

**ORDINANCE NO. 01-2006
WEST NOTTINGHAM TOWNSHIP**

**AN ORDINANCE OF THE TOWNSHIP OF WEST NOTTINGHAM, CHESTER COUNTY,
COMMONWEALTH OF PENNSYLVANIA AMENDING THE WEST NOTTINGHAM
ZONING ORDINANCE (PART 2 (DEFINITIONS) AND PART 10 (FLOOD HAZARD
DISTRICT)) TO COMPLY WITH THE LATEST REQUIREMENTS OF THE NATIONAL
FLOOD INSURANCE PROGRAM**

WHEREAS, the Township of West Nottingham (hereinafter Township) is a municipality of the Commonwealth of Pennsylvania, maintaining an office at 100 Park Road, Nottingham, Chester County, Pennsylvania 19362; and

WHEREAS, the Township has received notice to amend its Zoning Ordinance to comply with the Flood Plain Management Act, PA Act 166, 32 P.S. § 679.101 et seq. in order to meet minimum standards of flood plain management; and

WHEREAS, the Department of Community and Economic Development has identified certain amendments to definitions and provisions relative to the flood hazard district to meet and comply with the Pennsylvania Flood Plain Management Act and the federal regulations governing the National Flood Insurance Program; and

WHEREAS, the Township is authorized to amend its zoning under the Pennsylvania Municipalities Code, Act 247, as amended, 53 P.S. § 10101 et seq.,

NOW, THEREFORE, in consideration of the foregoing, and in order to comply with the directives to amend the Township Zoning Ordinance to provide appropriate flood plain management in accordance with the Flood Plain Management Act and the federal regulations governing the National Flood Insurance Program, be it ENACTED and ORDAINED by the West Nottingham Township Board of Supervisors, Chester County, Pennsylvania that the Zoning Ordinance of 1983 is hereby amended as follows:

Part 2 – Definitions

- Section 201 shall be amended by deleting the definition of “recreational vehicle” and replacing it with the following:

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.

- Section 201 shall be amended by adding the definition of “repetitive loss” following the definition of “regulatory flood elevation” as follows:

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.

Part 10 – Flood Hazard District

- Section 1003 shall be amended by deleting subsection (A) and replacing it with the following:

(A) The identified floodplain area shall be those areas of West Nottingham Township, Chester County, which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated September 29, 2006 and the accompanying maps as prepared for 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 1003 shall be amended by deleting subsection (B) and replacing it with the following:

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

1. *FW (Floodway Area) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.*
2. *FF (Flood-Fringe Area) - the remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance study, where a floodway has been delineated.*

The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

3. *FA (General Floodplain Area) - the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.*

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 technical review by the Township.

- Section 1003 shall be amended by deleting “Federal Insurance Administration” in the existing subsection (C) and replacing it with the following:

Federal Emergency Management Agency

- Section 1004 shall be amended by deleting “Bureau of Dams, Waterways, and Wetlands” in the existing subsection (C) and replacing it with the following:

Regional Office

- Section 1004 shall be amended by adding after existing subsection (C) the following:

(D) Prior to the issuance of any zoning permit, the Zoning Officer or Code Enforcement Officer shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

(E) Applicants shall file the following minimum information plus any other pertinent information as may be required by the Zoning Officer or Code Enforcement Officer to make the above determination:

1. *A completed Zoning Permit Application Form.*
2. *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:*
 - a. *north arrow, scale, and date;*
 - b. *topographic contour lines, if available;*
 - c. *all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;*
 - d. *the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;*
 - e. *the location of all existing streets, drives, and other access ways; and*
 - f. *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.*

(F) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the (Township, Borough, etc.) and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

***The existing subsections of Section 1004 (subsections D and thereafter) are, as a result, advanced to subsections G and thereafter.**

- Section 1005.2 shall be amended by inserting a new subsection after subsection (C) as follows:
(D) Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this Ordinance.

- Section 1006 shall be amended by inserting a new subsection after subsection (A) as follows:
(B) Uniform Construction Code Coordination

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

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

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

***The existing subsections of Section 1006 (subsections B and thereafter) are, as a result, advanced to subsections C and thereafter.**

- **If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township of West Nottingham that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.**

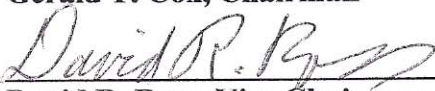
All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

THIS ORDINANCE IS ORDAINED AND ENACTED THIS 19th DAY OF September, 2006.

WEST NOTTINGHAM TOWNSHIP



 Gerald T. Cox, Chairman



 David R. Ross, Vice Chairman



 Eric M. Todd, Member

ATTEST



 Candace Miller, Secretary