

ORDINANCE NO. 99-3

AN ORDINANCE OF THE HILLTOWN TOWNSHIP BOARD OF SUPERVISORS AMENDING ARTICLE XI, FLOODPLAIN STANDARDS, OF THE TOWNSHIP ZONING ORDINANCE OF 1995, AS AMENDED, TO COMPLY WITH SUGGESTED PROVISIONS OF THE NATIONAL FLOOD INSURANCE PROGRAM AND THE PENNSYLVANIA FLOODPLAIN MANAGEMENT ACT (1978-166) SECTION 60.3(d).

The Hilltown Township Board of Supervisors, upon review by the Bucks County Planning Commission and Hilltown Township Planning Commission, hereby enacts and ordains the following Ordinance:

Article I. Within **Article XI, Floodplain Standards**, the term "Department of Environmental Protection, Bureau of Dams, Waterways, and Wetlands" shall replace the term "Department of Environmental Protection, Bureau of Dams and Waterway Management". The term "Department of Community and Economic Development" shall replace "Department of Community Affairs". The terms "manufactured home" and "manufactured home park" shall replace, respectively, the terms "mobile home" and "mobile home park".

Article II. **Section 1103.1.** is revised to read as follows:

1. This Article will establish and identify those areas of the Township which are subject to flooding. The areas subject to flooding (floodplain areas) are identified as Special Flood Hazard Areas (Zone "A") on the Flood Insurance Rate Map (FIRM) as issued by the Federal Emergency Management Agency (FEMA), dated May 18, 1999 and also, those areas defined as floodplain or floodplain soil pursuant to Section 504 of the Hilltown Township Zoning Ordinance. Any proposed development or new construction within the identified floodplain area shall be subject to the conditions and restrictions of the particular zoning district in which the proposed development or new construction is to be located, as well as the added restrictions and conditions placed upon such activities by this Appendix.

Article III. **Section 1104., Floodplain Standard Definitions**, is revised to add or revise the following definitions to read:

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. **Basement**: any area of the building having its floor below ground level on all sides.
3. **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.
4. **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.

5. **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.
6. **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.
7. **Flood**: a temporary inundation of normally dry land areas.
8. **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.
9. **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.
10. **Floodway**: the designated area of a floodplain required to carry and discharge floodwaters of a given magnitude. For the purpose of this Ordinance, the floodway shall be capable of accommodating a flood of one hundred (100) year magnitude.
11. **Historic Structure**: 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 historical 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 with historic preservation programs which have been approved by the Secretary of Interior; or
 - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1) By an approved state program as determined by the Secretary of Interior; or

- 2) Directly by the Secretary of the Interior in states without approved programs.
12. **Identified Floodplain Area**: the floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.
13. **Land Development**: Any of the following activities:
 - A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - 1) 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
 - 2) 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.
 - B. A subdivision of land.
14. **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.
15. **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. The term includes Mobilehome as defined in the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended).
16. **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. The term includes Mobilehome as defined in the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended).
17. **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.

18. **New Construction**: structures for which the start of construction commenced on or after January 30, 1981, and includes any subsequent improvements thereto.
19. **One Hundred Year Flood**: a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).
20. **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.
21. **Recreational Vehicle**: 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) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
22. **Regulatory Flood Elevation**: the one hundred (100) year flood elevation plus freeboard safety factor of one and one-half (1-1/2) feet.
23. **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.
24. **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 an ascertainable stationary location on or in land or water whether or not affixed to land.
25. **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.
26. **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.
27. **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", 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 living conditions, or;
- B. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Article IV. Section 1112.1, Identification of Floodplain Areas, is revised to read as follows:

- 1. The identified floodplain area shall be any area of the Township of Hilltown, subject to the one hundred (100) year flood, which is identified as a Special Flood Hazard Area (Zone "A") on the Flood Insurance Rate Map (FIRM) as issued by FEMA, dated May 18, 1999, and/or defined floodplain or floodplain soil pursuant to Section 201 of this Ordinance.

Article V. Section 1116.6, Performance Standards, is revised to read as follows:

- 6. Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1-1/2) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing 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 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.

Article VI. Section 1118.2.3. is revised to read as follows:

- 2.3 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 "Floodproofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992), or with some other equivalent watertight standard.

Article VII. Should any section or any provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, illegal, or unconstitutional, such decision shall have no effect on the validity of this Ordinance as a whole, or any part thereof.

Article VIII. Any Ordinance or Resolution or part of any Ordinance or Resolution inconsistent with the provisions of this Ordinance shall be repealed to the extent of such inconsistency.

Article IX. Effective Date

This Ordinance shall become effective five (5) days after its adoption. ENACTED AND ORDAINED into an Ordinance this 10th day of May, 1999, by the Hilltown Township Board of Supervisors, in lawful session duly assembled and in accordance with the Pennsylvania Municipalities Planning Code, as amended.

HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS




