

# 184

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT, PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE BOROUGH OF PATTERSON HEIGHTS, BEAVER COUNTY, PENNSYLVANIA, WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

BE IT ENACTED and ORDAINED by the Borough of Patterson Heights, Beaver County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

#### ARTICLE I GENERAL PROVISIONS

##### Section 100. Intent

The intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. This Ordinance is intended to be supplemental to the terms and provisions of Ordinance No. 146, enacted September 11, 1961, known as the Patterson Heights Zoning Ordinance and the supplements and amendments thereunto enacted from time to time.

##### Section 101. Applicability

- A. It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any construction or development within the Borough of Patterson Heights in such areas as are considered to be flood prone

as the same are identified and defined by the terms of this Ordinance unless an approved Building Permit has been obtained from the Zoning Officer.

Section 102. Abrogation and Greater Restrictions

This Ordinance supersedes any provisions currently in effect in flood-plain areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

Section 103. Severability

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

Section 104. Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. This ordinance shall not create liability on the part of the Borough of Patterson Heights or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

ARTICLE II ADMINISTRATION

Section 2.00 Building Permits Required

Building Permits under the terms of this Ordinance shall be required before any construction or development is undertaken within any area of the Borough of Patterson Heights considered to be flood-plain as the same is identified and defined by the terms of this Ordinance.

Section 2.01 Issuance of Building Permit

A. The Zoning Officer shall issue a Building Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

B. Prior to the issuance of any building permit the Zoning Officer 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 Water Obstruction Act of 1913, and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33, U.S.C. 1334. No permit shall be issued until this determination has been made.

C. 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 of Patterson Heights and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the Borough of Patterson Heights prior to any alteration or relocation of any watercourse.

### Section 2.02 Application Procedures and Requirements

A. Application for such a building permit shall be made, in writing, to the Zoning Officer on forms supplied by the Borough of Patterson Heights. Such application shall contain the following:

1. Name and address of applicant.
2. Name and address of owner of land on which proposed construction is to occur.
3. Name and address of contractor.
4. Site location.
5. Listing of other permits required.
6. Brief description of proposed work and estimated cost.
7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

B. If any proposed construction or development is located within, or partially within, any identified floodplain area, applicants for Building Permits and Special Permits shall also provide the following specific information:

1. A plan of the entire site, drawn at a scale of one (1) inch being equal to one-hundred (100) feet or less, showing the following:
  - a. north arrow, scale and date,
  - b. a location map showing the vicinity in which the proposed activity or development is to be located within the municipality,
  - c. topography based upon the National Geodetic Vertical Datum showing existing and proposed contours at intervals of two (2) feet,

d. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

e. the location of all existing streets, drives, and other accessways with information concerning widths, pavement types, and construction and elevations;

f. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, and any other public or private facilities, and any other natural or man-made features affecting, or affected by, the proposed activity or development;

g. the location of the identified floodplain area boundary line, floodway line if available, information and spot elevations concerning the one-hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities; and

h. a general plan of the entire site accurately showing the location of all proposed buildings, structures, and any other improvements, including the location of any existing or proposed subdivision and land development in order to assure that:

i) all such proposals are consistent with the need to minimize flood damage;

ii) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

iii) adequate drainage is provided so as to reduce exposure to flood hazards.

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

a. detailed architectural or engineering drawings including building size, floor plans, sections, and exterior building elevations, as appropriate;

b. the proposed lowest floor elevations of any proposed building based upon National Geodetic Vertical Datum;

c. complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred (100) year flood;

d. detailed information concerning any proposed flood-proofing measures;



e. cross-section drawings for all proposed streets, drives, and 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;

h. soil types.

3. The following data and documentation:

a. A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the one-hundred (100) year flood elevations, pressures, velocities, impact and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the one-hundred (100) year flood.

Such statement shall include a description of the type and extent of flood-proofing measures which have been incorporated into the design of the structure and/or the development.

b. Detailed information needed to determine compliance with Section 4.02 G., Storage, and Section 4.03, Development Which May Endanger Human Life, including:

i) the amount, location and purpose of any materials or substances referred to in Sections 4.02 G. and 4.03 which are intended to be used, produced, stored or otherwise maintained on site;

ii) for any proposed structure regulated under Section 4.03, a description of the safeguards incorporated into the design of the structure to prevent leaks or spills of the above mentioned materials or substances during a one-hundred (100) year flood.

c. The appropriate component of the Department of Environmental Resources "Planning Module for Land Development."

d. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources, to implement and maintain erosion and sedimentation control.

Section 2.03 Changes

After the issuance of a building permit by the Zoning Officer, 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 the written consent or approval of the Zoning Officer.

#### Section 2.04 Placards

In addition to the building permit, the Zoning Officer 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 Zoning Officer.

#### Section 2.05 Start of Construction

Work on the proposed construction and/or development shall begin within six (6) 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 Zoning Officer. Construction and/or development shall be considered to have started with the preparation of land, 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.

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

#### Section 2.06 Inspection and Revocation

A. During the construction period, the Zoning Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Borough of Patterson Heights laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

B. In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises or development in the identified flood-plain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.

C. In the event the Zoning Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Zoning Officer shall revoke the building permit and report such fact to the Borough Council for whatever action it considers necessary.

Section 2.07 Fees

Application for a building permit shall be accompanied by a fee, payable to the Borough of Patterson Heights based upon the estimated cost of the proposed construction as determined by the Zoning Officer in accordance with the schedule of fees as shall be from time to time adopted by the Borough of Patterson Heights Council.

Section 2.08 Enforcement

A. Notices

Whenever the Zoning Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or if any regulation adopted pursuant thereto, the Zoning Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires; (d) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

B. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order or direction of the Zoning Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the Borough of Patterson Heights of not less than Twenty-five (\$25.00) Dollars or more than Three Hundred (\$300.00) Dollars plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in non-compliance with this Ordinance may be declared by the Borough Council to be a public nuisance and abatable as such.

## Section 2.09 Appeals

A. Any person aggrieved by any action or decision of the Zoning Officer, refusing to grant a modification to the provisions of this Ordinance covering the development of land or the manner of construction or materials to be used in the erection, alteration, modification, etc. of a building or structure, may appeal to the Borough Council. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Zoning Officer.

B. Upon receipt of such appeal, the Borough Council shall set a time and place, within not less than ten (10) nor more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

C. Any person aggrieved by any decision of the Borough Council may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Floodplain Management Act.

## ARTICLE III IDENTIFICATION OF FLOODPLAIN AREAS

### Section 3.00 Designation of Floodplain Areas

For the purposes of this Ordinance, the areas considered to be floodplain within the Borough of Patterson Heights shall be those areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for the Borough of Patterson Heights by the Federal Insurance Administration dated October 15, 1980.

A map showing all areas considered to be subject to the one hundred (100) year flood is available for inspection at the Borough offices. For the purposes of this Ordinance the following nomenclature is used in referring to the various kinds of flood-prone areas:

FW (Floodway Area) - the areas identified as "Floodway" in the Flood Insurance Study prepared by the FIA.

FF (Flood-Fringe Area) - the areas identified as "Floodway Fringe" in the Flood Insurance Study prepared by the FIA.

A. The FW (Floodway Area) is delineated for purposes of this Ordinance using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one-hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The 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.

B. 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 one-hundred (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.

#### Section 3.01 Changes in Identification of Floodplain Area Delineations

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.

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.

#### Section 3.02 Disputes

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

### ARTICLE IV TECHNICAL PROVISIONS

#### Section 4.00 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 municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Dams and Waterways Management Bureau. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the municipality prior to any alteration or relocation of any watercourse.

B. 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.

The floodway area is based on the criteria that the portion of the floodplain selected 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

at any point. The floodway is shown on the Flood Boundary and Floodway map accompanying the Flood Insurance Study (FIS). The areas included are specifically defined in the Floodway Data Table of the FIS itself.

2. 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 Ordinance and any other applicable codes, ordinances and regulations.

C. Within any identified floodplain area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

#### Section 4.01 Elevation and Floodproofing Requirements

##### A. Residential Structures

Within any FW or FF area, the lowest floor (including 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. Non-residential Structures

1. Within any FW or FF area, 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

#### Section 4.02 Design and Construction Standards

The following minimum standards shall apply for all construction proposed to be undertaken within any identified flood-prone area:

##### A. Fill

If fill is used, it shall:

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

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



3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

4. be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Zoning Officer; and

5. be used to the extent to which it does not adversely affect adjacent properties.

#### B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure 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.

#### C. 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.

#### D. 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.

#### E. Streets

The finished elevation of proposed new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

#### F. Utilities

All utilities such as gas lines, electrical and telephone systems being placed in identified flood-prone areas should be located, elevated (where possible) and constructed to minimize the change of impairment during a flood.

#### G. 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.



## H. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

### I. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

### J. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the Regulatory Flood Elevation shall be of "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.

### K. Paints and Adhesives

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

### L. 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.

2. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.

3. Separate electrical circuits shall serve lower levels and shall be dropped from above.

#### M. 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 on-site sewage disposal system shall be located within any identified floodplain area.

3. Water supply systems and sanitary sewage systems shall be designed to prevent the 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 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.

#### Section 4.03 Development Which May Endanger Human Life

A. 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 will be used for the production or storage of any of the following materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions:

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 rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated

B. Within any FW (Floodway Area), any structure of the kind described in Section A. above shall be prohibited.

C. Within any FF (Flood-Fringe Area), any structure of the kind described in Section A. above shall be:

1. elevated or designed and constructed to remain completely dry up to at least one and one-half (1 1/2) feet above the one-hundred (100) year flood; and
2. designed to prevent pollution from the structure of activity during the course of a one-hundred (100) year flood.

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

#### Section 4.04 Special Requirements For Mobile Homes

A. Within any FW (Floodway Area), mobile homes shall be prohibited.

B. Within any FF (Flood-Fringe Area), all mobile homes and any additions thereto shall be:

1. anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974 (ANSI A119.3-1975)) as amended for Mobile 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 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 (4800) pounds.

2. 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 groundlevel.

## ARTICLE V EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

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

1. Existing structures located in any identified floodway 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 fifty (50) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Ordinance.

3. 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.

## ARTICLE VI VARIANCES

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship for a prospective builder, developer, or landowner, the Borough

of Patterson Heights may, upon request, grant relief from the strict application of the requirements.

Requests for variances shall be considered by the Borough of Patterson Heights Council in accordance with the following:

1. No variance 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 flood elevation.
2. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining to Development Which May Endanger Human Life (Sec. 4.03).
3. If granted, a variance shall involve only the least modification necessary to provide relief.
4. In granting any variance, the Borough of Patterson Heights Council shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
5. Whenever a variance is granted, the Borough of Patterson Heights Council shall notify the applicant in writing that:
  - a. the granting of the variance may result in increased premium rates for flood insurance.
  - b. such variances may increase the risks to life and property.
6. In reviewing any request for a variance, the Borough of Patterson Heights Council shall consider, but not be limited to, the following:
  - a. that there is good and sufficient cause;
  - b. that failure to grant the variance would result in exceptional hardship to the applicant; and
  - c. 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 Federal, State, or local ordinance and regulations.
7. A complete record of all variance requests and related actions shall be maintained by the Borough of Patterson Heights. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

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

## ARTICLE VII DEFINITIONS

### Section 7.00 General

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

### Section 7.01 Specific Definitions

- A. Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- B. 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.
- C. 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.
- D. Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.
- E. Development - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, drilling operations and the subdivision of land.
- F. 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.
- G. Flood - a temporary inundation of normally dry land areas.
- H. Floodplain - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- I. Floodproofing - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

J. Identified Floodplain Area - the floodplain area specifically identified in this ordinance as being inundated by the one hundred (100) year flood. Included would be areas identified as Floodway (FW) and Flood-Fringe (FF).

K. Land Development - (i) the improvement of one lot, or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two or more buildings, of (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (ii) a subdivision of land.

L. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

M. Mobile Home - means 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 does not include recreational vehicles or travel trailers.

N. Mobile home park - a parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for nontransient use.

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 floodplain 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.

P. 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).

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



R. 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.

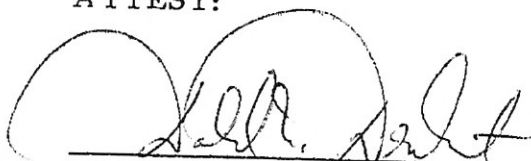
S. Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

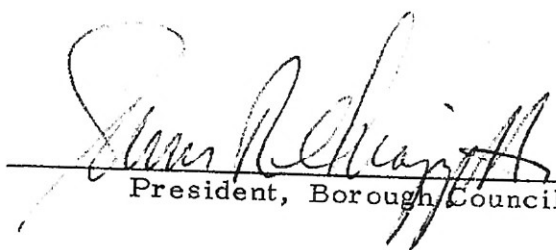
ARTICLE VIII EFFECTIVE DATE

This Ordinance shall become effective on the date of enactment and shall remain in force until modified, amended, or rescinded by the Borough of Patterson Heights, Beaver County, Pennsylvania.

ENACTED AND ORDAINED this 22 day of March, 1981.

ATTEST:

  
\_\_\_\_\_  
Borough Secretary

  
\_\_\_\_\_  
President, Borough Council