

## **ARTICLE 700 – FLOOD HAZARD OVERLAY DISTRICT**

### **SECTION 700**

#### **701. FINDINGS OF FACT**

- A. The flood hazard areas of West Bradford Township are subject to periodic flooding, either from a nearby watercourse or from inadequate drainage, wet soils or soils having a high water table, which results in loss of property, danger to life, damage to structures, injury to people, disruption of public and private activities and services, burdensome public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in flood hazard areas causing increases in flood heights and velocities, and the occupancy of flood hazard areas by uses vulnerable to floods.
- C. Certain low sections of West Bradford Township are aquifer recharge areas, which form the source of the underground water supply and are especially sensitive to pollution and contamination from inappropriate surface uses.
- D. Drainage areas, wet soils or soils having a high water table and streams located in West Bradford Township are part of the integrated drainage basins so that construction or other alteration of land within the Township, which increases runoff, increases the flood hazard to communities downstream.

#### **702 INTENDED PURPOSE**

It is the purpose of this Article to promote the public health, safety and general welfare and to minimize those losses described hereinabove. In furthering that purpose, the specific intent of this Article is:

- A. To regulate or prevent the erection of buildings and other structures in areas unfit for development by reason of periodic flooding, unsanitary drainage conditions and related hazards.
- B. To protect public health by preventing pollution of surface and subsurface water supplies and providing surface area to absorb water for maintenance of the subsurface water supply.

- C. To protect public safety by preserving natural floodplains and valley flats which are subject to periodic flooding in order to:
  - 1. Prevent the increase in flood volume and rate of flow which results from covering the floodplains with impervious surfaces and from constricting natural drainage channels.
  - 2. Provide areas for the deposition of sediment.
- D. To prevent added downstream damage from increased flood volume and rate of flow and to permit uses of the floodplain compatible with the preservation of natural conditions and the maintenance of the stream flow throughout the year.
- E. To minimize the financial burden imposed on the community, its governmental bodies and individuals by floods.
- F. To promote responsible flood-proofing measures within the flood hazard district.

**703 DEFINITION AND SCOPE OF FLOOD HAZARD OVERLAY DISTRICT**

The Flood Hazard District is defined and established as:

- A. Any water or drainage course or body of water, and the lowlands adjoining, which may be subject to periodic flooding or overflow. The district shall include all lands designated by the soil map symbols and mapping unit names shown on map Sheets 36, 37, 45 and 46 of the Soil Survey Report of Chester and Delaware Counties issued by the Soil Conservation Service, United States Department of Agriculture, dated May 1963 or later revision, as follows:

| <b>Map Symbol</b>    | <b>Mapping Unit Name</b> |
|----------------------|--------------------------|
| <b>We</b>            | Wehadkee silt loan       |
| <b>Ch</b>            | Chewacla silt loan       |
| <b>WoA, WoB, WoC</b> | Worsham silt loan.       |

- B. All areas which have flooded within the last one hundred (100) years, as recorded or indicated by written or other objective records, such as the United States Army Corps of Engineers survey.
- C. All areas which, by hydrological stream profile analysis, conducted by a registered professional engineer qualified in hydrology, are calculated to be inundated during a nominal one-hundred-year frequency flood. Such analysis shall be required prior to the issuance of any permits if, after consultation with the Township Planning Commission, Township Engineer and United States Soil Conservation Service, the Zoning Administrative Officer has reason to believe

that the applicant's property, or a portion thereof, is in such close proximity to a flood hazard area as to be subject to inundation by a one-hundred-year frequency flood. If the analysis demonstrates that the property or a portion thereof will not be subject to inundation, such permits as are required shall be considered for approval, but shall not be issued unless and until the applicant has complied with all other applicable provisions of this Article and with all other applicable ordinances and regulations.

- D. The identified floodplain area shall be those areas of West Bradford Township, Chester County, which are subject to the one hundred (100) year flood, as identified in the Chester County Flood Insurance Study (FIS) dated September 29, 2006 and the accompanying maps (digital and paper) as prepared for by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

#### **704 COMPLIANCE**

No structure, land or water shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Article and other applicable regulations.

#### **705 USES AND STRUCTURES**

Within this District, all uses not allowed as permitted uses or permissible by special exception shall be prohibited. Notwithstanding the permitted and special exception uses listed below, no use shall be allowed within the floodway area shown on the Flood Boundary and Floodway Map which would cause a rise in flood heights. In addition, those uses specifically enumerated in the Pennsylvania Floodplain Management Act of 1978, as amended, Sections 207 and 301 and the Pennsylvania Code, Title 12 Chapter 113 Part V, are also prohibited.

##### **A. Permitted Uses**

The following uses, and no others, shall be permitted within the Flood Hazard District to the extent that they are not prohibited by any other section of this Ordinance and provided that they do not require structure, fill or storage of materials or equipment.

1. Agriculture uses, excluding structures, such as farming, cultivation and harvesting of crops according to recognized soil conservation practices, which shall in no case cause alluvial deposits to build up in watercourses or cause undue erosion to the Flood Hazard District.
2. Pasture and grazing land, excluding structures.
3. Outdoor plant nursery or orchard, excluding structures.

4. Forestry, lumbering and reforestation, according to recognized soil conservation practices, excluding storage and mill structures.
5. Recreation uses, such as park, day camp, picnic grounds, tent camping, golf course, hiking and riding trails, hunting, fishing, and swimming areas, excluding structures with the exception of anchored picnic tables.
6. Game farm and fish hatchery, excluding structures.
7. Wildlife sanctuary, woodland or nature preserves and arboretum, excluding structures.

**B. Special Exception Uses**

The following special exception uses shall be permitted in the Flood Hazard District only when authorized by the Zoning Hearing Board.

1. As an area comprising no more than one-fourth ( $\frac{1}{4}$ ) of the required minimum lot area for any lot contiguous to the Flood Hazard District, provided that no building or structure and no sanitary drainage field shall be placed within the Flood Hazard District. Inclusion of Flood Hazard District land within the lots in order to meet minimum lot area or yard requirements is contingent upon complying with the objectives and standards set forth in the specific intent of this Article and with any other pertinent municipal regulation. If such compliance cannot be shown, the land area within the Flood Hazard District shall not be calculated for purposes of determining lot areas or yard requirements.
2. Roads and parking areas to serve other permitted uses in the Flood Hazard District or where required by the regulations for any contiguous district.
3. Utility transmission lines.
4. Storm and sanitary sewers and sewage pumping stations.
5. Sealed water supply wells and water pipelines.
6. Dams, culverts, bridges and impoundment basins approved by the Commonwealth of Pennsylvania, Department of Environmental Resources, and the Soil Conservation Service of the United States Department of Agriculture and any other governmental agency having regulatory or advisory jurisdiction over the watershed in question.
7. Grading, provided that the effect is not to alter the effective cross-sectional profile of stream basin, including the floodplain, at the point

of the proposed use, provided that a detailed engineering study shall accompany any application for a special exception on this ground and must be approved by the Commonwealth of Pennsylvania, Department of Environmental Resources, the Soil Conservation Service of the United States Department of Agriculture and any other governmental agency having regulatory or advisory jurisdiction.

## **706 DISTRICT MAP**

- A. The District established as the Flood Hazard District on the Zoning Map shall be deemed to be zoning districts to the extent that the same repeal any restriction or remove the land from any other zoning classification. The restrictions imposed in this Article shall be in addition to and not in substitution of the limitations and restrictions established under the applicable zoning district. The permitted uses herein enumerated shall, however, apply to all Flood Hazard District lands regardless of the applicable zoning district, but in the event any lands are removed from the Flood Hazard District Map under the procedures herein set forth or otherwise, the land shall be deemed to continue under the uses, privileges and restrictions enumerated in the applicable zoning district.
- B. In case of any dispute concerning the exact location of the boundaries of the Flood Hazard District or the inclusion of any lands therein, the party disputing the boundaries or content as shown as the Flood Hazard District of the Zoning Map shall have the burden of proof of demonstrating by a fair preponderance of the evidence of the inaccuracy of the said Map. The party disputing the boundary shall follow the procedures as enumerated in the various paragraphs of Section 706.1 and 706.2 herein.

### **706.1 AMENDMENT OF DISTRICT MAP**

Insofar as various natural conditions, including the Flood Hazard District as herein defined, may change, or for any other reason doubt arises as to the proper location of the boundaries of the district, such change or the dispute concerning the boundaries of the district may be validated or determined preliminarily by the Zoning Officer as follows:

- A. The party disputing the hazard of inundation by stream, pond or lake shall submit to the Zoning Administrative Officer four (4) copies of a detailed hydrologic and hydraulic study, together with any supporting data necessitated by good engineering practice, and prepared by a registered professional engineer qualified in such analysis, showing in detail those specifics which the applicant alleges accurately reflect the condition of the land or those changes alleged to have occurred which remove the subject property from the Flood Hazard District. Such analysis shall specifically designate the high-water levels in a one-hundred-year storm. If and when determined accurate by the Township Engineer, such

analysis shall supersede the provisions of Section 703C of this Article as to all or such part of the land in question as may be appropriate.

- B. The party disputing the boundaries of the Flood Hazard District as established in Section 703A of this Article shall submit to the Zoning Administrative Officer four (4) copies of a detailed on-site survey of the land in question, made by a professional geologist or soil scientist, showing in detail those specifics which the applicant alleges accurately reflect the condition of the land or those changes alleged to have occurred, which remove the land or any portion thereof from the Flood Hazard District as designated in Section 703A.
- C. Upon receipt of such hydrologic and hydraulic studies or on-site survey, as applicable, the Zoning Administrative Officer shall, within ten (10) days thereof, submit the analysis or survey to the Township Engineer and Township Planning Commission, either of which may consult such technical experts as each deems necessary for a proper evaluation of the submissions.
- D. Within sixty-five (65) days of his receipt of the applicant's submissions, the Zoning Administrative Officer shall make a determination of the Flood Hazard District boundary in question and shall notify the applicant in writing.
- E. The municipality or any person aggrieved by a decision of the Zoning Administrative Officer made pursuant to the provisions of this section may appeal to the Zoning Hearing Board. Upon such appeal, all technical data relating to the disputed decision shall be submitted forthwith to the Zoning Hearing Board.
- F. The delineation of the Flood Hazard District boundaries may be modified by the West Bradford Township Board of Supervisors upon the recommendation of the Zoning Officer, the Township Planning Commission, and the validation of the Soil Conservation Service of the United States Department of Agriculture and other agencies having regulatory or advisory jurisdiction. No modification or revision of any area identified as being flood-prone in the Flood Insurance Study prepared by the Federal Emergency Management Agency shall be made without prior approval from the Federal Emergency Management Agency.

## **706.2 FEES FOR PROCESSING DISPUTES TO FLOOD HAZARD DISTRICT BOUNDARY**

Applicant shall pay all fees for processing applications, FEMA costs, all engineering costs, and shall reimburse the Township for all reviews and reports prepared by the Township Engineer in reviewing the "Dispute to the Flood Hazard District Boundary."

**707 APPEALS TO THE ZONING HEARING BOARD**

- A. Appeals to the Zoning Hearing Board with respect to the provisions of this Article shall be governed by the terms of this Ordinance and in particular by the terms of this Section. Any conflict between the general provisions of the Zoning Ordinance and the provisions of this Section, the more stringent shall apply. In the case of an application for a special exception or a variance, the applicant shall also furnish the following materials and information as part of his application:
1. Plans in triplicate drawn to scale showing the nature, location, dimensions and elevation of the lot and the existing and proposed uses.
  2. Photographs showing existing uses and vegetation.
  3. Report detailing the soil type or types existing on the lot and of which it is comprised and any other pertinent information with respect thereto.
  4. A series of cross sections at twenty-five (25) foot intervals along the lot shore line, showing the stream channel or the lake or pond bottom, the elevation of adjoining land areas to be occupied by the proposed uses, high water information, and 100-year flood elevations.
  5. Profile showing the slope of the bottom of the channel, watercourse, lake or pond.
  6. Specifications for building materials and construction, flood proofing including the level to which structures will be flood proofed, filing, dredging, storage, water supply and sanitary facilities and lowest floor, including basement, elevation for any proposed structure.
  7. Computation of the increase, if any, in the 100-year flood elevation which would be attributable to any of the proposed uses.
- B. In any instance where the Zoning Hearing Board is required to consider a request for a special exception or variance from the provisions of this Article, the Board shall, to the full extent permitted by law, consider the following factors where appropriate, to be established by the applicant who shall have the burden of proving that the criteria and conditions can be satisfied.
1. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance or special exception shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one-hundred (100) year flood elevation.
  2. The danger that materials may be swept on to other lands or downstream to the injury of others.

3. The proposed water supply and sanitation systems and the ability of these systems to avoid causing disease, contamination and unsanitary conditions.
  4. The susceptibility of the proposed use to flood damage and the effect of such damage on the owner.
  5. The importance of the proposed use to the community.
  6. The requirements of the use for a waterfront location.
  7. The availability of alternative locations not subject to flooding for the proposed use.
  8. The compatibility of the proposed use with existing and foreseeable uses.
  9. The relationship of the proposed use to the comprehensive plans and floodplain management program for the area.
  10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  11. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwater expected at the site.
  12. Such other factors which are relevant to the purposes of this Article.
- C. In granting any variance or special exception, the Zoning Hearing Board shall attach reasonable conditions and safeguards to implement the purposes of this Article. The conditions are the following:
1. Modifications of waste disposal and water supply facilities. All new and replacement water supply systems in the 100-year flood plain shall be designed to minimize or eliminate the infiltration of floodwaters. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate the infiltration of floodwaters into the system and discharge from the system into flood waters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
  2. Limitations of periods of use and operation.
  3. Impositions of operational controls, sureties and deed restrictions.

4. The following flood-proofing measures shall be incorporated for all new construction and substantial improvements, including the placement of manufactured homes within the 100-year flood plain.
  - (a) Anchorage to resist flotation and lateral movement.
  - (b) Installation of watertight doors, bulkheads and shutters (non-residential only).
  - (c) Reinforcement of walls to resist water pressures.
  - (d) Use of paints, membranes or mortars to reduce seepage of water through walls.
  - (e) Addition of mass or weight to structures to resist flotation.
  - (f) Installation of pumps to lower water levels in structures. (non-residential only)
  - (g) Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.
  - (h) Pumping facilities for subsurface external foundation wall and basement floor pressures.
  - (i) Construction to resist rupture or collapse caused by water pressure or floating debris.
  - (j) Cutoff valves on sewer lines or the elimination of gravity flow basement drains.
  - (k) Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1 ½) 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, as amended March 1992) 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.

The design and construction standards and specifications contained in the IBC (Sec.1603.1.2., 1603.1.6, 1605.2.2, 1606.5, 1612.5.1 and 3403.1. and ASCE 24 (Secs. 2.4 and

Chap. 7) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

- (1) Fully enclosed space below the lowest floor (including basement) is prohibited.
- (2) 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 flood waters 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:

- a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
  - b. the bottom of all openings shall be no higher than one (1) foot above grade.
  - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  - d. any other applicable requirements of the National Flood Insurance Program Regulations 44 CFR 60.3(d) not addressed above.
- (l) Special Requirements for Manufactured Homes
1. All manufactured homes and any additions thereto shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards Institute and National Fire Protection Association Standards as specified in the Standard for the Installation of Manufactured Homes Including Manufactured Home Park Requirements NFPA NO. 501A-1974 (ANSI A119.3-1975) as

amended for manufactured homes in hurricane zones or other appropriate standards such as the following:

- a. Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.
  - b. Frame ties shall be provided at each corner of the manufactured home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.
  - c. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
2. All manufactured homes and any additions thereto shall also be elevated in accordance with the following requirements:
- a. The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the manufactured home will be at or above the elevation of the Regulatory Flood.
  - b. Adequate surface drainage is provided.
  - c. Adequate access for a hauler is provided.
  - d. Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend six (6) feet or more above the ground level.
3. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township for manufactured home parks and manufactured home subdivisions where appropriate.
4. No manufactured homes shall be placed in any designated Floodway area.

5. Variances shall only be issued by the Zoning Hearing Board upon:
  - a. a showing of good and sufficient cause,
  - b. a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
  - c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
6. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
7. The Zoning Hearing Board shall notify the applicant in writing that (a) the issuance of a variance to construct a structure below the 100-year flood level will result in increased premium rates for flood insurance, and (b) such construction below the 100-year flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
8. The Zoning Hearing Board shall (a) maintain a record of all variance actions, including justification for their issuance, and (b) report such variances issued in its annual report submitted to the Federal Emergency Management Agency.

(m) Any other applicable requirements of the National Flood Insurance Program Regulations, 44 CFR 60.3(d), as amended, which are not addressed above.

## **708 ALTERATION OR RELOCATION OF WATERCOURSES**

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 Township and until all required permits to approvals have been first obtained from the Department of Environmental Protection Southeast, Regional Office. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, shall be notified by the Township prior to any alteration or relocation of a watercourse.

**709 PERMITS REQUIRED**

- A. A permit shall be required before any construction or development is undertaken within the Township.
  - 1. Prior to the issuance of any permit, the Building Permit Officer shall review the application for the permit to determine if all other necessary government 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 Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
  - 2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Special Exceptions, Variances and Zoning Permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit 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.
  - 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 1929/1988
    - (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) 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 flood proofing measures which have been incorporated into the design of the structure and /or the development.

- (e) Supplemental information as may be necessary under 34 PA Code, Chapter 401-405 as amended, and Sec. 1612.5.1, Section 104.7 and 109.3 of the 2003 IBC and Section R106.1.3 and R104.7 of the 2003 IRC.
- (f) Site location **including address**.
- (g) Brief description of proposed work and estimated cost, **including a breakout of the flood-related cost and the market value of the building before the flood damage occurred**.

## 710 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.

**Basement** – Means any area of the building having its floor below ground level on all sides.

**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.

**Development** – Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; 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 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.

**Floodproofing** – Means 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.

**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.

**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 preliminarily 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 Interior; or
- 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 the Ordinance as being inundated by the one hundred (100) year flood.

**Land development** – Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  2. The division or allocation of land or space, whether initially or cumulatively, 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.

B. A subdivision of land.

**Lowest floor** – The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

**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 attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

**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.

**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, oil, waste, vent, or similar piping, electric 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 27, 1981 and includes any subsequent improvements thereto.

**One hundred year flood** – A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one percent (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 temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory flood elevation** – The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 ½) feet.

**Repetitive loss** – Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market.

**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.

**Start of construction** – Means the first placement of permanent construction of a structure (other than a manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filing, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a manufactured home) 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 piling or foundation. For manufactured homes within manufactured home parks or manufactured home subdivisions, “start of construction” is the date on which the construction of facilities for servicing the site on which the manufactured home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads and installation of utilities) is completed.

**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. This term includes any manmade object having an ascertainable stationary location on or in land or water whether or not affixed to land.

**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, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, 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 fifty (50) percent 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 fifty percent (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” (or “repetitive

**loss” when repetitive loss language is used)** regardless of the actual repairwork 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, or;
- B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**Uniform Construction Code (UCC)** – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

## **711 EXISTING STRUCTURES**

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

- A. No expansion or enlargement of any existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.
- B. Any modification, alteration, reconstruction, or improvement, of any kind to any 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.

The above activity shall also address the requirements of the 34 PA Code Chapters 401 – 405, as amended and the 2003 IBC (Sec. 3402.1 and 1612.4) and the 2003 IRC (Secs. R105.3.1.1 and 323.1.4).

- C. 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.

- D. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this ordinance.
  
- E. The requirements of 34 PA Code Chapter 401-405, as amended and the 2003 IRC (Secs. R102.7.1, R105.3.1, R105.3.1.1 and Appendices E and J) or the latest revision thereof and the 2003 IBC (Secs. 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this section.