

Chapter 8

Floodplains

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Part 1**General Provisions****§8-101. 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.

(Ord. 9-81, 10/13/1981)

§8-102. 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.

(Ord. 9-81, 10/13/1981)

§8-103. Warning and Disclaimer of Liability.

1. The degree of flood protection sought by the provisions of this Chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on some occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside any identified floodplain area, or that land uses permitted within such areas, will be free from flooding or flood damages.

2. This Chapter shall not create liability on the part of the Borough or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

(Ord. 9-81, 10/13/1981)

Part 2**Administration****§8-201. Watercourse Alteration.**

1. 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.

2. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, shall be notified by the Borough prior to any alteration or relocation of any watercourse.

(*Ord. 9-81, 10/13/1981, §6-1062(A)*); as amended by A.O.

§8-202. Building Permits.

1. Building permits shall be required before any construction or development is undertaken within any area of the Borough. The Code Enforcement Officer shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances. Prior to the issuance of any building permit the Code Enforcement Officer shall review the application for permit to determine if all other necessary government permits required by State and Federal laws have been obtained. No permit shall be issued until this determination has been made. [*Ord. 5-92*]

2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Code Enforcement Officer to determine that: [*Ord. 5-92*]

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.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

3. Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in §8-203) as may be required by the Code Enforcement Officer to make the above determination: [*Ord. 5-92*]

A. A completed building permit application form.

B. A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100-feet or less, showing the following:

(1) North arrow, scale, and date.

(2) Topographic contour lines, if available.

(3) All property and lot lines including dimensions, and the size of the site

expressed in acres or square feet.

(4) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development.

(5) The location of all existing streets, drives and other accessways.

(6) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

(1) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.

(2) The elevation of the 100-year flood.

(3) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100-year flood.

(4) Detailed information concerning any proposed floodproofing measures.

D. The following data and documentation:

(1) A document, certified by a registered profession engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the 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.

(2) Detailed information needed to determine compliance with §8-402.F, "Storage," and §8-403, "Development Which May Endanger Human Life," including:

(a) The amount, location and purpose of any material or substances referred to in §§8-402.F and 8-403 which are intended to be used, produced, stored or otherwise maintained on site.

(b) 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 §8-403 during a 100-year flood.

(3) The appropriate component of the Department of Environmental Protection planning module for land development. [A.O.]

(4) 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. [A.O.]

(*Ord. 9-81, 10/13/1981; as amended by Ord. 5-92, 6/8/1992; and by A.O.*)

§8-203. Applicants for Special Permits.

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

A. A written request including a completed building permit application form.

B. A small scale map showing the vicinity in which the proposed site is located.

C. A plan of the entire site, clearly and legibly drawn at a scale of 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 1929, showing existing and proposed contours at intervals of 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, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development.

(6) The location of the floodplain boundary line, information and spot elevations concerning the 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 Borough 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 floodproofing measures.

(5) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all right-of-way and pavement widths.

(6) Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades.

(7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

(1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.

(2) Certification from a registered professional engineer, architect, or

landscape architect that the proposed construction has been adequately designed to protect against damage from the 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) 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. 9-81, 10/13/1981)

§8-204. 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 Code Enforcement Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Code Enforcement Officer for possible incorporation into the proposed plan.

(Ord. 9-81, 10/13/1981; as amended by Ord. 5-92, 6/8/1992)

§8-205. Review of Application by Others.

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

(Ord. 9-81, 10/13/1981; as amended by Ord. 5-92, 6/8/1992)

Part 3**Identification of Floodplain Areas****§8-301. Identification.**

The identified floodplain area shall be any area of the Borough of Carroll Valley subject to the 100-year flood as shown on the Flood Insurance Rate Map (FIRM) which accompanies the Flood Insurance Study (FIS) for the Borough of Carroll Valley as prepared by the Federal Emergency Management Agency, dated September 2, 1988, or the most recent revision thereof.

(*Ord. 9-81, 10/13/1981; as amended by Ord. 11-88, 5/9/1988*)

§8-302. Description of Floodplain Area.

1. The identified floodplain area shall consist of the following two specific areas:

A. The AE Area 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.

B. The A Area shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no 100-year flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources 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 identified floodplain area which is nearest the construction site.

2. In lieu of the above, the Borough may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough.

(*Ord. 9-81, 10/13/1981; as amended by Ord. 11-88, 5/9/1988*)

§8-303. Changes in Identification of Area.

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

(*Ord. 9-81, 10/13/1981*)

§8-304. Boundary Disputes.

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

(Ord. 9-81, 10/13/1981)

Part 4**General Technical Requirements****§8-401. General.**

1. In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the Borough.

2. Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection. [A.O.]

3. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved residential structure shall be at or above the 100-year flood elevation.

4. A. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved nonresidential structure shall be at or above the 100-year flood elevation or be floodproofed up to that height.

B. Any nonresidential structure, or part thereof, having a lowest floor which is not elevated to the 100-year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing Regulations" published by the U.S. Army Corps of Engineers (June 1972), 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. [Ord. 11-88]

5. For all new construction and substantial improvements, those fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. 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 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

B. The bottom of all openings shall be no higher than 1 foot above grade.

C. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. [Ord. 11-88]

6. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the 100-year flood elevation. [Ord. 11-88]

7. Within any AE Area, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the 100-year flood more than 1 foot at any point. [Ord. 11-88]

(Ord. 9-81, 10/13/1981, §6-1064(A); as amended by Ord. 11-88, 5/9/1988; and by A.O.

§8-402. Design and Construction Standards.

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

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

(1) Extend laterally at least 15 feet beyond the building line from all points.

(2) Consist of soil or small rock materials only; sanitary landfills shall not be permitted.

(3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.

(4) Be no steeper than one vertical to two horizontal, unless substantiated data, justifying steeper slopes, are submitted to and approved by the 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 storm water 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 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 flood waters.

(2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

(3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

D. *Other Utilities*. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. *Streets*. The finished elevation of all new streets shall be no more than 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 §8-

403, “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 constructed of materials that are water-resistant and will withstand inundation.

(4) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.

J. *Paints and Adhesives.*

(1) Paints or other finishes used at or below the regulatory flood elevation shall be of “marine” or water-resistant quality.

(2) Adhesives used at or below the regulatory flood elevation shall be of a “marine” or water-resistant variety.

(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 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 ventilating units, and other 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. 9-81, 10/13/1981, §6-1064(B))

§8-403. Development Which May Endanger Human Life.

1. In accordance with the Pennsylvania Floodplain 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 will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises, shall be subject to the provisions of this Section, in addition to all other applicable provisions: [A.O.]

- 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.

2. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in subsection .1 above, shall be:

- A. Elevated or designed and constructed to remain completely dry up to at least 1½ feet above the 100-year flood.
- B. Designed to prevent pollution from the structure or activity during the course of a 100-year flood.

3. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Floodproofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standards.

(*Ord. 9-81, 10/13/1981, §6-1064(C); as amended by A.O.*)

§8-404. Special Requirements for Manufactured Homes.

1. Where permitted within any identified floodplain area, all manufactured homes and additions thereto shall be:

A. Anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974 (ANSI A119.3-1975)) as amended for manufactured homes in hurricane zones or other appropriate standards such as the following:

(1) Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations for units 50 feet or more in length, and one additional tie per side for units less than 50 feet in length.

(2) Frame ties shall be provided at each corner of the manufactured home, with five additional ties per side at intermediate locations for units 50 feet or more in length, and four additional ties per side for units less than 50 feet in length.

(3) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

B. Elevated in accordance with the following requirements:

(1) The manufactured home shall be elevated on a permanent foundation so that the lowest floor of the manufactured home will be at or above the elevation of the 100-year flood. [*Ord. 11-88*]

(2) Adequate surface drainage is provided.

(3) Adequate access for a hauler is provided.

(4) Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than 10 feet apart; reinforcement shall be provided for pilings that will extend for 6 feet or more above the ground level.

2. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Borough officials for manufactured home parks.

(*Ord. 9-81, 10/13/1981, §6-1064(D); as amended by Ord. 11-88, 5/9/1988*)

Part 5**Activities Requiring Special Permits****§8-501. General.**

In accordance with administrative regulations promulgated by the Department of Community and Economic Development implementing the Pennsylvania Floodplain Management Act, 32 P.S. §679.101 *et seq.*, the following obstructions and activities are prohibited if located entirely or partially within an identified floodplain area unless a special permit is issued: [A.O.]

- A. Hospitals (public or private).
- B. Nursing homes (public or private).
- C. Jails or prisons.

D. New manufactured home parks and manufactured home subdivisions, and substantial improvements to such existing parks and development.

(*Ord. 9-81*, 10/13/1981, §6-1065; as amended by *Ord. 11-88*, 5/9/1988; and by A.O.)

§8-502. 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 hereof.

A. Within 3 working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Borough Planning Commission and Borough Engineer for review and comment.

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

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

D. If the Borough approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within 5 working days after the date of approval. [A.O.]

E. Before issuing the special permit, the Borough shall allow the Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the application and decision made by the Borough. [A.O.]

F. If the Borough does not receive any communication from the Department of Community and Economic Development during the 30 day review period, it may issue a special permit to the applicant. [A.O.]

G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Borough and the applicant, in writing, of the reasons for the disapproval, and the Borough shall not issue the

special permit. [A.O.]

(*Ord. 9-81, 10/13/1981, §6-1065(C)*; as amended by A.O.)

§8-503. Special Technical Requirements.

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

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

A. Fully protect the health and safety of the general public and any occupants 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 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.

(2) The lowest floor elevation will be at least 1½ feet above the 100-year flood elevation.

(3) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100-year flood.

B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

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

(*Ord. 9-81, 10/13/1981, §6-1065(D)*; as amended by A.O.)

Part 6**Existing Structures****§8-601. Existing Structures in Identified Floodplain Areas.**

Structures existing in any identified floodplain area prior to the enactment of this Chapter may continue to remain, provided that 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.

(Ord. 9-81, 10/13/1981, §6-1066)

Part 7**Variances****§8-701. Exceptional Hardship.**

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

(Ord. 9-81, 10/31/1981, §6-1067(A))

§8-702. Requests for Variance.

1. Requests for variances shall be considered by the Borough in accordance with the procedures contained in the Code Enforcement Ordinance, §5-206, and the following:

A. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit, Part 5, or "Development Which May Endanger Human Life," §8-403.

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, at a minimum, the following:

(1) That there is good and sufficient cause.

(2) That failure to grant the variance would result in exceptional hardship to the applicant.

(3) That the granting of the variance will (a) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (b) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State or local ordinances and regulations.

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 report to the Federal Insurance Administration.

G. No variance shall be granted for any construction or development within

any floodway area that would cause any increase in the 100-year flood elevation.
[*Ord. 11-88*]

2. 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. 9-81, 10/13/1981, §6-1067; as amended by Ord. 11-88, 5/9/1988*)

Part 8**Definitions****§8-801. 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. 9-81, 10/13/1981, §6-1068(A)*)

§8-802. Specific Definitions.

Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Basement - any area of the building having its floor subgrade (below ground level) on all sides. [*Ord. 11-88*]

Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers to be used for human habitation.

Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

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.

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 watercourse, and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

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

Lowest floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this Chapter. [*Ord. 11-88*]

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 connected to the required utilities. The term also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. [*Ord. 11-88*]

Manufactured home park - a parcel (or contiguous parcels) of land divided into two

or more manufactured home lots for rent or sale. [Ord. 11-88]

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 exitway 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.

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 floodprone area, 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 is placed where the flow of the water might carry the same downstream to the damage of life and property.

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

Regulatory flood elevation - the 100-year flood elevation plus a freeboard safety factor of 1½ feet.

Special permit - a special approval which is required for hospitals, nursing homes, jails, and new mobile home parks and substantial improvements to such existing parks, when such development is located in all, or a designated portion, of a floodplain.

Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, mobile homes, and other similar items.

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 purposes into parcels of more than 10 acres, not involving any new street or easement of access, shall be exempted.

(Ord. 9-81, 10/13/1981, §6-1068(A); as amended by Ord. 11-88, 5/9/1988)