

ARTICLE 15 - FLOOD HAZARD DISTRICT**SECTION 1500 PURPOSE**

The purpose of this Article is to promote the public health, safety and general welfare and to minimize those losses described in Section 1501 by provisions designed to:

- A. Restrict, regulate or prohibit uses which are dangerous to health, safety or property in times of flood or which could cause unacceptable increases in flood heights, frequencies or velocities;
- B. Protect the quality and quantity of surface and subsurface water supplies adjacent to and underlying flood hazard areas;
- C. Provide areas for the deposition of flood-borne sediment;
- D. Require that uses vulnerable to floods, including public facilities, be protected and/or constructed using flood proofing measures so as to be protected against flood damage; and, require that each lot in a Flood Hazard District be provided with a safe building site with adequate access.
- E. Preserve the integrity of stream banks and their immediate vicinity from erosion and degradation of natural vegetation;
- F. Require that where uses are permitted by grant of variance, notice be given to prospective purchasers and/or lessees that land under Agreement of Sale or to be placed under such agreement or under lease, or to be leased, is designated as lying either totally or partially within the Flood Hazard Area and/or the Flood Prone Area.

SECTION 1501 FINDINGS OF FACT

- A. Flood Hazard Areas

1501.A.1.

1502.A.

1. Losses Resulting from Periodic Flooding. The Flood Hazard Areas of Edgmont Township are subject to periodic inundation which could result or has resulted in loss of property and damage to structures; and may result in loss of life, injury to people, disruption of public and private activities and services, burdensome public expenditures for flood protection and relief, and impairment of the tax base, all of which do or may adversely affect the public health, safety and general welfare.
2. General Causes of These Flood Losses. These flood losses are or may be caused by:
 - a. The cumulative effect of obstructions in Flood Hazard Areas causing increases in flood heights and velocities.
 - b. The occupancy of Flood Hazard Areas by uses vulnerable to floods.

B. Flood Prone Areas

1. The Flood Prone Areas of Edgmont Township contain soils subject to flooding and soils subject to localized flooding, which are located primarily adjacent to Flood Hazard Areas, such soils being defined in the Soil Survey for Chester and Delaware Counties, 1963.
2. A fifty (50) foot setback from the top-of-bank of all watercourses, ponds, lakes, or other waterbodies.

SECTION 1502 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE

- A.** In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Pennsylvania Department of Community and Economic Development (DCED) as required by the Act, any new or substantially improved structures which will be used for the production or storage of any of the following materials or substances, or which will be used for any

activity requiring the maintenance of a supply of more than five hundred fifty (550) gallons or other comparable volume, of any of the following dangerous materials or substances on the premises, or will involve the production, storage or use of any amount of radioactive substances, shall be subject to the provisions of this Article, in addition to all other applicable provisions:

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. Sulfur and Sulfur products
17. Pesticides (including insecticides, fungicides and rodenticides)

1502.A.18.

1504.B.

18. Radioactive substances, insofar as such substances are not otherwise regulated.

SECTION 1503 ACTIVITIES REQUIRING SPECIAL PERMITS

A. In accordance with the Pennsylvania Flood Plain Management Act (Act 1978-166) and regulations adopted by the DCED as required by the Act, both of which as may be amended from time to time, the following obstructions and activities shall be permitted only by Special Permit, if located partially or entirely within any Flood Hazard Area as hereinafter set forth; whenever the district being overlain permits such uses, subject to the provisions of Section 1509 herein.

1. Hospitals - public or private
2. Nursing homes - public or private
3. Jails or prisons
4. 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.

SECTION 1504 GENERAL PROVISIONS

A. Compliance

No structure, land or water, shall thereafter be used and no structure shall be located, constructed, reconstructed, enlarged, extended, converted, or structurally altered in the Flood Hazard District without full compliance with the regulations hereinafter set forth and in strict compliance with the flood proofing and related provisions contained in all other applicable codes and ordinances.

B. Preservation of Other Restrictions

It is not intended by this Article to repeal, abrogate, or impair any existing zoning or subdivision regulations, easements, covenants, or deed restrictions, except that where this Article imposes greater restrictions, its provisions shall prevail.

C. Warning and Disclaimer of Liability

While the degree of flood protection required by this Article is considered reasonable for regulatory purposes, larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes. In such instances, areas outside the Flood Hazard District or land uses permitted within the District may be subject to flooding or flood damage. This Article shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder. For example, the grant of a permit or approval of a plan for any proposed subdivision and/or land development to be located within any designated Flood Hazard District shall not constitute a representation, guarantee, or warranty of any kind by the municipality or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the municipality, its official or employees.

D. Overlay Concept

1. The Flood Hazard District Map shall be considered as an overlay to the Edgmont Township Zoning Map. As such, the provisions for the Flood Hazard District shall serve as a supplement to the underlying district provisions.
2. Where there happens to be any conflict between the provisions or requirements of the Flood Hazard District and those of any underlying district, the more restrictive provisions and/or those pertaining to the Flood Hazard District shall apply.

3. In the event any provision concerning the Flood Hazard District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.

E. Mapping

1. All mapping shall be in compliance with the applicable regulations of the Federal Emergency Management Agency (FEMA), and Edgmont Township.
2. The Flood Hazard District Map is declared to be a part of this Ordinance and shall be kept on file at the Edgmont Township offices.
3. The boundaries of the Flood Hazard District shall be based on:
 - a. Analysis and mapping by the US Army Corps of Engineers or other agency designated by FEMA for purposes of the National Flood Insurance Program;
 - b. Field tests of and measurements from watercourses, field tests of alluvial soils and computations of runoff made by a Registered Professional Engineer, or other person experienced in hydrology, retained or approved by the Township;
 - c. Soil surveys by the US Department of Agriculture, Soil Conservation Service.
4. The boundaries of the Flood Hazard District may be revised by the Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies are conducted or undertaken by the US Army Corps of Engineers or other qualified agency designated by FEMA for purposes of the National Flood Insurance Program. However, prior to such revision, approval must be obtained by FEMA.

F. Interpretation of District Boundaries

The boundaries of the Flood Hazard District shall be determined by scaling distances off the Flood Hazard District Map. Where interpretation is needed concerning the exact location of the boundaries as shown on the Flood Hazard District Map (e.g. - where there appears to be a conflict between a mapped boundary and actual field conditions), the Zoning Officer shall make an initial interpretation in conjunction with the Township Engineer. Should a dispute arise concerning the interpretation, the Zoning Hearing Board shall, on appeal to it, make the necessary interpretation. The person contesting the location of the district boundary shall have the burden of establishing that land does not lie within the Flood Hazard District.

G. Application Procedures and Requirements

In addition to other provisions for construction, the following shall apply to the Flood Hazard District:

1. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Township to determine that:
 - a. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 - b. All utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards.
2. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Township to make the

above determination:

- a. A plan of entire site, clearly and legibly drawn to a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - (1) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development
- b. Plans of all proposed buildings, structures, and other improvements, shall be drawn at suitable scale showing the following:
 - (1) The proposed lowest elevation of any proposed building based upon the North American Vertical Datum of 1988;
 - (2) The elevation of the one hundred (100) year flood;
 - (3) Detailed information concerning any proposed floodproofing measures.

SECTION 1505 DESCRIPTION OF FLOOD HAZARD DISTRICT

The Flood Hazard District is comprised by Flood Hazard Areas and Flood Prone Areas as hereinafter described:

A. Flood Hazard Areas

1. The identified floodplain area shall be any area of the Township subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated November 18, 2009 and the accompanying maps or the most recent revisions thereof as issued by the Federal Emergency Management Agency. Including all digital data developed as part of the FIS.
2. The Floodway Area is delineated for purposes of

this Ordinance using the criteria that a certain area within the flood plain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The Floodway Area is shown on the Edgmont Township Flood Hazard District Map. Such areas are specifically identified as Zone AE in the FIS.

3. The Special Flood Hazard Areas Inundated by 100-Year Flood shall be those areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided.
4. The Flood-Fringe Area shall be those areas in Zone AE not included in the Floodway Area where the floodway has been delineated.

B. Flood Prone Area

1. Flood Prone Areas shall include soils subject to flooding and soils subject to localized flooding as documented and mapped in the Soil Survey of Chester and Delaware Counties, 1963, by the U. S. Department of Agriculture, Soil Conservation Service. Within Edgmont Township, such are comprised by the following soil types:
 - a. Ch - Chewacla silt loam
 - b. We - Wehadkee silt loam
 - c. WoA - Worsham silt loam
 - d. WsB - Worsham very stony silt loam
2. Flood Prone Areas shall also include an area of fifty (50) feet measured as a setback from the top of bank from any watercourse, pond, lake or other water body.

SECTION 1506 USE REGULATIONS

A. General Use Regulations

1506.A.1.

1506.B.1.a.

1. All uses, activities, and development occurring within any Flood Hazard District shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances such as the Edgmont Township Building Code, and the Edgmont Township Subdivision & Land Development Ordinance.
2. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.
3. Prior to any proposed alteration or relocation of any stream, watercourse and the like, a permit shall be obtained from the PA DEP, Bureau of Dams, Waterways and Wetlands. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both FEMA and DCED.
4. Notwithstanding the uses referenced in Section 1503.A. as requiring a Special Permit as hereinafter provided, the uses to be considered for the Flood Hazard District are provided for in Section 1506.B. and 1506.C. herein.

B. Flood Hazard Areas

1. Floodway Area and Special Flood Hazard Areas Inundated by 100-Year Flood

In these areas, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and/or State authorities as required above.

a. Permitted Uses

The following uses and activities are

1506.B.1.a.

1506.B.1.b.

permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance, and provided that they do not require structures, fill, or storage of materials and equipment:

- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
 - (2) Public and private recreational uses and activities such as: parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, and hunting and fishing areas.
 - (3) Three-quarters of the front, side or rear yard setbacks provided by the location of buildings on any lot or tract in any district contiguous to the Flood Hazard District provided, however, that no building shall be placed less than twenty-five (25) feet from the boundary of any Flood Hazard District.
 - (4) Any permitted principal use provided for in Article 14, 16 or 20.
 - (5) Accessory uses customarily incidental to any of the foregoing, except parking as provided in Section 1506.B.1.b. below.
- b. Uses by Special Exception (Refer to Chapters 21 and 22, and to Section 1508 herein)

The following uses and activities may be permitted by Special Exception provided they

are in compliance with the provisions of the underlying district and are not prohibited by any other Ordinance; and, further provided that all uses and activities and related development shall be undertaken in strict compliance with the flood proofing provisions contained within this Article and all other applicable regulations, codes, ordinances, and the like:

- (1) Structures accessory to the uses and activities in Section 1506.B.1.a., above.
- (2) Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.
- (3) Water-related uses and activities such as marinas, docks, wharves, piers, etc.
- (4) Extraction of sand, gravel, rock and any minerals or other materials.
- (5) Temporary uses such as circuses, carnivals, and similar activities.
- (6) Storage of materials and equipment within a sealed waterproof container, provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.
- (7) Other similar uses and activities provided they cause no increase in flood heights and/or velocities.

c. Prohibited Uses

- (1) Any structure of the kind described in Section 1502 herein.
- (2) Any new construction, development, use, activity or encroachment that would cause any increase in flood heights.

2. Flood-Fringe Area

In the Flood-Fringe Area the development and/or use of land shall be undertaken in strict compliance with the flood proofing and related provisions contained in this Article and all other applicable regulations, codes, ordinances, and the like.

a. Permitted Uses

- (1) All uses permitted in Section 1506.B.1.a. herein.

b. Uses by Special Exception: (Refer to Article 21 and 22, and to Section 1508 herein)

- (1) All uses permitted in Section 1506.B.1.b. herein.

- (2) Structures of the kind described in Section 1502 herein, provided that no such structure shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, pond, lake or other waterbody, and further provided:

- (i) Such structure is permitted within the overall zoning district which is overlain by the Flood Hazard District.

- (ii) Such structure is elevated or designed and constructed to remain completely dry up to at

1506.B.2.b.(2)(ii)

1506.C.3.a.

least one and one-half (1 1/2) feet above the one hundred (100) year flood.

(iii) Such structure is designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

(iv) Any such structure or part thereof that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood Proofing Regulations" (US Army Corps of Engineers, June 1972) or with some other equivalent water-tight standard.

(v) A permit is obtained from the PA DEP.

C. Flood Prone Areas

1. Permitted Uses

a. All uses permitted in Section 1506.B.1.a. herein.

2. Uses by Special Exception: (Refer to Section 1508)

a. All uses permitted in Section 1506.B.1.b. and 1506.B.2.b. herein.

3. Conditional Uses

a. Stormwater management, and soil erosion and sedimentation control facilities and structures.

b. The following uses may be permitted as Conditional Uses, provided no new construction or development is located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, pond, lake, or other waterbody.

(1) Residential, commercial or industrial structures.

(2) On-lot sewage disposal systems.

D. Existing Buildings, Structures or Uses in any Flood Hazard District

A building, structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions may be continued subject to the following conditions (in addition to satisfying the requirements of Section 1913 regarding Nonconformities):

1. Existing buildings, structures and uses located in any floodway area shall not be expanded or enlarged in any way which would cause any increase in the elevation of the 100 year flood;
2. Existing buildings, structures and uses in the Special Flood Hazard areas and Flood Fringe areas shall not be expanded or enlarged if, together with all other existing and anticipated development, they would increase the one hundred (100) year flood elevation more than one (1) foot at any point.
3. Any modification, alteration, repair, reconstruction, or improvement of any kind to a building, structure and/or use located in any Flood Hazard District to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood proofed to the greatest extent possible regardless of its location in the Flood Hazard District.

1506.D.4.

1507.A.2.b.

4. The modification, alteration, repair, reconstruction, or improvement of any kind to an existing building, structure and/or use regardless of its location in a Flood Hazard District 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 and any other applicable ordinance.
5. Uses or adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

SECTION 1507 DEVELOPMENT STANDARDS

A. Elevation and Floodproofing Requirements applicable to the entire Flood Hazard District

1. Residential Buildings and Structures

- a. The lowest floor (including basement) of any new residential building and structure, or any substantial improvement to an existing residential building and structure, shall be at least one and one-half (1 1/2) feet above the one hundred (100) year flood elevation.

2. Non-residential Buildings and Structures

- a. The lowest floor (including basement) of any new non-residential building and structure, or any substantial improvement to an existing non-residential building and structure, shall be at least one and one-half (1 1/2) feet above the one hundred (100) year 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 building and structure, or part hereof, having a lowest floor which is not elevated to at least one and

one half (1 1/2) 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), 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.

3. Space below the lowest floor.
 - a. Fully enclosed space below the lowest floor (including basement) is prohibited.
 - b. 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 flood waters 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:
 - (1) 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;
 - (2) The bottom of all openings shall be no higher than one (1) foot above grade;

- (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. Design and Construction Standards

1. Fill. If fill is used, it shall:
 - a. Extend laterally at least fifteen (15) feet beyond any building from all points;
 - b. Consist of soil or small rock materials only;
 - c. Be compacted to provide the necessary permeability and resistance to soil erosion, scouring, or settling;
 - d. Be no steeper than one (1) vertical to two (2) horizontal feet; and
 - e. Be used to the extent to which it does not adversely affect adjacent properties.

C. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. 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 stormwater runoff onto adjacent properties.

D. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

3. No part of any on-site sewage system shall be located within the Flood Hazard District except by Conditional Use in flood prone areas and 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.

E. Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated and constructed to minimize the chance of impairment during a flood.

F. Streets

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

G. 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 1502, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

H. 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.

I. Anchoring

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

1507.I.2.

1507.L.1.

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.

J. 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.

K. Paints and Adhesive

1. Paints or 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.) shall be finished with a "marine" or water-resistant paint or other finishing material.

L. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year

flood elevation.

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

M. 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.

N. 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.

O. Special Requirements for Manufactured Homes

1. Within any Floodway Area (FW), manufactured homes shall be prohibited.
2. Where permitted within any flood hazard district, all manufactured homes, and any improvements thereto, shall be:
 - a. Placed on a permanent foundation;
 - b. Elevated so that the lowest floor of the manufactured home is one and one half (1 ½) feet or more above the elevation of the one hundred (100) year flood.
 - c. Anchored to resist flotation, collapse, or lateral movement.
 - d. Installation of manufactured homes shall be done in accordance with the manufacturer's installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the

requirements of Appendix E of the most current version of the International Residential Code or the U.S. Department of Housing and Urban Development's (HUD) Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revisions thereto shall apply and 34 PA Code Chapter 401-405.

SECTION 1508 APPEALS TO THE ZONING HEARING BOARD

Except where specifically prohibited in this Article, if compliance with the requirements of this Article would result in 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 under the following criteria:

A. Standards and Criteria

Appeals to the Zoning Hearing Board with respect to the provisions of this Article shall be governed by the terms of Article IX, Sections 909.1 and 913.3 of the Pennsylvania Municipalities Planning Code, as amended; the provisions of Article 21, Section 2112, herein and the provisions of this Section. In the case of an application for a Special Exception or a Variance, the Board shall consider the following standards and criteria (in addition to the requirements of Article 22), where appropriate, and the applicant shall have the burden of proving that they can be satisfied:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments. No Special Exception or Variance shall be granted for any proposed use, development, or activity that will cause any increase in flood levels during the one hundred (100) year flood.
2. The danger that materials may be swept onto other lands or downstream to the injury of others and/or their properties.

1508.A.3.

1508.B.1.a.

3. The proposed water supply and sanitation systems and ability of these systems to avoid causing disease, contamination and unsanitary conditions.
4. The susceptibility of the proposed use and its contents to flood damage and the effect of such damage on the individual owners.
5. The importance of the proposed use, and the services provided thereby, to the community.
6. The availability of alternative locations not subject to flooding for the proposed use.
7. The compatibility of the proposed use with existing and foreseeable nearby uses.
8. The relationship of the proposed use to the land use recommendations contained in the Edgmont Township Comprehensive Plan.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
11. Such other factors as are relevant to the purposes of this Article.

B. Procedure

1. Upon receiving an application for a Special Exception or a Variance hereunder, the Zoning Hearing Board shall require the Applicant, at the Applicant's expense, to furnish the following materials and information as the Township Engineer shall deem necessary for a complete consideration of the matter by the Board.
 - a. Plans in triplicate drawn to scale showing the nature, location, dimensions and elevation of the lot and existing and proposed uses.

- b. Photographs or videos showing existing uses and vegetation.
 - c. A report describing the soil type or types on the lot and associated soil characteristics and other pertinent information with respect thereto.
 - d. A series of cross-sections at such intervals as the Township Engineer may deem necessary along the lot shoreline, showing the stream channel or the lake or pond bottom, elevation of adjoining land areas to be occupied by the proposed uses, and high water information.
 - e. Profile showing the slope of the bottom of the channel, watercourse, lake or pond.
 - f. Specifications for building materials and construction, floodproofing, filling, dredging, grading, landscaping, storage, water supply and sanitary facilities.
 - g. Computation of the increase, if any, in the height of flood stages which would be attributable to any proposed uses or changes.
 - h. Computation of the increase, if any, in the run-off from the one hundred (100) year frequency, twenty-four (24) hour duration storm, attributable to any proposed uses.
2. In consideration any application for a Special Exception or Variance, the Zoning Hearing Board may, before a hearing, request reports from the Planning Commission and the Township Engineer concerning the extent to which the proposed use would: diminish the capacity of the flood plain to store and absorb flood waters, to moderate flood velocities, and to accommodate sediment; be subject to flood damage; and cause erosion and impair the amenity of the Flood Hazard District. All written reports submitted to the Zoning

1508.B.3.

1508.C.4.a.

3. Hearing Board in advance of or at the hearing shall be made available for inspection at the hearing by any party thereto.
4. Special Exceptions and/or Variances shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in:
 - a. Unacceptable or prohibited increases in flood heights.
 - b. Additional threats to public safety.
 - c. Extraordinary public expense.
 - d. Nuisances.
 - e. The victimization of the public.
 - f. Conflict with existing ordinances, regulations or codes.
 - g. Violation of this Article

C. Conditions

Upon consideration of the purposes of this Chapter, the Zoning Hearing Board shall attach such conditions and safeguards to the granting of a Special Exception or a Variance as it deems necessary. The following conditions may be included where applicable without limitation because of specific enumeration.

1. Modification of waste disposal and water supply facilities.
2. Imposition of operational controls, sureties and deed restrictions.
3. Limitations on periods of use and operation.
4. Floodproofing measures such as the following:
 - a. Anchorage to resist flotation, collapse or

- lateral movement of any structure.
- b. Installation of watertight doors, bulkheads and shutters.
 - c. Reinforcement of walls to resist water pressures.
 - d. Use of paints, membranes or mortars to reduce seepage of water through walls.
 - e. Addition of mass or weight to structures to resist flotation.
 - f. Installation of pumps to lower water levels in structures.
 - g. Construction of water supply and waste treatment systems so as to prevent the entrance of flood-waters.
 - h. Pumping facilities for subsurface external foundation wall and basement floor pressures.
 - i. Construction to resist rupture or collapse caused by water pressure or floating debris.
 - j. Cutoff valves on sewer lines or the elimination of gravity flow basement drains.
 - k. Elevation of structures to reduce likelihood of flood damage.
5. 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.
 6. No Variance shall be granted for any construction, development, use, or activity within fifty (50) feet from the top of the bank of any watercourse or waterbody, and within any Special Flood Hazard area that would, together

with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

7. Except for a possible modification of the one and one-half (1 1/2) foot free board requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Section 1503) or to Development Which May Endanger Human Life (Section 1502).

D. Prospective Sale

In any case where the Zoning Hearing Board shall grant a Special Exception or a Variance to permit the erection of a structure in the Flood Hazard District, and it shall appear that such premises is to be offered for sale or lease, or the Board grants a Special Exception or a Variance to permit a change in nonconforming use of a structure already existing in the Flood Hazard District and it shall appear that the premises is to be offered for sale or lease, it shall, for the protection of prospective purchasers and lessees impose the following conditions:

1. Require the Applicant to advise prospective purchasers and or lessees that the lot is located either entirely or partially, as the case may be, in the Flood Hazard District (in the Flood Hazard Area and/ or the Flood Prone Area).
2. Require that, before settlement or change in nonconforming use, as the case may be, the purchaser or lessee shall signify in writing that he/she has been advised that the premises lies partially or entirely in the Flood Hazard District and a signed copy of such signification shall be delivered to the Township.
3. Where the premises is to be conveyed, the deed shall contain the following provision:

"This lot is entirely (partially) within the

1508.E.

1509.A.3.d.

Flood Hazard District as defined by the Flood Hazard District provisions of Zoning Ordinance of Edgmont Township, Delaware County, Pennsylvania."

- E.** In those cases where the boundaries of the Flood Hazard District are contested in accordance with Section 1504.F.; and the Zoning Hearing Board finds that the proposed use(s) are not within the district boundaries, then the preceding conditions shall not apply.

SECTION 1509 SPECIAL PERMIT APPLICATION REQUIREMENTS

The following shall comprise the application requirements for activities requiring special permits as defined in Section 1503 herein.

- A.** Five (5) copies of the following items shall be provided:
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 a defined U.S.G.S. datum, 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 flood plain 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; and,
 - g. The location of all existing and proposed buildings, structures, utilities, and any other improvements.
 - h. Any other information which the Township considers necessary for the 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;
 - b. For any proposed building, the elevation of the lowest floor (including basement) and the elevation of any other floor;
 - c. The elevation of the one hundred (100) year flood;
 - d. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;
 - e. Detailed information concerning any proposed floodproofing measures;

- f. Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way, cartway and pavement widths;
- g. Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and,
- h. 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 one hundred (100) year flood elevations and flows;
- f. Documentation, certified by a Registered Professional Engineer or Architect, or Landscape Architect to show that the cumulative effect of any proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.
- g. 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 statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
- h. Detailed information needed to determine compliance with Storage and Development Which May Endanger Human Life, including a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of dangerous materials or substances during a one hundred (100) year flood.

- i. The appropriate component of the PA DEP "Planning Module for Land Development";
- j. Where any excavation or grading is proposed, a plan meeting the requirements of the PA DEP to implement and maintain soil erosion and sedimentation control;
- k. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the PA DEP under Section 302 of Act 1978-166, as may be amended from time to time; and,
- l. 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.

B. Application Review Procedures

Upon receipt of any application for a Special Permit by the Township, the following procedures shall apply in addition to all other applicable permit 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 DCPD for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment.
2. If an application is received that is incomplete, the Township shall notify the Applicant in writing, stating in what respects the application is deficient.
3. If the Township decides to disapprove an application, it shall notify the Applicant, in writing, of the reasons for the disapproval.

4. If the Township approves an application, it shall file a written notification, together with the application and all pertinent information, with the Pennsylvania Department of Conservation and Natural Resources, by registered mail, within five (5) working days after the date of approval.
5. Before issuing the Special Permit, the Township shall allow the Pennsylvania Department of Conservation and Natural Resources thirty (30) days, after receipt of the notification by the Department, to review the application and the decision made by the Township.
6. If the Township does not receive any communication from the Pennsylvania Department of Conservation and Natural Resources during the thirty (30) days review period, it may issue a Special Permit to the Applicant.
7. If the Pennsylvania Department of Conservation and Natural Resources should decide to disapprove an application, it shall notify the Township and the Applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

C. Technical Requirements for Development Requiring a Special Permit

In addition to any other applicable requirements, 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, 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:

- (1) 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.
 - (2) The lowest floor elevation (including basement) will be at least one and one half (1 1/2) feet above the one-hundred (100) year flood elevation.
 - (3) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one-hundred (100) year flood.
- b. 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, and the like, shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Conservation and Natural Resources.
 3. Any structure for which a Special Permit is required shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, pond, lake, or other water body.

1509.C.4.

1509.C.5.

4. Except for a possible modification of the freeboard requirement involved, no Variance shall be granted for any of the other requirements of this Section.
5. The provisions of this subsection shall be applicable, in addition to any other applicable provisions of this Ordinance, or any other ordinance, code or regulation.