**THE BOROUGH OF AMBLER, MONTGOMERY COUNTY, PA**

**ORDINANCE NUMBER 1093**

**AN ORDINANCE OF THE BOROUGH OF AMBLER AMENDING THE BOROUGH ZONING ORDINANCE, TITLE 27 OF THE CODIFIED ORDINANCES, PART 19, "FLOODPLAIN CONSERVATION DISTRICT", REPLACING THE EXISTING LANGUAGE WITH UPDATED LANGUAGE IN SECTIONS 1901 THROUGH 1914, AND ADDING NEW ADDITIONAL REQUIREMENTS ADDRESSING SUBDIVISIONS, MOBILE HOMES, RECREATIONAL VEHICLES, ESTABLISHING REVIEW PROCEDURES, AND INCLUDING CERTAIN TECHNICAL SPECIFICATIONS; FURTHER, AMEDNING TITLE 27 OF THE CODIFIED ORDINANCES, PART 2, "DEFINITIONS", TO INCLUDE CERTAIN ADDITIONAL DEFINITIONS REQUIRED TO EFFECTUATE THE AMENDMENTS TO THE FLOODPLAIN ORDINANCE; LEAVING THE REMAINDER OF CHAPTER 27 IN FULL FORCE AND EFFECT; EFFECTIVE UPON ADOPTION**

WHEREAS, The Borough of Ambler in its Codified Ordinances regulates the floodplains within its boundaries in accordance with the Pennsylvania Floodplain Management Act of 1978, and

WHEREAS, the Borough ordinance must remain compliant with federal laws and regulations and with directives from the federal government, including the Federal Emergency Management Agency (FEMA), and

WHEREAS, in order to remain complaint with all laws, regulations, and directives, Ambler Borough wishes to amend its floodplain ordinance, NOW THEREFORE, Ambler Borough Council does ORDAIN as follows:

I. All of the existing language at Title 27, Part 19, Sections 1901 through 1914 is DELETED in its entirety.
II. Sections 27-1901 through 27-1914 shall have the following new language inserted, followed by additional language set forth in new sections 1915 through 1927.

**§27-1901. Statutory Authorization.**

The legislature Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Council of the Borough of Ambler does hereby order as follows.

**§27-1902. Statement of Intent.**

It is the intent of this Part to:

A. Promote the general health, welfare, and safety of the community by preventing development in areas prone to flooding.

B. Conserve and protect floodplain areas, as defined herein, subject to and necessary for the containment of flood waters.

C. Permit and encourage the use of floodplain areas for open space purposes so as to constitute a harmonious and appropriate aspect of the continuing physical development of the Borough of Ambler.

D. Combine with other zoning requirements, as an overlay, certain restrictions for flood prone areas to promote the general health, safety and welfare of the Borough.

E. Prevent inappropriate development in flood prone areas made unfit for human usage by reason of danger from flooding.

F. Minimize danger to public health by protecting the quality and quantity of surface and subsurface water supplies adjacent to and underlying flood prone areas and promoting safe and sanitary drainage.

G. Permit only those uses that are compatible with development of flood prone areas, as herein defined, and which will not impede the flow or storage of flood waters, or otherwise cause danger to life and property at, above or below their locations along the floodplains.

H. Protect those individuals who choose, despite the cited flood dangers, to develop or occupy land on a floodplain.

I. Provide sufficient drainage courses to carry abnormal flows of stormwater in periods of heavy precipitation.

J. Protect individuals and adjacent landowners in the Borough and/or other municipalities both upriver and downriver from damages resulting from inappropriate floodplain development and the resultant obstruction or increase in flow of flood waters.

K. Protect the entire Borough from uses of land which could increase the necessity for expenditures for public works and disaster relief and adversely affect the economic well-being of the Borough.

L. Promote the ecological balance among those natural systems elements, such as wildlife, vegetation and aquatic life, which are dependent upon watercourses and water areas.

M. Protect other municipalities within the same watershed from the impact of improper development and the resultant increased potential for flooding.

N. Provide retention areas for the temporary storage of floodwaters.

O. Require that uses vulnerable to floods, including public facilities, be constructed so as to be protected from flood damage in accordance with the requirements of the Federal Flood Insurance Program, P.L. 90-448, and Pennsylvania Floodplain Management Act. P.L. 851, No. 166 of 1978, and as either is amended.

(Ord. 922, 9/17/1996, Art. XIX, §1900)

**§27-1903. Abrogation and Greater Restrictions.**

This Ordinance supersedes any other conflicting provisions which may be in effect in the Floodplain Conservation District. 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 Ordinance, the more restrictive shall apply.

### §27-1904. Severability

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

### §27-1905. Warning and Disclaimer of Liability

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

### §27-1906. Description and Special Requirements of the Floodplain Conservation District.

A. Identification

(1) The Floodplain Conservation District shall be any areas of Ambler Borough classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Maps (FIRMs) dated March 2, 2016 and issued by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

(2) The Floodplain Conservation District shall also include any community identified flood hazard areas, along with any soils with a frequency of flooding of one percent (1%) or greater per year, as delineated by the Natural Resources Conservation Service, United States Department of Agriculture Web-Based Soil Survey (available online at http://websoilsurvey.nrcs.usda.gov/), including, but not limited to, the following soils:

(a) Bowmansville- Knauers silt loams (Bo)

(b) Rowland silt loam, Terrace (Rt)

(3) The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Ambler Borough and declared to be a part of this Ordinance.

B. Description and Special Requirements of the Floodplain Conservation District.

The Floodplain Conservation District shall consist of the following specific areas/districts:

(1) The Floodway Area/District shall be those areas identified as Floodway on the FIRM as well as those floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS. The floodway represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point.

(a) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(b) No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

(2) The AE Area/District without floodway shall be those identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided in the FIS but no floodway has been delineated.

(a) In AE Area/District without floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one (1) foot.

(b) No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE by more than one (1) foot at any point.

(3) Community Identified Flood Hazard Areas shall be those areas where Ambler Borough has identified local flood hazard or ponding areas using best available topographic data and locally derived information such as flood of record, historic high water marks, soils or approximate study methodologies.

(4) The A Area/District shall be the areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one percent (1%) annual chance flood elevations have been provided. For these areas, elevations and floodway information from other Federal, State, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the Floodplain Conservation District which is nearest the construction site.

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 prepared by a registered professional engineer, who shall certify that the technical methods used

correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

(5) The Shallow Flooding Area/District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by one percent (1%) annual chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

C. Changes in Identification Area

The Floodplain Conservation District may be revised or modified by Borough Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data.

### §27-1907. Floodplain Conservation District Overlay.

1. The floodplain conservation district shall be deemed to be an overlay on any zoning districts(s) now or hereafter enacted to regulate the use of land in the Borough.

2. The floodplain conservation district shall have no effect on the permitted uses in the underlying zoning district, except where the uses are intended to be located within the boundaries of the floodplain conservation district, as defined herein, and the uses are in conflict with the permitted uses set forth in this Part.

3. In those areas of the Borough where the floodplain conservation district applies, the requirements of the floodplain conservation shall supersede the requirements of the underlying zoning district(s).

4. Should the floodplain conservation district boundaries be revised as a result of legislative or administrative actions or judicial decision, the zoning requirements applicable to the area in question shall be revert to the requirements of the underlying zoning district(s) without consideration of this Part.

5. Should the zoning classification(s) of any parcel or any part thereof on which the floodplain conservation district is an overlay be changed, as a result of legislative or administrative actions or judicial decision, such change(s) in classification shall have no effect on the boundaries of the floodplain conservation district, unless an amendment to the boundaries was included as part of the proceedings from which the subsequent change(s) originated.

(Ord. 922, 9/17/1996, Art. XIX, §1902)

### §27-1908. Boundary Interpretation and Appeals Procedure.

1. An initial determination as to whether or not the floodplain conservation district applies to a given parcel shall be made by the zoning officer.

2. Any party aggrieved by the decision of the Zoning Officer, either because of an interpretation of the exact location of the floodplain conservation boundary or because the criteria used in delineating the boundary, as set forth in §27-1906, is or has become incorrect because of changes due to natural or other causes, may appeal the decision to the Zoning Hearing Board as provided for in Part 23 of this Chapter.

3. The burden of proving the incorrectness of the Zoning Officer's decision shall be on the appellant.

(Ord. 922, 9/17/1996, Art. XIX, §1903)

**§27-1909. Permitted Uses.**

1. Wildlife sanctuary, woodland preserve, arboretum and passive recreational areas, including parks but excluding enclosed structures.

2. Forestry and reforestation in accordance with recognized soil conservation practices.

3. Pasture and controlled grazing of animals in accordance with recognized soil conservation practices. Provided, however, that animals deemed by Borough Council to be dangerous or offensive may be excluded with the concurrence of the game warden having jurisdiction over the given area.

4. Recreational uses, including hiking, bicycling, bridle trials, camps and picnic areas, but excluding enclosed structures.

5. Outdoor plan nursery or orchard in accordance with recognized soil conservation practices.

6. Cultivation and harvesting of crops in accordance with recognized soil conservation practices.

7. Non-structural accessory uses (except swimming pools) necessary for the operation and maintenance of the above uses.

8. Front, side and rear yards and required lot area in the underlying zoning district(s), provided such yards are not to be used for an onsite sewage disposal system. The minimum setback of any structures from the edge of any watercourses shall be determined by the front, side or rear yard requirements in the underlying zoning district(s). Should this unduly restrict the development of the land in questions, the minimum setback requirement may be modified upon a determination by the Borough Engineer. In no case, however, shall the modification encroach upon the floodplain as defined in §27-1906.

9. Uses similar to the above which are in accordance with the intent of this Part.

(Ord. 922, 9/17/1996, Art. XIX, §1904)

**§27-1910. Uses Permitted by Special Exception.**

The following uses may be permitted by a special exception from the Zoning Hearing Board, upon the condition that any use permitted by special exception shall meet the requirements of §27-1906.B.

A. Recreational use, whether open to the public or restricted to private membership, such as parks, camps, picnic areas, golf courses, fishing areas, sport or boating clubs, not to include enclosed structures except bathroom facilities, but permitting piers,

docks, floats, or unenclosed shelters usually found in developed outdoor recreational areas.

B. Sewage treatment plant, outlet installations for sewage treatment plants and sewage pumping stations, upon review by the Borough Engineer and approval by the appropriate sewer authorities and the Pennsylvania Department of Environmental Protection, when accompanied by proof the necessity for locating within the boundaries of the floodplain conservation district. [A.O.]

C. Sealed public water supply wells, upon review of the Borough Engineer and the Pennsylvania Department of Environmental Protection. [A.O.]

D. Dams, culverts and bridges with the approval of appropriate authorities with jurisdiction such as the Pennsylvania Department of Environmental Protection. [A.O.]

E. Sanitary or storm sewers and impoundment basins, upon review of the Borough Engineer and the Pennsylvania Department of Environmental Protection. [A.O.]

F. Roads, driveways and parking facilities, subject to the following:

(1) Roads and driveways shall not be permitted if there is a reasonable alternative alignment. In any case, use of pervious rather than impervious materials is encouraged, although the Zoning Hearing Board shall review each proposal to determine the appropriate materials to use.

(2) Parking facilities shall not be permitted unless satisfactory evidence is submitted that the parking will not be utilized during periods of flood flow and thus will pose no threat to the safety of the vehicles, their users, or downstream properties. Temporary parking for periods not to exceed one hour or parking for recreational uses are examples of potential exceptions. In any case, use of pervious rather than impervious materials is encouraged, although the Zoning Hearing Board shall review each proposal to determine the appropriate materials to use.

G. Grading or regrading of lands, including the deposit of topsoils and the grading thereof. The application for a special exception for such a use shall be accompanied by the following:

(1) Detailed engineering studies indicating the effects on drainage and streams on all adjacent properties as well as the property in question, including the data needed in order to determine whether the boundaries of the floodplain conservation district would be affected.

(2) An application for amending the boundaries of the floodplain conservation district if the boundaries are affected by the grading or regarding of land.

(3) A plan indicating the disposition of any fill or materials proposed to be deposited by the grading or regrading of land. Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover or bulk-heading.

H. Utility Transmission Lines.

I. Fences, made of material which will not impede the flow of floodwaters and debris.

J. Uses similar to the above which are in compliance with the intent of this Part.

(Ord. 922, 9/17/1996, Art. XIX, §1905; as amended by A.O.)

**§27-1911. Prohibited Uses.**

1. No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District, as defined in §27-1906(B)(1), that would cause any increase in the elevation of the base flood elevation.

2. No expansion or enlargement of an existing structure shall be allowed within any AE Area/District with floodway, as defined in §27-1906(B)(2), that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

3. Freestanding structures, buildings and retaining walls except as approved by special exception under the provisions of §27-1912(2). Flood retention dams, culverts and bridges except as approved by the Pennsylvania Department of Environmental Protection and Borough Council following review and recommendation of the Borough Planning Commission and the Soil Conservation Service, U.S. Department of Agriculture. [A.O.]

4. The filling of or removal of topsoil from floodplain lands as defined in §27-1906, except as approved by special exception under the provisions of §27-1910(G).

5. The relocation of any watercourse without the approval by the Pennsylvania Department of Environmental Protection and Borough Council following review and recommendations by the Borough Planning Commission and the Soil Conservation Service, U.S. Department of Agriculture. [A.O.]

6. Onsite sewage disposal systems.

7. Private water supply wells.

8. The following uses shall be specifically prohibited in a floodplain conservation district:

   A. Sanitary landfills, dumps, junkyards, outdoor storage improved structure which will be used for the production, storage or maintenance of a supply of toxic chemicals.

   B. Development Which May Endanger Human Life

      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 the 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:

      (1) Acetone.

      (2) Ammonia.

      (3) Benzene.

(4) Calcium carbide.

(5) Carbon disulfide.

[Ord. 925]

(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.)

[Ord. 925]

(13) Phosphorous.

(14) Potassium.

(15) Sodium.

(16) Sulphur and sulphur products.

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

[Ord. 925]

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

C. Construction, enlargement or expansion of all mobile home parks and mobile home subdivisions, hospital, nursing homes, jails, prisons or manufactured homes. [Ord. 925]

D. Stripping of topsoil, ground cover, vegetation or removal of trees within 20 feet of a stream bank if this distance falls within the floodway.

(Ord. 922, 9/17/1996, Art. XIX, §1906; as amended by Ord. 925, 1/21/1997, §§8,9; and by A.O.)

**§27-1912. Application Procedure.**

1. For any use of land in the floodplain conservation district, except uses existing as of the date of the enactment of this Chapter, an application for a zoning permit shall be filed with the Zoning Officer who shall make an initial determination on the application. Applicants shall provide all the necessary information in sufficient detail and clarity to enable the Zoning 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;

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.

D. Structures will be anchored to prevent floatation, collapse, or lateral movement.

E. Building materials are flood-resistant.

F. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.

2. For a use other than those permitted in §27-1909, an application for approval by special exception shall be forwarded to the Zoning Hearing Board along with required studies or information and the findings of the Zoning Officer.

3. Any application involving the use of fill, construction of structures or storage of materials shall comply with the specific standards in both the Building Code [Chapter 5] and Subdivision and Land Development Ordinance [Chapter 22]. A general list of plan requirements follows:

A. A plan certified by a registered professional engineer which accurately locates the proposed use with respect to the floodplain district limits, channel or stream and existing development in the floodplain within 200 feet of the proposed development site, together with all pertinent information such as the nature of the proposal, legal description of the property fill limits and elevations and floodproofing measures including those required by the Borough Building Code [Chapter 5], as amended, and the provision of this Part.

B. The following additional information as deemed necessary by either the Zoning Officer or Borough Engineer for the evaluation of effects of the proposal on flood flows and floodwater storage.

(1) A typical valley cross-section showing the channel of the river or stream, the floodplain adjoining each side of the channel, crosssectional area to be occupied by the proposed development and high water information.

(2) Plan surface view showing elevation or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, soil types and other pertinent information.

(3) Profile showing the slope of the bottom of the channel of flow line of the stream.

(4) Specifications for building construction and materials, "floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities."

(5) Any structure permitted by special exception or variance shall include floodproofing measures according to the following criteria. All structures shall be:

(a) Firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.

(b) Constructed so as to prevent the entrance of floodwaters into the water supply and waste treatment systems as well as other utility and facility systems. In addition, waste treatment systems shall be designed to minimize or eliminate discharges from the systems into the floodwaters. All floodproofing shall be accordance with regulations of the U.S. Army Corps of Engineers.

(Ord. 922, 9/17/1996, Art. XIX, §1907)

**§27-1913. Standards for Approval of Uses by the Zoning Hearing Board.**

1. In considering a use as a special exception or variance, the Zoning Hearing Board shall consider the following:

   A. The effect of the use shall not substantially alter the cross sectional profile of the river, streams or other floodplains at the location of the proposed use.

   B. Lands abutting the waterway, both upriver and downriver, shall not be unreasonably affected by the proposed use.

   C. The general welfare or public interest of the Borough or of other municipalities in the same watershed shall not be adversely affected.

   D. Any structure permitted by special exception shall include flood proofing measures, as set forth in §27-1912(3)(B)(5).

   E. The possible danger to life and property due to increased flood heights or velocities caused by encroachments.

   F. The danger that materials may be swept on to the other lands or downstream to the injury of others.

   G. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

   H. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

   I. The importance of the services provided by the proposed facility to the community.

   J. The requirements of the facility for a waterfront location.

   K. The availability of alternative locations not subject to flooding for the proposed use.

   L. The compatibility of the proposed use with existing and anticipated development

   M. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.

   N. The safety of access to the property in times of flooding.

O. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters at the site.

P. Such other factors which are relevant to the purposes of this Chapter.

Q. Further, the following additional standards shall be considered for approval of uses by variances:

(1) The Zoning Hearing Board, after deciding upon the merits of the application, may permit the application to make some reasonable use of the property in question, while ensuring that such use will not violate the basic objectives of this Part.

(2) Any uses permitted by variance shall be constructed and placed on the lot 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. The first floor elevation of all structures shall be not less than the regulatory flood elevation.

(3) Any nonresidential structures or additions to residential structures which are not elevated shall include flood proofing measures.

(4) Any structure permitted by variance shall include flood proofing measures.

R. No variance shall be granted for any construction, development, use, or activity, within any floodway area that would cause an increase in the BFE.

S. No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

T. No variance shall be granted for any of the other requirements pertaining specifically to development regulated by §27-1925 (pertaining to special technical requirements for activities requiring a Special Permit) or to Development Which May Endanger Human Life (§27-1911(8)(B)).

(Ord. 922, 9/17/1996, Art. XIX, §1908)

**§27-1914. Nonconforming Uses or Structures.**

Following adoption of this Chapter, any use of structure which is situated within the boundaries of the FP-Flood Plain Conservation District and which does not conform to the permitted uses on §27-1909, shall be deemed a nonconforming use or structure, regardless of its conformance to the district in which it is located. The continuance or expansion of a nonconforming use or structure shall be governed by the requirements of Part 26 of this Chapter. However, the Zoning Hearing Board shall also ensure that the standards contained in §27-1913 are applied to the continuance or expansion of the nonconforming use or structure.

(Ord. 922, 9/17/1996, Art. XIX, §1909)

### §27-1915. Special Requirements for Subdivisions.

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision.

### §27-1916. Special Requirements for Manufactured and Mobile Homes.

1. Within the Flood Plain Conservation District, manufactured and mobile homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

2. Where permitted by variance within the Floodplain Conservation District, all manufactured and mobile homes, and any improvements thereto, shall be:

   A. Placed on a permanent foundation.

   B. Elevated so that the lowest floor of the manufactured or mobile home is at least one and one half (1 ½) feet above the Base Flood Elevation.

   C. Anchored to resist floatation, collapse, or lateral movement.

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

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

### §27-1917. Special Requirements for Recreational Vehicles.

1. Recreational vehicles in Zones A1-30, AH and AE must either:

   A. Be on the site for fewer than 180 consecutive days, and

   B. Be fully licensed and ready for highway use, or

   C. Meet the permit requirements for manufactured homes in §27-1916.

### §27-1918. Certificate of Occupancy.

No vacant land shall be occupied or used and no building hereafter erected, altered or moved with the floodplain conservation district shall be occupied, until a certificate of occupancy shall have been issued by the Zoning Officer. The Zoning Officer shall request the applicant submit a certification by a registered professional engineer or land surveyor that the finished fill and building floor elevations, floodproofing measures or other flood protection factors were accomplished in compliance

with the provisions of this Chapter. The Zoning Officer shall within 10 days after receipt of such certification from the applicant issue a certification of occupancy only if the building or premises and the proposed use conform with all the requirements of this Chapter.

(Ord. 922, 9/17/1996, Art. XIX, §1910)

**§27-1919. Borough Liability.**

1. The granting of a zoning permit or approval of a subdivision or land development plan in or near the floodplain conservation district shall not constitute a representation, guarantee, or warranty of any kind by the Borough or its officials or employees, of the practicability or safety of the proposed use and shall create no liability upon the Borough or its officials or employees. The degree of flood protection intended to be provided by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study.

2. This Chapter does not imply that areas outside the floodplain conservation district boundaries or land uses permitted within such districts will always be totally free from flooding or flood damages.

(Ord. 922, 9/17/1996, Art. XIX, §1911)

**§27-1920. Technical Provisions.**

1. Pertaining to the Alteration or Relocation of Watercourse

   A. 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.

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

   C. FEMA and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

2. The municipality shall require technical or scientific data to be submitted to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes in the BFE. A LOMR or Conditional Letter of Map Revision (CLOMR) is required for:

   A. Any development that causes a rise in the base flood elevations within the floodway; or

   B. Any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one (1) foot in the base flood elevation; or

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

3. Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this Chapter and any other applicable codes, Ordinances and regulations. In addition, when such development is proposed within the area measured fifty (50) feet landward from the the top of bank of any watercourse, a permit shall be obtained from the Department of Environmental Protection Regional Office.

4. Elevation and Floodproofing Requirements for Residential Structures.

   A. In AE, A1-30, and AH Zones, any new construction or substantial improvement 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 2009 International Building Code (IBC) and in the 2009 Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be used.

   B. In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with §27-1906(B)(4) of this Ordinance.

   C. In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.

5. Elevation and Floodproofing Requirements for Non-residential Structures.

   A. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space below the regulatory flood elevation:

      (1) Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,

      (2) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

   B. In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with §27-1906(B)(4) of this Ordinance.

   C. In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.

   D. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed 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.

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

6. Space below the Lowest Floor.

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

B. 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) 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, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(Ord. 922, 9/17/1996; as added by Ord. 925, 1/21/1997, §6; and by A.O.)

**§27-1921. Accessory Structures and Design and Construction Standards.**

1. 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, material 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 1 1/2 feet above the base 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 floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this

requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(1) A minimum of two openings having a net total of not less than one square inch for every square foot of enclosed space.

(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.

2. Design and Construction Standards. The following minimum 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 material 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 feet unless substantiated data justifying steeper slopes are submitted to and approved by the Building Permit Officer.

(5) Be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of stormwater 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 onsite 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 not listed in §27-1911, Prohibited Uses, 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.

(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 and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.

(2) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" paint or other finishing material.

(3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

K. Electrical Components.

(1) Electrical distribution panels shall be at least three feet above the base 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 or 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.

(Ord. 922, 9/17/1996; as added by Ord. 925, 1/21/1997, §7)

**§27-1922. Activities Requiring Special Permits.**

1. General

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the activities indicated in §27-1922(A)(2) and §27-1922(A)(3) shall be prohibited within any Floodplain Conservation District unless a Special Permit has been issued by Ambler Borough. In order to apply for a Special Permit, a variance must first be obtained.

2. The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

A. Hospitals

B. Nursing homes

C. Jails or prisons

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

**§27-1923. Application Requirements for Special Permits.**

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

A. A written request including a completed Special 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 (1) inch being equal to one hundred (100) feet or less, showing the following:

(1) North arrow, scale and date;

(2) Topography based on the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;

(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 streets, drives, other access ways, 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 lines, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;

(7) The location of all proposed buildings, structures, utilities, and any other improvements; and

(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 base flood elevation;

(4) Detailed information concerning any proposed floodproofing measures;

(5) Cross section drawings for all proposed streets, drives, other access ways and parking areas, showing all rights-of-way and pavement widths;

(6) Profile drawings for all proposed streets, drives, and vehicular access ways including existing and proposed grades; and

(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 that the proposed construction has been adequately designed to protect against damage from the base flood elevation;

(3) A statement, certified by a registered professional engineer, 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 base flood elevation, including a statement concerning the effects such pollution may have on human life;

(4) A statement, certified by a registered professional engineer, which contains a complete and accurate description of the effects the proposed development will have on base flood elevations and flows;

(5) A statement, certified by a registered professional engineer, 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 base flood elevation and the effects such materials and debris may have on base flood elevations and flows;

(6) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development"; where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sediment control;

(7) 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; and

(8) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

**§27-1924. Application Review Procedures**

1. Upon receipt of an application for a Special Permit by Ambler Borough the following procedures shall apply in addition to those of §27-1923:

   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 Ambler Borough Planning commission and Ambler Borough engineer for review and comment.

   B. If an application is received that is incomplete, Ambler Borough shall notify the applicant in writing, stating in what respect the application is deficient.

   C. If Ambler Borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

   D. If Ambler Borough approves an application, it shall issue a Special Permit to the applicant.

**§27-1925. Special Technical Requirements**

1. In addition to the requirements of §27-1920 and §27-1921 of this Ordinance, 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 §27-1906 of this Ordinance 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 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 base flood elevation without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.

      (2) the lowest floor (including basement) will be elevated to at least one and one half (1 ½) feet above the Base 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 base flood elevation.

   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 prepared by a registered professional engineer, 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 Ambler Borough.

**§27-1926. Administration.**

1. Designation of the Floodplain Administrator

   The Code Enforcement Officer within the Code Enforcement Department is hereby appointed to administer and enforce this Ordinance and is referred to herein as the Floodplain Administrator.

2. Permits Required

   A Permit shall be required before any construction or development is undertaken within the Floodplain Conservation District. In the case of a proposed hospital, nursing home, jail, prison, manufactured home park or mobile home park, the permit referred to here would be the Special Permit of Section §27-1923(1).

3. Duties and Responsibilities of the Floodplain Administrator

   A. The Floodplain Administrator shall issue a 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.

B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

C. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. The Floodplain Administrator shall make as many inspections during and upon completion of the work as are necessary.

D. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the Floodplain Conservation District, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.

E. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the [Board, Council, etc.] for whatever action it considers necessary.

F. The Floodplain Administrator shall maintain all records associated with the requirements of this ordinance including, but not limited to, permitting, inspection and enforcement.

G. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2006 IBC and the 2006 IRC or latest revisions thereof.

**§27-1927. Enforcement.**

1. Notices

Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

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 thirty (30) days for the performance of any act it requires; 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; and

D. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

2. Penalties

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall be subject to the enforcement remedies of Part 24 of this Chapter.

III

Title 27, Part 2 of the Borough Codified Ordinances is amended by the addition of certain new definitions, and the amendment of certain existing definitions, as indicated below.

The following new definitions shall be added alphabetically to the existing list of definitions:

BASE FLOOD — A flood which has a one percent chance of being equaled or ex-ceeded in any given year (also called the 100-year flood).

BASE FLOOD ELEVATION (BFE) — The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year. The BFE is also shown on the FIS profile, and can be determined for Zone A Floodplains.

BASE FLOOD DISCHARGE — The volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a min-imum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the ef-fective date of the floodplain management regulations adopted by a commu-nity.

EXISTING STRUCTURE/EXISTING CONSTRUCTION — A structure for which the "start of construction" commenced before the effective date of the FIRM.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grad-ing or the pouring of concrete pads).

FLOODWAY FRINGE — The part of the floodplain adjacent to and extending from the floodway and subject to inundation by the base flood.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURES — 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 Pennsylvania Historical and Museum Commission (PHMC) as meeting the criteria for individual listing on the National Register;

B. Certified or preliminarily determined by the Pennsylvania Historical and Museum Commission (PHMC) as contributing to the historical significance of a National Register historic district or a district preliminarily determined by the PHMC to be eligible to qualify for listing in the National Register, or;

C. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or

D. Designated as historic by a municipal ordinance:

(1) Identified individually or as part of a local historic district by a zoning ordinance under the authority of the Pennsylvania Municipalities Planning Code or

(2) Located in a local historic district that has been certified by the Pennsylvania Historical and Museum Commission as meeting the requirements of the Pennsylvania Historic District Act.

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

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land subdivided into two or more manufactured home lots for rent or sale.

NEW MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

ONE HUNDRED YEAR FLOOD — See "Base Flood."

POST-FIRM STRUCTURE — A structure for which construction or substantial im-provement occurred after 12/31/1974, or on or after the community's initial FIRM dated 05/31/1974, whichever is later, and, as such would be required to be compliant with the regulations of the NFIP.

PRE-FIRM STRUCTURE — A structure for which construction or substantial im-provement occurred on or before 12/31/1974, or before the community's ini-tial FIRM dated 05/31/1974, and, as such would not be required to be com-pliant with the regulations of the NFIP.

REDEVELOPMENT AREA — A census tract or group of census tracts eligible for the Montgomery County Revitalization Program and identified in the adopted Ambler Borough revitalization plan.

REPETITIVE LOSS — Flood related damages sustained by a structure on two sep-arate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five per-cent (25%) of the market value of the structure before the damages occurred.

SPECIAL PERMIT — A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and sub-stantial improvements to such existing parks, when such development is lo-cated in all, or a designated portion of a floodplain.

SPECIAL FLOOD HAZARD AREA (SFHA) — An area in the floodplain subject to a one percent (1%) percent or greater change of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-30, AE, A99, or AH.

SPECIAL FLOODPLAIN AREA — The areas indentified as Zone AE in the Flood In-surance Study, where one hundred (100) year flood elevations have been provided, but no floodway has been delineated.

STRUCTURE (for purposes of floodplain management)- A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

TOE-OF-BANK — the line formed by the intersection of the general plane of the sloping side of a watercourse with the general plane of the bed of the watercourse.

TOP-OF-BANK — the line formed by the intersection of the general plane of the sloping side of the watercourse with the general plane of the upper generally level ground along the watercourse; or, if the existing sloping side of the watercourse is steeper than the angle of repose (critical slope) of the soil or geologic structure involved, "top-of-bank" shall be the intersection of a plane beginning at the toe-of-bank and sloping at the angle of repose with the generally level ground along the watercourse. The angle of repose is assumed to be 2 (horizontal): 1 (vertical) unless otherwise specified by a geologist or soils engineer with knowledge of the soil or geologic structure involved.

UNIFORM CONSTRUCTION CODE (UCC) — The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

VIOLATION —

E. The failure of a structure or other development to be fully compliant with the requirements of this Chapter.

F. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

The following existing definitions are amended as follows:

FLOOD — A temporary condition of partial or complete inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the Borough of Ambler.

FLOOD INSURANCE STUDY (FIS) — The official repot provided by the Federal In-surance Administration that includes flood profiles, the Flood insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface el-evation of the base flood.

FLOODPLAIN — See "Floodplain Area."

FLOODPLAIN AREA — A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or water-course; and/or any area subject to the unusual and rapid accumulation of surface waters from any source. Includes identified floodplain areas

FLOOD-PRONE AREA — See "Floodplain Area."

FLOODPROOFING — Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood dam-age to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cu-mulatively increasing the water surface more than one foot.

IDENTIFIED FLOODPLAIN AREA — This term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See §27 1906.A for the specifics on what areas the community has included in the Identified Floodplain Area.

NEW CONSTRUCTION — structures for which the start of construction commenced on or after the effective date of this Chapter and includes any subsequent improvements to such structures.

This ordinance is effective upon adoption.

SO ORDAINED THIS 16th DAY OF FEBRUARY, 2016

Salvatore Pasceri

Salvatore Pasceri, Council President

ATTEST: _____

Mary Aversa, Secretary

APPROVED: _____

Jeanne Sorg, Mayor