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**Part 1**  
**General Provisions**

**§100. Intent.**

The intent of this Chapter is to:

1. Promote the general health, welfare and safety of the community;
2. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;
3. Minimize danger to public health by protecting water supply and natural drainage; and
4. Reduce financial burdens imposed on the community, its governmental units and its residents by preventing excessive development in areas subject to flooding.

(Ord. 599, 5/10/1982, §1.00)

**§101. Applicability.**

1. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within a flood plain area as so designated under the provisions of this Chapter within the Borough of Hollidaysburg unless a building permit has been obtained from the Zoning Officer.
2. A building permit shall not be required for minor repairs to existing buildings or structures.

(Ord. 599, 5/10/1982, §1.01)

**§102. Abrogation and Greater Restrictions.**

This Chapter supersedes any other conflicting provisions which may be in effect in identified flood plain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. (Ord. 599, 5/10/1982, §1.02)

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### **§103. Severability.**

If any section, subsection, paragraph, sentence, clause or phrase of this Chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter, which shall remain in full force and effect, and for this purpose the provisions of this Chapter are hereby declared to be severable. (Ord. 599, 5/10/1982, §1.03)

### **§104. Warning and Disclaimer of Liability.**

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. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside any identified flood plain area, or that land uses permitted within such areas will be free from flooding or flood damages.

This Chapter shall not create liability on the part of the Borough of Hollidaysburg 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. 599, 5/10/1982, §1.04)

## **Part 2**

### **Administration**

#### **§200. Building Permits Required.**

Building permits shall be required before any construction or development is undertaken within any area of the Borough. (Ord. 599, 5/10/1982, §2.00)

#### **§201. Issuance of Building Permit.**

1. 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.
2. 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 required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Dam Safety and Encroachments Act (Act 1978-325, as amended); the U.S. Clean Water Act, Section 404, 33, U.S.C. 1334; and the Pennsylvania Clean Streams Act (Act 1937-394, as amended). No permit shall be issued until this determination has been made.
3. 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, 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 municipality prior to any alteration or relocation of any watercourse.

(Ord. 599, 5/10/1982, §2.01)

#### **§202. Application Procedures and Requirements.**

1. Application for such building permit shall be made, in writing, to the Zoning Officer on forms supplied by the Borough. Such application shall contain the following:
  - A. Name and address of applicant;

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- B. Name and address of owner of land on which proposed construction is to occur;
  - C. Name and address of contractor;
  - D. Site location;
  - E. Listing of other permits required;
  - F. Brief description of proposed work and estimated cost;
  - G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
2. If any proposed construction or development is located entirely or partially within any identified flood plain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:
- A. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
  - B. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
  - C. Adequate drainage is provided so as to reduce exposure to flood hazards.

Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in §202(3) as may be required by the Zoning Officer to make the above determination:

- (1) a completed building permit application form.
- (2) a plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
  - (a) north arrow, scale and date;
  - (b) topographic contour lines, if available;
  - (c) all property and lot lines including dimensions and the size of the site expressed in acres or square feet;
  - (d) the location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development;

- (e) the location of all existing streets, drives and other accessways; and
  - (f) the location of any existing bodies of water or watercourses, identified flood plain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
- (3) plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- (a) the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
  - (b) the elevation of the one-hundred-year flood;
  - (c) if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred-year flood; and
  - (d) detailed information concerning any proposed floodproofing measures.
- (4) the following data and documentation:
- (a) a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the one-hundred-year flood elevations, pressures, velocities, impact and uplift forces associated with the one-hundred-year flood.

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

- (b) detailed information needed to determine compliance with §403(6), Storage, and §404 Development Which May Endanger Human Life, including:
  - (1) the amount, location and purpose of any materials or substances referred to in §403(6) and §404 which are intended to be used, produced, stored or otherwise maintained on site.
  - (2) a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in §404 during a one-hundred-year flood.

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- (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.
- 3. Applicants for special permits shall provide five copies of the following items:
  - A. A written request including a completed building permit application form.
  - B. A small scale map showing the vicinity in which the proposed site is located.
  - C. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
    - (1) north arrow, scale and date;
    - (2) topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two feet;
    - (3) all property and lot lines including dimensions and the size of the site expressed in acres or square feet;
    - (4) the location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
    - (5) the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural or man-made features affecting, or affected by, the proposed activity or development.
    - (6) the location of the flood plain boundary line, information and spot elevations concerning the one-hundred-year flood elevations, and information concerning the flow of water including direction and velocities;
    - (7) the location of all proposed buildings, structures, utilities and any other improvements; and
    - (8) any other information which the municipality considers necessary for adequate review of the application.
  - D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:



- (1) sufficiently detailed architectural or engineering drawings including floor plans, sections and exterior building elevations, as appropriate;
- (2) for any proposed building, the elevation of the lowest floor (basement included) and, as required, the elevation of any other floor;
- (3) complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one-hundred-year flood;
- (4) detailed information concerning any proposed floodproofing measures;
- (5) cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
- (6) profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
- (7) plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.

E. The following data and documentation;

- (1) certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
- (2) certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one-hundred-year flood;
- (3) a statement, certified by a registered professional engineer, architect, landscape architect or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one-hundred-year flood, including a statement concerning the effects such pollution may have on human life;
- (4) a statement certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one-hundred-year flood elevations and flows;
- (5) a statement, certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or

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debris that may possibly exist or be located on the site below the one-hundred-year flood elevation and the effects such materials and debris may have on one-hundred-year flood elevations and flows;

- (6) the appropriate component of the Department of Environmental Resources' "Planning Module for Land Development";
- (7) 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;
- (8) any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under Section 302 of Act 1978-166; and
- (9) an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one-hundred-year flood.

(Ord. 599, 5/10/1982, §2.02)

### **§203. Review by County Conservation District.**

A copy of all applications and plans for any proposed construction or development in any identified flood plain area to be considered for approval shall be submitted by the Zoning Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan. (Ord. 599, 5/10/1982, §2.03)

### **§204. Review of Application by Others.**

A copy of all plans and applications for any proposed construction or development in any identified flood plain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment. (Ord. 599, 5/10/1982, §2.04)

### **§205. 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. Requests for any such change shall be in writing and shall be submitted by the applicant to the Zoning Officer for consideration. (Ord. 599, 5/10/1982, §2.05)

**§206. 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. (Ord. 599, 5/10/1982, §2.06)

**§207. Start of Construction.**

Work on the proposed construction and/or development shall begin within six months and shall be completed within 12 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.

(Ord. 599, 5/10/1982, §2.07)

**§208. Inspection and Revocation.**

1. 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 laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.
2. 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 Chapter.
3. 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 Council for whatever action it considers necessary.
4. A record of all such inspections and violations of this Chapter shall be maintained.

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(Ord. 599, 5/10/1982, §2.08)

### **§209. Fees.**

Applications for a building permit shall be accompanied by a fee, payable to the Borough based upon the estimated cost of the proposed construction as determined by the Zoning Officer at the following rates:

<b>Permit Fee Schedule</b>			
\$100.00	and	Less	\$1.00
\$101.00	to	\$200.00	\$1.50
\$201.00	to	\$300.00	\$2.00
\$301.00	to	\$400.00	\$2.50
\$401.00	to	\$500.00	\$3.00
\$501.00	to	\$600.00	\$3.50
\$601.00	to	\$700.00	\$4.00
\$701.00	to	\$800.00	\$4.50
\$801.00	to	\$900.00	\$5.00
\$901.00	to	\$1,000.00	\$5.50
\$1,001.00	to	\$2,000.00	\$7.00
\$2,001.00	to	\$3,000.00	\$9.00
\$3,001.00	to	\$4,000.00	\$11.00
\$4,001.00	to	\$5,000.00	\$13.00
\$5,001.00	to	\$6,000.00	\$15.00
\$6,001.00	to	\$7,000.00	\$17.00
\$7,001.00	to	\$8,000.00	\$19.00
\$8,001.00	to	\$9,000.00	\$21.00
\$9,001.00	to	\$10,000.00	\$23.00
\$10,001.00	to	\$11,000.00	\$24.00
\$11,001.00	to	\$12,000.00	\$25.00
\$12,001.00	to	\$13,000.00	\$26.00
\$13,001.00	to	\$14,000.00	\$27.00
\$14,001.00	to	\$15,000.00	\$28.00
\$15,001.00	to	\$16,000.00	\$29.00

\$16,001.00	to	\$17,000.00	\$30.00
\$17,001.00	to	\$18,000.00	\$31.00
\$18,001.00	to	\$19,000.00	\$32.00
\$19,001.00	to	\$20,000.00	\$33.00

Over \$20,000.00 — \$33.00 plus \$1.00 for each additional thousand or part thereof.

(Ord. 599, 5/10/1982, §2.09)

### **§210. Enforcement.**

1. 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 Part, or of 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 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 Chapter.
2. Penalties — Any person who fails to comply with any or all of the requirements or provisions of this Chapter or who fails or refuses to comply with any notice, order or direction of the Zoning Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction thereof, shall pay a fine to the Borough of not less than \$1,000; and/or imprisonment in the Blair County jail for a period not to exceed 30 days. Each day during which any violation of this Chapter 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 Chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this Chapter shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any, development initiated or any structure or building constructed, reconstructed, enlarged, altered or relocated, in noncompliance with this Chapter may be declared by the Council to be a public nuisance and abatable as such. [Ord. 640]

(Ord. 599, 5/10/1982, §2.10; as amended by Ord. 640, 4/10/1989, §14)

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### **§211. Appeals.**

1. Any person aggrieved by any action or decision of the Zoning Officer involving the administration of the provisions of this Chapter may appeal to the Hollidaysburg Zoning Hearing Board. Such appeal must be filed, in writing, within 30 days after the decision or action of the Zoning Officer.
2. Upon receipt of such appeal, said Board shall set a time and place, within not less than 10 or more than 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.
3. Any person aggrieved by any decision of said Board may seek relief therefrom by appeal to court, as provided by the Laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.

(Ord. 599, 5/10/1982, §2.11; as amended by Ord. 640, 4/10/1989, §14)

### Part 3

#### Identification of Flood Plain Areas

##### §300. Designation of Floodplain Areas.

For the purposes of this Chapter, the areas considered to be floodplain within the Borough shall be those areas identified as being subject to the one-hundred-year flood in the Flood Insurance Study prepared for the Borough by the Federal Insurance Administration dated December 1, 1981, or the most recent revision thereof.

A map showing all areas considered to be subject to the one-hundred-year flood is available for inspection at the Borough Office. The identified floodplain shall consist of the following specific areas:

FF (Floodway Area) — the areas identified as “floodway” in the Flood Insurance Study prepared by FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

FF (Flood Fringe Area) — the remaining portions of the one-hundred-year floodplain in the Flood Insurance Study, where a floodway has been delineated. The bases for the outermost boundary of this area shall be the one-hundred-year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

FA (General Floodplain Area) — the areas identified as “Approximate One-Hundred-Year Floodplain” in the Flood Insurance Study as prepared by the FEMA.

1. The FW (Floodway Area) 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-year flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this area are specifically defined in the Floodway Data Table contained in the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map.
2. The FF (Flood-Fringe Area) shall be that area of the one-hundred-year floodplain not included in the Floodway. The basis for the outermost boundary of this district shall be the one-hundred-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.
3. The FA (General Floodplain Area) shall be that floodplain area for which no detailed flood elevations or floodway information is provided. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study prepared by the FEMA. For these areas, elevation and floodway information from other Federal,

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State or other acceptable source shall be used when available. When such other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

(Ord. 599, 5/10/1982, §3.00; as amended by Ord. 626, 4/13/1987; and by Ord. 718, 11/17/1994, §1)

### **§301. Changes in Flood Plain Area Delineations.**

The areas considered to be flood plain may be revised or modified by the Council where studies or information provided by a qualified agency or person documents the need or possibility for such revision.

No modification or revision of any flood plain area identified in the Flood Insurance Study prepared by the Federal Insurance Administration shall be made without prior approval from the Federal Insurance Administration.

(Ord. 599, 5/10/1982, §3.01)

### **§302. Disputes.**

Should a dispute arise concerning the identification of any flood plain area, an initial determination shall be made by the Planning Commission and any party aggrieved by such decision may appeal to the Council. The burden of proof shall be on the appellant.  
(Ord. 599, 5/10/1982, §3.02)



## **Part 4**

### **Technical Provisions**

#### **§400. General.**

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, 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 prior to any alteration or relocation of any watercourse.

2. Any new construction, development, uses or activities allowed within any identified flood plain area, shall be undertaken in strict compliance with the provisions contained in this Chapter and any other applicable codes, ordinances and regulations.

(Ord. 599, 5/10/1982, §4.00)

#### **§401. Special Floodway and Stream Setback Requirements.**

1. Within any FW (Floodway Area), the following provisions apply:
  - A. Any new construction, development, use, activity or encroachment that would cause any increase in flood heights shall be prohibited.
  - B. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.
2. Within any FA (General Flood Plain Area), the following provisions apply:
  - A. No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

(Ord. 599, 5/10/1982, §4.01)

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### **§402. Elevation and Floodproofing Requirements.**

1. Residential Structures. Within any FW, FF or FA, the lowest floor (including basement) of any new construction or substantial improvement to an existing residential structure shall be at least 1 1/2 feet above the one-hundred-year flood elevation.
2. Nonresidential Structures.
  - A. Within any FW, FF or FA, the lowest floor (including basement) of any new construction or substantial improvement to an existing nonresidential structure shall be at least 1 1/2 feet above the one-hundred-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.
  - B. 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 standard contained in the publication entitled "Floodproofing Regulations" (U.S. Army Corps of Engineers, June 1972), or some other equivalent standard, for that type of construction. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
3. Space Below the Lowest Floor.
  - A. Fully enclosed space below the lowest floor (including basement) is prohibited.
  - B. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
    - (1) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
    - (2) The bottom of all openings shall be no higher than one foot above grade.

- (3) Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- 4. Accessory Structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
  - A. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material and equipment related to the principal use or activity.
  - B. Floor area shall not exceed 600 square feet.
  - C. The structure will have a low damage potential.
  - D. The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
  - E. Power lines, wiring and outlets will be at least 1 1/2 feet above the one-hundred-year flood elevation.
  - F. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.
  - G. Sanitary facilities are prohibited.
  - H. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
    - (1) A minimum of two openings having a net total of not less than one square inch for every foot of enclosed space.
    - (2) The bottom of all openings shall be no higher than one foot above grade.
    - (3) Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(Ord. 599, 5/10/1982, §4.02; as amended by Ord. 718, 11/7/1994, §2)

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### **§403. Design and Construction Standards.**

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

1. Fill – If fill is used, it shall:
  - A. Extend laterally at least 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 vertical to two horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by, the Zoning Officer;
  - E. Be used to the extent to which it does not adversely affect adjacent properties.
2. Drainage — Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
3. Water and Sanitary Sewer Facilities and Systems –
  - A. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
  - B. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
  - C. No part of any on-site sewage system shall be located within any identified flood plain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
4. Other Utilities — All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
5. Streets — The finished elevation of all new streets shall be no more than one foot below the Regulatory Flood Elevation.

6. Storage — All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal or plant life, and not listed in §404 Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.
7. 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.
8. Anchoring –
  - A. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
  - B. 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.
9. Floors, Walls and Ceilings -
  - A. 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.
  - B. Plywood used at or below the Regulatory Flood Elevation shall be of a “marine” or water-resistant variety.
  - C. 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.
  - D. Windows, doors and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.
10. Paints and Adhesives -
  - A. Paints or other finishes used at or below the Regulatory Flood Elevation shall be of a “marine” or water-resistant quality.
  - B. Adhesives used at or below the Regulatory Flood Elevation shall be of a “marine” or water-resistant quality.
  - C. All wooden components (doors, trim cabinets, etc.) shall be finished with a “marine” or water-resistant paint or other finishing material.

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### 11. Electrical Components -

- A. Electrical distribution panels shall be at least three feet above the one-hundred-year flood elevation.
- B. Separate electrical circuits shall serve lower levels and shall be dropped from above.

### 12. Equipment -

- A. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

### 13. Fuel Supply Systems -

- A. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

(Ord. 599, 5/10/1982, §4.03)

## **§404. Development Which May Endanger Human Life.**

- 1. In accordance with the Pennsylvania Flood Plain 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 dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions:
  - A. Acetone
  - B. Ammonia
  - C. Benzene
  - D. Calcium carbide
  - E. Carbon disulfide
  - F. Celluloid
  - G. Chlorine

- H. Hydrochloric acid
  - I. Hydrocyanic acid
  - J. Magnesium
  - K. Nitric acid and oxides of nitrogen
  - L. Petroleum products (gasoline, fuel oil, etc.)
  - M. Phosphorus
  - N. Potassium
  - O. Sodium
  - P. Sulphur and sulphur products
  - Q. Pesticides (including insecticides, fungicides and rodenticides)
  - R. Radioactive substances, insofar as such substances are not otherwise regulated.
- 2. Within any FW (Floodway Area), any structure of the kind described in Subsection 1, above, shall be prohibited.
  - 3. Within any FA (General Flood Plain Area), any structure of the kind described in Subsection 1, above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
  - 4. Where permitted within any FF (Flood-Fringe Area) or FA (General Flood Plain Area), any structure of the kind described in Subsection 1 above, shall be:
    - A. Elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above the one-hundred-year flood; and
    - B. Designed to prevent pollution from the structure or activity during the course of a one-hundred-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 "Floodproofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

(Ord. 599, 5/10/1982, §4.04)

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### **§405. Special Requirements for Manufactured Homes.**

1. Within any FW (Floodway Area), manufactured homes shall be prohibited.
2. Within any FA (General Flood Plain Area), manufactured homes shall be prohibited within the area measured 50 feet landward from top-of-bank of any water-course.
3. Where permitted within any floodplain area, all manufactured homes, and any additions thereto, shall be:
  - A. placed on a permanent foundation.
  - B. elevated so that the lowest floor of the manufactured home is 1 1/2 feet or more above the elevation of the one-hundred-year flood.
  - C. anchored to resist flotation, collapse, or lateral movement.

(Ord. 599, 5/10/1982, §4.05; as amended by Ord. 626, 4/13/1987)



## **Part 5**

### **Activities Requiring Special Permits**

#### **§500. General.**

In accordance with the administrative regulations promulgated by the Department of Community Affairs to implement the Pennsylvania Flood Plain Management Act (Act 1978-1966), the following obstructions and activities are prohibited if located entirely or partially within an identified flood plain area unless a special permit is issued:

1. Hospitals (public or private);
2. Nursing homes (public or private);
3. Jails or prisons;
4. New manufactured home parks and manufactured home subdivisions and substantial improvements to existing manufactured home parks.

(Ord. 599, 5/10/1982, §5.00)

#### **§501. Application Review Procedures.**

Upon receipt of an application for a special permit by the Borough, the following procedures shall apply in addition to those in Part 2:

1. Within three 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 Hollidaysburg Borough Planning Commission and Borough Engineer for review and comment.
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.
4. If the Borough approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered or certified mail, within five working days after the date of approval.

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5. Before issuing the special permit, the Borough shall allow the Department of Community Affairs 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-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.

(Ord. 599, 5/10/1982, §5.01)

### **§502. Special Technical Requirements.**

1. In addition to the requirements of Article IV of this Chapter, the following minimum requirements shall also apply to any proposed development requiring a special permit. If there is any conflict between any of the following requirements and those in Part 4, of this Chapter or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
2. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
  - A. Fully protect the health and safety of the general public and any occupants. 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-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-year flood elevation.
    - (2) the lowest floor elevation will be at least 1 1/2 feet above the one-hundred-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-year flood.
  - B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical

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.

(Ord. 599, 5/10/1982, §5.02)



## **Part 6**

### **Existing Structures; Variances**

#### **§600. Existing Structures in Identified Flood Plain Areas.**

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

1. No expansion or enlargement of an existing structure shall be allowed within any identified floodway that would cause any increase in flood heights.
2. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Chapter.
3. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

(Ord. 599, 5/10/1982, §6.00)

#### **§601. Variances.**

If compliance with any of the requirements of this Chapter would result in an exceptional hardship for a prospective builder, developer, or landowner, the Borough may, upon request, grant relief from the strict application of the requirements. (Ord. 599, 5/10/1982, §6.01)

#### **§602. Variance Procedures and Requirements.**

Requests for variances shall be considered by the Borough 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-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 specifically to development regulated by Special Permit (Part 5) or to Development Which May Endanger Human Life (§404).

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3. If granted, a variance shall involve only the least modification necessary to provide relief.
4. In granting any variance, the Hollidaysburg Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objections of this Chapter.
5. Whenever a variance is granted, said Board 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, said Board 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.
  - C. That the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extra-ordinary public expense; (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State statute or regulation, or local ordinance or regulation.
7. A complete record of all variance requests and related actions shall be maintained by the Borough and said Board. 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-year flood.

(Ord. 599, 5/10/1982, §7.01)

## **Part 7**

### **Definitions**

#### **§700. General.**

Unless specifically defined below, words and phrases used in this Chapter shall be interpreted so as to give this Chapter its most reasonable application. (Ord. 599, 5/10/1982, §8.00)

#### **§701. Specific Definitions.**

**ACCESSORY USE OR STRUCTURE** — a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**BOARD** — Hollidaysburg Zoning Hearing Board.

**BOROUGH** — the Borough of Hollidaysburg.

**BUILDING** — a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

**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 or structure, including the placement of manufactured homes.

**DEVELOPMENT** — any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

**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.

**FLOOD** — a temporary inundation of normally dry land areas.

**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;

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

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

**HISTORIC STRUCTURE** — any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- C. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved State program as determined by the Secretary of the Interior.
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**IDENTIFIED FLOODPLAIN AREA** — the floodplain area specifically identified in this Chapter as being inundated by the one-hundred-year flood. Included would be areas identified as Floodway (FW), Flood-Fringe (FF) and General Floodplain (FA).

**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, or (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.

**MANUFACTURED HOME** — a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term includes



park trailers, travel trailers, recreational and other similar vehicles placed on a site for more than 180 consecutive days.

**MANUFACTURED HOME PARK** — a parcel (or contiguous parcels) of land which has been planned and improved for the placement of two or more manufactured homes.

**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, electrical wiring or mechanical or other work affecting public health or general safety.

**NEW CONSTRUCTION** — structures for which the start of construction commenced on or after May 10, 1982, and includes any subsequent improvements thereto.

**OBSTRUCTION** — any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or flood-prone area, (i) 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 (ii) which is placed where the flow of the water might carry the same downstream to the damage of life and property.

**ONE-HUNDRED-YEAR FLOOD** — a flood that, on the average, is likely to occur once every 100 years, (i.e. that has a 1% chance of occurring each year, although the flood may occur in any year).

**PERSON** — an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**RECREATIONAL VEHICLE** — a vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

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

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**SPECIAL PERMIT** — a special approval which is required for hospitals, nursing homes, jails and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

**STRUCTURE** — anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes and other similar items.

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

**SUBSTANTIAL DAMAGE** — damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

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

- A. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- B. Any alteration of a “historic structure,” provided that all the alteration will not preclude the structure’s continued designation as a “historic structure.”

(Ord. 599, 5/10/1982, §8.01; as amended by Ord. 626, 4/13/1987; and by Ord. 718, 11/17/1994, §3)