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Ordinance No. 1-4-14-05

AN ORDINANCE AMENDING ARTICLE 2, SECTION 208, THE FP-FLOODPLAIN ZONE, OF THE CONOY TOWNSHIP ZONING ORDINANCE OF 1992 BY MAKING CERTAIN LANGUAGE CHANGES AND ADDING NEW STANDARDS AS REQUIRED BY THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP); AND AMENDING ARTICLE 1, SECTION 112 OF THE SAID ZONING ORDINANCE BY ADDING THERETO CERTAIN DEFINITIONS WHICH ARE REQUIRED BY THE NATIONAL FLOOD INSURANCE PROGRAM.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Conoy Township, Lancaster County, Pennsylvania, and it is hereby enacted and ordained as follows:

SECTION 1: Article 2, Section 208.1 of the Conoy Township Zoning Ordinance of 1992, which states the Purpose and Intent of the FP-Floodplain Zone is hereby amended by adding thereto a new subsection 4, with two (2) sub-subsections, as follows:

208.4 The purpose of this subsection is to set forth, and clarify, certain agency designations, and certain reference to Permits, as per the current requirements of the National Flood Insurance Program.

A. All references to the Federal Insurance Administration (FIA) shall be changed to the Federal Emergency Management Agency (FEMA). All references to the Department of Community Affairs, Bureau of Community Planning shall be changed to the Department of Community and Economic Development. All references to the Department of Environmental Resources, Bureau of Dams and Waterway Management shall be changed to the Department of Environmental Protection.

B. For the purposes of this ordinance wherever the term Building Permit appears it shall now read Development/Zoning Permit.

NOTE: All Articles and Sections referred to in the following Sections of this Ordinance refer to The Conoy Township Zoning Ordinance of 1992.

SECTION 2: ARTICLE 2, SECTION 208.2.1A is hereby repealed and deleted and shall be replaced by the following Section 208.2.1A:

A. All those areas of Conoy Township as identified as being in the Floodway, Flood Fringe and General Flood Plain areas in the Flood Insurance Study (FIS) dated April 19, 2005 and the accompanying maps prepared for Lancaster County by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

SECTION 3: Article 2, Section 208.5.1M is hereby amended to read as follows:

M. Elevation, flood proofing, and flood hazard and reduction structures to protect only lawfully existing and registered nonconforming uses within structures.

SECTION 4: Article 2, Section 208.6.3A is hereby amended to add the following clause to line 2 thereof, following the word "elevations" in that line

,including lowest floor elevations,

SECTION 5: Section 208.6.3C is hereby amended to add the following clause at the end

, including the 100 year and 500 year flood elevations.

SECTION 6: Section 208.6.3B is hereby amended to delete the word "and" from the third line and to add the following clause at the end

, and the FEMA defined floodway line.

SECTION 7: Section 206.6.3 is hereby amended to add thereto the following new subsections F and G:

F. Site location including address.

G. Brief description of proposed work and estimated costs, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred.

SECTION 8: Section 208.10.1 is hereby amended by adding thereto the following new first sentence. The remainder of that Section shall be retained.

Building/zoning Permits shall be required before any construction or development is undertaken within any area of the Township.

SECTION 9: Section 208.9.4 is hereby amended by adding thereto the following Subsection D:

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.

SECTION 10: Section 208.8, which enumerates Prohibited Uses, is hereby amended to add thereto the following subsection 19:

19. Fully and partially enclosed space below the lowest floor.

SECTION 11: Section 208.9.3 is hereby amended by adding the following clause at the end.

, including the FEMA identified floodway.

SECTION 12: Section 208.10.2A is hereby amended by adding the following language at the end thereof.

“including those required by State and Federal laws 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.

SECTION 13: Section 208.10 is hereby amended by adding thereto the following Subsection F.

F. Uniform Construction Code Coordination

The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.

International Building Code (IBC) 2003 or the latest edition thereof:
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2003 or the latest edition thereof:
Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

SECTION 14: Article 1, Section 112 of the Conoy Township Zoning Ordinance of 1992 is hereby amended by adding thereto the following Definitions:

NOTE: Some of the Definitions listed below are new, and some already exist in Section 112 of the Zoning Ordinance. With regard to those which are existing this Ordinance shall repeal them and they shall be replaced by the Definition set forth below.

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.

Detached: A building which has no party wall.

Semi-detached: A building which has only one party wall in common.

Attached: A building which has two or more party walls in common.

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 one hundred (100) year magnitude.

HISTORIC STRUCTURE - any structure that is:

- (i) 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;
- (ii) 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;
- (iii) 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
- (iv) 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 or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

IDENTIFIED FLOODPLAIN AREA - the floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

LAND DEVELOPMENT - Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - (i) 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
 - (ii) 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.
- (2) 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 June 4, 1980, 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 (1) percent 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 (1-1/2) 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 value of the structure before the damages occurred.

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

STRUCTURE - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

STRUCTURE, ACCESSORY: A structure associated with an accessory use, (e.g., swimming pools, patios, antennas, tennis courts, garages, utility sheds, etc).

STRUCTURE, PRINCIPAL: A structure associated with a primary use.

Structures shall not include such things as fences, sandboxes, decorative fountains, swing sets, birdhouses, bird feeders, mailboxes, and any other similar nonpermanent improvements.

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 (50) percent 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" regardless of the actual repair

work performed. The term does not, however include either:

- (1) 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;
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

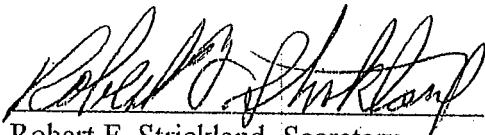
UNIFORM CONSTRUCTION CODE (UCC) - The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial 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.

SECTION 15: No other changes or additions are made to the Conoy Township Zoning Ordinance of 1992 by this Ordinance; and all of the other provisions of that Ordinance are hereby ratified and confirmed.

SECTION 16: This Ordinance shall become effective five (5) days after its passage and adoption by the Board of Supervisors of Conoy Township.


ENACTED AND ORDAINED this 14th day of April, 2005, by the Board of Supervisors of Conoy Township.

ATTEST:


Robert F. Strickland, Secretary

**BOARD OF SUPERVISORS
OF CONOY TOWNSHIP**

Stephen L. Mohr


Robert F. Strickland


Earl S. Fuhrman