

CONESTOGA TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2016-01 OF 2016

AN ORDINANCE OF THE TOWNSHIP OF CONESTOGA
AMENDING ARTICLE 10 – FLOODPLAIN –
CONSERVATION (FP-C) DISTRICT OF THE ZONING
ORDINANCE OF 2005.

WHEREAS, on April 5, 2005, the Board of Supervisors of Conestoga Township, Lancaster County, Pennsylvania (the “Township”) adopted the Zoning Ordinance of 2005 (the “Ordinance”);

WHEREAS, the Board of Supervisors desires to amend ARTICLE 10 – FLOODPLAIN – CONSERVATION (FP-C) DISTRICT of the Ordinance to ensure compliance with the latest requirements of the National Flood Insurance Program and the Pennsylvania Flood Plain Management Act of 1978.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Conestoga Township, Lancaster County, Pennsylvania, as follows:

Section 1. ARTICLE 10 – FLOODPLAIN – CONSERVATION (FP-C) DISTRICT is hereby deleted in its entirety and the following new ARTICLE 10 is substituted in its place and stead:

“ARTICLE 10 – FLOODPLAIN – CONSERVATION (FP-C) DISTRICT

Section 1000 - Purpose and Intent:

In the interest of public health, safety and welfare the establishment of floodplain conservation controls have been adopted for the following purposes:

- a) To combine with other zoning requirements certain restrictions made necessary for the floodplains to promote the general health, welfare and safety of the community.
- b) To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions or other hazard.
- c) To minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage.

- d) To reduce the financial burdens imposed on the community, its governmental units and its individuals by frequent and periodic floods and overflow of lands.
- e) To permit certain uses which can be appropriately located in the floodplain as herein defined and which will not impede the flow of flood waters or otherwise cause danger to life and property at or above or below their locations along the floodway.
- f) To permit only those uses in the floodplain compatible with the preservation of natural conditions which are conducive to the maintenance of constant rates of water flow throughout the year by (i) withholding rapid water runoff contributing to downstream flooding and (ii) providing area for ground water absorption for maintenance of the subsurface water supply.
- g) To provide sufficient drainage courses to carry abnormal flows of storm water in periods of heavy precipitation.

Section 1001 - Definition of District:

The Floodplain District is defined and established as those areas of the Township subject to flooding as defined in subsections A. and B. of this Section. The most extensive of these areas described in the following sources shall determine the outermost boundary of the Floodplain District. The identified floodplain areas shall be those areas of the Township, 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.

- A. Those areas subject to inundation by the waters of the one percent (1%) annual chance flood as delineated in the most recent Flood Insurance Study for the Township as prepared by FEMA. Said floodplains shall consist of three (3) sub-districts as follows:
 - 1. **Floodway:** That portion of the Floodplain District required to carry and discharge the waters of the one percent (1%) annual chance flood without increasing the water surface elevation at any point more than one (1) foot above existing conditions.

- a. 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.
 - b. 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.
 2. **Floodway Fringe (AE Area/District):** That portion of the Floodplain District subject to inundation by the one percent (1%) annual chance flood lying beyond the floodway in areas where detailed study data and profiles are available.
 3. **Approximated Floodplain (A Area/District):** That portion of the Floodplain District subject to inundation by the one percent (1%) annual chance flood where a detailed study and profiles have not been performed, but where a one percent (1%) annual chance floodplain boundary has been approximated. In those areas delineated as approximated floodplain or as alluvial soil, the one percent (1%) annual chance flood elevation shall be determined by using other existing sources of data such as that provided by the U.S. Army Corps of Engineers, the U.S. Geological Survey or the Susquehanna River Basin Commission, etc. In lieu of this, the Zoning Officer may require the applicant to apply for a permit to determine the one percent (1%) annual chance flood elevation through a hydrologic and hydraulic study. Such study shall be signed, sealed and certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania. Copies of such study shall be submitted to the Township Engineer for review.
- B.** Those areas delineated as alluvial soils by the Soil Conservation Service, United States Department of Agriculture in the most recent Soil Survey for Lancaster County, Pennsylvania.
- C.** Studies, used to establish the Floodplain District boundaries shall be available for reference in the Township Office.

- D. Any changes to the boundaries of the Floodplain District as defined by the Flood Insurance Study are subject to the review and approval of FEMA. Such studies and surveys shall be signed, sealed, and certified by a licensed professional registered by the Commonwealth of Pennsylvania to perform such studies and surveys. Such certification shall acknowledge the accuracy of the study or survey and the qualification of the individual to perform such study or survey. Copies of such surveys and studies shall be submitted by the Zoning Officer to the Township Engineer and the United States Department of Agriculture's Soil Conservation Service, who shall have 30 days to comment. Any property owner whose property is so studied and/or surveyed to justify an application for a permit shall pay all costs of these studies and surveys, except for work done under retainer to or on behalf of Township. 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.

Section 1002 - Boundary Disputes:

Should a dispute arise concerning any boundary of the Floodplain District, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board. The burden of proof in such an appeal shall be on the property owner.

Section 1003 - Overlay Concept:

The Floodplain District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot.

- A. Should the Floodplain District be declared inapplicable to any tract by reason of (1) the Township Board of Supervisors in amending this Ordinance, or (2) the Zoning Hearing Board, or (3) any court of competent jurisdiction in interpreting the same, the zoning applicable to such tract shall be deemed to be in the District in which it is located without consideration of this District.
- B. Should the zoning of any tract or part thereof which the Floodplain District is located be changed through any legislative or administrative actions or judicial decision, such changes shall have no effect on the Floodplain District unless such change was included as a part of the original application.

Section 1004 - Permitted Uses:

The following uses and no others are permitted in the Floodplain District:

- a) Activities related to the preservation of natural amenities.
- b) Agricultural uses related to the tilling of the land, the raising of farm products the raising and keeping of horses, cattle, and other livestock, and the raising of poultry and poultry products, excluding structures.
- c) Forestry, lumbering and reforestation, excluding storage and structures related to the harvesting of lumber products.
- d) Front, side or rear yards and required lot area for any District.
- e) Game farm, fish hatchery, hunting and fishing reserves, excluding structures.
- f) Horticultural uses related to the raising and propagating of trees, shrubs, flowers, and other vegetative materials.
- g) Pasture and grazing land.
- h) Public and private parks and recreation areas, including day camps, picnic groves, golf courses, hunting, fishing and boating clubs, excluding structures.
- i) Sanitary sewage pumping stations.
- j) Wildlife sanctuary, woodland preserves, arboretum.

Section 1005 - Special Exception Uses:

The following uses may be permitted by the Zoning Hearing Board as a special exception in accordance with Article 12:

- a) Dams, culverts, and bridges approved by the Pennsylvania Department of Environmental Protection if it has jurisdiction over the watershed in question, or by the governmental agency exercising jurisdiction over the watershed.
- b) Impounding basins and storm sewers.

- c) Paved roads and driveways.
- d) Sewage treatment plants.

Section 1006 - Prohibited Uses:

The following uses and activities are prohibited in the Floodplain District for which no variances or special exceptions shall be granted by the Zoning Hearing Board:

- a) All structures and buildings with the exception of those specifically allowed herein.
- b) The filling in of floodplain areas, grading, removal of topsoil or damming or relocation of any water course except as is necessary to accomplish the uses permitted by Sections 5 and 6 and provided no grading or filling is authorized which would cause any increase in flood heights or frequency.
- c) Sanitary landfill or disposal sites, dump, junkyard, outdoor storage of vehicles and/or materials.
- d) On-site sewage disposal system.
- e) Swimming pools.
- f) Space below the lowest floor. Fully enclosed space below the lowest floor (including basement) is prohibited.
- g) 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:
 - i. will be used for the production or storage of any of the following dangerous materials or substances; or,
 - ii. 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,

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

shall be prohibited. 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
- Sulphur and sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.

h) Hospitals.

i) Nursing homes.

j) Jails or prisons.

k) Manufactured homes, manufactured home parks or substantial improvements to manufactured home parks.

l) Recreational vehicles.

Section 1007 - Design and Performance Standards:

A. General:

1. No permitted use or use allowed by special exception shall be permitted within the floodplain if the proposed use or development would cause any increase in the one percent (1%) annual chance flood elevation.

2. Prior to any proposed alteration or relocation of any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and a permit has been obtained from the Pennsylvania Department of Environmental Protection, and notification of any such proposal shall be forwarded to FEMA and to the Pennsylvania Department of Community and Economic Development.
3. 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.
4. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator 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;
 - c) adequate drainage is provided so as to reduce exposure to flood hazards;
 - d) structures will be anchored to prevent floatation, collapse, or lateral movement;
 - e) building materials are flood-resistant;
 - f) appropriate practices that minimize flood damage have been used; and
 - g) electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

- h) 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.
- i) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

B. Structural:

1. All authorized new residential structures (limited to Subsection 9 Structures) shall have the lowest floor (including basement) elevated to one (1) foot above the base flood elevation.
2. All authorized new non-residential structures (limited to Subsection 9 Structures) shall have the lowest floor (including basement) elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be flood-proofed to that level in accordance with the W-1 or W-2 standards as contained in the most recent publication "Flood-Proofing Regulations, U.S. Army Corps of Engineers. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
3. All structures, including building, air ducts, large pipes and storage tanks shall be firmly anchored to prevent flotation, movement or collapse.
4. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.

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

- a) A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
- b) The bottom of all openings shall be no higher than one (1) foot above grade.
- c) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. Uniform Construction Code Coordination.

The Standards and Specifications contained in 34 Pa Code (Chapters 401-405), as amended, and the below-referenced codes, shall apply to the above and other sections and subsections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.

International Building Code (IBC) 2009 or latest edition thereof:
Sections 801, 1202, 1403, 1603, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

Section 1008 - Nonconforming Uses and Structures:

- A. Continuation: All uses or structures lawfully existing in the Floodplain District on the effective date of this Section which are not in conformity with the provisions of this Section shall be deemed nonconforming uses or structures. Such nonconforming uses or structures may be continued, maintained, repaired and flood-proofed, except as otherwise provided for in this Section.
- B. Expansion: Nonconforming structures located within the floodway shall not be expanded or enlarged if any increase in the one percent (1%) annual chance flood elevation would result.
- C. Replacement or Repair: A nonconforming structure may be replaced, repaired or reconstructed provided that if the repair or reconstruction is to an extent or amount of fifty (50%) percent or more of its fair market value, then the entire structure must come into full compliance with the provisions of this Section.

Section 1009 - Floodplain Permit and Application Procedures:

Within the Floodplain District, a zoning permit shall be required for any proposed development, construction, reconstruction, placement, replacement, renovation, extension, repair or other improvement of uses or structures, including the placement of manufactured homes, and activities such as mining, dredging, filling, grading, paving or drilling operations. Application for a zoning permit shall be filed with the Zoning Officer who shall make an initial determination on the application. For a use other than those permitted in Subsection 5, an application seeking approval of a special exception or variance shall be forwarded to the Zoning Hearing Board, along with required studies or information. Every zoning permit application for development or construction within the Floodplain District shall include or be accompanied by all information necessary for the Zoning Officer to determine that the proposal meets all the provisions of this Section. Included within this submission shall be copies of all necessary State and Federal permits. The following information is specifically required:

- a) The elevation, in relation to mean sea level, of the lowest floor (including basement).
- b) Whether or not the structure includes a basement.
- c) If the structure is to be flood-proofed, the elevation (in relation to mean sea level) to which the structure is to be flood-proofed.
- d) If the structure is to be flood-proofed per Subsection 8, a document certified by a registered professional engineer or architect certifying that the flood-proofing methods used meet the provisions of this Section.
- e) Site location including address.
- f) Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred.
- g) The elevation of the base flood.

Section 1010 - Standards and Criteria For Special Exceptions and Variances:

In addition to the provisions of this Zoning Ordinance, in hearing and deciding upon special exceptions and/or variances to be granted or denied under the provisions of this Article, the Zoning Hearing Board shall also determine that the following standards and criteria have been complied with:

- a) No special exception or variance shall be granted for any use, structure or development within the floodway if any increase in the one percent (1%) annual chance flood elevation would result.
- b) In addition to the standards generally applicable to variances, variances shall only be granted upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with any other applicable laws, ordinances or regulations.
- c) Variances shall only be granted upon a determination that the variances are the minimum necessary, considering the flood hazard to afford relief.
- d) Whenever a variance is granted, the Board shall notify the applicant in writing that:
 - 1) The granting of the variance may result in increased premium rates for flood insurance if construction occurs below the base flood elevation.
 - 2) Such variance may increase the risk to life and property.
- e) A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Board. The Board shall report such decisions in the annual report sent to the Federal Emergency Management Agency.

Section 1011 - Definitions:

- A. Accessory Use or Structure. A structure on the same lot with, and a nature customarily incidental and subordinate to, the principal use or structure.

- B. 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).
- C. 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.
- D. Basement. Any area of the building having its floor below ground level on all sides.
- E. 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.
- F. 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.
- G. Development. Any manmade 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.
- H. 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.
- I. 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.
- J. 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).

- K. Flood. A temporary inundation of normally dry land areas.
- L. 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.
- M. 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.
- N. 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.
- O. Floodproofing. 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.
- P. 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.
- Q. Historic Structure. Any structure that is:
 - 1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - 2. 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;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a) by an approved state program as determined by the Secretary of the Interior or
 - b) directly by the Secretary of the Interior in states without approved programs.

R. Identified Floodplain Area. The floodplain area specifically identified in this Ordinance as being inundated by the one percent (1%) annual chance flood.

S. Land Development. Any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - a) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.

T. 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.

- U. 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.
- V. Manufactured Home Park. A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.
- W. 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 the public health or general safety.
- X. New Construction. Structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after May 19, 1981 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
- Y. 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.
- Z. One Percent (1%) Annual Chance Flood. A flood that, on the average, is likely to occur once every one hundred (100) years

(i.e. that has a one (1%) percent chance of occurring each year, although the flood may occur in any year).

- AA.** Person. The term shall be construed to include an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, government unit, public utility, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
- BB.** Recreational Vehicle. A vehicle which is (i) built on a chassis; (ii) not more than four hundred (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.
- CC.** Regulatory Flood Elevation. The one percent (1%) annual chance flood elevation plus a freeboard safety factor of one and one half (1-1/2) feet.
- DD.** 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 twenty-five (25%) percent of the market value of the structure before the damages occurred.
- EE.** Special Permit. A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.
- FF.** 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 as ascertainable stationary location on or in land or water whether or not affixed to land.
- GG.** Subdivision. The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development. Provided, however, that the subdivision by

lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

HH. 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.

II. Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage or repetitive loss regardless of the actual repair work performed. This term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
2. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

JJ. 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 of 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.

KK. 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.

Section 1012 - Municipal Liability:

The granting of a permit or approval of a subdivision or development plan in an identified flood-prone area shall not constitute a representation, guarantee or warranty of any kind by the Township of Paradise or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon the Township of Paradise, its officials or employees.

Section 1013 - Administration:

The Zoning Officer is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may: (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. 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 1014 - Abrogation and Greater Restrictions:

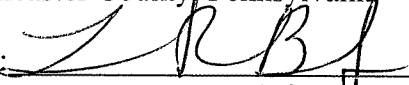
This Ordinance supersedes any ordinances currently in effect in flood-prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive”

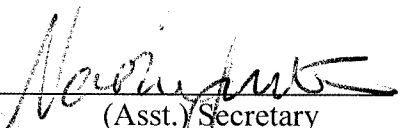
Section 2. All other sections, parts and provisions of the Conestoga Township Zoning Ordinance of 2005 shall remain in full force and effect as previously enacted.

Section 3. 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 Township that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

Section 4. This ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Conestoga Township.

CONESTOGA TOWNSHIP
Lancaster County, Pennsylvania

By: 
(Vice) Chairman

Attest: 
(Asst.) Secretary

I, Naomi Little, Secretary of the Board of Supervisors of Conestoga Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of Conestoga Township held on March 1, 2016, at which meeting a quorum was present and voted in favor thereof.

Naomi Little
Secretary