

ORDINANCE NO. 1-86

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

BE IT ENACTED AND ORDAINED by the Township of Kiskiminetas, Armstrong County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

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ARTICLE I
General Provisions

Section 1.00 - Statement of Intent

The intent of this Ordinance is to:

- A. promote the general health, welfare and safety of the community;
- B. encourage the utilization of appropriate construction practices to minimize flood damage in the future;
- C. minimize danger to public health by protecting water supply and natural drainage;
- D. reduce financial burdens imposed on the community, its governmental units and its residents, by regulating development in areas subject to flooding.

Section 1.01 - Applicability

- A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township of Kiskiminetas, unless an approved Building Permit has been obtained from the Building Official.
- B. A building permit shall not be required for minor repairs to existing buildings or structures, provided that no structural changes or modifications are involved.

Section 1.02 - Abrogation and Greater Restrictions

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

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 - Municipal Liability

The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes in the identified flood-prone area(s). 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. This ordinance does not imply that areas outside any identified flood-prone area, or that land uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Township of Kiskiminetas, 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 proposed construction or development is undertaken within the Township of Kiskiminetas.

Section 2.01 - Issuance of Building Permit

- A. The Building Official shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. No building permit shall be issued until all other required permits have been obtained from any other office or agency.

Section 2.02 - Application Procedures

- A. Application for such a building permit shall be made, in writing, to the Building Official on forms supplied by the Township of Kiskiminetas. Such application shall contain at least the following:
 - 1. Name and address of applicant.
 - 2. Name and address of owner of land on which proposed construction is to occur.
 - 3. Name and address of contractor.
 - 4. Site location.
 - 5. Brief description of proposed work and estimated cost.
 - 6. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located within, or adjacent to, any identified flood-prone area, applicants for building permits shall also provide the Township of Kiskiminetas, the following specific information:

1. A plan which accurately delineates the area which is subject to flooding, the location of the proposed construction, the location of any other flood-prone development or structures, and the location of any existing or proposed stream improvements or protective works. Included shall be all plans for proposed subdivision and land development in order to assure that:
 - a. all such proposals are consistent with the need to minimize flood damage;
 - b. all utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and
 - c. adequate drainage is provided so as to reduce exposure to flood hazards.
2. Such plan shall also include existing and proposed contours; information concerning one hundred (100) year flood elevations, and other applicable information such as uplift forces and other factors associated with the one hundred (100) year flood; size of structures, location and elevations of streets; water supply and sanitary sewage facilities; soil types, and flood-proofing measures.
3. All proposed lowest floor and basement elevations shall be shown in relation to mean sea level, based upon the National Geodetic Vertical Datum of 1929.
4. A document certified by a registered professional engineer or architect that the proposed construction has been adequately designed against flood damage and that the plans for the development of the site adhere to the restrictions cited in Article IV of this Ordinance. Such statement shall include a description of the type and extent of flood-proofing measures which have been incorporated into the design of the structure.

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 watercourses, 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 Act 537, The Pennsylvania Sewage Facilities Act, and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33 I.S.C. 1334. No permit shall be issued until this determination has been made.

Section 2.04 - Review by County Conservation District

A copy of all applications and plans for any proposed construction or development in any identified flood-prone area to be considered for approval shall be submitted by the Building Official to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations the Conservation District shall be considered by the Building Official 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 flood-prone area to be considered for approval may be submitted by the Building Official to any other appropriate agencies and/or individuals (e.g., planning commission, municipal engineer, etc.) for review and comment.

Section 2.06 - Changes

After the issuance of a building permit by the Building Official, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Official.

Section 2.07 - Placards

In addition to the building permit, the Building Official shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Building Official.

Section 2.08 - Start of Construction

Work on the proposed construction shall begin within Six (6) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Official. Construction shall be considered to have started with the first placement of permanent construction on the site, such as the pouring of slabs or footing or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

Section 2.09 - Inspection and Revocation

During the construction period, the Building Official or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Township of Kiskiminetas laws and ordinances, or that there has not been a false statement or misrepresentation by any applicant, the Building Official shall revoke the building permit and report such fact to the Supervisors of Kiskiminetas Township, for whatever action it considers necessary.

Section 2.10 - Fees

Applications for a building permit shall be accompanied by a fee, payable to Kiskiminetas Township based upon the estimated cost of the proposed construction as determined by the Building Official at the following rates:

<u>Estimated Cost</u>	<u>Fee</u>
\$0.00 to \$200.00	\$0.00
\$201.00 to \$1,000.00	\$5.00
Each additional \$1,000.00, or part thereof beyond the first \$1,000.00	\$1.00

Section 2.11 - Enforcement

A. Notices

Whenever the Building Official or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any 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 statement of the reasons for its issuance; (c) allow a reasonable time for the performance of any act it requires; (d) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance, or any part thereof, and with the regulations adopted pursuant thereto.

B. Hearings

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Ordinance, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board of Supervisors of Kiskiminetas Township provided that such person shall file with the Kiskiminetas Township Secretary, a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and the suspension. Upon receipt of such petition, the Township of Kiskiminetas Secretary shall set a time and place for such hearing and give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice shall be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed; provided that upon application of the petitioner, the Township of Kiskiminetas Secretary may postpone the date of the hearing for a reasonable time beyond such ten (10) day period when, in his judgment, the petitioner has submitted good and sufficient reasons for such postponement.

C. Findings and Order

After such hearing, the Board of Supervisors of Kiskiminetas Township shall make findings as to compliance with the provisions of this Ordinance and regulations issued thereunder and shall issue an order, in writing, sustaining, modifying, or withdrawing the notice which shall be served as provided in Subsection A of this Section.

D. Record of Hearing

The proceedings at such a hearing, including the findings and decision of the Board of Supervisors of Kiskiminetas and together with a copy of every notice and order related thereto shall be entered as a matter of public record in the Township of Kiskiminetas but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this Section.

E. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance, or who fails or refuses to comply with any notice, order or direction of the Building Official or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the Township of Kiskiminetas of not less than Twenty-five Dollars (\$25.00), nor more than Three Hundred Dollars (\$300.00) plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed Ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this ordinance shall not excuse the violation or non-compliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and non-compliances within a reasonable time. Any structure or building construction, reconstructed, enlarged, altered, or relocated, in non-compliance with this Ordinance may be declared by the Board of Supervisors of Kiskiminetas Twp 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 Official, or by any of the requirements of this Ordinance, may appeal to the Board of Supervisors of Kiskiminetas Township. Such appeal must be filed, in writing, within Thirty (30) days after the decision or action of the Building Official. Upon receipt

of such appeal the Board of Supervisors of Kiskiminetas Township shall set a time and place, within not less than Ten (10), nor more than Thirty (30) days, for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard.

- B. Any person aggrieved by any decision of the Board of Supervisors of Kiskiminetas may seek relief therefrom in any court of competent jurisdiction; as provided by the laws of this Commonwealth.

ARTICLE III
Designation of Flood-Prone Area(s)

Section 3.00 - Identification

The "Flood-prone Area(s)" shall be any area(s) of Kiskiminetas Township, which are identified as being flood-prone on the Flood Hazard Boundary map as issued by the Federal Insurance Administration dated 1980.

Section 3.01 - Determination of the Regulatory Flood Elevation

For purposes of this ordinance, the regulatory flood elevation, i.e. the One Hundred (100) year flood elevation shall be used. To determine the One Hundred year flood elevation, the elevation at a given point on the boundary of the identified flood prone area(s) which is nearest the construction site in question will be used. In helping to make this necessary elevation determination other sources of data where available shall be used such as:

- A. Corps of Engineers - Flood Plain Information Reports
- B. U.S. Geological Survey - Flood Prone Quadrangles
- C. U.S.D.A., Soil Conservation Service - County Soil Surveys (Alluvial Soils)
- D. Known Highwater Marks from Past Floods
- E. Other sources

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. 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 Township of Kiskiminetas.

Section 3.02 - Changes in Designation of Area(s)

The delineation of any of the identified flood-prone area(s) may be revised by the Council of the Township of Kiskiminetas, 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 notification 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 district boundary arise, an initial determination shall be made by the Township of Kiskiminetas Planning Commission, and any party aggrieved by this decision may appeal to the Board of Supervisors of Kiskiminetas Township. The burden of proof shall be on the appellant.

ARTICLE IV
Specific Requirements

Section 4.00 - General

- A. In the identified Flood-prone Area(s), the development and/or use of any land shall be permitted provided that the development and/or use adheres to the restrictions and requirements of all other applicable codes and ordinances in force in the municipality.
- B. Within any identified flood-prone area(s), the elevation of the lowest floor (including basement) of any new or improved residential structures shall be at or above the regulatory flood elevation.
- C. Within any identified flood-prone area(s), the elevation of the lowest floor (including basement) of non-residential structures shall be at or above the regulatory flood elevation or be flood-proofed up to that height.

Any structure, or part thereof, which will not be completely or adequately elevated, shall be floodproofed in accordance with the Provisions of this article. Additional information may be obtained from the publication entitled "Flood-proofing Regulations" (U.S. Army Corps of Engineers, June 1972).

Section 4.01 - Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed to be undertaken within any identified flood-prone 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 away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

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 designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they

should be located and constructed to minimize or eliminate flood damage and impairment.

C. Water Facilities

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

D. Streets

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 being placed in flood-prone areas should be located, elevated (where possible) and constructed to minimize the change or 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 (excluding sanitary land fill material),
3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling,
4. be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes, are submitted to and approved by the Township of Kiskiminetas Building Official,
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 at or below the regulatory flood elevation:

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

J. Electrical Systems and Components

1. Electric water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the regulatory flood elevation and other electrical equipment or apparatus shall be permitted only at elevations above the regulatory flood elevation.
2. Electrical distribution panels shall be at least Three (3) feet above the level of the One Hundred (100) Year Flood Elevation.
3. Separate electrical circuits shall serve lower levels and shall be dropped from above.

K. Plumbing

1. Water heaters, furnaces, and other mechanical equipment or apparatus shall not be located below the regulatory flood elevation.

2. On-site sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding. At a minimum all systems shall meet the requirements of Act 537, The Pennsylvania Sewage Facilities Act, as amended.
3. Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters.
4. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

L. 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.

M. Storage

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

Section 4.02 - Special Requirements for Mobile Homes

- A. All mobile homes and any additions thereto shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the following:
 1. over-the-top ties shall be provided at each of the four (4) corners of the mobile home with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.
 2. frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.

3. all components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
- B. All mobile homes and any additions thereto shall also be elevated in accordance with the following requirements:
1. the stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be at or above the regulatory flood elevation.
 2. adequate surface drainage is provided.
 3. adequate access for a hauler is provided.
 4. where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.
- C. An evacuation plan which includes alternate vehicular access and escape routes shall be filed with the appropriate Borough officials for mobile home parks and mobile home subdivisions.

Section 4.03 Development Which May Endanger Human Life

- A. 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:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium

15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

- B. Within any identified floodprone area, any new or substantially improved structure of the kind described in Subsection A., above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- C. Where permitted within any identified floodprone area, any new or substantially improved structure of the kind described in Subsection A., above, shall be:
1. elevated or designed and constructed to remain completely dry up to at least one and one-half (1 1/2) feet above the one-hundred (100) year flood and,
 2. designed to prevent pollution from the structure or activity during the course of a one-hundred (100) year flood.

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

ARTICLE V
EXISTING STRUCTURES IN IDENTIFIED FLOODPRONE AREAS

Section 5.00 General

Structures existing in any identified floodprone area prior to the enactment of this Ordinance may continue to remain, provided that:

- A. 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.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

ARTICLE VI
Activities Requiring Special Permits

Section 6.00 - General

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 flood-prone area:

- A. hospitals (public or private)
- B. nursing homes (public or private)
- C. Jails or prisons
- D. new mobile home parks and mobile home subdivisions, and substantial improvements thereto
- E. facilities necessary for emergency response such as fire, ambulance, and police stations, civil defense preparedness buildings and facilities, emergency communications facilities, evacuation and emergency medical centers.

Because of the special hazards presented by the above list of activities and development, they shall be prohibited from locating within any identified flood-prone area unless a Special Permit has been issued by the Township of Kiskiminetas.

Section 6.01 - Special Permit Application Procedures

Application for a Special Permit shall consist of at least 4 copies of the following items, two (2) of which shall be submitted to the Department of Community Affairs, Bureau of Planning:

- A. A written request which includes the information specified in Section 202A (1-3, 5).
- B. A plan of the site, drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - 1. north arrow, scale, and date
 - 2. a location map showing the vicinity in which the proposed activity or development is to be located within the municipality

3. topography showing existing and proposed contours at intervals of two (2) feet
 4. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet
 5. the location of all existing streets, drives, and other accessways with information concerning widths, pavement types and construction, and elevations
 6. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, and any other natural or man-made features affecting, or affected by, the proposed activity or development
 7. the location of the identified flood-prone area boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities
 8. a general plan of the entire site accurately showing the location of all proposed buildings, structures, and any other improvements.
- C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
1. detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate.
 2. the proposed finished floor elevations of any proposed building
 3. complete information concerning the hydrostatic and hydrodynamic forces and pressures that will exist during the course of a one hundred (100) year flood, including impact loads
 4. detailed information concerning any proposed flood-proofing measures
 5. cross-section drawings for all proposed streets, drives, and accessways showing all rights-of-way and pavement widths
 6. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades

7. plans and profiles of all proposed sanitary and storm sewer systems; water supply systems, and any other utilities and facilities.
- D. The following data and documentation:
1. certification from a registered professional engineer or architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood
 2. the appropriate component of the Department of Environmental Resources' "Planning Module for Land Development"
 3. 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 6.02 - Review of Application for Special Permit

Upon receipt of an application for a Special Permit by the Township Kiskiminetas the following procedures shall apply in addition to those of Article II:

- A. Within three (3) days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Pennsylvania Department of Community Affairs in Harrisburg by registered or certified mail for its review and recommendation. Copies of the application shall also be forwarded to the Kiskiminetas Township Planning Commission and Township Engineer for review and comment.
- B. No final decision concerning the application shall be taken by Kiskiminetas Township until the recommendation from the Department of Community Affairs, and the comments from the Planning Commission and Engineer have been received, or until the expiration of thirty (30) days from the date the application was received by DCA, whichever is first.
- C. If the Department of Community Affairs should recommend disapproval of an application, Kiskiminetas Township shall not approve the application or issue any permit.

Section 6.03 - Special Technical Requirements

In addition to the requirements of Article IV of this Ordinance, the following minimum requirements shall also apply. If there is any conflict between any of the following requirements and those located elsewhere in this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

Sufficient documentation shall accompany every application to demonstrate that the proposed activity or development 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 (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation.
 2. the first floor elevation will be at least one and one-half (1 1/2) feet above the one hundred (100) year flood elevation.
 3. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time.

- B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property. At a minimum, all new structures shall be designed and constructed so that:
 1. there will be no pollution from the structure or activity during the course of a one hundred (100) year flood
 2. there will be no increase in the one hundred (100) year flood elevation
 3. there will be no loose, buoyant materials of any kind below the one hundred (100) year flood elevation.

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 Township of Kiskiminetas and the Department of Community Affairs.

In approving any application for a Special Permit, Kiskiminetas Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this ordinance and to protect the general health, safety, and welfare of the public.

ARTICLE VII
Variances

If compliance with the elevation or floodproofing requirements of this Ordinance would result in an exceptional hardship for a prospective builder, developer, or landowner, the Township of Kiskiminetas may, upon request, grant relief from the strict application of the requirement.

Request for variances shall be considered by the Township of Kiskiminetas in accordance with the procedures contained in Section 2.12 and the following procedures:

1. If granted, a variance shall involve only the least modification necessary to provide relief.
2. In granting any variance, the Township of Kiskiminetas 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.
3. Whenever a variance is granted, the Township of Kiskiminetas 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.
4. In reviewing any request for a variance, the Township of Kiskiminetas 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 not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extra-ordinary public expense, create nuisances, cause fraud on, or victimization of the public, or conflict with any other applicable local or State ordinances and regulations.
5. A complete record of all variance requests and related actions shall be maintained by the Township of Kiskiminetas. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

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

6. 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 (Art. VI or to Development Which May Endanger Human Life (Sec. 4.03).

ARTICLE VIII
Definitions

Section 8.00 - 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 8.01 - Specific Definitions

- A. Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- B. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers to be used for human habitation.
- C. Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.
- D. Development - any man-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, the subdivision of land, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.
- E. Flood - a temporary inundation of normally dry land areas.
- F. Floodproofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.
- G. Flood-prone area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- H. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep; but not including any addition, change, or modification in construction, exit facilities, or permanent fixtures or equipment.

DONE, ORDAINED AND ENACTED by the Township of Kiskiminetas's Board of Supervisors lawfully assembled in Chambers this 9th day of April, 1986.

TOWNSHIP OF KISKIMINETAS

BY: Ronald E. Held.

William W. [unclear]

Jack E. Wilmot, Jr.

William W. Miller

Emerson D. Townsend

ATTEST:

Barbara Palmadge
Secretary

APPROVED this _____ day of _____, 1986.

I hereby certify that the foregoing Ordinance is a true and correct copy of the Ordinance No. 1-86, and enacted by the Board of Supervisors of Kiskiminetas Township, on the 9th day of April, 1986.