

GREENWOOD TOWNSHIP
CRAWFORD COUNTY, PENNSYLVANIA
ORDINANCE NO. 1984-1

AN ORDINANCE REPEALING EXISTING TOWNSHIP BUILDING PERMIT AND FLOODPLAIN REGULATORY ORDINANCES AND SUBSTITUTING THEREFOR A NEW BUILDING PERMIT AND FLOODPLAIN REGULATORY ORDINANCE INCORPORATING MANDATORY REVISIONS REQUIRED BY AMENDMENTS TO THE NATIONAL FLOOD INSURANCE PROGRAM REGULATION, REQUIRING BUILDING PERMITS FOR CONSTRUCTION AND DEVELOPMENT, ESTABLISHING REQUIREMENTS FOR CONSTRUCTION AND DEVELOPMENT WITHIN FLOODPLAIN AREAS, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THESE REGULATIONS AND PROVIDING A PENALTY FOR VIOLATION.

Whereas, the Township enacted a Building Permit and Floodplain Ordinance, Ordinance No. 79-1, as amended by Ordinance NO. 1984-1, which included certain floodplain regulations required in order to participate in the National Flood Insurance Program which affords protection, including flood insurance protection for persons in areas subject to flooding; and

Whereas, in order to maintain the Township's participation in the National Flood Insurance Program, the Township is required to revise certain provisions of the existing Ordinance in order to bring these provisions into conformity with the 1986 and 1989 revisions to the National Flood Insurance Program regulations; and

Whereas, the Township Supervisors believe it is in the best interest of the Township to adopt an ordinance incorporating the regulatory changes necessary to continue the protection of the National Flood Insurance Program to its residents, and to incorporate other modifications to provide for improved administration and enforcement consistent with other changes in the law, and to provide for the health, safety and welfare of the public and residents of the Township.

Now, Therefore, Be It Ordained and Enacted, by the Board of Supervisors of Greenwood Township, Crawford County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

ARTICLE I. GENERAL PROVISIONS

Section 1.00. *Statement of Purpose.*

This Ordinance is enacted to comply with Federal and State floodplain management requirements; and to prevent loss of property and life, creation of health and safety hazards, harm to water supplies, natural drainage; disruption of commerce and governmental services, the extraordinary and unnecessary expenditures of public funds for flood protection and relief, and the impairment of the tax base by:

- A. Regulating uses, activities, and development, which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies;
- B. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding;
- C. Requiring all those uses, activities, and developments that do occur in floodplain areas to be protected and/or floodproofed against flooding and flood damage;
- D. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

Section 1.01 *Applicability.*

- A. It shall be unlawful for any person to undertake or cause to be undertaken, any construction or development anywhere in the Township unless an approved building permit has been obtained from the Building Permit Officer.
- B. A building permit shall not be required for minor repairs to existing buildings or structures.

Section 1.02. *Abrogation and Repeal.*

The Building Permit and Floodplain Ordinance, Ordinance No. 79-1, as amended by Ordinance No. 1984-1 are hereby repealed in their entirety and are replaced by the provisions of this Ordinance.

This Ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force

and effect to the extent that those provisions are more restrictive. If there is any conflict between those provisions and the provisions of this Ordinance, the more restrictive provisions apply.

Section 1.03. *Severability.*

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should 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 1.04. *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. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. The grant of a permit or approval of a subdivision plan in the identified floodplain area(s) shall not constitute a representation, guarantee, or warranty of any kind by the Township or by any official or employee thereof concerning the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials or employees. This Ordinance does not imply that areas outside any identified floodplain area, or that land uses permitted within such areas will be free from flooding or flood damage.

This Ordinance shall not create liability on the part of the Township 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 shall be required before any construction or development is undertaken within the Township, except for minor repairs to existing buildings or structures, and no construction or development shall be undertaken except in accordance with a properly issued building permit.

Section 2.01. *Issuance of Building Permit.*

A building permit shall be issued only after it has been determined by the Building Permit Officer that the proposed construction or development will be in conformity with the standards and regulations established in this Ordinance, and any other applicable Township Ordinance, or state or federal law or regulation relating thereto.

No building permit shall be issued until all other required permits have been obtained from any other governmental office or agency.

Section 2.02. *Application Procedures.*

A. Application for a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Township. Such application shall contain at least the following information:

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

B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Building Permits shall provide all necessary information, in sufficient detail and clarity, to enable the Building Permit Officer to determine that:

- (1) 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;
- (2) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) adequate drainage is provided so as to reduce exposure to flood hazards.

C. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants shall file the following minimum information plus any other pertinent information as may be required by the Building Permit 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 (1) inch being equal to one hundred (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 dimension, 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 and of any adjacent existing or proposed floodplain development or structures;
 - e. the location of all existing streets, drives and other accessways; and
 - f. the location of any existing bodies of water or watercourses, identified floodplain areas and

existing or proposed stream improvements or protective works, 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 (100) year flood;
- c. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) 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 pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood.

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

- b. detailed information needed to determine compliance with Section 4.01 K, Storage, and Section 4.00 B, Development Which May Endanger Human Life, including:

- i) the amount, location and purpose of any dangerous materials or substances which are intended to be used, produced, stored or otherwise maintained on site.
 - ii) 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 Section 4.00 B 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

Other Permit Issuance Requirements.

A. Prior to any proposed alteration or relocation of any stream or any watercourse, etc. within the municipality, a permit shall be obtained from the Department of Environmental Resources, Bureau of Dam Safety, Obstructions, and Storm Water Management, as specified in the Water Obstruction Act of 1913 as amended. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community Affairs.

Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

B. Prior to the issuance of any building permit, the Building Official shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained including those required by the Pennsylvania Sewage Facilities Act (Act 537 of 1965, as amended), the Pennsylvania Dam Safety and Encroachments Act (Act 394 of 1937, as amended), the Pennsylvania Clean Streams Act (Act 394 of 1937, as amended) and the Federal Water Pollution Control Act Amendments of 1972, Section 404, U.S.C. 1334. No permit shall be issued until this determination has been made.

Section 2.04. *Review by Conservation District.*

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Building Permit Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations by the Conservation District shall be considered by the Building Permit Officer for possible incorporation into the proposed plan.

Section 2.05. *Review of Application by Others.*

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and individuals (e.g., planning commission, municipal engineer, etc.) for review and comment.

Section 2.06. *Changes.*

After the issuance of a building permit by the Building Permit 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 Building Permit Officer. Requests for changes shall be in writing and shall be submitted by the applicant to the Building Permit Officer for consideration.

Section 2.07. *Placards.*

In addition to the building permit, the Building Permit 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 Building Permit Officer.

Section 2.08. *Start of Construction.*

Work on the proposed construction or development shall begin within six (6) months after the date of issuance of the building permit and shall be completed within twelve (12) months after the date of issuance. If the work is not begun or completed within the time permitted, the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of 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 Building Permit Officer to approve such a request.

Section 2.09. *Inspection and Revocation.*

A. During the construction period, the Building Permit 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 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 Building Permit Officer shall have the authority to enter any building, structure, premises or development, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.

C. In the event the Building Permit 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 Building Permit Officer shall revoke the building permit and report such fact to the Board of Supervisors for whatever action it considers necessary.

D. Upon notice of revocation of the building permit, no further activity in the nature of construction, reconstruction, alteration or development of premises or of location or placement of manufactured home shall be undertaken; and no occupancy or habitation of any building, structure, addition or manufactured home shall be permitted.

E. A record of all such inspections and violations of this ordinance shall be maintained.

Section 2.10. *Fees.*

Application for a building permit shall be accompanied by a fee, payable to the Township in an amount to be established by resolution of the Board of Supervisors, and subject to change from time to time by further resolution of the Board.

Section 2.11. *Enforcement.*

A. **Notices.** Whenever the Building Permit Officer or other authorized township representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, or of any regulations adopted pursuant thereto, such authority 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 and the remedial action which, if taken, will effect compliance with the provisions of this Ordinance; (c) allow a reasonable time for the performance of any act required; and (d) be served upon the property owner or his agent as the case may require.

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 Building Permit Officer or any other authorized employee of the Township shall be guilty of a summary offense and, upon conviction, shall pay a fine of not less than Twenty-five (\$25.00) Dollars, nor more than Six Hundred (\$600.00) Dollars, plus costs of prosecution. In default of such payment, such person shall be imprisoned for a period not to exceed ten (10) days. Each day that a violation is continued shall constitute a separate violation and offense.

C. Other Remedies. 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 noncompliance with, this Ordinance 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 construction or development not undertaken in compliance with this Ordinance may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

Section 2.12. *Appeals.*

A. Any person aggrieved by an action or decision of the Building Permit Officer or other Township official concerning the administration of the provisions of this Ordinance, may appeal to the Board of Supervisors. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Building Permit Officer and must include reasons for the appeal.

B. Upon receipt of such appeal the Board of Supervisors 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. The hearing on the appeal shall be conducted in accordance with the Pennsylvania Local Agency Law.

C. Any person aggrieved by any decision of the Board of Supervisors may seek relief therefrom by appeal to a court of competent jurisdiction, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.

ARTICLE III. IDENTIFICATION OF FLOODPLAIN AREA(S)

Section 3.00. *Identification.*

The identified floodplain area shall be any area of the Township, subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) on the Flood Insurance Rate Map (FIRM) dated September 10, 1984, or the most recent revision thereof as issued by the Federal Emergency Management Agency (FEMA).

Section 3.01. *Determination of the One Hundred (100) Year Flood Elevation.*

For the purposes of this Ordinance, the one hundred (100) year flood elevation shall be used as the basis for regulation. When available, information from other Federal, State and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

Section 3.02. *Changes in Designation of Area.*

The delineation of any of the identified floodplain area(s) may be revised by the Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission or other qualified agency or individual documents the need for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

Section 3.03. *Boundary Disputes.*

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

ARTICLE IV. GENERAL TECHNICAL REQUIREMENTS

Section 4.00. *General.*

A. In the identified floodplain area, the development and use of any land shall be permitted, provided that the development and use complies with the restrictions and requirements of this and all other applicable codes, regulations and ordinances.

B. It has been determined that the following activities and development present a special hazard to the health and safety of the general public, or may result in significant pollution, increased flood levels or flows, or debris endangering life and property if such activities and development are located, either entirely or partially, within an identified Floodplain Area; and accordingly the following kinds of activities and developments are prohibited within any identified Floodplain Area and no variance shall be granted for said activities and development:

1. hospitals (public or private);
2. nursing home (public or private);
3. jails or prisons;
4. new manufactured home parks and manufactured mobile home subdivisions, and substantial improvements to existing ones;
5. facilities necessary for emergency response, such as fire, ambulance, and police stations, civil defense preparedness buildings and facilities, evacuation and emergency medical centers;
6. the production, storage and/or maintenance of a supply of hazardous materials and substances including but not limited to acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid, oxides of nitrogen, petroleum products (gasoline, fuel oil and so forth), phosphorous, potassium, sodium, sulphur and sulphur products, pesticides and radioactive substances;
7. solid waste processing or disposal facilities.

C. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one hundred (100) year flood elevation.

D. 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, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

E. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved residential structure shall be one and one half (1½) feet or more above the one hundred (100) year flood elevation.

F. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved nonresidential structure shall be one and one half (1½) feet or more above the one hundred (100) year flood elevation or be floodproofed up to that height.

Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one-half (1½) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above-referenced standards.

G. Enclosed areas below the lowest floor (including basement) are prohibited.

Section 4.01. *Design and Construction Standards.*

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

A. **Drainage Facilities.** Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent property.

B. **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 located, designed and constructed 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, designed and constructed to minimize or eliminate flood damage, and to avoid impairment to the system and contamination from it during a flood. No part of any on-site

sewage system shall be located within any identified floodplain areas except in strict compliance with all state and local regulations for such systems.

C. **Water Facilities.** All new or replacement water facilities shall be designed and constructed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

D. **Street.** The finished elevation of proposed new streets shall be no more than one (1) foot below the regulatory flood elevation.

E. **Utilities.** All 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.

F. **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 feet, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Township Building Permit Officer;
5. Be used to the extent to which it does not adversely affect adjacent properties.

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

H. **Anchoring.**

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

2. All air ducts, large pipes and storage tanks and other similar objects or components located at or below the regulatory flood elevation shall be firmly anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings. Where located or used at or below the regulatory flood elevation:

1. Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
4. Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.

J. Paints and Adhesives. When used at or below regulatory flood elevation:

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

K. Storage. All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal or plant life, including those listed in section 4.00 if otherwise allowed, shall be stored at or above the regulatory flood elevation or be floodproofed to the maximum extent possible.

L. **Electrical Components.**

1. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

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

N. **Fuel Supply Systems.** All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event the flood water infiltration occurs.

Section 4.02. *Special Requirements for Manufactured Homes.*

A. Within any identified floodplain area, all manufactured homes and any additions thereto shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

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

1. placed on a permanent foundation;
2. elevated so that the lowest floor of the manufactured home is one and one half (1½) feet or more above the elevation of the one hundred (100) year flood;
3. anchored to resist flotation, collapse, or lateral movement.

C. Within any identified floodway area, all manufactured homes and any addition thereto shall be prohibited.

ARTICLE V. EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Section 5.00 *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 provided that 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 constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.

VI. VARIANCES

Section 6.00. *Variances.*

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Board of Supervisors may, upon written request, grant relief from the strict application of the requirements.

Section 6.01. *Variance Procedures and Conditions.*

Requests for variances shall be considered by the Township Supervisors in accordance with the following procedures:

- A. 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.
- B. No variance shall be granted for those activities and development prohibited in Section 4.00.
- C. If granted, a variance shall involve only the least modification necessary to provide relief.
- D. In granting any variance, the Township will 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.

- E. Whenever a variance is granted, the Township shall notify the applicant in writing that:
- i. The granting of the variance may result in increased premium rates for flood insurance.
 - ii. Such variances may increase the risks to life and property.
- F. In reviewing any request for a variance, the Township shall consider, but not be limited to the following:
- i. That there is good and sufficient cause.
 - ii. That failure to grant the variance would result in exceptional hardship to the applicant.
 - iii. That the granting of the variance would not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public, or conflict with any other applicable local or state ordinances or regulations.
- G. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.
- H. Notwithstanding any of the above, 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. **Basement.** Any area of the building having its floor subgrade (below ground level) on all sides.

C. **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.

D. **Construction.** The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of manufactured homes.

E. **Development.** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, the subdivision of land, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

F. **Flood.** A temporary inundation of normally dry land areas.

G. **Floodplain Areas.** 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 any area subject to the unusual and rapid accumulation of surface waters from any source.

H. **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.

I. **Floodway.** The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

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

K. **Manufactured Home Park.** A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-

transient use.

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 and not including the 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. 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 water might carry the same downstream to the damage of life and property.

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

O. Person. Any individual person or persons, partnership, business, corporation or similar entity.

P. Regulatory Flood Elevation. The one hundred (100) year flood elevation plus a freeboard safety factor of one and one half (1 1/2) feet.

Q. 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.

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

S. Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.

ARTICLE VIII. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment.

Ordained and Enacted into law by the Board of Supervisors of Greenwood Township this
day of June, A.D. 1993.

Greenwood Township
Board of Supervisors

By: Robert L Shelatz
Chairman

By: David B. Mendenhall
Supervisor

By: Paul Peterson
Supervisor

Attest:

By: Makine E. Hart
Secretary