to development in the floodplain area.
- (b) A Area – No variance shall be granted for any construction, development, use, substantial improvement or activity within fifty (50) feet landward from the top-of-bank of any watercourse within any A Area unless necessary permits are obtained from the Department of Environmental Protection Regional Office.
- (c) Design and Construction Standards - Any development permitted by variance shall comply with the requirements of §215-38 C(13) and all other applicable requirements of the National Flood Insurance Program.
- (d) Developments of Special Concern - No variance shall be granted for any development of special concern identified in §215-38 C(6)(d)
- (e) Newly Created Lots or Parcels - No variance shall be granted for any development in any identified floodplain area contained within any lot or parcel created after the effective date of this Ordinance
- (f) Written Notice - Whenever a variance is granted, the Zoning Hearing Board 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) Review Factors - In reviewing any request for a variance, the Zoning Hearing Board shall consider that the granting of the variance will not:

[1] Result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,

[2] Create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

- (h) Record - A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year under this §215-38.C(12) shall be included in the annual report to the FEMA.

(13) Design and Construction Standards

The following minimum standards, in addition to all applicable National Flood Insurance Program requirements, shall apply to any construction and development approved within any floodplain area:

- (a) Residential and Non-Residential Structures

[1] In A Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with §215-38.C(5)(a) of this ordinance.

[2] The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

- (b) Space Below the Lowest Floor

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

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

[a] a minimum of two 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.

- (c) Manufactured Homes – All manufactured homes, and any improvements thereto, shall be:

[1] placed on a permanent foundation.

[2] elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above the base flood elevation.

[3] anchored to resist flotation, collapse, or lateral movement.

Installation of manufactured homes shall be done in accordance with the manufactures' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 Code Chapter 401-405.

Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended, where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the unit's proposed installation.

(d) Accessory Structures - Structures accessory to a principal building need not be elevated to remain dry, but shall comply, at a minimum, with the following requirements:

[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 100 square feet.

[3] the structure shall have a low damage potential.

[4] the structure shall be located on the site so as to cause the least obstruction to the flow of flood waters.

[5] power lines, wiring, and outlets will be elevated to the regulatory 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 flood water 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 flood waters.

(e) Fill - If fill is used, it shall:

[1] extend laterally at least fifteen (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 one (1) vertical to two (2) horizontal feet unless substantiated data, justifying steeper slopes are submitted and approved by the Borough; and,

[5] be used to the extent to which it does not adversely affect adjacent properties.

(f) Drainage Facilities - Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner in accordance with all applicable Borough storm water control requirements. The system shall insure 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.

(g) Water and Sanitary Sewer Facilities and Systems

[1] All new or replacement water supply 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 on-site sewage system shall be located within any identified floodplain area.

(h) 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.

(i) 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 §215-38.(C)(4)(d)[7], shall be stored at or above the Regulatory Flood Elevation.

(j) 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 minimum effect upon the flow and height of flood water.

(k) 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.

(l) 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, perpendicular to the flooring grain without causing structural damage to the building.

[2] Plywood used at or below the Regulatory Flood Elevation 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] Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other *water-resistant* material.

(m) Paints and Adhesives

[1] Paints and other finishes used at or below the Regulatory Flood Elevation shall be of *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.) used at or below the Regulatory Flood Elevation shall be finished with a *marine* or *water-resistant* paint or other finishing material.

(n) Electrical Components

[1] Electrical distribution panels shall be at least three (3) feet above the base flood elevation.

[2] Separate electrical circuits shall serve lower levels and shall be dropped from above.

(o) 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.

(p) 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) Definitions

Words and phrases in this Part §215-38 C shall have the meanings set forth in this section. Words and phrases not defined in this Part §215-38 C but defined in Part §215-12 shall be given the meanings set forth in Part §215-12. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

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

Base flood: A flood which has a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood”). *See Identification of Floodplain section*

Base flood elevation (BFE): The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

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

Flood: A temporary inundation of normally dry land areas.

Flood Insurance Rate Map: The official map on which the Federal Emergency Management Agency has delineated both the areas of special hazards and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Floodplain Area: Any area of the Borough, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated May 2, 2013 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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 structure is in violation of the applicable non-elevation design requirements of this Ordinance.

Manufactured Home – A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers and other similar vehicles which are placed on the site for more than 180 consecutive days.

Manufactured Home Park: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction – Structures for which the start of construction commenced on or after January 7, 2013 and includes any subsequent improvements to such structures. Any construction started after May 28, 1982, effective date of community’s first floodplain management ordinance adopted by the

community and before January 7, 2013 is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

Recreation 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 permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood Elevation: The base flood elevation plus a freeboard safety factor of one and one-half (1 ½) feet.

Repetitive Loss: Flood related damages sustained by a structure on two separate occasions for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

Special Flood Hazard Area (SFHA): An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

Start of Construction: Includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, fences, walls, storage tanks, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

Substantial Damage – Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

Substantial Improvement – any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” or “repetitive loss” regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violation of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are minimum necessary to assure safe living conditions.

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that specific ordinance requirements will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

ITEM 3: Revise §215-105.C(3)(c)[7]

Amend the language to read "Location of permanent and seasonal high water table areas and floodplain areas".

EFFECTIVE DATE

This Ordinance shall be effective immediately upon adoption.

Ordained and enacted this 7th day of January, 2013, Borough Council of the Borough of Mount Pocono, Monroe County, Pennsylvania.

BOROUGH OF MOUNT POCONO

By:



John Finnerty, President

ATTEST:


Lori Noonan, Borough Secretary

APPROVED this 7th day of January, 2013

By:


Rich Dorkoski, Mayor