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**Part 1**

**General Provisions**

**§101. Short Title.**

This chapter shall be known and may be cited as the “Borough of Stroudsburg Floodplain Management Ordinance.”

(Ord. 612, 11/13/1985)

**§102. Purpose.**

The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- A. Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies.
- B. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
- C. Requiring all those uses, activities, and development that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.
- D. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
- E. Protecting the quality and quantity of surface and subsurface water supplies adjacent to the underlying flood hazard areas.

(Ord. 612, 11/13/1985, §1.01)

**§103. Abrogation and Greater Restrictions.**

This chapter 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 chapter, the more restrictive shall apply.

(Ord. 612, 11/13/1985, §1.02)

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### **§104. Compliance.**

No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this chapter and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this chapter.

(Ord. 612, 11/13/1985, §1.03)

### **§105. Severability.**

If any section, subsection, paragraph, sentence, clause, or phrase of this chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect, and for this purpose the provisions of this chapter are hereby declared to be severable.

(Ord. 612, 11/13/1985, §1.04)

### **§106. Warning and Disclaimer of Liability.**

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

(Ord. 612, 11/13/1985, §1.05)

## Part 2

### Administration

#### §201. General Provisions.

1. It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough unless a building permit has been obtained from the Code Enforcement Officer.
2. The Code Enforcement Officer shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
3. Prior to the issuance of any building permit, the Code Enforcement Officer shall review the application for permit to determine if all other necessary governmental 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 Dam Safety and Encroachments Act (Act 1978-325, as amended); the U.S. Clean Water Act, Section 404, 33, U.S.C. 1334; and the Pennsylvania Clean Streams Act (Act 1937-394, as amended). No permit shall be issued until this determination has been made.
4. 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 municipality and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified by the municipality prior to any alteration or relocation of any watercourse.

(Ord. 612, 11/13/1985, §2.01; as amended by Ord. 751, 5/7/1997; and by Ord. 864, 9/6/2006)

#### §202. Application Requirements.

1. If any proposed construction or development is located entirely or partially within any identified floodplain areas, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Code Enforcement Officer to determine that:
  - A. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

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- B. All utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage; and
  - 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 Code Enforcement Officer to make the above determination:
- A. A completed building permit application form.
  - B. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
    - (1) North arrow, scale, and date;
    - (2) Topographic contour lines, if available;
    - (3) All property and lot lines, including dimensions, and the size of the site, expressed in acres or square feet;
    - (4) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
    - (5) The location of all existing streets, drives, and other accessways; and
    - (6) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway and the flow of water, including direction and velocities.
3. Plans of all proposed buildings, structures and other improvements, drawn at a suitable scale, showing the following:
- A. The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
  - B. The elevation of the one-hundred-year flood;
  - C. If available, information concerning flood depths, pressures, velocities, impact, and uplift forces and other factors associated with a one-hundred-year flood; and
  - D. Detailed information concerning any proposed floodproofing measures.
4. The following data and documentation:

- A. 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 one-hundred-year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
- B. Detailed information needed to determine compliance with §404, Subsection 6, Storage, and §406, Development Which May Endanger Human Life, including:
  - (1) The amount, location, and purpose of any materials or substances referred to §§404, Subsection 6, and 406 which are intended to be used, produced stored or otherwise maintained on site.
  - (2) 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 §406, Subsection 1, during a one-hundred-year flood.
- C. The appropriate component of the Department of Environmental Protection's Planning Module for Land Development.
- D. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.

(Ord. 612, 11/13/1985, §2.02; as amended by Ord. 864, 9/6/2006)

### **§203. Review of Application by Others.**

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Code Enforcement Officer to any other appropriate agencies and/or individuals (e.g., Planning Commission, County Conservation District, Municipal Engineer, etc.) for review and comment.

(Ord. 612, 11/13/1985, §2.03)

### **§204. Enforcement and Penalties.**

- 1. Whenever the Code Enforcement Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, or of any regulation adopted pursuant thereto, the Code Enforcement Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall:

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- A. Be in writing.
  - B. Include a statement of the reasons for its issuance.
  - C. Allow a reasonable time, not to exceed a period of 30 days, for the performance of any act it requires.
  - D. Be served upon the property owner or his agent, as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State.
  - E. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter.
2. Any person who fails to comply with any or all of the requirements or provisions of this chapter or who fails or refuses to comply with any notice, order, or direction of the Code Enforcement Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the Borough, of not less than \$25 nor more than \$300 plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed 10 days. Each day during which any violation of this chapter continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved, including an action in equity, for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of or noncompliance with this chapter shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this chapter may be declared by the Borough Council to be a public nuisance and abatable as such.

(Ord. 612, 11/13/1985, §2.04)

### **§205. Appeals.**

1. Any person aggrieved by any action or decision of the Code Enforcement Officer involving the administration of the provisions of this chapter may appeal to the Council. Such appeal must be filed, in writing, within 30 days after the decision or action of the Code Enforcement Officer.
2. Upon receipt of such appeal, the Council shall set a time and place, within not less than 10 nor more than 30 days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

3. Any person aggrieved by any decision of the Council may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth, including the Pennsylvania Flood Plain Management Act.

(Ord. 612, 11/13/1985, §2.04)



### Part 3

## Identification of Floodplain Areas

### §301. Description of Floodplain Area.

1. The identified floodplain area shall be those areas of the Borough of Stroudsburg that are subject to the one-hundred-year flood, as identified in the Flood Insurance Study (FIS), dated May 19, 1997, and the accompanying maps prepared for the Borough of Stroudsburg by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof. The identified floodplain area shall consist of the following specific areas:
  - A. FW (Floodway Area) – the areas identified as "Floodway in the AE Zone in the Flood Insurance Study prepared by FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
  - B. FF (Flood-Fringe Area) – the remaining portions of the one-hundred-year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one-hundred-year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.
  - C. FA (General Floodplain Area) – the areas identified as Zone A in the FIS for which no one-hundred-year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one-hundred-year elevation, as well as a floodway area, if possible. When no other information is available, the one-hundred-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.
2. In lieu of the above, the municipality 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 of Stroudsburg.

(Ord. 612, 11/13/1985, §3.01; as amended by Ord. 751, 5/7/1997; and by Ord. 864, 9/6/2006)

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### **§302. Changes in Identification of Area.**

The identified floodplain area may be revised or modified by the Borough Council where studies or information provided by a qualified agency or person document the need for such revision. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA).

(Ord. 612, 11/13/1985, §3.02; as amended by Ord. 864, 9/6/2006)

### **§303. Interpretation of Floodplain Area Boundaries.**

Where interpretation is needed concerning the exact location of any boundary of any floodplain area, the Borough Council shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present a case to the Borough Council and to submit supporting technical evidence if so desired.

(Ord. 612, 11/13/1985, §3.03)

**Part 4**

**Technical Provisions**

**§401. General Requirements.**

Under no circumstances shall any use, activity and/or development reduce the carrying capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system. Prior to any proposed alteration or relocation of any street, watercourse, or any other drainage facility within the Borough of Stroudsburg, a permit shall be obtained from the Department of Environmental Protection Regional Office. Further notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notification shall be forwarded to both the Federal Emergency Management Agency and the Pennsylvania Department of Community and Economic Development.

(Ord. 612, 11/13/1985, §4.00; as amended by Ord. 751, 5/7/1997; and by Ord. 864, 9/6/2006)

**§402. Special Floodway and Stream Setback Requirements.**

1. Within any Floodway Area (FW), the following provisions shall 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 Regional Office.
2. Within an Approximated Floodplain Area (FA), the following provisions shall apply:
  - A. No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.
  - B. Within any FE (Special Floodplain Area), no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one-hundred-year flood more than one foot at any point.

(Ord. 612, 11/13/1985, §4.01; and by Ord. 864, 9/6/2006)

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### §403. 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 up to, or above, the regulatory flood elevation. The design and construction standards and specifications contained in the 2003 International Building Code (Sections 1612.4, 1603.1.6 and 3403.1) and the 2003 International Residential Code (Sections R232.1.4, R323.2.1 and R323.2.2) and the American Society of Civil Engineers 24 (Sections 2.4 and 2.5, Chapter 5) and 34 Pa Code (Chapters 401-405, as amended) shall be utilized.
2. Nonresidential structures.
  - A. Within any identified floodplain area, any new construction or substantial improvement of a nonresidential 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 completely or essentially dry during any flood up to that height.
  - B. Any nonresidential structure, or part thereof, having a lowest floor which is not elevated to at least one and one-half feet above the one-hundred-year flood elevation shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. 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.
  - C. The design and construction standards and specifications contained in the International Building Code (Sections 1603.1, 1603.1.6, 1605.2.2, 1606.5 and 3403.1) and the American Society of Civil Engineers 24 (Sections 2.4 and Chapter 7) and 34 Pa Code (Chapters 401-405, as amended) shall be utilized.
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 floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The 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 square inch for every square foot of enclosed space shall be provided.
  - (2) The bottom of all openings shall be no higher than one foot above grade.
  - (3) 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. Consideration may be given to the requirement of 34 Pa Code (Chapters 401-405, as amended) and the 2003 International Residential Code (Sections R323.2.2 and R323.1.4) and the 2003 International Building Code (Sections 1612.4, 1612.5, 1202.3.2 and 1203.3.3).
4. 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:
- A. 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, materials and equipment related to the principal use or activity.
  - B. Floor area shall not exceed 600 square feet.
  - C. The structure will have a low damage potential.
  - D. The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
  - E. Power lines, wiring and outlets will be at least one and one-half feet above the one-hundred-year flood elevation.
  - F. Permanently affixed utility equipment and appliances, such as furnaces, heaters, washers, dryers, etc., are prohibited.
  - G. Sanitary facilities are prohibited.
  - H. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a regis-

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tered 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 square inch for every square foot of enclosed space shall be provided.
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(Ord. 612, 11/13/1985, §4.02; as amended by Ord. 751, 5/7/1997; and by Ord. 864, 9/6/2006)

### **§404. Design and Construction Standards.**

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

A. Fill. If fill is used, it shall:

- (1) Extend laterally at least 15 feet beyond the building line from all points.
- (2) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
- (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
- (4) Be no steeper than one vertical to two horizontal, unless substantiated data justifying steeper slopes are submitted to and approved by the Code Enforcement Officer.
- (5) Be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage. 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

C. Water and sanitary sewer facilities and systems.

- (1) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
  - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
  - (3) 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. Other utilities. All other utilities, such as gas lines, electrical and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- E. Streets. The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.
- F. Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and which are not listed in §406, Subsection 1, Development That May Endanger Human Life, shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.
- G. Placement of buildings and structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- H. Anchoring.
- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
  - (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- I. Floors, walls, and ceilings.
- (1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, 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.

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- (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.
- J. Paints and adhesives.
- (1) Paints or other finishes used at or below the regulatory flood elevation shall be of a marine or water-resistant quality.
  - (2) Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant quality.
  - (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 finished material.
- K. Electrical components.
- (1) Electrical distribution panels shall be at least three feet above the one-hundred-year flood elevation.
  - (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- L. Equipment. Water heaters, furnaces, air-conditioning and ventilating units, and other electrical, mechanical, or utility equipment apparatus shall not be located below the regulatory flood elevation.
- M. Fuel supply systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

(Ord. 612, 11/13/1985, §4.03)

### **§405. Special Requirements for Manufactured Homes.**

1. Within any FA (General Floodplain Area), manufactured homes shall be prohibited within the area measured 50 feet landward from the top-of-the-bank of any watercourse.
2. Where permitted within any floodplain area, 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 feet or more above the elevation of the one hundred-year flood.
  - C. Anchored to resist flotation, collapse, or lateral movement.
3. 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 2003 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 Pa Code, Chapters 401-405.
  4. Consideration shall be given to the installation requirements of the 2003 International Building Code (Appendix G, §501.1-3) and the 2003 International Residential Code (Sections R323.2, R323.3, R102.7.1, R105.3.1.1 and Appendix AE101, 604 and 605), or most recent revisions thereto, and 34 Pa Code, Chapters 401-405, as amended, where appropriate and/or applicable to units where the manufacturer's standards for anchoring cannot be provided or were not established for the unit(s) proposed installation.

(Ord. 612, 11/13/1985, §4.04; as amended by Ord. 751, 5/7/1997; and by Ord. 864, 9/6/2006)

#### **§406. Development That May Endanger Human Life.**

1. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or 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 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:
  - A. Acetone.
  - B. Ammonia.
  - C. Calcium carbide.
  - D. Celluloid.

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- E. Chlorine.
  - F. Hydrochloric acid.
  - G. Hydrocyanic acid.
  - H. Magnesium.
  - I. Nitric acid and oxides of nitrogen.
  - J. Petroleum products (gasoline, fuel oil, etc.).
  - K. Phosphorus.
  - L. Potassium.
  - M. Sodium.
  - N. Sulphur and sulphur products.
  - O. Pesticides (including insecticides, fungicides and rodenticides).
  - P. Radioactive substances, insofar as such substances are not otherwise regulated.
  - Q. Benzene.
  - R. Carbon disulfide.
2. Within any FW (Floodway Area), any structure of the kind described in §406, Subsection 1, shall be prohibited.
  3. Where permitted within any floodplain area, any structure of the kind described in §406, Subsection 1, shall be:
    - A. Elevated or designed and constructed to remain completely dry up to at least one and one-half feet above the one-hundred-year flood; and
    - B. Designed to prevent pollution from the structure or activity during the course of a one-hundred-year flood.
  4. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972, as amended March 1992), or with some other equivalent watertight standard.

(Ord. 612, 11/13/1985, §4.05; as amended by Ord. 751, 5/7/1997; and by Ord. 864, 9/6/2006)

## Part 5

### Activities Requiring Special Permits

#### §501. General Provisions.

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

- A. The commencement of any of the following activities or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
  - (1) Hospitals.
  - (2) Nursing homes.
  - (3) Jails or prisons.
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision or substantial improvement to an existing manufactured home park or manufactured home subdivision.

(Ord. 612, 11/13/1985, §5.01; as amended by Ord. 751, 5/7/1997)

#### §502. Application Requirements for Special Permits.

Applicants for special permits shall provide five copies of the following items:

- A. A written request, including a completed building permit application form.
- B. A small-scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of one being equal to 100 feet or less, showing the following:
  - (1) North arrow, scale and date.
  - (2) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two feet.
  - (3) All property and lot lines, including dimensions, and the size of the site, expressed in acres or square feet.

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- (4) The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations.
  - (5) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development.
  - (6) The location of the floodplain boundary line, information and spot elevations concerning the one-hundred-year flood elevations, and information concerning the flow of water, including direction and velocities.
  - (7) The location of all proposed buildings, structures, utilities, and any other improvements.
  - (8) Any other information which the municipality considers necessary for adequate review of the application.
- D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale, showing the following:
- (1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate.
  - (2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.
  - (3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one-hundred-year flood.
  - (4) Detailed information concerning any proposed floodproofing measures.
  - (5) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths.
  - (6) Profile drawings for all proposed streets, drives, and vehicular accessways, including existing and proposed grades.
  - (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- E. The following data and documentation:

- (1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.
- (2) Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one-hundred-year flood.
- (3) A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person, which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one-hundred-year flood, including a statement concerning the effects such pollution may have on human life.
- (4) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on the one-hundred-year flood elevation and flows.
- (5) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one-hundred-year flood elevation and the effects such materials and debris may have on one-hundred-year flood elevations and flows.
- (6) The appropriate component of the Department of Environmental Protection's Planning Module for Land Development.
- (7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.
- (8) Any other applicable permits, such as but not limited to a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166.
- (9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one-hundred-year flood.

(Ord. 612, 11/13/1985, §5.02; as amended by Ord. 864, 9/6/2006)

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### **§503. Application Review Procedures.**

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

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

(Ord. 612, 11/13/1985, §5.03; as amended by Ord. 751, 5/7/1997)

### **§504. Special Technical Requirements.**

1. 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 will apply.

2. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
  - A. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
    - (1) The structure will survive inundation by waters of the one-hundred-year flood without any lateral movement or damage to either the structure itself or to any of its equipment or contents below the one-hundred-year flood elevation.
    - (2) The lowest floor elevation (including basement) will be at least one and one-half feet above the one-hundred-year flood elevation.
    - (3) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one-hundred-year flood.
  - B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
- 3 All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough and the Department of Community and Economic Development.

(Ord. 612, 11/13/1985, §5.04; as amended by Ord. 751, 5/7/1997)



## Part 6

### Nonconformities

#### §601. General Provisions.

The provisions of this chapter do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of §601 shall apply. Structures existing in any identified floodplain area prior to the enactment of this chapter may continue, subject to the following provisions:

- A. No expansion or enlargement of any existing structure shall be allowed within any identified floodway that would cause any increase in flood heights.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this chapter.
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- D. No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one-hundred-year flood elevation more than one foot at any point. The above activity shall also address the requirements of 34 Pa Code Chapters 401-405, as amended, and the 2003 International Building Code (Sections 3402.1 and 1612.4) and the 2003 International Residential Code (Sections R105.3.1.1 and 323.1.4).
- E. The requirements of 34 Pa Code, Chapters 401-405, as amended and the 2003 International Residential Code (Sections R102.7.1, R105.3.1 and Appendices E and J), or the latest revision thereof, and the 2003 International Building Code (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.

(Ord. 612, 11/13/1985, §6.01; as amended by Ord. 864, 9/6/2006)



**Part 7**

**Variances**

**§701. General Provisions.**

If compliance with any of the requirements of this chapter would result in an exceptional hardship for a prospective builder, developer, or landowner, the Borough may, upon request, grant relief from the strict application of the requirements.

(Ord. 612, 11/13/1985, §7.01)

**§702. Variance Requirements and Procedures.**

1. Requests for variances shall be considered by the Borough in accordance with the following:
  - A. No variance shall be granted for any construction, development, use, or activity within any FE area that would, together with all other existing and anticipated development, increase the one-hundred-year flood elevation more than one foot at any point.
  - B. Except for a possible modification of the one-and-one-half-foot freeboard requirements, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit (Part 5) or to development that may endanger human life [§406, Subsection 1)].
  - C. If granted, a variance shall involve only the least modification necessary to provide relief.
  - D. In granting any variance, the Borough shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare and to achieve the objectives of this chapter.
  - E. Whenever a variance is granted, the Borough shall notify the applicant, in writing, that:
    - (1) The granting of the variance may result in increased premium rates for flood insurance.
    - (2) Such variances may increase the risks to life and property.
  - F. In reviewing any request for a variance, the Borough shall consider, but not be limited to, the following:
    - (1) That there is good and sufficient cause.

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- (2) That failure to grant the variance would result in exceptional hardship to the applicant.
  - (3) That the granting of the variance will:
    - (a) Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense;
    - (b) Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State statute or regulations or local ordinance or regulation.
- G. 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.
2. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred-year flood.

(Ord. 612, 11/13/1985, §7.02; as amended by Ord. 864, 9/6/2006)

## Part 8

### Definitions

#### §801. General Provisions.

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

(Ord. 612, 11/13/1985, §8.01)

#### §802. Specific Definitions.

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

**BASEMENT** – any area of the building having its floor subgrade (below ground level) on all sides.

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

**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.

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

**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 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.

**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

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

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

**FLOODWAY** – the designated area of a floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.

**HISTORIC STRUCTURE** – any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. 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.
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior.
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**IDENTIFIED FLOODPLAIN AREA** – the floodplain area specifically identified in this chapter as being inundated by the one-hundred-year flood. Included would be areas identified as Floodway (FW), Flood-Fringe (FF), and General Floodplain (FA).

**LAND DEVELOPMENT** –

- A. The improvement of one lot, or two or more contiguous lots, tracts, or parcels of land, for any purpose involving a group of two or more buildings, or

the division or allocation of land or space 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.

B. A subdivision of land.

**LOWEST FLOOR** – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

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

**MANUFACTURED HOME PARK** – a parcel of land under single ownership which has been planned and improved for the placement of two or more manufactured homes for nontransient use.

**MINOR REPAIR** – the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including 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 of or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**NEW CONSTRUCTION** – structures for which the start of construction commenced on or after October 7, 1985, and includes any subsequent improvements to such structures.

**OBSTRUCTION** – any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter, in, along, across, or projecting into any channel watercourse, or flood-prone area:

- A. Which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water; or
- B. Which is placed where the flow of the water might carry the same downstream to the damage of life and property.

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**ONE-HUNDRED-YEAR FLOOD** – a flood that, on the average, is likely to occur every 100 years (i.e., that has one-percent chance of occurring each year, although the flood may occur in any year).

**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 that is:

- A. Built on a single chassis.
- B. Four hundred square feet or less when measured at the largest horizontal projection.
- C. Designed to be self-propelled or permanently towable by a light-duty truck.
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**REGULATORY FLOOD ELEVATION** – the one-hundred-year flood elevation plus a freeboard safety factor of one and one-half 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.

**STRUCTURE** – anything constructed or erected on the ground or attached to the ground, including but not limited to buildings, sheds, manufactured homes, 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.

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

**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 50% 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, the cost of which equals or exceeds 50% of the

market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term, does not, however, include either:

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

UNIFORM CONSTRUCTION CODE – 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 International Residential Code (IRC) and the International Building Code (IBC), adopted by reference as the standards applicable within the Commonwealth for floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and IBC.

(Ord. 612, 11/13/1985, §8.02; as amended by Ord. 751, 5/7/1997; and by Ord. 864, 9/6/2006)

