

HONEY BROOK TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 28-8, 1984

AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK, CHESTER COUNTY, PENNSYLVANIA AMENDING THE HONEY BROOK TOWNSHIP ZONING ORDINANCE ADOPTED FEBRUARY 1, 1979, AS AMENDED, BY ADDING TO, REVISING AND AMENDING ARTICLES I, II, AND VII TO COMPLY WITH SECTION 60.3(d) OF THE NATIONAL FLOOD INSURANCE PROGRAM AND THE PENNSYLVANIA FLOOD PLAIN MANAGEMENT ACT (ACT 166 OF 1978).

BE IT HEREBY ENACTED AND ORDAINED, and it is enacted and ordained by authority of the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania that the Township Zoning Ordinance of 1979 is amended as follows:

- I. Article I, Section 102, General Intent and Community Development Objectives is amended by adding a new Section 102.5 which reads as follows:

102.5 "To make provisions 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 developments from locating within areas subject to flooding.
- c) Requiring all those uses, activities and developments that do occur in flood prone areas to be protected and/or floodproofed against flooding and flood damage.
- d) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards."

II. Article I, Section 105, Establishment of Districts, is amended to include the following the new Floodplain/Flood Hazard Districts:

F-H Floodplain/Flood Hazard Districts
(The Floodplain/Flood Hazard Districts (F-H) shall be deemed to include the following:

- (FW) The Floodway District
- (FF) The Flood-Fringe District
- (FA) The General Floodplain District

III. Article I, Section 106., Zoning District Map, is amended to add the following sentence at the end of said Section, as follows

"Refer to Section 704 of this Ordinance for further information as to Flood Hazard and Flood Plain Maps effective on August 1, 1984 as prepared by the Federal Insurance Administration, (FIS) of the Federal Emergency Management Agency (FEMA) and which may be amended from time to time."

IV. Article II, Section 202, Definitions, is amended by adding or amending the following new or revised definitions:

Development. Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

Flood. A temporary inundation of normally dry land areas.

Flood-Fringe. The portion of the floodplain lying outside of the floodway.

Flood Plain or Flood Hazard. Amend existing definition on 4th, 5th and 6th lines by deleting the reference to "Special Flood Hazard Areas" and the reference to "Flood Hazard Boundary Maps" and inserting, respectively in lieu, thereof "Flood Boundary and Floodways" and "Flood Boundary and Floodway Map effective August 1, 1984." Further amend this definition by adding the following wording at the end thereof:

"The relatively flat or low land area adjoining a river, stream or water course, which is subject to partial or complete inundation or, an area subject to the unusual and rapid accumulation or runoff of surface waters from any

source (refer also to Sections 702 to 704 of this Ordinance regarding various other types of flood hazard descriptions).

Floodway. The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

Mobile Home. Add the following to the existing definition for Mobile Home:

"A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with a permanent foundation. The term does not include recreational vehicles or travel trailers."

One Hundred (100) Year Flood. A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1%) percent chance of occurring each year, although the flood may occur in any year).

Regulatory Flood Elevation

The one-hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1-1/2) feet.

Structure. (Add the following to the existing definition of Structure.) "Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, sheds, mobile homes, and other similar items."

Substantial Improvement. [For the definition for Substantial Improvement, refer to Section 709.3,h),1). of this Ordinance.

V. Article VII, Section 701.5, Legislative Intent, is amended to add a new Subparagraph (g) to read as follows:

g) "To meet all requirements of the National Flood Insurance Program and the Pennsylvania Flood Plain Management Act of 1978 (Act No. 166)."

VI. Article VII, Section 702.5, Definition and Scope of Flood Hazard District, is amended to delete in the sixth line thereof, any reference to the U.S. Department of Housing and Urban Development and to insert in lieu thereof, "the

Federal Emergency Management Agency (FEMA)." This section shall be further amended in the ninth to twelfth line thereof to delete the words beginning "Flood Hazard Boundary Map.....and ending as "Special Flood Hazard Area" and to insert in lieu thereof the wording "Flood Boundary and Floodway Map of Honey Brook Township, Chester County, Pennsylvania, as such may be amended from time to time."

VII. Article VII, Section 704.1, Flood Hazard District Maps, is amended to delete in the sixth line thereof, the reference to the "U.S. Department of Housing and Urban Development" and to substitute therein the words "the Federal Emergency Management Agency".

VIII. Article VII, Section 704, Flood Hazard District Maps, is further amended by incorporating a new Section 704.3, which shall read as follows:

704.3 Floodplain/Flood Hazard Districts shall also be deemed to include the following three types of flood districts which shall be determined, in part, from the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration, Federal Emergency Management Agency dated August 1, 1984 in which the following distinctive districts are recognized:

- a) The Floodway District (FW) is delineated for purposes of this Ordinance using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The Floodway District is shown on the Flood Boundary and Floodway Map which is considered a part of the Honey Brook Township Official Zoning Map. The areas included in the FW District are specifically defined in the Floodway Data Table contained in the above referenced February 1, 1984 FIS and are shown on the accompanying Flood Boundary and Floodway Map.
- b) The Flood-Fringe District (FF) shall be that area of the one hundred (100) year floodplain not included in the Floodway District (FW). The basis for the outermost boundary of this district shall be the one hundred (100) year flood elevations contained in the flood profiles of the above referenced FIS and as shown on the accompanying Flood Boundary and Floodway Maps.

- c) General Floodplain District (FA) shall be that floodplain area for which no detailed flood profiles or elevations are provided. Such areas are shown on the maps accompanying the FIS prepared by the FIA. In determining the necessary elevations for the purposes of this Ordinance, other sources of such data may be used including all sources listed in Section 702 of this Ordinance. If no other sources are available, the methodology outlined in Section 702.4, may be utilized provided that the applicant's documentation shall clearly demonstrate that the proposed activity, together with all other existing and anticipated development, uses and activities, will not increase the water surface elevation of the one hundred (100) year flood more than one (1) foot at any point.

The engineering principle of equal reduction of conveyance, shall be used to make the determination of increases in flood heights. Hydrologic and hydraulic analyses shall be undertaken only by a registered professional engineer 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 Honey Brook Township Engineer.

- IX. Article VII, Section 706, Use Regulations, is amended by eliminating the existing introductory paragraph and by adding the following introductory paragraph:

"Within the Flood Hazard District [which includes the Floodway District (FW), the Flood Fringe District (FF) and the General Floodplain District (FA)] all uses which are not specifically allowed as Permitted Uses by Right or those uses which are permitted as a Use by Special Exception when granted by the Zoning Hearing Board shall be prohibited. The following uses are those uses permitted By Right as noted in Section 706.1 below."

- X. Article VII, Section 706.2, Special Exception Use Regulations, is amended by deleting the introductory paragraph for Special Exception Uses and by substituting the following wording:

706.2 "Permitted Special Exception Uses. The following uses shall be permitted in the Flood Hazard District [which shall include the Floodway District (FW), the Flood Fringe District (FF), and the General Floodplain District (FA)] only when authorized as a Special Exception approved by the Zoning Hearing Board and subject to Article XII of this Ordinance."

XI. Article VII, Section 706.2, Subparagraph g), is amended to alter the wording to read as follows:

- g) "Grading or fill provided that the effect is not to substantially alter the effective cross-section profile of the stream basin or floodway at the point of the proposed use and further that the flood level will not be increased by more than one (1) foot at any point downstream from said grade or fill, and provided further that a detailed engineering study shall accompany any application for a Special Exception on this ground, and providing further that such use must be approved by all Federal and state regulatory agencies having regulatory or advisory jurisdiction thereof."

XII. Article VII, Section 706.3, Compliance with Federal Flood Regulations is amended in the 13th to 16th lines to delete the references to "Special Flood Hazard Area" and "Department of Housing and Urban Development and to substitute therefore "Flood Boundary and Floodway Areas" and "Federal Emergency Management Agency," respectively.

XVIII. Amend Article VII by adding a new Section 706.4 as follows:

706.4 "Compliance with State Flood Regulations (Act 166 of 1978).

The following obstructions and activities are prohibited if located partially or entirely within the Flood Hazard District:

- 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 mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.
- c) Any new or substantially improved structure which:
- 1) will involve the production, storage, or use of any amount of radioactive substances, or
 - 2) will be used for the production or storage of any of the following dangerous materials or substances; or,
 - 3) 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.

The following list of materials and substances are considered dangerous to human life:

- a) Acetone
 - b) Ammonia
 - c) Benzene
 - d) Calcium carbide
 - e) Carbon disulfide
 - f) Celluloid
 - g) Chlorine
 - h) Hydrochloric acid
 - i) Hydrocyanic acid
 - j) Magnesium
 - k) Nitric acid and oxides of nitrogen
 - l) Petroleum products (gasoline, fuel oil, etc.)
 - m) Phosphorus
 - n) Potassium
 - o) Sodium
 - p) Sulphur and sulphur products
 - q) Pesticides (including insecticides, fungicides and rodenticides)
 - r) Radioactive substances, insofar as such substances are not otherwise regulated.
- d) No variance shall be granted for any of the above requirements of this Section.

XIV. Article VII, Section 707.6, Interpretation of Flood Hazard District Boundaries, is amended in the fifth line to read have been reviewed and approved by the Federal Insurance Administrator (FIA).

XV. Article VII, Section 708, Amendment of Flood Hazard District, is amended in the second paragraph, fourth line, to read "without the prior review and approval of the Federal Insurance Administrator (FIA)."

XVI. Article VII is amended by adding a new section as Section 713, Building Permit Required.

"Section 713, Building Permit Required.

A building permit shall be required for all permitted construction and development within the Flood Hazard Districts (FW, FF and FA Districts) which permit includes, but is not limited to, permitted buildings or other structures, permeable paving, filling, grading, excavation, or any other permitted activity within said Districts."

XVIII. Article VII, is amended to add a new Section 714, as follows:

Section 714 Application of Regulations

The flood hazard district regulations and provisions contained within this Ordinance shall apply to all lands within the jurisdiction of Honey Brook Township and which are shown as being located within the boundaries of any identified Floodplain District or Flood Hazard District which are considered as a part of the official zoning map of Honey Brook Township.

EFFECTIVE DATE. This Ordinance shall become effective five (5) days after enactment as provided by law.

ENACTED AND ORDAINED this 25th day of July, 1984.

ATTEST

Richard M. Struman
Township Secretary

BOARD OF SUPERVISORS OF
HONEY BROOK TOWNSHIP

James A. Smith
Donald Johnson
Richard L. Deek Jr