

Brecknock Township
ORDINANCE # 209 - 2016

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF BRECKNOCK BY REVISING AND AMENDING CHAPTER 110, BRECKNOCK TOWNSHIP ZONING ORDINANCE OF 1993, OF SAID ORDINANCE.

BE IT HEREBY ENACTED AND ORDAINED, and it is enacted and ordained by authority of the Board of Supervisors of Brecknock Township, that the Code of the Township of Brecknock, Chapter 110, Brecknock Township Zoning Ordinance of 1993 is hereby amended as follows:

Background: The Board of Supervisors of Brecknock Township, in accordance with the Floodplain Management Act of 1978, has been delegated with the responsibility to adopt floodplain management regulations. The Board of Supervisors in enacting a comprehensive set of regulations dealing with Floodplain Management has determined that certain provisions of the Brecknock Township Zoning Ordinance of 1993, Chapter 110 of the Code of Ordinances, Ordinance No. 87, shall be amended and revised and certain provisions deleted in order to accommodate the Floodplain Regulations. Accordingly, the Board has determined that the following revisions, additions and deletions shall be made.

Amend Article II, Definitions, §110-7, Definitions, by adding the following:

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 Township.

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.

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.

Amend Article II, Definitions, §110-7, Definitions, by amending to read as follows:

Floodplain – 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.

Identified Floodplain Area – all of the areas within which the Township has selected to enforce floodplain regulations as defined in the Township Floodplain

Management Ordinance. It includes the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study.

Amend Article II, Definitions, §110-7, Definitions, by deleting the following:

Base flood, Base flood elevation, Completely Dry Space, Essentially Dry Space, Flood, Floodproof, Floodway, Flood Elevation, Flood Fringe, Lowest Floors, New Construction, Regulatory Flood Elevation, Repetitive Loss, Substantial Damage, Substantial Improvement

Amend Article III, Non-Conforming Lots, Uses and Structures, §110-10.I, by revising the following:

- Alteration within Floodplain District. Any modification, alteration, repair, reconstruction or improvement of any kind to a non-conforming use or structure located in the Floodplain District shall comply with the regulations of the Brecknock Township Floodplain Management Ordinance.

Amend Article V, District Regulations, §110-26, Floodplain (FP) District, by adding the following:

- Amend §110-26.A to read as follows:

A. Purpose and intent

The purpose of the Floodplain District is to prevent development in areas unfit therefor by reason of flooding; to minimize danger to public health by protecting water supply and natural drainage; to promote health, safety and welfare of residents and property owners in or near streams and areas subject to flooding; and to provide for the preservation of natural drainageways while providing for such uses and development as are compatible with these objectives.

(1) The intent of the Floodplain District under this Zoning Ordinance is to coordinate the use of land in the identified floodplain areas within Brecknock Township and as defined in the Brecknock Township Floodplain Management Ordinance, as may be amended.

- Amend §110-26.B to read as follows:

B. Relationship to Other Articles and Ordinances

The applicable regulations of the Brecknock Township Floodplain Management Ordinance are incorporated herein by reference. The provisions of this Article create an overlay zoning district which is applicable within floodplains in all other zoning districts established in this Ordinance. In the event of any conflict, the more restrictive provisions shall apply.

- Amend §110-26.C(1) to read as follows:
 - (1) Lands in District Defined

The Floodplain District is hereby defined and established to be the low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow and those areas are identified in the Brecknock Township Floodplain Management Ordinance, as amended. It further includes all areas of Brecknock 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.

- Delete §110-26.C(2) in its entirety.
- Amend §110-26.D to read as follows:
 - Floodplain District Permitted Uses (subject to §110-48)
- Amend §110-26.D(1) to read as follows:
 - Permitted Uses (excluding all structures)

The following uses and no other are permitted in the Floodplain District, and they are permitted only if done under and in accordance with the provisions of the Brecknock Township Floodplain Management Ordinance, all other applicable provisions of this Zoning Ordinance, and any other applicable local, state or federal regulations:

 - (a) Agriculture and horticulture
 - (b) Park and recreation areas
 - (c) Campgrounds (excluding campsites)(subject to §110-43)
 - (d) Country club and golf course
 - (e) Yards and open space areas
 - (f) One or two strand fences
 - (g) Water monitoring devices

- Delete §110-26.D(2) & H in their entirety.

Amend Article VII, Performance Regulations, by revising the following:

- Amend §110-48, Floodplain Uses, to read as follows: “All uses and structures within the Floodplain District shall comply with the regulations of the Brecknock Township Floodplain Management Ordinance.

Amend Article X, Administration and Enforcement, by revising the following:

- Add §110-90.A(1) to read as follows “The Zoning Officer shall be appointed as Floodplain Administrator as identified in the Brecknock Township Floodplain Management Ordinance.”

- Amend §110-91.C(2) to state “If the proposed development, excavation or construction is located within the Floodplain District, all information as required in the Brecknock Township Floodplain Management Ordinance, shall be provided with the application.”

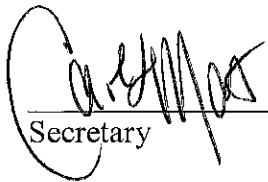
Amend Article XI, Zoning Hearing Board, by revising the following:

- Add §110-101.C(1) to read as follows “The Board shall hear all appeals from the determination of the Floodplain Administrator as identified in the Brecknock Township Floodplain Management Ordinance.”
- Delete §110-101.D(5) and renumber (6)-(10) accordingly.
- Amend §110-101.E(6) to read “For uses, structures, or any development within the Floodplain District, the applicant shall present all evidence and information necessary to comply with the standards and regulations of the Brecknock Township Floodplain Management Ordinance.”

THESE AMENDMENTS SHALL TAKE EFFECT AS PROVIDED FOR BY LAW, AND ALL ORDINANCE PROVISIONS INCONSISTENT WITH THESE AMENDMENTS ARE HEREBY REPEALED AND DELETED.

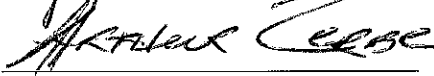
ENACTED AND ORDAINED THIS 8th DAY OF March, 2016.

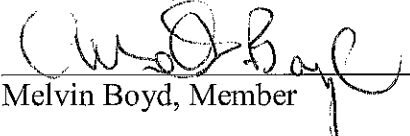
ATTEST:


Secretary

BRECKNOCK TOWNSHIP
BOARD OF SUPERVISORS


Jerry Long, Chairman


Arthur Zerbe, Vice-Chairman


Melvin Boyd, Member