TOWNSHIP OF WEST COCALICO
ORDINANCE NO. 131

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

ARTICLE I. STATUTORY AUTHORIZATION

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Supervisors of the Township of West Cocalico does hereby order as follows.

ARTICLE II. GENERAL PROVISIONS

Section 2.01 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 in order to prevent or 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 preventing excessive development in areas subject to flooding.

E. Comply with federal and state floodplain management requirements.

Section 2.02 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 West Cocalico unless a Floodplain Permit has been obtained from the Floodplain Administrator. The fee for a flood plain permit shall be provided in the Township's fee

resolution as amended from time to time by a resolution of the Board of Supervisors

B. A Floodplain Permit shall not be required for minor repairs to existing buildings or structures.

Section 2.03 Abrogation and Greater Restrictions

This Ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other Ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

Section 2.04 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the 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 2.05 Warning and Disclaimer of Liability

The granting of a permit or the making of any other administrative decision shall not constitute a representation, guarantee, or warranty of any kind by West Cocalico Township, or by any official, agent, or employee thereof, of the practicability or safety of any structure, use, or other plan proposed with respect to damage from flood or otherwise, and shall create no liability upon, or a cause of action against, such public body, official, agent, or employee for any flood damage that may result pursuant thereto or as a result of reliance on this Article. There is also no assurance that lands not included in the FP - Floodplain District are now or ever will be free from flooding or flood damage.

ARTICLE III. ADMINISTRATION

Section 3.01 Designation of the Floodplain Administrator

The Zoning Officer is hereby appointed to administer and enforce this Ordinance and is referred to herein as the Floodplain Administrator. The Floodplain Administrator shall perform at least one of the following: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations if he deems appropriate. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

Section 3.02 Floodplain Permits Required

A Floodplain Permit shall be required before any construction or development is undertaken within any area of the Township of West Cocalico.

Section 3.03 Duties and Responsibilities of the Floodplain Administrator

A. The Floodplain Administrator shall issue a Floodplain 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. Prior to the issuance of any Floodplain Permit, the Floodplain Administrator shall review the application for the Floodplain 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 Floodplain Permit shall be issued until this determination has been made.

C. In the case of existing structures, prior to the issuance of a Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss concerns can be addressed and remediated, as defined in Section 9.02, before the Floodplain Permit is issued.

D. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises as often, and at such times, as may be required by a resolution of the Board of Supervisors to determine that the work is progressing in compliance with the information provided on the Floodplain Permit application and with all applicable municipal laws and ordinances. He/she shall conduct inspections during and upon completion of the work.

E. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance, to the extent permitted by applicable law.

F. In the event the Floodplain Administrator discovers that the work does not comply with the Floodplain Permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Floodplain Permit and report such fact to the Board of Supervisors for corrective action pursuant to relevant Township Ordinances and police powers.

G. The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this Ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.

H. The Floodplain Administrator is the official responsible for submitting a biennial report

to FEMA concerning community participation in the National Flood Insurance Program.

I. The responsibility, authority and means to implement the responsibilities of the Floodplain Administrator may be delegated to other qualified individuals as provided herein. However, the ultimate responsibility lies with the person identified in the floodplain Ordinance as the floodplain administrator/manager.

J. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or the latest edition thereof adopted by the State of Pennsylvania.

Section 3.04 Application Procedures and Requirements

A. Application for such a Floodplain Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Township of West Cocalico, as amended from time to time by resolution of the Board of Supervisors. In addition, applicants shall comply with Section 2303 of the Township Zoning Ordinance (Code of Ordinances Section 27-2303) and all requirements of this Ordinance.

B. If any proposed construction or development is located entirely or partially within any Township Code of Ordinances Section 27-2303 applicants for Floodplain Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;

3. adequate drainage is provided so as to reduce exposure to flood hazards;

4. structures will be anchored to prevent floatation, collapse, or lateral movement;

5. building materials are flood-resistant;

6. appropriate practices that minimize flood damage have been used; and

7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation during a base flood.

C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:

1. A completed Floodplain Permit Application Form.

2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to fifty (50) feet or less, showing the following:

    a. north arrow, scale, and date;

    b. topographic contour lines, if available;

    c. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;

    d. the location of all existing streets, drives, and other access ways; and

    e. 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.

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 North American Vertical Datum of 1988;

    b. the elevation of the base flood;

    c. supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC or latest edition thereof adopted by the State of Pennsylvania.

4. The following data and documentation:

    a. detailed information concerning any proposed floodproofing measures and corresponding elevations.

    b. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.

    c. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within any Identified Floodplain Area (See Section 4.01) when combined with all other existing and anticipated development, will not cause any increase in the base flood elevation. AE Areas adjacent to Floodways are exempt.

    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 base 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. detailed information needed to determine compliance with Section 5.03 F., Storage, and Section 5.04, Development Which May Endanger Human Life, including:

   i. the amount, location and purpose of any materials or substances referred to in Sections 5.03 F. and 5.04 which are intended to be used, produced, stored or otherwise maintained on site.

   ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 5.04 during a base flood.

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

g. 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.

D. Applications for Floodplain Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator, but which shall be waived in the event the construction is not located in a floodplain..

Section 3.05 Review of Application by Others

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

Section 3.06 Changes

After the issuance of a Floodplain Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, Floodplain Permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

Section 3.07 Placards

In addition to the Floodplain Permit, the Floodplain Administrator shall issue a placard, or similar document, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Floodplain Permit, the date of its issuance, and be signed by the Floodplain Administrator.

Section 3.08 Start of Construction

Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development Floodplain Permit. Work shall also be completed within twelve (12) months after the date of issuance of the Floodplain Permit or, failing completion according the terms and conditions of the permit within such time, the Floodplain Permit shall expire. The issuance of development Floodplain Permit does not refer to the zoning approval.

The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; 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 part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Section 3.09 Enforcement

Refer to Township Code of Ordinances , Chapter XXVII, Sections 27-2401-2408 pertaining to the Zoning Hearing Board, Special Exceptions and Variances, and Sections 27- 2504 -2507 pertaining to enforcement and remedies, which are all incorporated herein by reference as if set forth in full. Where applicable, the term Floodplain Administrator shall be substituted of Zoning Officer.

Section 3.10 Appeals

A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Ordinance, may appeal to the Zoning Hearing Board pursuant to the Township Code of Ordinances.

ARTICLE IV. IDENTIFICATION OF FLOODPLAIN AREAS

Section 4.01 Identification

The identified floodplain area shall be:

A. any areas of Township of West Cocalico, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated April 5, 2016 and issued 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 and,

B. any Community Identified Flood Hazard Areas.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby

adopted by Township of West Cocalico and declared to be a part of this Ordinance.

Section 4.02 Description and Special Requirements of Identified Floodplain Areas

The identified floodplain area shall consist of the following specific areas:

A. The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.

    1. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

    2. Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.

    1. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.

C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information must be obtained using LIDAR or Lancaster County GIS.

    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 municipality.

D. Community Identified Flood Hazard Areas shall be those areas where Township of West Cocalico has identified local flood hazard or ponding areas, as delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks, soils or approximate study methodologies. This includes but is not limited to: flood boundaries of lands identified by the United States Geological Survey or the United States Army Corps of Engineers, and all land which has been flooded by floods of record.

Section 4.03 Changes in Identification of Area

The Identified Floodplain Area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See 5.01 (B) for situations where FEMA notification is required.

Section 4.04 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Floodplain Administrator and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

Section 4.05 Jurisdictional Boundary Changes

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the Board of Supervisors or designees shall review flood hazard data affecting the lands subject to boundary changes. The Board of Supervisors shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

ARTICLE V. TECHNICAL PROVISIONS

Section 5.01 General

A. Alteration or Relocation of Watercourse

1. 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 municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.

2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

3. In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

B. When any application proposes to permit the following encroachments:

- any development that causes a rise in the base flood elevations within the floodway; or
- any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
- alteration or relocation of a stream.

the applicant shall (as per 44 CFR Part 65.12):

1. apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.

2. Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, an applicant shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.

3. Upon completion of the proposed encroachments, an applicant shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.

C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

D. Permitted Uses

1. Agricultural, horticultural, and forestry uses, excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.

2. Public and private parks and recreation areas, excluding swimming pools, campsites, and any structures. Picnic tables, park benches, fireplaces, grills and playground equipment shall be permitted; if anchored to prevent flotation.

3. Activities related to the preservation and conservation of natural resources and amenities, excluding any structures.

4. Stream improvements, fish and farm ponds, dams, or stream relocations, as

approved by the Pennsylvania Department of Environmental Protection.

5. Erosion and sedimentation control measures and storm water management, facilities, and structures, provided no increase in flood heights or frequency, unhealthful ponding, or other unsanitary conditions shall occur.

6. Yards and open space areas

7. One (1) and two (2) strand fences.

8. Grading and filling which would not increase the base flood elevation.

E. Special Exceptions

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in conformance with the Township Code of Ordinances and this Stand Alone Ordinance.

1. Water-oriented uses and structures, fish hatcheries, and water-monitoring devices.

2. Culverts, bridges, and the approaches to such culverts and bridges, as approved by the Pennsylvania Department of Environmental Protection.

3. Parking lots, loading areas, driveways, and any other paved-at-grade surfaces.

4. Floodproofing and flood hazard reduction structures for non-conforming uses and structures.

5. Improvements and/or additions to existing structures with the FP – Floodplain District.

Section 5.02 Elevation and Flood-proofing Requirements

With the exception of the permitted uses listed in Section 5.01.D above or Township Code of Ordinances Section 27-2305 CC, any new construction or substantial improvements shall be prohibited within any Identified Floodplain Area unless permitted by special exception or variance. If a variance or special exception is obtained for new construction or substantial improvements in the Identified Floodplain Area in accordance with the criteria in Article VIII-of this Ordinance and Township Code Section 27-1401-1411 , then the following provisions apply:

A. Residential Structures

1. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation.

2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor

(including basement) elevated up to, or above, the Regulatory Flood Elevation determined in accordance with Section 4.02.C of this Ordinance.

3. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the latest edition thereof adopted by the State of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

B. Non-residential Structures

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation, <u>or</u> be designed and constructed so that the space enclosed below the Regulatory Flood Elevation:

   a. is flood-proofed so that the structure is watertight with walls substantially impermeable to the passage of water and,

   b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:

2. In A Zones no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely flood-proofed up to, or above, the Regulatory Flood Elevation determined in accordance with Section 4.02.C of this Ordinance.

3. Any non-residential structure, or part thereof, made watertight below the Regulatory Flood Elevation shall be flood proofed 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 flood-proofing 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.

4. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the latest edition thereof adopted by the State of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

C. Space below the lowest floor

1. Basements are prohibited

2. Fully enclosed space below the lowest floor (excluding basements) 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 "fully enclosed space" also includes crawl spaces.

3. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet 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, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Historic Structures

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this Ordinance, must comply with all Ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific Ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from Ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

E. Accessory structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

1. the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.

2. floor area shall not exceed 200 square feet.

3. The structure will have a low damage potential.

4. the structure will be located on the site so as to cause the least obstruction to the flow of flood waters.

5. power lines, wiring, and outlets will be elevated to the Regulatory Flood Elevation.

6. permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.

7. sanitary facilities, and wells if they are unable to be flood-proofed, are prohibited.

8. the structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. 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 flood waters.

Section 5.03 Design and Construction Standards

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

A. Fill

1. If fill is used, it shall:

    a. extend laterally at least fifteen (15) feet beyond the building line from all points;

    b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;

    c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

    d. be no steeper than one (1) vertical to three (3) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and

    e. be used to the extent to which it does not adversely affect the base flood elevation of adjacent properties.

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner in accordance with the West Cocalico Storm Water Management Ordinance. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

3. No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood. Private on-site sewage disposal systems are completely prohibited.

4. The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

D. Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 5.04, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or flood-proofed to the maximum extent possible.

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 (structure oriented parallel to the flow of the flooding source) and shall be designed to have a minimum effect upon the flow and height of flood water.

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, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.

4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

J. Paints and Adhesives

1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.

2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

3. All wooden components (doors, trim, cabinets, etc.) used at or below the Regulatory Flood Elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.

2. Separate electrical circuits shall serve lower levels and shall be elevated at least three (3) feet above the BFE.

L. Equipment

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

M. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters and be elevated at or above Regulatory Flood Elevation. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

N. Uniform Construction Code Coordination

The Standards and Specifications contained in 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 supplement the requirements of this Ordinance.

International Building Code (IBC) 2009 or the latest edition thereof adopted by the State of Pennsylvania:
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or the latest edition thereof adopted by the State of Pennsylvania:
Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

Section 5.04 Development Which May ~~Endanger~~ Create a Significant Danger To Human Life

Within any Identified Floodplain Area, any structure of the kind described in Subsection A., below, shall be prohibited.

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

1. will be used for the production or storage of any of the following dangerous materials or substances; or,

2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,

3. will involve the production, storage, or use of any amount of radioactive substances;

shall be prohibited. No variance shall be granted unless the applicant can establish by clear and conclusive evidence that protective measures can and will be taken to eliminate

the possibility of any significant danger to human life, health, or safety. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulfur and sulfur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.
- Any other materials or substances deemed hazardous by the Township, State or appropriate Federal agency.

B. Within any Floodway Area, any structure of the kind described in Subsection A., above, shall be prohibited. Where permitted by variance within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in Section 5.04 (A), above, shall be elevated to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation and built in accordance with Sections 5.01, 5.02 and 5.03.

C. Where permitted by variance within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in Section 5.04 (A) above, shall be built in accordance with Sections 5.01, 5.02 and 5.03 including:

1. elevated, or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation, and

2. designed to prevent pollution from the structure or activity during the course of a base 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 as amended March 1992), or with some other equivalent watertight standard.

Section 5.05 Special Requirements for Subdivisions and Development

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

Section 5.06 Special Requirements for Manufactured Homes

A. Within any Identified Floodplain Area manufactured homes shall be prohibited. No variance shall be granted unless the applicant can establish by clear and conclusive evidence that protective measures can and will be taken to eliminate the possibility of any significant danger to human life, health, or safety.

B. Where permitted by variance within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:

   1. placed on a permanent foundation;

   2. elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above base flood elevation;

   3. and anchored to resist flotation, collapse, or lateral movement.

   4. and have all ductwork and utilities including HVAC/heat pump elevated to the Regulatory Flood Elevation.

C. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Chapter 401-405 shall apply.

D. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the latest edition thereto adopted by the State of Pennsylvania, and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

Section 5.07 Special Requirements for Recreational Vehicles

Within any Identified Floodplain Area recreational vehicles shall be prohibited unless ~~If~~ a variance is obtained in accordance with the criteria in Article VIII where the applicant is able to establish by clear and conclusive evidence that protective measures can and will be taken to eliminate the possibility of any significant danger to human life, health, or safety, then the following provisions apply:

A. Recreational vehicles in Zones A, A1-30, AH and AE must:

1. be on the site for fewer than 180 consecutive days, and

2. be fully licensed and ready for highway use,

   and

3. be removed from the floodplain when a flood warning is issued.

ARTICLE VI. PROHIBITED ACTIVITIES

Section 6.01 General

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area. No variance shall be granted unless the applicant can establish by clear and conclusive evidence that protective measures can and will be taken to eliminate the possibility of any significant danger to human life, health, or safety and no other reasonable alternatives are possible:

A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

1. Hospitals

2. Nursing homes

3. Jails or prisons

4. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

5. All uses prohibited either expressly or implicitly in the underlying zoning district for the land in question.

6. All structures, with the exception of those specifically allowed in Section 5.01.D and 5.01.E of this Ordinance.

7. Sanitary landfills and junkyards.

8. The placing or stripping of topsoil or fill material of any kind, exclusive of grading or filling necessary for the construction of structures for which a zoning permit has been issued. Use for stream improvements and flood restoration projects may be permitted if authorized by the Lancaster County Conservation District.

9. Private on-site sewage disposal systems.

10. Swimming pools.

11. Cemeteries.

12. Feedlots.

13. Domestic or farm animal enclosures which will not allow all animals to escape flood waters without human assistance.

14. Any development, structure, or use which may, whether alone or in combination with others, and except where specifically authorized elsewhere in this Article:

    a. Endanger human life by creating a significant risk of death, sickness or bodily injury to persons or animals.

    b. Obstruct, impede, retard, change, or increase the velocity, direction, or flow of flood waters.

    c. Increase the surface elevation of floods, or the frequency of floods.

    d. Catch or collect debris carried by flood waters.

    e. Be placed where the natural flow of the stream or flood waters would carry it downstream to the damage or detriment of property within or adjacent to the FP – Floodplain District.

    f. Degrade the water carrying capacity of any watercourse, channel, or floodplain.

    g. Increase the rate of local runoff, erosion, or sedimentation.

    h. Degrade the quality of surface water or the quality or quantity of ground water. This provision shall not prohibit acceptable farming practices as permitted under Agriculture, Communities and Rural Environment (ACRE) legislation, know as Act 28 of 2005.

    i. Be susceptible to flotation and subsequent movement which would cause damage to other property.

j. Create unhealthful ponding or other unsanitary condition.

Section 6.02 Application Requirements for Special Permits

If a variance is granted for Section 6.01.A1-4 above then a Special Permit is also required. Applicants for Special Permits shall provide five copies of the following items:

A. A written request including a completed Permit Application Form.

B. A small scale map showing the vicinity in which the proposed site is located.

C. 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:

1. north arrow, scale and date;

2. topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;

3. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

4. the location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;

5. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;

6. the location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;

7. the location of all proposed buildings, structures, utilities, and any other improvements; and

8. any other information which the municipality considers necessary for adequate review of the application.

D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

1. sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;

2. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

3. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;

4. detailed information concerning any proposed floodproofing measures;

5. cross section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;

6. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and

7. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

1. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

2. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood;

3. a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effects such pollution may have on human life;

4. a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation and flows;

5. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation and flows;

6. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"

7. 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;

8. any other applicable permits such as, but not limited to, a permit for any activity

regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and

9. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

Section 6.03 Application Review Procedures

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

A. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township of West Cocalico Planning Commission and Township of West Cocalico engineer for review and comment.

B. If an application is received that is incomplete, the Township of West Cocalico shall notify the applicant in writing, stating in what respect the application is deficient.

C. If the Township of West Cocalico decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

D. If the Township of West Cocalico approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.

E. Before issuing the Special Permit, the Township of West Cocalico shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township of West Cocalico.

F. If the Township of West Cocalico does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.

G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township of West Cocalico and the applicant, in writing, of the reasons for the disapproval, and the Township of West Cocalico shall not issue the Special Permit.

Section 6.04 Special Technical Requirements

A. In addition to the requirements of Article V of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Article V of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

B. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:

    a. the structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.

    b. the lowest floor (including basement) will be elevated to at least one and one half (1 ½) feet above base flood elevation.

    c. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.

2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

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 the Township of West Cocalico and the Department of Community and Economic Development.

ARTICLE VII NON-CONFORMING USES AND EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Section 7.01 Existing Structures

A. CONTINUATION- All uses or structures lawfully existing in the FP – Floodplain District on the effective date of this Ordinance which are not in conformity with the provisions of this Ordinance shall be deemed non-conforming uses or structures. Such non-conforming uses or structures may be continued, maintained, repaired, and flood-proofed, except as otherwise provided for in this Ordinance. However, such non-conforming uses or structures may at any time be improved to comply with existing Pennsylvania or West Cocalico Township health, sanitary, or safety code specifications which are necessary solely to assure safe living conditions.

B. ABANDONMENT- Non-conforming uses or structures within the FP – Floodplain District shall be subject to Township Code Sections 27-2301-2306. Additionally, the Board of Supervisors may require the removal of any abandoned non-conforming use or structure upon proper notice to the owner of the property on which an abandoned non-conforming use or structure exists. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine (9) months after receipt of written notice, the Board of Supervisors shall have the authority to

itself cause the removal to be accomplished, with the costs of such removal to be paid by the property owner.

C. 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 provisions of Section 7.02 shall apply.

Section 7.02 Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

A. A non-conforming use or structure may not be expanded or modified in any manner which would increase or aggravate flooding or flood hazards. Nothing shall be done which would otherwise violate any of the provisions of this Ordinance. No non-conforming use or structure shall be expanded, enlarged, or altered in any which increases its non-conformity with respect to height, area, yard, and other requirements established in the Township Code of Ordinances, nor in any way which causes it to occupy more space within the FP – Floodplain District than was occupied by it on the effective date of this Ordinance.

B. No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.

C. A non-conforming use or structure which has been damaged or destroyed by any means, including floods, to the extent of fifty (50) percent or more of its fair market value at the time of its damage or destruction may not be replaced, restored, repaired, reconstructed, improved, or rebuilt in any way other than in complete conformity and full compliance with the provisions of this Ordinance, all other provisions of the Township Code of Ordinances. The Zoning Hearing Board may, as a special exception, waive the requirements of this paragraph where it is demonstrated that such requirements could not be met on land owned by the appellant or where such requirements would impose undue hardship to the appellant in the efficient operation of the premises. In such a case, the Zoning Hearing Board shall be authorized to grant only the minimum relief necessary and the least modification possible of the provisions of this Ordinance. Minimum requirements of the National Flood Insurance Program (NFIP) and the 44 Code of Federal Regulations (44 CFR) and PA Act 166 must all be met.

D. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC or most recent revision thereof adopted by the State of Pennsylvania.

E. A non-conforming use or structure may be replaced, repaired, or rebuilt if it is damaged or destroyed by any means, including floods, to the extent of less than fifty (50) percent of its fair market value at the time of its damage or destruction. In such a case, however, the non-conformity of the new use or structure with respect to requirements as expressed in provisions of this Ordinance shall not exceed that of the original use or structure which was damaged or destroyed. Nothing shall be done which would otherwise violate any of

the provisions of this Ordinance.

F. The Zoning Officer shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed use or structure at the time of its damage or destruction, and may call upon experts or authorities as he may deem necessary to assist in determining a fair and impartial determination. Such costs accrued in this determination shall be paid by the appellant.

G. 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.

ARTICLE VIII VARIANCES

Section 8.01 General

If compliance with any of the requirements of this Ordinance would result in an unnecessary hardship to a prospective builder, developer or landowner, the Zoning Hearing Board of the Township of West Cocalico may, upon request, grant relief from the strict application of the requirements.

Section 8.02 Variance Procedures and Conditions

Requests for variances shall be considered by the Township of West Cocalico in accordance with the procedures contained in Township Code of Ordinances Section 27-2406 ~~of the Zoning Ordinance~~, and the following:

A. No variance shall be granted without clear and conclusive evidence, within any Identified Floodplain Area, that would cause any increase in BFE. In A Area/District, BFEs are determined using the methodology in Section 4.02 C.

B. No variance shall be granted without clear and conclusive evidence for: Development Which May Endanger Human Life (Section 5.04), Manufactured Homes (Section 5.06) and Prohibited Activities (Article VI).

C. If granted, a variance shall involve only the least modification necessary to provide relief.

D. In granting any variance, the Township of West Cocalico shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.

E. Whenever a variance is granted, the Township of West Cocalico shall notify the applicant in writing that:

    1. The granting of the variance may result in increased premium rates for flood insurance.

    2. Such variances may increase the risks to life and property.

F. In reviewing any request for a variance, the Township of West Cocalico shall consider, at a minimum, the following:

1. That there is good and sufficient cause established by conclusive evidence.

2. That failure to grant the variance would result in unneccessary hardship to the applicant.

3. That the granting of the variance will not be detrimental to the health, safety and general welfare of the citizens of the Township.

G. A complete record of all variance requests and related actions shall be maintained by the Township of West Cocalico. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

H. In all variances the applicant shall bear the burden of proof.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

ARTICLE IX. DEFINITIONS

Section 9.01 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. If there is a conflict between the definitions stated here and in Article II Section 201 of the Township Zoning Ordinance, the more restrictive shall apply.

Section 9.02 Specific Definitions

1. 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.

2. Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).

3. Base flood discharge - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

4. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

5. Basement - any area of the building having its floor below ground level on all sides.

6. 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.

7. 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.

8. Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

9. Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

10. Flood - a temporary inundation of normally dry land areas.

11. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

12. Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

13. 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.

14. Flood-proofing - 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.

15. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

16. Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

17. Historic structures – 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 which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:

   i. By an approved state program as determined by the Secretary of the Interior or

   ii. Directly by the Secretary of the Interior in states without approved programs.

18. Identified Floodplain Area- this term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See Sections 4.01 and 4.02 for the specifics on what areas the community has included in the Identified Floodplain Area.

19. Least obstruction and minimum obstruction – located in the shallowest flood depths and the lowest flood velocities area of the lot.
20. Low damage potential – those portions of the accessory structure subject to inundation by floodwaters shall be constructed with materials and construction methods which are not damaged by contact with floodwaters.

21. 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.

22. 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.

23. Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided

into two or more manufactured home lots for rent or sale, or which is intended for the use and location of more than one mobile home, RV, or camper without a subdivision.

24. 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, mechanical or other work affecting public health or general safety.

25. New construction - structures for which the start of construction commenced on or after the adoption of this Ordinance and includes any subsequent improvements to such structures. Any construction started after April 15, 1981 and before the adoption of this Ordinance is subject to the Ordinance in effect at the time the Floodplain Permit was issued, provided the start of construction was within 180 days of Floodplain Permit issuance.

26. New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

27. 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.

28. Post-FIRM Structure - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated April 15, 1981, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

29. Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated April 15, 1981, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

30. Recreational vehicle (RV) - a vehicle which is:

    a. built on a single chassis;

    b. not more than 400 square feet, measured at the largest horizontal projections;

    c. designed to be self-propelled or ~~permanently~~ towable by a light-duty truck,

d. designed for use as a permanent dwelling ~~but~~ or as temporary living quarters for recreational, camping, travel, or seasonal use.

31. Regulatory Flood Elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet.

32. Repetitive loss – flood related damages sustained by a structure on two or more separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, cumulatively, equals or exceeds 50 percent of the market value of the structure before the damages occurred.

33. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

34. Start of construction - includes substantial improvement and other proposed new development and means the date the Floodplain Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the Floodplain Permit and shall be completed within twelve (12) months after the date of issuance of the Floodplain Permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and 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 part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

35. Structure – a man-made object or product of construction, or a walled and roofed building with an intended and definable location on the ground, also including, but not limited to a swimming pool, hot tub, jacuzzi, child's play structure, a gas or liquid storage tank that is principally above ground, manufactured home, mobile home, RV, or camper.

36. Subdivision - the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other 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.

37. 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.

38. Substantial improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost 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 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.

39. 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 State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

40. Variance- A grant of relief by the Zoning Hearing Board from the terms of a floodplain management regulation.

41. Violation - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

ARTICLE X. ENACTMENT

Section 10.01 Adoption

This Ordinance shall be effective five (5) days after enactment by the Board and shall remain in force until modified, amended or rescinded by Township of West Cocalico, Lancaster County, Pennsylvania.

ENACTED AND ADOPTED by the Board of Supervisors this 15th day of March, 2016.

ATTEST:

Township Secretary

BOARD OF SUPERVISORS OF THE TOWNSHIP OF WEST COCALICO

By: Chairman

Supervisor

Supervisor