

ORDINANCE NO. 02 - 2006

AN ORDINANCE AMENDING THE LOWER OXFORD TOWNSHIP ZONING ORDINANCE OF 1970

BE IT AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Lower Oxford, Chester County, Pennsylvania as follows:

All references in the Ordinance of 1970 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, Regional Office. All references to Mobile Home and Mobile Home Park shall be changed to Manufactured Home and Manufactured Home Park, respectively.

Specific Provisions

Amend Section 1301(1) to read as follows:

The identified floodplain area shall be any area of the Township of Lower Oxford, Chester County, subject to the one hundred (100) year flood, which is identified as "Zone A" in the Flood Insurance Study (FIS) dated September 29, 2006, and the accompanying maps as prepared for Lower Oxford by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof. Including all digital data developed as part of the Flood Insurance Study.

Section 1301(6)(A) – Amend the subsection by inserting the words as indicated:

Insert the following bold type faced words in the second sentence of the existing language just after the phrase "...municipal laws, have been obtained..." and before the words "No permit, special exception..."

"including but not limited to 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."

Section 1301(6)(G)(5) – Add as new subsections:

(a) Fully enclosed space below the lowest floor (including basement) is prohibited.

(b) Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term “partially enclosed space”, also includes crawl spaces.

Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

(i) 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.

(ii) the bottom of all openings shall be no higher than one (1) foot above grade.

(iii) openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exist of floodwaters.

(c) Consideration may be given to the requirements of 34 PA Code (Chapters 401-405 as amended) and the 2003 IRC (Secs.R323.2.2 and R323.1.4) and the 2003 IBC (Secs. 1612.4, 1612.5, 1202.3.2 and 1203.3.3).

Section 1301(7) – Add the following language and subsections after 1301(7)(C)

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).

(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 conjunction with the provisions of this section.

Section 1301(8) – Amend the reference in the first sentence from §1304 to §1301.

Section 1301(8) – Add all of the following definitions to the section:

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.

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.

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.

Lowest floor – the lower 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.

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.

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.

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 part of 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 1301(8) – Amend the following definitions in this section to include the language in bold typeface:

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.

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.**

Section 1301(8) – Amend the following term to be defined in this section to the following language in bold typeface:

Change the term New Structure to **New Construction**

Section 1602 – Amend the subsection by inserting the words as indicated:

Insert *“any construction or development being undertaken including but not limited to”* to the first line of the existing language just after the phrase (“A building permit shall be required prior to...” and before the words “...the erection or alteration of ...”)

Section 1603(2) – Amend the currently existing paragraph to read as follows (*the amended language is in bold type face*):

Issuance of Building Permit

No Building permit s hall be issued until the Code Enforcement Officer **has** certified that the proposed **construction, development**, building structure or alteration complies with the provisions of this Chapter 27, and all applicable ordinances. Upon completion of the **construction, development of land**, erection, addition to, or alteration of any building, structure or portion thereof authorized by any building permit obtained in compliance with this Chapter 27, and prior to use or occupancy, the holder of such permit shall notify the Code Enforcement Officer of such completion. Use and occupancy shall not be authorized until the Code

Enforcement Officer has certified that the work has been inspected and approved as being in conformity with this and other applicable ordinances and has issued a use and occupancy permit as provided hereinafter. During the period of construction during which the building permit is in effect, the permittee must provide approved sanitary facilities for workers on the job site. Failure to do so will result in the issuance of a cease and desist order until such time that facilities are provided. (Ord. 1-71, 3/2/1971, §1604; as amended by Ord. 1-93, 1/6/1993; and by Ord. 1-95, 5/10/1995 §10)

In the case of existing structures, prior to the issuance of any Building permit, the Code Enforcement Officer shall review the history of repairs made due to flood-related damage to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.

Section 1603(2)(A) – Add as a new subsection:

Application Procedures and Requirements

(1) Application for such a building permit shall be made, in writing, to the Code Enforcement Officer on forms supplied by the (Township, Borough, etc.). Such application shall contain the following:

- (a) Name and address of applicant.
- (b) Name and address of owner of land on which proposed construction is to occur.
- (c) Name and address of contractor.
- (d) Site location including address.
- (e) Listing of other permits required.
- (f) Details of any prior flood-related damage if available.
- (g) Brief description of proposed work and estimated cost, including a breakout of any flood damage related cost and the market value of the building before the flood damage occurred.
- (h) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

(2) If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the Code Enforcement 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) Applicants shall file the following minimum information plus any other pertinent information as may be required by the Code Enforcement Officer to make the above determination:

- (a) A completed Building Permit Application Form.
- (b) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - (i) north arrow, scale, and date;
 - (ii) topographic contour lines, if available;
 - (iii) all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - (iv) the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
 - (v) the location of all existing streets, drives, and other access-ways; and
 - (vi) the location of any existing bodies of water or watercourses, identified floodplain, areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

(c) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

(i) the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;

(ii) the elevation of the one hundred (100) year flood;

(iii) if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and

(iv) detailed information concerning any proposed floodproofing measures.

(v) 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.

(d) The following data and documentation:

(i) a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood.

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

(ii) the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."

(iii) where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

1603(20(B) – Add as a new subsection:

Review by County Conservation District

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

1603(2)(C) – Add as a new subsection:

Review of Application by Others

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

ENACTED AND ORDAINED this _____ day of _____, 2006

by the Board of Supervisors of the Township of Lower Oxford.

Attest:

LOWER OXFORD TOWNSHIP

Sara Laganelli, Secretary

Arthur A. Astle, Chairman

Kenneth L. Hershey

W. Ronald Kepler