

BASEMENT - that portion of a building which is partly, but less than half of the floor-to-ceiling height, below the average grade adjoining the building (as distinguished from "cellar" which means a story more than half below grade). A basement shall be deemed a story.

BOROUGH - the Borough of Mount Carmel, Northumberland County, Pennsylvania.

BOROUGH COUNCIL - the collective body of councilmen and councilwomen comprising the Borough Council of Mount Carmel Borough, Northumberland County, Pennsylvania.

BUILDING - any structure enclosed and isolated by exterior walls and roof constructed or used for residential, business, industrial or other public or private purposes or accessory thereto. Where the context allows, the word "building" shall be construed as though followed by the words "or part or parts thereof".

BUILDING HEIGHT - the vertical distance measured from the average level of the highest and lowest portion of the building site covered by the building to the highest point of the roof adjacent to the front wall for flat roofs, or to the deck line of mansard roofs, or to the mean height between eaves and ridges for gabled, hipped or gambrel roofs.

BUILDING LINE - the boundary line between the legally described property and the adjacent street or public right-of-way. Also referred to as "property line."

BUILDING, PRINCIPAL - a building in which is conducted the principal use of the lot on which it is situated. In a residential district, any structure containing a dwelling unit, except an accessory residence, shall be deemed to be the principal building on the lot on which such building is situated.

CONDITIONAL USE - a use, authorized by this Chapter in specific cases, of property in a manner other than as a use permitted by right in the use regulations; provided, such use subserves the general welfare and projects community interests.

CONSTRUCTION - to erect, construct, reconstruct, locate, relocate, extend, remove, excavate, structurally alter, build, place or deposit.

CONSTRUCTION, START OF - The first placement of permanent construction on a site, such as excavation or the pouring of slabs or footings. For a structure without a basement or poured footings, the start of construction includes the excavating or the first permanent framing or assembly of a structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site.

DWELLING UNIT - One (1) or more rooms designed for or occupied by not more than one (1) family as a single housekeeping unit with cooking and sanitary facilities; but not including units in hotels or other buildings designed for transient residence.

DWELLING, ONE FAMILY - a detached structure designed for or occupied by one

(1) family only.

DWELLING, TWO-FAMILY - a structure designed for or occupied by two (2) families only with separate housekeeping and cooking facilities for each family.

DWELLING, MULTIFAMILY - a structure designed for occupancy by three (3) or more families, with separate housekeeping and cooking facilities for each family. Includes row dwellings.

ENGINEER or BOROUGH ENGINEER - a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by the Borough Council as the Engineer for the Borough.

FAMILY - One (1) or more persons related by blood or marriage, or a group of not more than five (5) persons not related by blood or marriage, occupying a single dwelling unit and using common cooking facilities, but excluding servants.

FLOOD or FLOODING - a general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of a river, stream or other watercourse, or (b) the unusual and rapid accumulation of runoff water or surface waters during a period of generalized flooding or flooding conditions.

FLOOD - ONE HUNDRED (100) YEARS or ONE HUNDRED (100) YEAR FLOOD LEVEL - The highest level of flooding that, on the average, is likely to occur every one hundred (100) years (i.e. that has a one (1) percent chance of occurring each year). The elevations of such are as contained in the Flood Insurance Study and the information and data developed to supplement or update such study. Flooding is a natural circumstance and overflows of considerable magnitude exceeding the limits of the one hundred (100) year frequency can occur.

FLOOD HAZARD BOUNDARY MAPS - the map(s) of the Borough provided by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development showing "special flood hazard areas."

FLOOD INSURANCE STUDY - the "Flood Insurance Study" prepared for the Federal Insurance Administration and including information and data developed to supplement or up date such study. Such study delineates the floodplain, floodway, floodway fringe and the level of the one hundred (100) year flood in map, tabular and profile form.

FLOOD HAZARD AREAS - the land area adjoining a river, stream, watercourse, lake, or other watercourse or body of water which is likely to be flooded or which is subject to the unusual and rapid accumulation of surface waters during periods of generalized flooding or flooding conditions. The term includes "floodway" and "floodway fringe."

FLOODPROOFING - any combination of structural and nonstructural additions, changes or adjustments to properties and structures which would reduce or eliminate flood damage to lands, water, sanitary facilities, structures and contents of buildings.

FLOODWAY - the channel of a river, stream or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude. The floodway is as shown on the maps of the Flood Insurance Study.

FLOODWAY FRINGE - the area between the established floodway lines and the boundary lines of the one hundred (100) year flood. The floodway fringe is as shown on the maps of the Flood Insurance Study.

FLOOR AREA or GROSS FLOOR AREA - the sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy or any floor area in accessory buildings or in the principal building intended and designed for the parking of motor vehicles to meet the requirements of this Chapter, and any floor area intended and designed for accessory heating and ventilating equipment.

FLOOR AREA, HABITABLE - enclosed floor space arranged for living, eating or sleeping purposes; but not including bath or toilet rooms, laundries, pantries, closets, storage spaces, foyers, halls or corridors.

FLOOR AREA RATIO (F.A.R.) - the ratio of the gross floor area of the principal building(s) to the total lot area. (The total floor area of the principal building(s) divided by the total lot area.)

GARAGE, PRIVATE - a detached building, or a portion of a principal building, permitted as accessory to a permitted use for the private use of an owner or tenant for the storage or parking of vehicles.

GARAGE or LOT, COMMERCIAL PARKING - An open air lot or a structure used principally for parking or storing motor vehicles for specified time periods or on a rental basis, including minor repairing incidental to parking, but not including the parking of commercial or public utility vehicles, nor the dead storage of motor vehicles.

GARAGE, REPAIR - a building used primarily for making repairs to motor vehicles, including overhauling, body work, refinishing and upholstering as well as incidental servicing.

HIGH HAZARD USE - high hazard use means the occupancy or use of a building or structure or any portion thereof that involves highly combustible, highly flammable or explosive material, or the use of materials that have characteristics that constitute a special fire hazard; including among others, aluminum powder factories, cellulose nitrate plastic factories, warehouses and sales rooms, cereal mills, distilleries, explosive manufacture, sales and storage, flour and feed mills, motor fuel bulk plants or storage areas, grain elevators, lacquer factories, natural or manufactured gas, charging or bulk storage plants, mattress factories, paint factories and waste paper factories or processing plants.

HOME OCCUPATION - an accessory use which is carried on by a member(s) of a

family occupying a dwelling unit, which use is clearly incidental to the principal residential use. Retail sales and commercial stables and kennels shall not be considered home occupations.

LANDOWNER - the legal or beneficial owner or owners of land including the holder of an option or contract to purchase, whether or not such option or contract is subject to any condition, a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Chapter.

LOT or ZONING LOT - a parcel of land in single ownership which may be a lot-of-record, or any combination of lots-of-record or any portion thereof, of sufficient size to meet minimum district requirements for use, coverage and area, and to provide such yards and other open spaces herein required.

LOT AREA - the computed area contained within the lot lines, excluding space within the right-of-way of any streets, but including the areas of all easements.

LOT, CORNER - a lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of less than one hundred thirty-five (135) degrees. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify the front when requesting a permit.

LOT DEPTH - the average distance between the front and rear lot lines.

LOT LINE - the line separating the lot in the front, rear or on either side from an adjacent street or lot.

LOT, THROUGH - a lot other than a corner lot, with frontage on more than one (1) street other than an alley.

LOT WIDTH - the average distance between straight lines connecting front and rear lot lines at each side of the lot, measured at right angles to its depth.

MOBILE HOME - A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, 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 without a permanent foundation.

MOBILE HOME LOT - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected or placed on the lot.

MOBILE HOME PARK - a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use

consisting of two (2) or more mobile home lots.

MOTEL - a building or a group of buildings containing sleeping facilities primarily for transient motorists.

NONCONFORMING STRUCTURE - nonconforming structure means a structure or part of a structure not in compliance with the applicable use provisions in this Chapter or amendment where such structure lawfully existed prior to the enactment of this Chapter or the amendment or prior to the application of this Chapter or the amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE - nonconforming use means a use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or amendment where such use structure was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NURSING HOME - any premises where persons are lodged and furnished with meals and nursing care.

OBSTRUCTION - (a) any structure, fill or object constructed or placed in a floodway including in, along, across or projecting into any waters of the Commonwealth; (b) anything in a floodway, which acting alone or in combination with existing or future uses could adversely affect existing drainage courses or facilities; (c) any matter or activity in, along, across or projecting into any floodway, whether floating or stationary, which might impede, retard or change the course or regime of any stream or alter the runoff characteristics of the surface of the land, or change, increase or diminish the current or cross-section of any waters of the Commonwealth either by itself or by catching or collecting debris carried by such water; and (d) any structure or object in a floodway which is constructed where the natural flow of the water could carry the same downstream. For the purposes of this definition, "matter or activity" includes, but is not limited to, excavations, sand and gravel dredging and activities related thereto, piles, channel relocations, conduits, culverts, landfills, fills, pipelines, transmission lines, deposits, storm drains and deposits of solid waste. The planting, cultivation and harvesting of field and orchard crops, including the maintenance of necessary appurtenant agricultural fencing, shall not be considered an "obstruction" under this definition.

OFFICIAL ZONING MAP - an up-to-date zoning map of Mount Carmel Borough, Northumberland County, Pennsylvania; kept at the Borough Municipal Building; bearing the actual signatures of the Mayor, the President of the Borough Council, the Chairman of the Planning Commission and attested to by the Borough Secretary; and, bearing the dates of amendments thereto.

PERSON - any individual, group of individuals, firm, corporation, trust, company, partnership, association or any other organized group of persons, including the State and County, and Borough government and agencies thereof.

PLANNING COMMISSION - the Mount Carmel Planning Commission of Mount Carmel Borough, Northumberland County, Pennsylvania.

PROFESSIONAL OFFICE - the office of a member of a recognized profession, including only physicians, dentists, attorneys, clergy, architects, accountants, engineers, surveyors and such other professional occupations as may be designated by the Zoning Hearing Board, upon their interpretation that such occupation is truly professional in character by virtue of the need for advanced training or experience as a condition of the practice thereof. The issuance of a license for regulation of a gainful occupation shall not be indicative of professional standing.

PROPERTY LINE - the boundary line between the legally described property and the adjacent street or public right-of-way. Also referred to as the building line or a lot line.

RECREATION, COMMERCIAL - recreation facilities operated as a business and open to the general public for a fee including, but not necessarily limited to, parks, playgrounds, athletic fields, swimming pools, amusement enterprises, golf courses and driving ranges, and roller rinks.

RECREATION, PUBLIC - recreation facilities operated as a nonprofit enterprise by a government entity or a nonprofit organization, and open to the general public including, but not necessarily limited to, parks, playgrounds, athletic fields and swimming pools.

RECREATION, PRIVATE, NONCOMMERCIAL - Clubs or recreation facilities, operated by a nonprofit organization and open only to its members and guests including, but not necessarily limited to, country clubs, picnic areas and swimming pools.

REPAIR - any construction which replaces materials but does not change the height, number of stories, size, habitable floor area or location of a building or other structure.

ROOMING or BOARDING HOUSE - a building containing a single dwelling unit and rooms for the rooming and/or boarding of between three (3) and twenty-five (25) persons for periods of not less than one (1) week.

SCRAP PROCESSING, AUTO WRECKING, or JUNKYARD - a place where waste, discarded, sorted, processed or salvaged material or automobiles are bought, sold, stored, packed, dismantled or otherwise handled; but excluding places where such uses are conducted entirely within a completely enclosed building.

SELF-SERVICE MOTOR FUEL SALES FACILITIES - facilities for the sale of motor fuel by self-service means, not associated with an automotive service station, conducted as a principal use or as a use accessory to principal retail uses.

SIGN - a device for visual communication that is used to bring the subject to the attention of the public, but not including lettering or symbols that are an integral part of another structure or flags or other insignia of any government, government agency,

or of any civic, charitable, religious, fraternal or similar organization.

SIGN, ADVERTISING - a sign whose major purpose is to direct attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot, such as billboards.

SIGN, BUSINESS - a sign directing attention to a business or profession conducted on the same lot, or as incidental to a business or to products sold upon the same lot.

SIGN, DIRECTIONAL - a sign which is for directing patrons or attendants to an establishment or to service clubs, churches or other nonprofit organizations.

SIGN, FREE-STANDING - a sign supported by uprights or braces placed upon the ground and not attached to a building.

SIGN, PROJECTING - a sign which is attached to a building or other structure and extends beyond the line of a building or structure or beyond the surface of that portion of the building or structure to which is attached.

STORY - that portion of a building wholly above ground included between the surface of any floor and the surface of the floor next above, having a floor area that is fifty (50) percent or more of the floor area of the story immediately below and with a ceiling height of at least eight (8) feet; if no floor above, then between the floor and ceiling.

STREET - street, includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET LINE - the right-of-way line or property line separating a lot from an adjacent street or public pedestrian walkway.

STRUCTURE - any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land including, but not limited to, buildings, fences and signs. The term includes buildings which are used for residential or nonresidential purposes, or which are occupied by a private nonprofit organization, or which are owned by a State or local government or any agency thereof. The term also includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL IMPROVEMENT - any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of

a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

TELEPHONE EXCHANGE - a building and its equipment used primarily for the transmission and exchange of telephone messages.

TOURIST HOME - a building where rooms are rented as an incidental home occupation to provide overnight accommodations for not more than ten (10) transient guests.

UNIT GROUP BUILDING - two (2) or more principal buildings grouped upon a single lot, such as a multi-unit shopping center, or a residential or institutional complex.

VARIANCE - an authorization, in specific cases, granting relief and doing substantial justice in the use of property by an owner where, because of unique conditions, a literal enforcement would result in undue hardship and which will be in harmony with the general zoning scheme and the Borough's Comprehensive Plan.

WATER SOURCE ELEVATION - heights in relation to mean sea level expected to be reached by floods of various magnitudes and frequencies at pertinent points in the floodplains of coastal or riverine areas.

YARD - a space on the same lot with a principal building open, unoccupied and unobstructed from the ground to the sky, except where encroachments and accessory structures are expressly permitted herein.

YARD, FRONT - a yard extending across the full width of the lot adjoining the street upon which the lot fronts, the depth of which shall be as specified herein.

YARD, REAR - a yard extending across the full width of the lot adjoining the rear lot line, the depth of which shall be as specified herein.

YARD, SIDE - a yard adjacent to a side lot line extending from the front yard to the rear yard, the depth or width of which shall be as specified herein.

(Ord. 3-96, 10/18/1996)

PART 13

FLOODPLAIN REGULATIONS

§1301. GENERAL PROVISIONS.

1. Purpose. The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:
 - A. Regulating uses, activities and development which, acting along or in combination with other existing or future uses, activities and development will cause unacceptable increases in flood heights, velocities and frequencies.
 - B. Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding.
 - C. Requiring all those uses, activities and developments that do occur in flood prone areas to be protected and/or floodproofed against flooding and flood damage.
 - D. Protecting individual from buying lands and structures which are unsuited for intended purposes because of flood hazards.
2. Applicability. These provisions shall apply to all lands within the jurisdiction of the Borough of Mount Carmel and shown on the Official Zoning Map as being located within the boundaries of any floodplain district.
3. Compliance. No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this Chapter any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Chapter.
4. 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 acceptable engineering methods of study. 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 Chapter does not imply that areas outside the floodplain districts, or that land uses permitted within such districts, will be free from flooding or flood damages.
 - B. This Chapter shall not create liability on the part of the Borough of Mount Carmel 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. 3-96, 10/18/1996)

§1302. ESTABLISHMENT OF FLOODPLAIN DISTRICTS.

1. Description of Districts.

A. Basis of Districts. The various floodplain districts shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of these districts shall be the Flood Insurance Study prepared by the Federal Insurance Administration dated July 17, 1978.

(1) The Floodway District (FW) is delineated for purposes of this Chapter using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The Floodway District is shown on the Borough of Mount Carmel Official Zoning Map. The areas included in this district are specifically defined in Table 2 of the above referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map.

(2) The Flood-Fringe District (FF) shall be that area of the one hundred (100) year floodplain not included in the Floodway District. The basis for the outermost boundary of this district shall be the one hundred (100) year flood elevations contained in the flood profiles of the above referenced Flood Insurance Study (FIS) and as shown on the accompanying Flood Boundary and Floodway Map.

B. Overlay Concept.

(1) The floodplain districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Map, and, as such, the provisions of the floodplain districts shall serve as a supplement to the underlying district provisions.

(2) Where there happens to be any conflict between the provisions or requirements of any of the floodplain districts and those of any underlying district, the more restricted provisions and/or those pertaining to the floodplain districts shall apply.

(3) In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative action or judicial discretion, the basic underlying district provisions shall remain applicable.

2. Zoning Map. The boundaries of the floodplain districts are established as shown on the Official Flood Boundary and Flood Rate Map, Borough of Mount Carmel, dated July 17, 1978, which is declared to be a part of this Chapter and which shall be kept

on file at the Borough offices.

3. District Boundary Changes. The delineation of any of the floodplain districts may be revised by the Borough Council where natural or manmade changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, river basin commission or other qualified agent or individual documents the notification for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).
4. Interpretation of District Boundaries. Initial interpretations of the boundaries of the floodplain districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the districts, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

(Ord. 3-96, 10/18/1996)

§1303. DISTRICT PROVISIONS.

1. All uses, activities and development occurring within any floodplain district shall be undertaken only in strict compliance with the provisions of this Chapter and with all other applicable codes and ordinances such as the Borough Building Code [Chapter 5, Part 1] and County of Northumberland Subdivision and Land Development Ordinance.
2. Under no circumstances shall any use, activity and/or development affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.
3. Prior to any proposed alteration or relocation of any stream, watercourse, etc., within the Borough, a permit shall be obtained from the Department of Environmental Protection, Dams and Encroachment Division. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community Affairs.
4. The provisions of this Section shall be applicable, in addition to any other applicable provisions of this Chapter, or any other ordinance, code or regulation.
5. In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community Affairs, as required by the Act, any new or substantially improved structure which:
 - A. Will be used for the production or storage of any of the following dangerous materials or substances.
 - B. Will be used for any activity requiring the maintenance of a supply of more than

five hundred fifty (550) gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises.

- C. Will involved the production, storage or use of any amount of radioactive substances.
- D. Shall be subject to the provisions of this Section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- (1) Acetone.
- (2) Ammonia.
- (3) Benzene.
- (4) Calcium carbide.
- (5) Carbon disulfide.
- (6) Celluloid.
- (7) Chlorine.
- (8) Hydrochloric acid.
- (9) Hydrocyanic acid.
- (10) Magnesium.
- (11) Nitric acid and oxides of nitrogen.
- (12) Petroleum products (gasoline, fuel oil, etc.).
- (13) Phosphorus.
- (14) Potassium.
- (15) Sodium.
- (16) Sulphur and sulphur products.
- (17) Pesticides (including insecticides, fungicides and rodenticide).
- (18) Radioactive substances, insofar as such substances are not otherwise regulated.

- 6. Within any Floodway District any structure of the kind described in subsection (5), above, shall be prohibited.

7. Where permitted within any Flood-Fringe District or General Floodplain District, any structure of the kind described in subsection (5), above, shall be:
 - A. Elevated or designed and constructed to remain completely dry up to a least one and one-half (1 1/2) feet above the one hundred (100) year flood.
 - B. Designed to prevent pollution from the structure of activity during the course of a one hundred (100) year flood.
 - C. 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.
8. Activities Requiring Special Permits. The provisions of this Section shall be applicable, in addition to any other applicable provisions of this Chapter, or any other ordinance, code or regulation.
 - A. Identification of Activities Requiring a Special Permit. In accordance with the Pennsylvania Floodplain Management Act (Act 1978-166), and regulations adopted by the Department of Community Affairs as required by the Act, the following obstructions and activities are permitted only by special permit, if located partially or entirely within any floodplain district:
 - (1) The commencement of any of the following activities; or the construction, enlargement or expansion of any structure used, or intended to be used, for any of the following activities:
 - (a) Hospitals.
 - (b) Nursing homes.
 - (c) Jails or prisons.
 - (2) The commencement of, or any construction of, a new mobile home park or mobile home park subdivision or substantial improvement to an existing mobile home park or mobile home subdivision.
 - B. Application Requirements. Applicants for special permits shall provide five (5) copies of the following items:
 - (1) A written request including a completed building permit application form.
 - (2) A small scale map showing the vicinity in which the proposed site is located.
 - (3) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

ZONING

- (a) North arrow, scale and date.
 - (b) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet.
 - (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 streets, driveways, other accessways and parking areas, with information concerning widths, pavement types and construction and elevations.
 - (e) 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 manmade features affecting, or affected by, the proposed activity or development.
 - (f) The location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities.
 - (g) The location of all proposed buildings, structures, utilities and any other improvements.
 - (h) Any other information which the Borough considers necessary for adequate review of the application.
- (4) Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale, showing the following:
- (a) Sufficiently detailed architectural or engineering drawings including floor plans, sections and exterior building elevations, as appropriate.
 - (b) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.
 - (c) Complete information concerning floor depths, pressures, velocities, impact and uplift forces and other factors associated with the one hundred (100) year flood.
 - (d) Detailed information concerning any proposed flood-proofing measures.
 - (e) Cross-section drawings for all proposed streets, drives, other accessways and parking areas, showing all rights-of-way and

pavement widths.

- (f) Profile drawings for all proposed streets, drives and vehicular accessways including existing and proposed grades.
 - (g) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.
- (5) The following data and documentation:
- (a) 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.
 - (b) Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood.
 - (c) 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 one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life.
 - (d) 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 one hundred (100) year flood elevations and flows.
 - (e) 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 one hundred (100) year flood elevation and the effect such materials and debris may have on one hundred (100) year flood elevations and flows.
 - (f) The appropriate component of the Department of Environmental Protection's, "Planning Module for Land Development."
 - (g) 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.
 - (h) 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 1978-177.

- (i) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of one hundred (100) year flood.

C. Application Review Procedures. Upon receipt of an application for a special permit by the Borough of Mount Carmel, the following procedures shall apply in addition to all other applicable permit procedures which are already established:

- (1) 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.
- (2) If an application is received that is incomplete, the Borough shall notify the applicant in writing, stating in what respects the application is deficient.
- (3) If the Borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- (5) Before issuing the special permit, the Borough shall allow the Department of Community Affairs thirty (30) days, after receipt of the notification by the Department, to review the application and the decision made by the Borough.
- (6) If the Borough does not receive any communication from the Department of Community Affairs during the thirty (30) day review period, it may issue a special permit to the applicant.
- (7) If the Department of Community Affairs 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.

D. Technical Requirements for Development Requiring a Special Permit. In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a special permit. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provision shall apply:

- (1) 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 one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation.
- 2) The lowest floor elevation (including basement) will be at least one and one-half (1 1/2) feet above the one hundred (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 one hundred (100) year flood.

(b) 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 Affairs.

9. Except for possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements of this Section.

10. Floodway District (FW). In the Floodway District no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and/or State authorities as required above.

A. Permitted Uses. In the Floodway District the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill or storage of materials and equipment:

- (1) Agricultural uses such as general farming, plant nurseries, horticulture, truck farming, etc.
- (2) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, swimming areas, hiking trails, etc.
- (3) Accessory residential uses such as yard areas, gardens, play areas and pervious parking areas.
- (4) Accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, airport landing strips, etc.

ZONING

11. Flood-Fringe District (FF). In the Flood-Fringe District the development and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in all other applicable codes and ordinances.

(Ord. 3-96, 10/18/1996)

§1304. SPECIAL EXCEPTIONS AND VARIANCES (ADDITIONAL FACTORS TO BE CONSIDERED).

1. In passing upon applications for special exceptions and variances the Zoning Hearing Board shall consider all relevant factors and procedures specified in other Sections of this Chapter.
 - A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted within the floodway for any proposed use, development or activity that will cause any increase in flood levels during the one hundred (100) year flood.
 - B. The danger that materials may be swept onto other lands or downstream to the injury of others.
 - C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 - E. The importance of the services provided by the proposed facility to the community.
 - F. The requirements of the facility for a waterfront location.
 - G. The availability of alternative locations not subject to flooding for the proposed use.
 - H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - J. The safety of access to the property in times of flood of ordinary and emergency vehicles.
 - K. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

- L. Such other factors which are relevant to the purposes of this Chapter.
2. The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception or variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.
 3. Special exceptions and/or variances shall only be used after the Zoning Hearing Board has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense, (d) create nuisances, (e) cause fraud or victimization of the public; or, (f) conflict with local laws or ordinances.

(Ord. 3-96, 10/18/1996)

§1305. EXISTING STRUCTURES IN FLOODPLAIN DISTRICTS.

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- A. Existing structures and/or uses located in any Floodway District shall not be expanded or enlarged (unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements).
- B. Any modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any floodplain district to an extent or amount of less than fifty (50) percent of its market value shall be elevated and/or floodproofed to the greatest extent possible, regardless of its location in the floodplain district.
- C. The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use, regardless of its location in a floodplain district, to an extent or an amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of this and any other applicable ordinances.
- D. Uses or adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

(Ord. 3-96, 10/18/1996)

§1306. DEFINITIONS.

DEVELOPMENT - any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets and

ZONING

other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

FLOOD - a temporary inundation of normally dry land areas.

FLOOD FRINGE - that portion of the floodplain outside the floodway.

FLOODPLAIN - (1) a relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

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

(Ord. 3-96, 10/18/1996)

§1307. SPECIAL PROVISIONS APPLYING IN DESIGNATED FLOODPLAIN DISTRICTS.

In order to prevent excessive damage to buildings and structures due to flooding conditions, the following provisions shall apply to all proposed construction or development occurring in any of the floodplain districts designated in this Chapter.

- A. Residential Structure. Within any designated Floodway (FW) or Flood-Fringe (FF) District, the lowest floor (included basement of any new or improved residential structures shall be at least one and one-half (1 1/2) feet above the one hundred (100) year flood elevation.
- B. Nonresidential Structure.
 - (1) Within any designated Floodway (FF) or Flood-Fringe (FW) District, the lowest floor (including basement) shall be at least one and one-half (1 1/2) feet above the one hundred (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 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.
- C. Fill.
 - (1) If fill is used, it shall:
 - (a) Extend laterally at least fifteen (15) feet beyond the building line

from all points.

- (b) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
- (c) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
- (d) Be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data justifying steeper slopes are submitted to, and approved by, the Building Official.
- (e) Be used to the extent to which it does not adversely affect adjacent properties.

D. Placement of Buildings and Structures. All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water. In so doing, consideration shall be given to their effect upon the flow and height of flood waters.

E. Anchoring.

- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or other movement thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
- (2) All air ducts, large pipes and storage tanks located at or below the regulatory flood elevation shall be firmly anchored in accordance with accepted engineering practices to prevent flotation.

F. 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 any "exterior" or "marine" grade and of a water resistant or waterproof variety.
- (3) Walls and ceiling in nonresidential structures shall have sufficient wet strength and be so installed as to survive inundation.
- (4) Window frames, door frames, door jambs and other components shall be made of metal or other water-resistant material.

G. Electrical Systems.

ZONING

- (1) All electric water heaters, electric furnaces, electric air conditioning and ventilating systems, and other electrical equipment or apparatus shall be permitted only at elevations above the regulatory flood elevation.
- (2) No electrical distribution panels shall be allowed at an elevation less than three (3) feet above the level of the one hundred (100) year flood elevation.
- (3) Separate electrical circuits shall serve lower levels and shall be dropped from above.

H. Plumbing.

- (1) Water heaters, furnaces and other mechanical equipment or apparatus shall be permitted only at elevations above the regulatory flood.
- (2) No part of any onsite sewage disposal system shall be constructed within any designated floodplain district.
- (3) Water supply systems and sanitary sewage systems shall be designed to preclude infiltration of flood waters into the system and discharges from the system into flood waters.
- (4) All gas and oil supply systems shall be designed to preclude the infiltration of flood waters into the systems and discharges from the systems into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

I. Paints and Adhesives. Where located at or below the regulatory flood elevation:

- (1) Adhesives shall have a bonding strength that is unaffected by inundation (i.e. "marine" or water-resistant quality).
- (2) All wooden components (doors, trim, cabinets, etc.) shall be sealed with a "marine" or water resistant quality or similar product.
- (3) Paints or other finishes shall be capable of surviving inundation (i.e. "marine" or water-resistant quality).

J. Storage. No materials that are buoyant, flammable, explosive or, in time of flooding, could be injurious to human, animal or plant life, shall be stored below the regulatory flood.

K. 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 be designed to prevent the discharge of excess runoff onto adjacent properties.

- L. 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 systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.
- M. 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 or eliminate flood damages.
- N. Streets. The finished elevation of proposed new streets shall be not more than one (1) foot below the regulatory flood elevation. The Borough shall require profiles and elevations of proposed new streets to determine compliance with this requirements.
- O. Utilities. All utilities such as gas lines, electrical and telephone systems being placed in designated floodplain districts should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flooding occurrence.
- P. Special Flood Damage Control Provisions for Mobile Homes and Mobile Home Parks in the Designated Floodplain Districts.
 - (1) All mobile homes and any additions thereto shall be 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 Institute and National Fire Protection Association 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 mobiles homes in hurricane zones or other appropriate standards such as the following:
 - (a) Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.
 - (b) Frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.
 - (c) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
 - (2) All mobile homes and any additions thereto shall also be elevated in accordance with the following requirements:
 - (a) The stands or lots shall be elevated on compacted fill or on pilings

so that the lowest floor of the mobile home will be at or above the elevation of the regulatory flood.

- (b) Adequate surface drainage is provided.
 - (c) Adequate access for a hauler is provided.
 - (d) 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 ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.
- (3) An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Borough officials for mobile home parks and mobile home subdivisions where appropriate.
 - (4) No mobile homes shall be placed in any designated floodway district or area.

Q. Existing Structures in Designated Floodplain Districts. Structures existing in any designated floodplain districts prior to the enactment of this Chapter, but which are not in compliance with these provisions, may continue to remain subject to the following:

- (1) Existing structures located in a designated floodway district or area shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.
- (2) Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- (3) Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Chapter.

R. Variances.

- (1) If compliance with the elevation of floodproofing requirements stated above 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) Requests for variances to the strict application of the provisions of this Chapter may be granted by the Borough in accordance with the following

procedures and criteria:

- (a) No variances shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one hundred (100) year elevation.
 - (b) If granted, a variance shall involve only the least modification necessary to provide relief.
 - (c) 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 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) 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 any unacceptable or prohibited increased 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.
 - (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.
- (3) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures and effects of buoyancy of the one hundred (100) year flood.

(Ord. 3-96, 10/18/1996)

§1308. SUPPLEMENTARY ADMINISTRATIVE PROVISIONS FOR ACTIVITIES IN DESIGNATED FLOODPLAIN AREAS.

1. Plan Requirements. In addition to the permit application requirements normally required under the Borough Building Code [Chapter 5, Part 1], as amended, the Borough Building Official shall require the following specific information to be included as part of the application for a building permit.
 - A. A plan which details the existing and proposed contours and elevation (in relation to mean sea level) of the ground and the lowest floor of proposed construction, one hundred (100) year flood elevations and other associated factors such as pressures, and impact forces, etc., storage elevations, size of the structure, location and elevations of streets, water supply, sanitary facilities, soil types and floodproofing measures including specific reference to the level of the floodproofing in relation to the one hundred (100) year flood.
 - B. A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the flood depths, pressures, velocities, impact and uplift forces and other hydrostatic and hydrodynamic and buoyancy factors associated with the one hundred (100) year flood. Such statement shall include a description of the type and extent of the floodproofing measures which have been incorporated into the design of the structure.
2. Review by County Conservation District. A copy of all applications and plans for construction or development in any designated floodplain district to be considered for approval shall be submitted by the Borough Building Official to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendation of the Conservation District shall be considered by the Borough Building Official for possible incorporation into the proposed plan.
3. Other Permit Issuance Requirements. Prior to the issuance of any building permit the Borough 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, the Pennsylvania Dam Safety and Encroachments 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.
4. Start of Construction. For purposes of implementation of these provisions, construction shall be considered to have started with the first placement of permanent construction of the site, such as the pouring of slabs or footings 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 electric or other service lines from the street.

(Ord. 3-96, 10/18/1996)

§1309. SUPPLEMENTARY DEFINITIONS FOR DESIGNATED FLOODPLAIN DISTRICT PROVISIONS.

The following are special definitions which shall be used in making reasonable interpretations of the provisions contained in §§1307 and 1308.

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.

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

DESIGNATED FLOODPLAIN DISTRICTS - those floodplain districts specifically designated in this Chapter as being inundated primarily by the one hundred (100) year flood. Included would be areas identified as Floodway District (FW) or Flood-Fringe District (FF).

DESIGNATE FLOODWAY DISTRICT OR AREA - the channel of a river or other watercourses and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude as specifically defined in this Chapter.

DEVELOPMENT - any manmade 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, mining, dredging, filling, grading, excavation or drilling operations and the subdivision of land.

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.

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

MOBILE HOME - a transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one (1) 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 does not include recreational vehicles or travel trailers.

ZONING

MOBILE HOME PARK - a parcel of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes for nontransient use.

OBSTRUCTIONS - 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 designated floodplain district, 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 one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year). This is more precisely defined/delineated in this Chapter.

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

(Ord. 3-96, 10/18/1996)