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AN ORDINANCE AMENDING THE WEST CALN TOWNSHIP ZONING ORDINANCE TO ADD CERTAIN DEFINITIONS, MODIFY CERTAIN DEFINITIONS AND TO MODIFY CERTAIN PROVISIONS OF ARTICLE X NATURAL RESOURCES PROTECTION STANDARDS SECTION 1002

BE IT ENACTED AND ORDAINED by the Board of Supervisors of West Caln Township, Chester County, Pennsylvania that the West Caln Township Zoning Ordinance, 2005, as amended (the "Zoning Ordinance"), is hereby further amended as follows:

1. Section 201 of the Zoning Ordinance entitled "Definition of Terms" is hereby modified by adding the following definitions to be inserted alphabetically within the definitions contained in such Section:

COMPLETELY DRY SPACE - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

IDENTIFIED FLOODPLAIN AREA - the floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

MINOR REPAIR - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

NEW CONSTRUCTION - structures for which the start of construction commenced on or after September 5, 1978 and includes any subsequent improvements thereto.

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.

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 value of the structure before the damages occurred.

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

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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.

2. Section 201 of the Zoning Ordinance entitled "Definition of Terms" is hereby modified by deleting the definition of "Mobile Home" and inserting the following definition in its place:

MOBILE HOME - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use as a single family dwelling 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.

3. Section 201 of the Zoning Ordinance entitled "Definition of Terms" is hereby modified by deleting the definition of "Substantial Improvement" and inserting the following definition in its place:

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. The term does not, however include either:

- A 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;
- B. Any alteration of a "historic resource," provided that the alteration will not preclude the structure's continued designation as a "historic resource."

4. Subsection 1002.A.4.a. of the Zoning Ordinance is hereby modified by deleting subsection 1002.A.4.a and inserting the following subsection 1002.A.4.a in its place:

a. Identification. The identified floodplain area shall be those areas of West Caln 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 data (paper and digital) developed as part of the Flood Insurance Study. The identified floodplain area shall be as defined in subsection 4.b., below.

5. Subsection 1002A.5.c. of the Zoning Ordinance is hereby modified (i) by deleting the word "constriction" in the third line thereof and inserting the word "construction" in its place,

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and (ii) deleting the words "more than one (1) foot at any point" in lines 5 and 6 thereof causing the sentence to end with the word "'flood".

6. Section 1002A.5 is hereby modified to re-label subsections 1002.A.5 q, r, s and t as subsections 1002A.5. s, t, u and v.

7. Section 1002.A.5. of the Zoning Ordinance is hereby modified by adding the following subsection 1002,A.5.w:

w. *Uniform Construction Code Coordination*

1) 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.

8. Subsection 1002.A.6.a. of the Zoning Ordinance entitled "Uses Permitted By-Right" is hereby modified by adding the following subsection 1002.6.a.5):

5) Other similar uses provided that they do not cause any increase in the 100 year flood elevation.

9. Subsection 1002A.6 c. 8) entitled "Prohibited Uses" is hereby modified by adding a new subsection iv as follows:

iv. No new development or construction project activity is to occur that will cause any increase in the 100 year flood elevation at any point.

10. Section 1002.A.8. is hereby modified by adding the following subsections 1002.A 8 e and f:

e. 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.

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- f. The requirements of 34 PA Code Chapter 401-405, as amended and the 2003 IRC (Secs.R102.7.1, R105.3.1, R105.3.1.1 and Appendices E and J) or the latest revision thereof and the 2003 IBC (Secs. 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this section.
11. Subsection 1002.A.10.d.3) d) of the Zoning Ordinance is hereby modified by adding the words "including address" between the words "improvements" and ",including" in the second line thereof.
12. Subsection 1002.A.10.d.3) of the Zoning Ordinance is hereby modified by adding the following subsection g) thereto:
- g) 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, if applicable.
13. Subsection 1002.A.10.d.4) a) of the Zoning Ordinance is hereby modified by inserting the words "or North Atlantic Vertical Datum of 1988." after "1929" at the end thereof.
14. Subsection 1002.A.10.d.5) a) of the Zoning Ordinance is hereby modified by deleting the words "more than one (1) foot at any point" in lines 6 and 7 thereof causing the first sentence to end with the word "flood".
15. Subsection 1002.A.12.c.2) of the Zoning Ordinance is hereby amended by inserting the words "or North Atlantic Vertical Datum of 1988." between "1929" and ",showing" in the second line thereof.
16. Except as specifically modified by this Ordinance, the Zoning Ordinance shall remain unmodified and in full force and effect.

ENACTED AND ORDAINED this 25th day of Sept 2006, by and on behalf of the Board of Supervisors of West Caln Township, Chester County, Pennsylvania.

BOARD OF SUPERVISORS
WEST CALN TOWNSHIP

By: [Signature]

By: [Signature]

By: _____

ATTEST:

[Signature]
Township Manager/Secretary