

## Part 5

## Activities Requiring Special Permits

§501. General. In accordance with the Department of Community Affairs administrative regulations implementing the Pennsylvania Floodplain Management Act, (Act 1978-166), 32 P.S. §679.101 et seq., the following obstructions and activities are prohibited if located entirely or partially within an identified floodplain area unless a special permit is issued:

A. Hospitals (public or private).

B. Nursing homes (public or private).

C. Jails or prisons.

D. New manufactured home parks and manufactured home subdivisions, and substantial improvements to such existing parks and subdivisions. [Ord. 263]

(Ord. 219, 6/2/1981, \$5.00; as amended by Ord. 263, 4/7/1992)

§502. Special Permit Application Requirements. Application for a special permit shall consist of at least five (5) copies of the following items:

A. A written request which includes the information specified in §203 pertaining to building permit application procedures.

B. The following documentation:

(1) Certification from the applicant that the site upon which the activity or development is proposed is an existing 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 (100) 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 (100) year flood, including a statement concerning the effects such pollution may have on human life.

(4) A statement certified by a registered professional engineer 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.

(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 bouyant 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.

(6) 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.

(Ord. 219, 6/2/1981, §5.01)

§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 in Part 2:

A. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission 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 Affairs, by registered or certified mail, within five (5) working days after the date of approval.

E. Before issuing the special permit, the Borough shall allow the Department of Community Affairs thirty (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 Affairs during the thirty (30)-day review period, it may issue a special permit to the applicant.

G. If the Department of Community Affairs 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. 219, 6/2/1981, §5.02)

§504. Special Technical Requirements.

1. In addition to the requirements of Part 4 of this Chapter, the following minimum requirements shall also apply to any proposed development requiring a special permit. If there is any conflict between any of the following requirements and those in Part 4 of this Chapter or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

2. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

A. Fully protect the health and safety of the general public and any occupants. 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 first floor elevation will be at least one and one-half (1½') 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.

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 Affairs.

(Ord. 219, 6/2/1981, §5.03)