

ORDINANCE NO. 151

AN ORDINANCE AMENDING ORDINANCE No. 52 OF 1966 OF THE TOWNSHIP OF PYMATUNING, MERCER COUNTY, PENNSYLVANIA, KNOWN AS THE PYMATUNING TOWNSHIP ZONING ORDINANCE, AMENDING THE TEXT OF ARTICLE X, DESIGNATED AS "FP", FLOODPLAIN DISTRICT, IN ORDER TO MINIMIZE FLOOD DAMAGE AND REGULATE DEVELOPMENT IN AREAS SUBJECT TO FLOODING WITHIN THE TOWNSHIP, AND ALSO AMENDING ARTICLE XVI, DESIGNATED ZONING HEARING BOARD, BY RESTRICTING THE GRANTING OF VARIANCES WITHIN ANY FLOOD WAY AREA WITHIN PYMATUNING TOWNSHIP.

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Pymatuning Township, Mercer County, Pennsylvania, pursuant to the Act of 1968, P.L. 805, No. 247, reenacted and amended December 21, 1988, by Act of 1988, P.L. 1329, No. 170, and it is hereby enacted and ordained by and with the authority of same as follows:

SECTION I: That Article X of the Pymatuning Township Zoning Ordinance entitled "'F/P' Floodplain District", be amended as follows:

Sections 1002.1 and 1002.2 be deleted and the following language added:

Section 1002.1 - Identification: The identified flood plain area shall be any area of the Township of Pymatuning, subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) on the Flood Insurance Rate Map (FIRM) dated June 1, 1989, (or the most recent revision thereof) as issued by the Federal Emergency Management Agency (FEMA).

Section 1002.2 - Determination of the One Hundred (100) Year Flood Elevation: For the purposes of this Ordinance, the one hundred (100) year flood elevation shall be used as the basis for regulation. 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 to sufficient detail to allow a thorough technical review by the Township.

Section 1004.1 shall be amended by the addition of the following:

Section 1004.1 - Application Requirements: It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development any where within the Township unless a building permit has been obtained from the Township Zoning Officer. However, a building permit shall not be required for minor repairs to an existing building or structures. If any proposed construction or development is located wholly or partially within an identified flood prone area, applicant for building permits shall also provide at least two (2) copies of the following specific information:

(Subsections 1, 2, 3 and 4 of Section 1004.1 shall remain unchanged.)

Delete the language in Subsection 1005.1 and add the following:

Section 1005.1 - General:

(1) In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the municipality.

(2) Within any identified floodplain area, no new construction or development shall be located within the area measured fifty (50') feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

(3) Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved residential structure shall be one and one half (1 1/2) feet or more above the one hundred (100) year flood elevation.

(4) Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved non-residential structure shall be one and one half (1 1/2) feet or more above the one (100) year flood elevation or be flood-proofed up to that height.

Any non-residential structure, or part thereof, having a lowest floor (including basement) 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 "Flood-Proofing Regulations" published in the U.S. Army Corps of Engineers (June 1972), 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 with state that the proposed designed and methods of construction are in conformance with the above-referenced standards.

(5) Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one hundred (100) year flood elevation.

(6) Enclosed areas below the lowest floor (including basement) are prohibited.

Delete the language in Subsection 1005.3 and add the following:

Section 1005.3 - Special Requirements for Manufactured Homes:

Where permitted within any identified floodplain area, all manufactured homes and additional thereto shall be:

1. Placed on a permanent foundation.
2. Elevated so that the lowest floor of the manufactured home is one and one half (1 1/2) feet or more above the elevation of the hundred year flood.
3. Anchored to resist flotation, collapse, or lateral movement.
4. Within any identified floodway area, all manufactured homes and any addition thereto shall be prohibited.

Add the following language to Subsection 1006:

Section 1006 - Existing Structures in Identified Flood Prone Areas:

No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.

Add the following new Subsection and language:

Section 1007 - Definitions:

A. 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.

B. Building - a combination of materials to form a permanent structure having walls and a roof. Including shall be manufactured homes and trailers to be used for human habitation.

C. Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including placement of manufactured homes.

D. Development - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

E. Flood - a temporary inundation of normally dry land areas.

F. 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.

G. Flood-proofing - means any combination of structural and non-structural 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.

H. 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 exit-way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

I. Manufactured home - a transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and permanent foundation. The term does include park trailers, travel trailers or other similar vehicles which are placed on a site for more than 180 consecutive days.

J. 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.

K. 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 change of occurring each year, although the flood may occur in any year).

L. Regulatory flood elevation - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one half (1 1/2) feet.

M. Special permit - special approval which is required for hospitals, nursing homes, jails, and new manufactured home park or subdivision and substantial improvements to such existing manufactured home park or subdivision when such development is located partly or entirely within a designated floodplain.

N. Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured home or other similar items.

O. 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, 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 residential dwellings shall be exempted.

P. Substantial Improvement - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.

Q. Basement - any area of the building having its floor sub-grade (below ground level) on all sides.

R. Floodway - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

S. For the purposes of floodplain management, the words "mobile home" or "mobile home park" shall be replaced with the words "manufactured home" and "manufactured home park" within any designated floodplain area.

SECTION II: Article XVI entitled "Zoning Hearing Board" shall be amended with the addition of the following Subsection 1602 entitled "Variance for Flood-Proofing Requirements" with the addition of the following Subparagraph 7:

Subparagraph (7): No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.

SECTION III: All Ordinances and amendments thereto executed and pertaining to the subject matter of this Ordinance or parts hereof, that are inconsistent herewith, are hereby repealed.

SECTION IV: That in all other respects, Ordinance No. 52 of 1966, as amended, of the Township of Pymatuning, Mercer County, Pennsylvania, be and the same is hereby ratified and confirmed.

SECTION V: All provisions of this Ordinance are severable. If any sentence, clause, or section 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 that it is the intent of the Supervisors of Pymatuning Township, that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

ORDAINED AND ENACTED this 13th day of June, 1991, by the Board of Supervisors of Pymatuning Township, Mercer County, Pennsylvania.

ATTEST:

PYMATUNING TOWNSHIP
BOARD OF SUPERVISORS:

Joyce E. Leventry
Joyce Leventry, Secretary

By: Joseph A. Schick
Walter J. Fiedler
George H. Lescisin
(Supervisors)