

CHAPTER 8
FLOODPLAINS

PART 1

CONSTRUCTION IN FLOOD-PRONE AREAS

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PART 1

CONSTRUCTION IN FLOOD-PRONE AREAS

§101. General Provisions.

1. Statement of 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 to 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. The Commonwealth of Pennsylvania shall be a third party beneficiary to the provisions of this Part. [Ord. 1095]
2. Applicability.
 - A. It shall be unlawful for any person to undertake, or cause to be undertaken, any construction or development anywhere within the Borough unless an approved building permit has been obtained from the building official.
 - B. A building permit shall not be required for minor repairs to existing buildings or structures, provided that no structural changes or modifications are involved.
3. Abrogation and Greater Restrictions. This Part supersedes any provisions currently in effect in flood-prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.
4. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Part should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Part which shall remain in full force and effect, and for this purpose the provisions of this Part are declared to be severable.
5. Municipal Liability.
 - A. The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes in the identified flood-prone

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area(s). Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Part does not imply that areas outside any identified flood-prone area, or that land uses permitted within those areas, will be free from flooding or flood damages.

- B. This Part shall not create liability on the part of the Borough or any officer or employee of the Borough for any flood damages that result from reliance on this Part or any administrative decision lawfully made under this Part.

(Ord. 1052, 8/9/1977, §1; as amended by Ord. 1095, 6/10/1980, §1)

§102. Administration.

1. Building Permits Required. Building permits shall be required before any proposed construction or development is undertaken within any identified flood-prone area of the Borough.
2. Issuance of Building Permit.
 - A. The building official 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 Part and all other applicable codes and ordinances.
 - B. No building permit shall be issued until all other required permits have been obtained from any other office or agency.
3. Application Procedures.
 - A. Application for such a building permit shall be made, in writing, to the building official on forms supplied by the Borough. The application shall contain at least the following:
 - (1) Name and address of applicant.
 - (2) Name and address or owner of land on which proposed construction is to occur.
 - (3) Name and address of contractor.
 - (4) Site location.
 - (5) Proposed lowest floor and basement elevations in relation to mean sea level. [Ord. 1281]
 - (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. If any proposed construction or development is located within, or adjacent to, any identified flood-prone area, applicants for building permits shall also provide the following specifications:
 - (1) A plan which accurately delineates the area which is subject to flooding, the location of the proposed construction, the location of any other flood-prone development or structures and the location of any existing or proposed stream improvements or protective works. Included shall be all plans for proposed subdivision and land development in order to assure that:
 - (a) All such proposals are consistent with the need to minimize flood damage.
 - (b) All utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.
 - (c) Adequate drainage is provided so as to reduce exposure to flood hazards.
 - (2) The plan shall also include existing and proposed contours; information concerning 100 year flood; size of structures; location and elevations of streets; water supply and sanitary sewage facilities; soil types and flood-proofing measures.
 - (3) A document certified by a registered professional engineer or architect that the proposed construction has been adequately designed against flood damage and that the plans for development of the site adhere to the restrictions cited in §104. That statement shall include a description of the type and extent of flood-proofing measures which have been incorporated into the design of the structure.
4. Other Permit Issuance Requirements.
- A. Before any proposed alteration or relocation of any stream or any watercourse, etc., within the Borough, a permit shall be obtained from the Department of Environmental Protection, Dams Encroachment Division, as specified in the Dam Safety and Encroachments Act, as amended. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of those notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community and Economic Development. Under no circumstances shall any use, activity and/or devel-

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opment adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system. [A.O.]

- B. Before the issuance of any building permit, the building official shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained including those required by Act 537, the Pennsylvania Sewage Facilities Act, and the Federal Water Pollution Control Act Amendments of 1972, §404, 33 U.S.C. §1334. No permit shall be issued until this determination has been made.
5. Review of County Conservation District. A copy of all applications and plans for any proposed construction or development in any identified flood-prone area to be considered for approval shall be submitted by the building official 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 building official for possible incorporation into the proposed plan.
 6. Review of Application by Others. A copy of all plans and applications for any proposed construction or development in any identified flood-prone area to be considered for approval may be submitted by the building official to any other appropriate agencies and/or individuals (e.g. Planning Commission, Borough engineer, etc.) for review and comment.
 7. Changes. After the issuance of a building permit by the building official, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without written consent or approval of the building official.
 8. Placards. In addition to the building permit, the building official 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 building permit, the date of its issuance and be signed by the building official.
 9. Start of Construction. Work on the proposed construction shall begin within six months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the building official. Construction shall be considered to have started with the first placement of permanent construction of the site, such as the pouring of slabs or footing or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basement, footings, piers or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

10. Inspection and Revocation. During the construction period, the building official or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable laws and Borough ordinances; or that there has been a false statement or misrepresentation by any applicant, the building official shall revoke the building permit and report that fact to Council for whatever action it considers necessary.
11. Fees. Application for a building permit shall be accompanied by a fee as established from time to time by resolution of Borough Council. [A.O.]
12. Enforcement.
 - A. Notices. Whenever the building official or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part, or of any regulations adopted pursuant to this Part, that authority shall give notice of the alleged violation as hereinafter provided. The notice shall:
 - (1) Be in writing.
 - (2) Include a statement of the reasons for its issuance.
 - (3) Allow a reasonable time 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 the notice or order shall be deemed to have been properly served upon an owner or agent when a copy of it has been served with the 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 Part, or any part of it, and with the regulations adopted pursuant to it.
 - B. Hearings. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Part, or of any regulation adopted under this Part, may request and shall be granted a hearing on the matter before Council; provided, that the person files with the Secretary, a written petition requesting the hearing and setting forth a brief statement of the grounds for the hearing within 10 days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and the suspension. Upon receipt of such petition, the Secretary shall set a time and place for the hearing and shall give the petitioner written notice of the hearing. At the hearing, the petitioner shall be given an opportunity to be heard and to show why the notice be modified or withdrawn. The hearing shall be commenced not later than 10 days after the day on which the petition was filed; provided, that upon application of the petitioner, the

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Secretary may postpone the date of the hearing for a reasonable time beyond the 10 day period when, in his judgment, the petitioner has submitted good and sufficient reasons for postponement.

- C. Findings and Order. After the hearing, Council shall make findings as to compliance with the provisions of this Part and regulations issued under it and shall issue an order, in writing, sustaining, modifying or withdrawing the notice which shall be served as provided in subsection (A) of this subsection.
- D. Record of Hearing. The proceedings at such a hearing, including the findings and decision of Council and together with a copy of every notice and order related to the hearing shall be entered as a matter of public record in the Borough but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this Section.
- E. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Part or who fails or refuses to comply with any notice, order or direction of the building official or any other authorized employee of the Borough shall be guilty of an offense and, upon conviction, shall pay a fine of not less than \$25 nor more than \$1,000 plus costs of prosecution. In default of such payment, that person shall be imprisoned for a period not to exceed 30 days. Each day during which any violation of this Part continues shall constitute a separate offense. In addition to the above penalties all other actions are reserved including an action in equity for the proper enforcement of this Part. The imposition of a fine or penalty for any violation of, or noncompliance with, this Part 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 structure or building constructed, reconstructed, enlarged, altered or relocated in noncompliance with this Part may be declared by Council to be a public nuisance and abatable as such. [A.O.]

13. Appeals.

- A. Any person aggrieved by an action or decision of the building official, or by any of the requirements of this Part may appeal to Council. The appeal must be filed, in writing, within 30 days after the decision or action of the building official. Upon receipt of the appeal, Council shall set a time and place, within not less than 10 nor more than 30 days, for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard.
- B. Any person aggrieved by any decision of Council may seek relief in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

(Ord. 1052, 8/9/1977, §2; as amended by Ord. 1111, 6/9/1981, §1; by Ord. 1281, 12/14/1993, Art. XI; and by A.O.)

§103. Identification of Floodplain Areas.

1. Designation of Floodplain Areas.
 - A. For the purpose of this Part, the areas considered to be floodplain within the Borough of Greenville shall be those areas identified as being subject to the 100 year flood in the Flood Insurance Study prepared by the Borough by the Federal Insurance Administration dated currently.
 - B. A map showing all areas considered to be subject to the 100 year flood is available for inspection at the Borough of Greenville offices. For the purposes of this Part, the following nomenclature is used in referring to the various kinds of floodplain areas.
 - (1) FW (Floodway Area) — the areas identified as "Floodway" in the Flood Insurance Study prepared by the FIA.
 - (2) FF (Flood-Fringe Area) — the areas identified as "Floodway Fringe" in the Flood Insurance Study prepared by the FIA.
 - C. The FW (Floodway Area) is delineated for purposes of this Part using the criteria that a certain area within the floodplain must be capable of carrying the waters of the 100 year flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this area are specifically defined in the Floodway Data Table contained in the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map.
 - D. The FF (Flood-Fringe Area) shall be that area of the 100 year floodplain not included in the floodway. The basis for the outermost boundary of this district shall be the 100 year flood elevations contained in the flood profiles of the above-referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map.
2. Changes in Floodplain Area Delineations.
 - A. The areas considered to be floodplain may be revised or modified by the Borough 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 Flood Insurance Study prepared by the Federal Insurance Administration shall be made without prior approval from the Federal Insurance Administration.
3. Disputes. Should a dispute arise concerning the identification of any floodplain area, an initial determination shall be made by the Borough Planning Commis-

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sion and any party aggrieved by such a decision may appeal to the Borough Council. The burden of proof shall be on the appellant.

(Ord. 1052, 8/9/1977, §3; as amended by Ord. 1111, 6/9/1981, §2)

§104. Specific Requirements.

1. 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, Bureau of Dams and Waterway Management. [A.O.]
- B. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, Bureau of County Planning, shall be notified prior to any alteration or relocation of any watercourse. [A.O.]
- C. Where a floodplain area has been identified which includes detailed flood profiles and elevation and a floodway area, the following provisions apply:
 - (1) Within any FW (Floodway Area), no new construction, development, use, activity or encroachment of any kind shall be allowed, except where the rise in flood heights caused by the proposed development is fully offset by accompanying improvements. In addition, mobile homes shall be prohibited within any FW (Floodway Area).
 - (2) The floodway area is based on the criteria that the portion of the floodplain selected must be capable of carrying the waters of the 100 year flood without increasing the water surface elevation of that flood more than one foot at any point. The floodway is shown on the Flood Insurance Study (FIS). The areas included are specifically defined in the Floodway Data Table of the FIS itself.
 - (3) Within any FF (Flood-Fringe Area), new construction and other development, uses and activities shall be allowed; provided, that they are undertaken in strict compliance with the provisions contained in this Part and any other applicable codes, ordinances and regulations.
- D. Residential Structures. Within any FW or FF the lowest floor (including basement) of any new or improved residential structure shall be elevated 11/2 feet above the 100 year flood elevation. [Ord. 1281]
- E. Nonresidential Structures.

- (1) Within any FW or FF the lowest floor (including basement) shall be elevated 1-1/2 feet above the 100 year flood elevation. [Ord. 1281]
 - (2) Any structure, or part thereof, which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June, 1972), or some other equivalent standard, for that type of construction. 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. 1281]
2. Design and Construction Standards. The following minimum construction standards shall apply for all new construction proposed to be undertaken within any identified floodprone area: [Ord. 1281]
- 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 land fills 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 or two horizontal, unless substantiated data, justifying steeper slopes are submitted to and approved by the building official.
 - (5) Be used to the extent to which it does not adversely affect adjacent properties.
 - B. 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 waters.
 - C. Anchoring.
 - (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.

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- (2) All air ducts, large pipes and storage tanks and other similar objects or components located at or below the regulatory flood elevation shall be firmly anchored or affixed to prevent flotation.
- D. Floors, Walls and Ceilings. Where located at or below the regulatory flood elevation:
- (1) Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.
 - (2) Plywood 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.
- E. Electrical Systems and Components.
- (1) Electric water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the regulatory flood elevation and other electrical equipment or apparatus shall be permitted only at elevations above the regulatory flood elevation.
 - (2) Electrical distribution panels shall be at least three feet above the level of the 100 year flood.
 - (3) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- F. Plumbing.
- (1) Water heaters, furnaces and other mechanical equipment or apparatus shall not be located below the regulatory flood elevation.
 - (2) No part of any onsite sewage disposal system shall be located within any identified flood-prone area(s).
 - (3) Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of flood waters into the system and discharge from the system into flood waters.
 - (4) 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.

- G. Paints and Adhesives. When used at or below regulatory flood elevation:
- (1) Paints and other finishes shall be of a "marine" or water-resistant quality.
 - (2) Adhesives shall be of a "marine" or water-resistant quality.
 - (3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or water-resistant paint or other finishing material.
- H. Storage. No materials that are buoyant, flammable, explosive or in times of flooding could be injurious to human, animal or plant life shall be stored below the regulatory flood elevation.
- I. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points 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.
- J. Sanitary Sewer Facilities. All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.
- K. Water Facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize flood damage.
- L. Streets. The finished elevation of proposed new streets shall be not more than one foot below the regulatory flood elevation.
- M. Utilities. All utilities such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- N. Enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access or incidental storage in an area other than a basement shall be designed and constructed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

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- (1) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

[Ord. 1281]

3. Special Requirements for Mobile Homes. Where permitted within a floodplain area, all mobile homes, and any additions thereto, shall be:
 - A. Placed on a permanent foundation.
 - B. Elevated so that the lowest floor of the mobile home is 11/2 feet or more above the 100 year flood elevation.
 - C. Anchored to resist flotation, collapse or lateral movement.

[Ord. 1281]

4. Development Which May Endanger Human Life. The construction or substantial improvement of any structure located within an identified floodplain area which will be used for the production or storage of any of the following materials or substances which are considered to be dangerous to human life, 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 materials or substances on the premises, shall be prohibited:
 - 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.

[Ord. 1111]

- 5. Particular Obstructions. It has been determined that the following activities and development present a special hazard to the health and safety of the general public, or may result in significant pollution, increased flood levels or flows or debris endangering life and property if such development is located within an identified floodplain area:
 - A. Hospitals (public or private).
 - B. Nursing homes (public or private).
 - C. Jails or prisons.
 - D. New mobile home parks and mobile home subdivisions, and substantial improvements to such existing parks and subdivisions.

The construction, enlargement, or expansion of any such structure or commencement of any such activity either totally or partially within any identified floodplain area shall be prohibited.

(Ord. 1052, 8/9/1977, §4; as amended by Ord. 1111, 6/9/1981, §§4 & 5; by Ord. 1281, 12/14/1993, Art. 1, 2, 4, 7, 10; and by A.O.

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§105. Existing Structures in Identified Flood-Prone Areas.

Structures existing in any identified flood-prone area prior to the enactment of this Part but which are not in compliance with these provisions, may continue to remain subject to the following:

- A. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or flood-proofed to the greatest extent possible.
- B. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount 50% or more of its market value, shall be undertaken only in full compliance with the provisions of this Part.
- C. No expansion or enlargement of an existing structure shall be allowed within any FW (Floodway Area) that would cause any increase in the elevation of the 100 year flood. [Ord. 1281]

(Ord. 1052, 8/9/1977, §5; as amended by Ord. 1281, 12/14/1993, Art. 9)

§106. Variance.

1. If compliance with the elevation or flood-proofing requirements of this Part 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 requirement.
2. Request for variances shall be considered by the Borough in accordance with the procedures contained in §102(13) and the following procedures:
 - A. If granted, a variance shall involve only the least modification necessary to provide relief.
 - B. In granting any variance, the Borough may 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 Part.
 - C. 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.

D. In reviewing any request for a variance, the Borough shall consider, but not limited to 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 not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public, or conflict with any other applicable local or State ordinances and regulations.

E. 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.

3. 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.
4. No variance shall be granted for any construction, development, use or activity within any FW (Floodway Area) that would cause any increase in the 100 year flood elevation.

[Ord. 1111]

5. No variance shall be granted from the provisions of §104(4) "Development Which May Endanger Human Life" or §104(5) "Particular Obstructions."

(Ord. 1052, 8/9/1977, §6; as amended by Ord. 1111, 6/9/1981, §6)

§107. Definitions.

1. General. Unless specifically defined below, words and phrases used in this Part shall be interpreted so as to give this Part its most reasonable application.
2. 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 a building having its floor below ground level on all sides. [Ord. 1281]

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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.

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. [Ord. 1111]

DEVELOPMENT — any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, the subdivision of land, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations or storage of equipment or materials. [Ord. 1281]

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. [Ord. 1111]

FLOOD — a temporary inundation of normally dry land areas.

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 and their contents.

FLOOD-PRONE 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 water from any source.

HISTORIC STRUCTURE — any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- C. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved State program as determined by the Secretary of the Interior.
- (2) Directly by the Secretary of the Interior in states without approved programs.

[Ord. 1281]

IDENTIFIED FLOODPLAIN AREA — the floodplain area specifically identified in this Part as being inundated by the 100 year flood. Included would be areas identified as Floodway (FW) and Flood-Fringe (FF).

LAND DEVELOPMENT –

- A. The improvement of one lot, or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) A group of two or more buildings; or,
 - (2) 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.
- B. A subdivision of land.

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 and incidental storage in an area other than a basement area is not considered the lowest floor of a building; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter. [Ord. 1281]

MINOR REPAIR — the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including any addition, change or modification in construction, exit facilities, or permanent fixtures or equipment.

MOBILE HOME — a transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational or other similar vehicles which are placed on a site for more than 180 days. [Ord. 1281]

FLOODPLAINS

MOBILE HOME PARK — a parcel of land under single ownership which has been planned and improved for the placement of two or more mobile home for non-transient use.

NEW CONSTRUCTION — any structure for which the start of construction commenced on or after August 9, 1977, and includes any subsequent improvements thereto. [A.O.]

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, 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 a 1% chance of occurring each year, although the flood may occur in any year).

PERSON — any person, persons, partnership business, or corporation.

REGULATORY FLOOD ELEVATION — one hundred year flood elevation plus a freeboard safety factor of 1 1/2 feet.

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 redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions 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.

SUBSTANTIAL DAMAGE — damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. [Ord. 1281]

SUBSTANTIAL IMPROVEMENT — any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- A. 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.
- B. Any alteration of a historic structure; provided, that the alteration will not preclude the structure's continued designation as a historic structure.

[Ord. 1281]

(Ord. 1052, 8/9/1977, §7; as amended by Ord. 1111, 6/9/1981, §7; by Ord. 1281, 12/14/1993, Art. 3, 5, 6, 8; and by A.O.