

CHAPTER 8
FLOODPLAINS

PART 1

General Provisions

- §101. Citation of Statutory Authorization
- §102. Intent
- §103. Applicability
- §104. Abrogation and Greater Restrictions
- §105. Severability
- §106. Warning and Disclaimer of Liability

Part 2

Administration

- §201. Designation of the Floodplain Administrator
- §202. Duties of the Floodplain Administrator
- §203. Permits Required
- §204. Issuance of Permit
- §205. Application Procedures and Requirements
- §206. Review by County Conservation District
- §207. Review of Application by Others
- §208. Charges
- §209. Placards
- §210. Start of Construction
- §211. Inspection and Revocation
- §212. Fees
- §213. Enforcement
- §214. Appeals

Part 3

Identification of Floodplain Areas

- §301. Designation of Floodplain Areas
- §302. Changes in Floodplain Area Delineations
- §303. Disputes

Part 4

Technical Provisions

- §401. General
- §402. Special Floodway and Stream Setback Requirements
- §403. Elevation and Floodproofing Requirements
- §404. Design and Construction Standards
- §405. Development Which May Endanger Human Life
- §406. Special Requirements for Manufactured Homes
- §407. Special Requirements for Recreational Vehicles

Part 5

Activities Requiring Special Permits

- §501. General
- §502. Application Requirements for Special Permits
- §503. Application Review Procedures
- §504. Special Technical Requirements

Part 6

Existing Structures in Identified Floodplain Areas

- §601. General

Part 7

Variances

- §701. General
- §702. Variance Procedures and Requirements

Part 8

Definitions

- §801. General
- §802. Specific Definitions

PART 1
GENERAL PROVISIONS

§101. CITATION OF STATUTORY AUTHORIZATION.

The Legislature of the 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 Bedford Borough Council of the Borough of Bedford does hereby order as follows.

(Ord. 2012-02, 4/2/2012)

§102. INTENT.

The intent of this Chapter is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Comply with Federal and State floodplain management requirements.

(Ord. 2012-02, 4/2/2012)

§103. APPLICABILITY.

- A. It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the areas of the Borough of Bedford that are subject to flooding unless a Permit has been obtained from the Floodplain Administrator.
- B. A Permit shall not be required for minor repairs to existing buildings or structures.

(Ord. 2012-02, 4/2/2012)

FLOODPLAIN

§104. ABROGATION AND GREATER RESTRICTIONS.

This Chapter supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Chapter, the more restrictive shall apply.

(Ord. 2012-02, 4/2/2012)

§105. SEVERABILITY.

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

(Ord. 2012-02, 4/2/2012)

§106. WARNING AND DISCLAIMER OF LIABILITY.

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

(Ord. 2012-02, 4/2/2012)

PART 2
ADMINISTRATION

§201. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The Building Permit Officer retained by the Council of the Borough of Bedford is hereby appointed to administer and enforce this Chapter and is referred to herein as the Floodplain Administrator.

(Ord. 2012-02, 4/2/2012)

§202. 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 Chapter 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. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the Permit is issued.
- D. 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. He/she shall make as many inspections during and upon completion of the work as are necessary.
- E. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Chapter.
- F. 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 Bedford Borough Council for whatever action it considers necessary.
- G. The Floodplain Administrator shall maintain all records associated with the requirements of this Chapter including, but not limited to, permitting, inspection and enforcement.

FLOODPLAIN

- H. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

(Ord. 2012-02, 4/2/2012)

§203. PERMITS REQUIRED.

Permits shall be required before any construction or development is undertaken within any area of the Borough of Bedford that is subject to flooding.

(Ord. 2012-02, 4/2/2012)

§204. ISSUANCE OF PERMIT.

- A. No encroachment, alteration, or improvement of any kind shall be made to a watercourse until all adjacent municipalities which may be affected by such action have been notified by the Borough and until all required Permits or approvals have been first obtained from the Department of Environmental Protection. [A.O.]
- B. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified by the Borough prior to any alteration or relocation of any watercourse. [A.O.]

(Ord. 2012-02, 4/2/2012)

§205. APPLICATION PROCEDURES AND REQUIREMENTS.

- A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Borough of Bedford. Such application shall contain the following:
 - 1. Name and address of applicant.
 - 2. Name and address of owner of land on which proposed construction is to occur.
 - 3. Name and address of contractor.
 - 4. Site location.
 - 5. Listing of other permits required.
 - 6. Brief description of proposed work and estimated cost.
 - 7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

- B. Applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
1. All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this and all other applicable codes and ordinances.
 2. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
 3. Adequate drainage is provided to reduce exposure to flood hazards.
 4. Structures will be anchored to prevent floatation, collapse, or lateral movement.
 5. Building materials are flood-resistant.
 6. Appropriate practices that minimize flood damage have been used.
 7. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.
- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
1. A completed Permit Application Form.
 2. A plan of the entire site, clearly and legibly drawn at a scale of one (1") inch being equal to 100 feet or less, showing the following:
 - a. North arrow, scale and date.
 - b. Topographic contour lines, if available.
 - c. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
 - d. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development.
 - e. The location of all existing streets, drives, and other accessways.
 - f. The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
 3. Plans of all proposed building, structures and other improvements, drawn at suitable scale showing the following:

FLOODPLAIN

- a. The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1988.
 - b. The elevation of the 100-year flood.
 - c. Supplemental information as may be necessary under the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.
4. The following data and documentation:
- a. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100-year flood.
 - b. Detailed information concerning any proposed flood-proofing measures.
 - c. A document, certified by a registered professional engineer or architect, which States that the proposed construction or development has been adequately designed to withstand 100-year flood elevations, pressures, velocities, impact and uplift forces associated with the 100-year flood.

Such Statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development and corresponding elevations.
 - d. Detailed information needed to determine compliance with §404.F, “Storage,” and §405, “Development Which May Endanger Human Life,” including:
 - (1) The amount, location and purpose of any materials or substances referred to in §404.F and §405 which are intended to be used, produced, stored or otherwise maintained on site.
 - (2) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in §405 during a 100-year flood.
 - e. The appropriate component of the Department of Environmental Protection' “Planning Module for Land Development.
 - f. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
 - g. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the 100-year flood more than one (1’) foot at any point.

(Ord. 2012-02, 4/2/2012)

§206. REVIEW BY COUNTY CONSERVATION DISTRICT.

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Applicant to the County Conservation District for review and comment prior to the issuance of a Permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

(Ord. 2012-02, 4/2/2012)

§207. REVIEW OF APPLICATION BY OTHERS.

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

(Ord. 2012-02, 4/2/2012)

§208. CHANGES.

After the issuance of a Permit by the Floodplain Administrator, no change of any kind shall be made to the Permit Application, Permit, or any of the plans, specifications or other documents submitted with the Application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Floodplain Administrator for consideration.

(Ord. 2012-02, 4/2/2012)

§209. PLACARDS.

In addition to the Permit, the Floodplain Administrator shall issue a Placard which shall be displayed on the premises during the time construction is in progress. This Placard shall show the number of the Permit, the date of its issuance and be signed by the Floodplain Administrator.

(Ord. 2012-02, 4/2/2012)

§210. START OF CONSTRUCTION.

A. Work on the proposed construction or development shall begin within 180 days after the date of issuance and shall be completed within twelve (12) months after the date of issuance of the Permit or the permit shall expire unless a time

FLOODPLAIN

extension is granted, in writing, by the Floodplain Administrator. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- B. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request.

(Ord. 2012-02, 4/2/2012)

§211. INSPECTION AND REVOCATION.

- A. 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 Borough laws and ordinances. He/she shall make as many inspections during and upon the completion of the work as are necessary.
- B. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials at any reasonable hour, to enforce the provisions of this Chapter.
- C. 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 Council for whatever action it considers necessary.
- D. A record of all such inspection and violations of this Chapter shall be maintained.

(Ord. 2012-02, 4/2/2012)

§212. FEES.

Applications for a Permit shall be accompanied by a fee, in an amount as established from time to

time by resolution of Borough Council, payable to the Borough of Bedford based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.

(Ord. 2012-02, 4/2/2012)

§213. ENFORCEMENT.

- A. *Notices.* Whenever the Floodplain Administrator or other authorized Borough representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Chapter, or of any regulation adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:
1. Be in writing;
 2. Include a Statement of the reasons for its issuance;
 3. Allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
 4. 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;
 5. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter.
- B. *Penalties.* Any person who fails to comply with any or all of the requirements or provisions of this Chapter or who fails or refuses to comply with any notice, order or direction of the Floodplain Administrator or any other authorized employee of the Borough shall be guilty of an offense, and, upon conviction, shall pay a fine to the Borough of Bedford of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of this Chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this Chapter shall not excuse the violation or noncompliance or Permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Chapter may be declared by the Borough of Bedford to be a public nuisance and abatable as such.

(Ord. 2012-02, 4/2/2012)

FLOODPLAIN

§214. APPEALS.

- A. Any person aggrieved by any action or decision of the Floodplain Administrator involving the administration of the provisions of this Chapter may appeal to the Council of the Borough of Bedford. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Floodplain Administrator.
- B. Upon receipt of such appeal the Council of the Borough of Bedford shall set a time and place, within not less than ten (10) nor more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
- C. Any person aggrieved by any decision of the Board may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 *et seq.*

(Ord. 2012-02, 4/2/2012)

PART 3

IDENTIFICATION OF FLOODPLAIN AREAS

§301. DESIGNATION OF FLOODPLAIN AREAS.

- A. The identified floodplain area shall be any areas in the Borough of Bedford, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated March 2, 2012 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.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Council of the Borough of Bedford and declared to be a part of this Chapter.

- B. The identified floodplain area shall consist of the following specific area/district:
1. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which 100-year flood elevations have been provided in the FIS.
 2. The Floodway Area, within the AE Area, is the area identified as Floodway in the FIS, which 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. This term shall also include floodway areas that 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. Special Requirements for Floodway Areas to include:
 - a. Any encroachment that would cause any increase in flood heights shall be prohibited.
 - b. No new construction or development shall be allowed, unless a Permit is obtained from the Department of Environmental Protection Regional Office.
 3. The AE Area/District without floodway shall be those areas 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.

FLOODPLAIN

- 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 than one (1) foot at any point.

(Ord. 2012-02, 4/2/2012)

§302. CHANGES IN FLOODPLAIN AREA DELINEATIONS.

- A. The areas considered to be floodplain may be revised or modified by the Council where studies or information provided by a qualified agency or person documents the need or possibility for such revision.
- B. No modification or revision of any floodplain area identified in the FIS shall be made without prior approval 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 the FEMA of the changes by submitting technical or scientific data.

(Ord. 2012-02, 4/2/2012)

§303. DISPUTES.

Should a dispute arise concerning the identification of any floodplain area, an initial determination shall be made by the Borough Planning Commission and any party aggrieved by such decision may appeal to the Council of the Borough of Bedford. The burden of proof shall be on the appellant.

(Ord. 2012-02, 4/2/2012)

PART 4
TECHNICAL PROVISIONS

§401. GENERAL.

- 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 Borough, and until all required permits or approvals have been first obtained from the Department of Environmental Protection.
- B. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.
- C. 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, ordinance and regulations.
- D. Submit technical or scientific data 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.
- E. 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.
- F. When available, information from other Federal, State, and other acceptable sources shall be used to determine the BFE, as well as a floodway area, if possible.

(Ord. 2012-02, 4/2/2012)

§402. SPECIAL STREAM SETBACK REQUIREMENTS.

Within the identified floodplain area (AE), the following provisions shall apply:

- A. No new construction or development shall be located within the 100-year floodplain area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a Permit is obtained from the Department of Environmental Protection.

(Ord. 2012-02, 4/2/2012)

§403. ELEVATION AND FLOODPROOFING REQUIREMENTS.

- A. *Residential Structures.* Within any FW, FF, or FA, the lowest floor (including basement) of any new or substantially improved residential structure shall be at least one and one-half (1.5) feet above the 100-year flood elevation. The design and construction standards

FLOODPLAIN

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 utilized.

B. *Nonresidential Structures.*

1. Within any FW, FF, or FA, the lowest floor (including basement) of any new or substantially improved nonresidential structure shall be at least one and one-half (1.5) feet above the 100-year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
2. Any non-residential structure, or part thereof, made watertight below the Regulatory Flood Elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

C. Fully enclosed areas 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 to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. The term "fully enclosed space" also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Historic Structures.

See §802.AH.2. for requirements for the substantial improvement of historic structures.

E. Accessory Structures and Publicly Owned Gazebos and Bandstands:

Structures accessory to a principal building, and publicly owned gazebos and bandstands need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

1. The structure shall not be designed or used for human habitation and shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity or as a stage area for public entertainment.

2. The floor area shall not exceed 200 square feet.
3. The structure shall have a low damage potential.
4. The structure shall be located on the site so as to cause the least obstruction to the flow of flood waters.
5. Power lines, wiring, and outlets shall be elevated to the Regulatory Flood Elevation.
6. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. Sanitary facilities are prohibited.
8. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(Ord. 2012-02, 4/2/2012)

§404. DESIGN AND CONSTRUCTION STANDARDS.

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

- A. *Fill* – If fill is used, it shall.
 1. Extend laterally at least fifteen (15) feet beyond the building line from all points.
 2. Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
 3. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
 4. Be no steeper than one (1) vertical foot to two (2) horizontal feet, unless

FLOODPLAIN

substantiated data, justifying steeper slopes are submitted to, and approved by the Floodplain Administrator.

5. Be used to the extent to which it does not adversely affect adjacent properties.
- B. *Drainage* – Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- C. *Water and Sanitary Sewer Facilities:*
1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 2. Sanitary sewer facilities shall be designed and constructed to prevent the discharge of untreated sewage into flood waters.
- 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 (1') 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 §405, “Development Which May Endanger Human Life”, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.
- G. *Placement of Buildings and Structures* – All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- 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 construed of materials that are water-resistant and will withstand inundation.
4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

J. *Paints and Adhesives:*

1. Paints or other finishes used at or below the Regulatory Flood Elevation shall be of a “marine” or “water-resistant” quality.
2. Adhesives used at or below the Regulatory Flood Elevation shall be of a “marine” or “water-resistant” quality.
3. All wooden components (doors, trim, cabinets, etc.) used at or below the Regulatory Flood Elevation shall be finished with a “marine” or “water-resistant” paint or other finishing material.

K. *Electrical Component:*

1. Electrical distribution panels shall be at least three (3') feet above the 100-year flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. *Equipment* – water heaters, furnaces, air conditioning and ventilation 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 flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

(Ord. 2012-02, 4/2/2012)

§405. DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE.

- A. The following list of materials and substances are considered dangerous to human life:
1. Acetone.
 2. Ammonia.
 3. Benzene.

FLOODPLAIN

4. Calcium carbide.
 5. Carbon disulfide.
 6. Celluloid.
 7. Chlorine.
 8. Hydrochloric acid.
 9. Hydrocyanic acid.
 10. Magnesium.
 11. Nitric acid.
 12. Petroleum products (gasoline, fuel oil, etc.).
 13. Phosphorus.
 14. Potassium.
 15. Sodium.
 16. Sulfur and sulfur products
 17. Pesticides (including insecticides, fungicides, and rodenticides).
 18. Radioactive substances, insofar as such substances are not otherwise regulated.
- B. In accordance with the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 *et seq.*, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which: [A.O.]
1. Will be used for the production or storage of any of the dangerous materials or substances identified in §405.A of this Chapter;
 2. 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 dangerous materials or substances identified in §405.A of this Chapter on the premises;
 3. 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.
- C. Within any FW (Floodway), any structure of the kind described in §405.B of this Chapter, shall be prohibited.

- D. Where Permitted within any FF(Flood-Fringe Area) or FA (General Floodplain Area), any structure of the kind described in §405.B of this Chapter, shall be:
1. Elevated or designed and constructed to remain completely dry up to at least 1½ feet above the 100-year flood.
 2. Designed to prevent pollution from the structure or activity during the course of a 100-year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication “Flood-Proofing Regulations” (U. S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

(Ord. 2012-02, 4/2/2012)

§406. SPECIAL REQUIREMENTS FOR MANUFACTURED HOMES.

- A. Within any identified floodplain area, all manufactured homes and any additions thereto shall be prohibited within the area measured fifty (50’) feet landward from the top-of-bank of any watercourse.
- B. Where Permitted within any identified floodplain area, all manufactured homes and additions thereto shall be:
1. Placed on a permanent foundation.
 2. Elevated so that the lowest floor of the manufactured home is one and one-half (1.5’) feet or more above the elevation of the 100-year flood.
 3. Anchored to resist flotation, collapse, or lateral movement.
- C. Installation of manufactured 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.
- D. Consideration shall be given to the installation requirements of the 2006 IBC, and the 2006 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 units(s) proposed installation.

(Ord. 2012-02, 4/2/2012)

FLOODPLAIN

§407. SPECIAL REQUIREMENTS FOR RECREATIONAL VEHICLES.

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

- A. Be on the site for fewer than 180 consecutive days,
- B. Be fully licensed and ready for highway use, or
- C. Meet the Permit requirements for manufactured homes in §406.

(Ord. 2012-02, 4/2/2012)

§408. 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. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Ord. 2012-02, 4/2/2012)

Part 5

ACTIVITIES REQUIRING SPECIAL PERMITS

§501. GENERAL.

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 *et seq.*, the following activities shall be prohibited within any identified floodplain area unless a special Permit has been issued by the Borough: [A.O.]

- 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.

(Ord. 2012-02, 4/2/2012)

§502. APPLICATION REQUIREMENTS FOR SPECIAL PERMITS.

Applicants for special Permits shall provide five (5) copies of the following items:

- A. A written request including a completed 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 100 feet or less, showing the following:
 - 1. North arrow, scale and date.
 - 2. Topography based upon the National Geodetic Vertical Datum 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 accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations.
 - 5. The location of any existing bodies of water or watercourses, building structures and other public or private facilities, including railroad tracks and facilities and

FLOODPLAIN

any other natural and man-made features affecting, or affected by, the proposed activity or development.

6. The location of the floodplain boundary line, information and spot elevations concerning the 100-year flood elevations, and information concerning the flow of water including direction and velocities.
 7. The location of all proposed buildings, structures, utilities, and any other improvements.
 8. Any other information which the municipality considers necessary for adequate review of the application.
- D. Plans of all proposed buildings, structures, and other improvements, clearly and legibly drawn at suitable scale showing the following.
1. Sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate.
 2. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.
 3. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100-year flood.
 4. Detailed information concerning any proposed flood-proofing 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.
 7. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- E. The following data and documentation:
1. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.
 2. Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the 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 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, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 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 buoyant materials or debris that may possibly exist or be located on the site below the 100-year flood elevation and the effects such materials and debris may have on 100-year flood elevations and flows.
6. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
7. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.
8. Any other applicable Permits such as, but not limited to, a Permit for any activity regulated by the Department of Environmental Protection under §302 of Act 1978-166, 32 P.S. §679.302.
9. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100-year flood.

(Ord. 2012-02, 4/2/2012)

§503. APPLICATION REVIEW PROCEDURES.

Upon receipt of an application for a special Permit by the Borough the following procedures shall apply in addition to those of Part 3 of this Chapter:

- 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 respect the application is deficient.
- C. If the Borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If the Borough approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days

FLOODPLAIN

after the date of approval.

- E. Before issuing the special Permit, the Borough shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Borough.
- F. If the Borough does not receive any communication from the Department of Community and Economic Development during the thirty (30)-day reviewing period, it may issue a special Permit to the applicant.
- G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Borough and the applicant, in writing, or the reasons for the disapproval, and the Borough shall not issue the special Permit.

(Ord. 2012-02, 4/2/2012)

§504. SPECIAL TECHNICAL REQUIREMENTS.

- A. 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.
- B. 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:
 - 1. 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:
 - a. The structure will survive inundation by waters of the 100-year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the 100-year flood elevation.
 - b. The lowest floor elevation will be at least one and one-half (1.5') feet above the 100-year flood elevation.
 - c. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100-year flood.
 - 2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical method used correctly reflect currently accepted technical concept. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough and the Department of Community and Economic Development.

PART 6

EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

§601. GENERAL.

Structures existing in any identified floodplain area prior to the enactment of this Chapter may continue subject to the following provisions:

- A. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of 50 percent or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Chapter.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure or use within the AE Area/District, regardless of cost, shall comply with the requirements of §203.C.4.g and §401.C.

(Ord. 2012-02, 4/2/2012)

FLOODPLAIN

PART 7
VARIANCES

§701. GENERAL.

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

(Ord. 2012-02, 4/2/2012)

§702. VARIANCE PROCEDURES AND REQUIREMENTS.

Requests for variances shall be considered by the Borough in accordance with the following:

- A. No variance shall be granted for any construction, development, use or activity within any AE area that would, together with all other existing and anticipated development, increase the 100-year flood elevation more than 1 foot at any point.
- B. If granted, a variance shall involve only the least modification necessary to provide relief.
- C. In granting any variance, the Borough shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Chapter.
- D. Whenever a variance is granted, the Borough shall notify the applicant in writing that:
 1. The granting of the variance may result in increased premium rates for flood insurance.
 2. Such variances may increase the risks to life and property.
- E. In reviewing any request for a variance, the Borough shall consider, but not be limited to, the following:
 1. There is good and sufficient cause.
 2. Failure to grant the variance would result in exceptional hardship to the applicant.
 3. The granting of the variance will:
 - a. Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense;
 - b. Nor create nuisances, cause fraud on or victimize the public, or conflict with any other applicable State statute or regulations, or local ordinance

FLOODPLAIN

or regulation.

- F. A complete record of all variance requests and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual or biennial report to FEMA.
- G. No variance will be granted for the development to locate within the floodplain; hospitals, nursing homes, or jails or prisons as listed in §501.
- H. No variance will be granted for the production, storage or maintenance of §404.F “Storage” and §405 “Development Which May Endanger Human Life.”

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100-year flood.

(Ord. 2012-02, 4/2/2012)

PART 8
DEFINITIONS

§801. GENERAL.

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

(Ord. 2012-02, 4/2/2012)

§802. SPECIFIC DEFINITIONS.

- A. **Accessory Use or Structure** – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- B. **Base Flood** – a flood that has a one percent chance of being equaled or exceeded in any given year (also called the "100 - year flood").
- C. **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 (1%) percent or greater chance of being equaled or exceeded in any given year.
- D. **Basement** – any area of the building having its floor sub-grade (below ground level) on all sides.
- E. **Building** – a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
- F. **Completely Dry Space** – a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.
- G. **Construction** – the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes
- H. **Development** – any man-made change to improved or unimproved real estate, including, but not limited to, buildings, or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.
- I. **Essentially Dry Space** – a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.
- J. **Flood** – a temporary inundation of normally dry land areas.

FLOODPLAIN

- K. **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 community.
- L. **Flood Insurance Study (FIS)** – the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- M. **Floodplain** – a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river, or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- N. **Floodproofing** – any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.
- O. **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 cumulatively increasing the water surface elevation more than one foot
- P. **Highest Adjacent Grade** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- Q. **Identified Floodplain Area** – the floodplain area specifically identified in this Chapter as being inundated by the 100-year flood as shown in the FIS.
- R. **Land Development** –
 - 1. The improvement of one (1) lot, or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving.
 - a. A group of two or more buildings;
 - b. The division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
 - 2. A subdivision of land.
- S. **Lowest Floor** – the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

- T. **Minor Repair** – the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit-way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
- U. **Manufactured Home** – a structure, transportable in two (2) or more sections, which are built on permanent chasses and are designed for use with a permanent foundation when connected to the required utilities. The term also includes travel trailers, recreational, and other similar vehicles placed on a site for more than 180 consecutive days.
- V. **New Construction Date** – structures for which the start of construction commenced on or after September 2, 1988, and includes any subsequent improvements thereto.
- W. **Obstruction** – any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, (A) which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or (B) which is placed where the flow of water might carry the same downstream to the damage of life and property.
- X. **One-Hundred Year Flood** – a flood that, on the average, is likely to occur once every 100 years (i.e., that has One (1) percent chance of occurring each year, although the flood may occur in any year).
- Y. **Person** – an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
- Z. **Recreational Vehicle** – a vehicle which is:
1. Built on a single chassis;
 2. Not more than 400 square feet, measured at the largest horizontal projections;
 3. Designed to be self-propelled or permanently towable by a light-duty truck, not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- AA. **Regulatory Flood Elevation** – the 100-year flood elevation plus a freeboard safety factor of one and one-half (1.5') feet.
- AB. **Special Flood Hazard Area (SFHA)** – means an area in the floodplain subject to a one (1%) percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

FLOODPLAIN

- AC. **Special Permit** – a special approval which is required for hospitals, nursing homes, jails, and new manufactured homes, and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.
- AD. **Start of Construction** – includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the Permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation; or the installation on the property of accessory buildings, such as garages or sheds. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- AE. **Structure** – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
- AF. **Subdivision** – the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other division of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or lot development; provided, however, that the division of land for agricultural, not involving any new street or easement of access, shall be exempted.
- AG. **Substantial Damage** – damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50%) percent or more of the market value of the structure before the damage occurred.
- AH. **Substantial Improvement** – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage (*or "repetitive loss" when a repetitive loss provision is used*) regardless of the actual repair work performed. The term does not however include either:
1. Any project for improvement of a structure to correct existing violations of State or Local health, sanitary, or safety code specifications which have been identified by the Local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
 2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- AI. **Violation** – means the failure of a structure or other development to be fully compliant with the community's flood plain 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.

(Ord. 2012-02, 4/2/2012)