

CONESTOGA TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2016 - ~~08~~

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

WHEREAS, on March 1, 2016, the Board of Supervisors of Conestoga Township, Lancaster County; Pennsylvania (the “Township”) adopted Ordinance No. 1-2016, (the “Ordinance”) amending the Zoning Ordinance of 2005 (the “Zoning Ordinance”).

WHEREAS, the amendment to the Zoning Ordinance deleted ARTICLE 10 – FLOODPLAIN – CONSERVATION (FP-C) DISTRICT (“ARTICLE 10”) in its entirety and substituted a new ARTICLE 10 in its place and stead in order to update its floodplain management regulations to permit continued participation in the National Flood Insurance Program (“NFIP”).

WHEREAS, the Department of Community and Economic Development (the “DCED”), as state coordinator for NFIP, has required the revision of certain provisions of the Ordinance.

WHEREAS, the purpose of this ordinance is to amend the Ordinance as required by the DCED.

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

Section 1. ARTICLE 10 of the Zoning Ordinance is hereby amended, as follows:

a. Section 1007 – Design and Performance Standards:

- (1) The phrase “Subsection 9 Structures” as set forth in Subsections 1007 B.1. and 1007 B.2. is deleted and the phrase “Section 1008 Structures” is substituted in its place wherever it appears.
- (2) The following subsection is added to the section:

“D. Special Requirements for Subdivision 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.”

b. **Section 1011 – Definitions:**

- (1) The following two (2) definitions are hereby inserted into the section in alphabetical order and the subsequent definitions are re-alphabetized:

“FF. 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, AI-A30, AE, A99, or, AH.

GG. Start of Construction: includes substantial improvement and other proposed new development and means the date the 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 permit and shall be completed within twelve (12) months after the date of issuance of the 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.”

(2) The following sentence is added to the end of the last definition which is the re-alphabetized definition at MM. Violation:

“Enforcement and penalties for such violations can be found in Article 16, Section 1603.”

c. **Section 1012 – Municipal Liability:**

The words “of Paradise” are hereby deleted from this section wherever they appear.

Section 2. All other sections of the Ordinance shall remain in full force and effect as previously enacted and amended.

Section 3. In the event any provisions, section, sentence, clause, or part of this ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this ordinance, it being the intent of the Board of Supervisors that the remainder of this ordinance shall remain in full force and effect.

Section 4. This ordinance shall be effective and be in force five (5) days after its enactment by the Board of Supervisors of Conestoga Township.

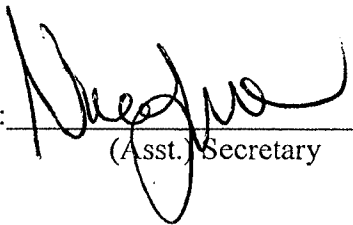
CONESTOGA TOWNSHIP

By: _____



(Vice) Chairman

Attest: _____



(Asst.) Secretary

[SEAL]

I, Naomi Jett, 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 May 3, 2016, at which meeting a quorum was present and voted in favor thereof.

Naomi Jett
Secretary