City of Reading
ORDINANCE NO. 04-2012

AN ORDINANCE AMENDING PART 18 FLOODPLAIN DISTRICTS OF THE READING ZONING ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE CITY WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE

PART 18

FLOODPLAIN OVERLAY DISTRICT

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§27-1801. Statutory Authorization

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Council of the City of Reading does hereby order as follows.

§27-1802. Purpose

The purpose of the City of Reading's Zoning Ordinance, Chapter 27, Part 18 (referred to herein as this "Part") is to:

A. Promote the general health, welfare, and safety of the community.

B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

C. Minimize danger to public health by protecting water supply and natural drainage.

D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

E. Comply with federal and state floodplain management requirements.

§27-1803. Applicability

A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the City of Reading unless a Floodplain Zoning Permit has been obtained from the Floodplain Administrator.

B. A Floodplain Zoning Permit shall not be required for minor repairs to existing buildings or structures.

§27-1804. Abrogation and Greater Restrictions

This Section supersedes any other conflicting provisions which may be in effect in the Floodplain Overlay District. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this ordinance, the more restrictive shall apply.

§27-1805. Severability

Refer to Part 1 §27-106.

§27-1806. Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Part does not imply that areas outside any identified floodplain areas or that land uses permitted within such areas will be free from flooding or flood damages.

This Part shall not create liability on the part of the City of Reading or any officer or employee thereof for any flood damages that result from reliance on this Part or any administrative decision lawfully made there under.

§27-1807. Designation of the Floodplain Administrator

The Zoning Administrator is hereby appointed to administer and enforce this Part and is referred to herein as the "Floodplain Administrator".

§27-1808. Floodplain Zoning Permits Required

A Floodplain Zoning Permit is required to insure compliance with all applicable local, state and federal floodplain regulations, and a Permit must be issued before any construction or development is undertaken in a Floodplain Overlay District within the City of Reading.

§27-1809. Duties and Responsibilities of the Floodplain Administrator

A. The Floodplain Administrator shall issue a Floodplain Zoning Permit ("Permit") only after it has been determined that the proposed work to be undertaken will be in

conformance with the requirements of this and all other applicable codes and ordinances.

B. Prior to the issuance of the Permit, the Floodplain Administrator, with assistance from the City Planning Commission and City Engineer as required by other Sections of this ordinance, shall review the application for the Permit to determine if all other necessary government permits required by the City, state and federal laws have been obtained, such as those required by the City of Reading Subdivision and Land Development Ordinance, the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

C. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.

D. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the Floodplain Overlay District, upon presentation of proper credentials, at any reasonable hour to enforce the pro-visions of this Part.

E. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall take appropriate action in accordance with this ordinance which can include revoking the Permit and reporting such fact to the City Solicitor's Office for whatever action it considers necessary.

F. The Floodplain Administrator shall maintain all records associated with the requirements of this Part including, but not limited to, permitting, inspection and enforcement.

G. The Floodplain Administrator shall coordinate his/her duties with the City's codes official and with the requirements of the PA Uniform Construction Codes as adopted in the City of Reading Codified Ordinance Chapter 5 Code Enforcement.

§27-1810. Floodplain Permit Application Procedures and Requirements

A. Application for the Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the City of Reading. Such application shall contain the following:

1. name and address of applicant;

2. name and address of owner of land on which proposed construction is to occur;

3. name and address of contractor;

4. site location including address;

5. listing of other permits required;

6. brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate; and

7. a plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

B. If any proposed construction or development is located entirely or partially within the Floodplain Overlay District, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

3. adequate drainage is provided so as to reduce exposure to flood hazards;

4. structures will be anchored to prevent floatation, collapse, or lateral movement;

5. building materials are flood-resistant;

6. appropriate practices that minimize flood damage have been used; and

7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:

1. a completed Permit Application Form;

2. a plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

a. north arrow, scale, and date;

b. topographic contour lines, if available;

c. the location of all existing and proposed buildings, structures, and other

improvements, including the location of any existing or proposed subdivision and development;

d. the location of all existing streets, drives, and other access ways;

e. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities; and

3. plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

   a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;

   b. the elevation of the base flood;

   c. supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC; and

4. the following data and documentation:

   a. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood;

   b. detailed information concerning any proposed floodproofing measures and corresponding elevations;

   c. documentation, certified by a registered professional engineer or a registered architect, to show that the cumulative effect of any proposed development when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point;

   d. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development;

   e. detailed information needed to determine compliance with §27-1824.F Storage, and §27-1825 Development Which May Endanger Human Life, including:

      i. the amount, location and purpose of any materials or substances referred to in§27-1824.F and §27-1825 which are intended to be

used, produced, stored or otherwise maintained on site;

ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in §27-1825 during a base flood;

f. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development"; and

g. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

D. Applications for Permits shall be accompanied by a fee, payable to the City of Reading based upon the fee schedule established in Part 2 of this Part as amended.

§27-1811. Review of Permit Application by Others

A copy of all plans and Permit applications for any proposed construction or development in any Floodplain Overlay District to be considered for approval shall be submitted by the Floodplain Administrator to other appropriate City agencies and/or staff, including but not limited to the Zoning Hearing Board, the Planning Commission, the Community Development Director, Building &Trades and the City Engineer for review and recommendations.

§27-1812. Changes to the Permit

After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, the Permit or any of the plans, specifications or other documents submitted with the application without the prior written approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Floodplain Administrator for consideration.

§27-1813. Placards

In addition to the Permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit, the date of its issuance, and shall be signed by the Floodplain Administrator.

§27-1814. Start of Construction

Work on the proposed construction or development shall begin within 180 days after the date of issuance of the Floodplain Permit and shall be completed within twelve (12) months after the date of issuance of the Permit, or the Permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start of construction 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 manufactured 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/or 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.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request.

§27-1815. Enforcement

A. Notices

Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

1. be in writing;
2. include a statement of the reasons for its issuance;
3. allow a reasonable time, not to exceed a period of thirty (30) days, for the performance of any action it requires;
4. be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by Pennsylvania law;
5. contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this Part.

B. Penalties

Any person who fails to comply with any of the requirements or provisions of this Part or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized representative of the City shall be guilty of a misdemeanor and upon conviction shall pay a fine to the City of Reading, in accordance with the provisions of §27-206. In addition to the penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Part. The imposition of a fine or penalty for any violation of, or noncompliance with, this Part shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within a

reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Part may be declared by City Council to be a public nuisance and abatable as such.

§27-1816. Appeals

A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Part, may appeal to the Zoning Hearing Board in accordance with the Zoning Ordinance.

B. Upon receipt of such appeal the Zoning Administrator shall set a time and place as established in the Zoning Ordinance for the purpose of considering the appeal.

C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of the Commonwealth, including the Pennsylvania Flood Plain Management Act.

§27-1817. Floodplain Overlay District Identification

A. The identified floodplain areas shall be all areas within the City of Reading, classified as special flood hazard areas (SFHA) in the Flood Insurance Study (FIS) and indicated on the accompanying Flood Insurance Rate Maps (FIRMs) dated July 3, 2012 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.

B. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by City of Reading and declared to be a part of this ordinance.

§27-1818. Description and Requirements of the Floodplain Overlay Subdistricts

The Floodplain Overlay District (or "Floodplain Zone") and its subdistricts referred to in this Part shall be considered a mandatory zoning overlay district, and shall be subject to the requirements contained in this Part as well as the qualifications and restrictions of the underlying zoning districts and any other applicable overlay districts.

The Floodplain Overlay District shall consist of the following subdistricts:

A. The **Floodway Subdistrict** shall be those areas identified as floodway areas on the FIRM as well as those floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS. The floodway represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point.

1. Within any Floodway Subdistrict, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted

unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Such technical data should be submitted to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

2. The following uses and activities are permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other applicable overlay district or ordinance, and provided the use does not require a structure, fill or storage of materials and equipment.

    a. Accessory residential uses such as yard areas, gardens, play areas and parking areas.

    b. Accessory industrial and commercial uses such as yard areas, parking and loading areas and airport landing strips.

3. The following uses and activities may be permitted by Special Exception provided that they are in compliance with the provisions of the underlying district and provided they will not present a flood hazard, or an obstruction to flood flow or a movable hazard, and are not prohibited by any other applicable overlay district or ordinance:

    a. utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage plants, and other similar or related uses;

    b. water related uses such as boat landings that do not present an encroachment;

    c. extraction of sand, gravel and other materials;

    d. temporary uses such as circuses, carnivals and similar events;

    e. storage of certain materials in underground storage tanks provided they are not buoyant, flammable, explosive or contain any materials listed in §27-1825.

4. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office. The proposed development activity may be permitted if the analyses demonstrate that the activity:

    a. Will not result in any increase in the base flood elevation; or

b. will result in an increase in the base flood elevation, provided a Conditional Letter of Map Revision has been issued by FEMA and the applicant completes all of the following:

1. submits technical data required in §27-1810;
2. evaluates alternatives which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
3. certifies that no structures are located in areas which would be impacted by the increased base flood elevation;
4. documents that individual legal notices have been delivered to all impacted property owners to explain the impact of the proposed action on their properties;
5. requests and receives concurrence of the Floodplain Administrator for the City of Reading and the Floodplain Administrator for any other community impacted by the proposed actions; and
6. notifies the Pennsylvania Department of Environmental Protection.

B. The **Zone AE without Floodway Subdistrict** (previously referred to as the "Flood-Fringe District") shall include those areas within Zone AE and outside of the floodway area as identified on the FIRM included in the FIS prepared by FEMA. The Zone AE without Floodway Subdistrict comprises those areas that lie between the Zone AE floodplain boundary and the floodway boundary as indicated on the FIRM.

1. In the Zone AE without Floodway Subdistrict no Permit shall be granted for any construction, development, use, or activity unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

2. Development and use may be permitted in accordance with the regulations of the underlying district and with other applicable overlay districts provided that the proposed use, activity and/or development complies with the restrictions included herein. Refer to the prohibited and special exception restrictions included in §27-1829 and §27-1830.

C. The **Zone A Subdistrict** shall be those areas identified within the Zone A areas on the FIRM included in the FIS prepared by FEMA, and for which no Base Flood Elevations have been provided, if applicable. For these areas, elevation and floodway information shall be obtained from other Federal agencies, State, or other acceptable published sources when available. When other acceptable published information is not available, the Base Flood Elevation shall be determined by using the methods prescribed in the

FEMA Guide for Approximate Zone A Manual, latest edition.

1. If the above determination is insufficient to adequately define the Base Flood Elevation, the City will require a determination utilizing detailed engineering methods. Under this requirement, the applicant shall determine the Base Flood Elevation utilizing hydrologic and hydraulic engineering techniques, and shall submit such technical data to the Floodplain Administrator and to FEMA. Hydrologic and hydraulic analyses shall be prepared by professional engineers, or in certain cases professional licensed surveyors, who shall certify that the technical methods used correctly reflect currently accepted engineering procedures. Studies, analyses, computations, etc., shall be submitted in sufficient detail and in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision to allow a thorough technical review by the municipality. Submittal requirements and processing fees shall be the responsibility of the applicant.

2. The proposed development activity may be permitted if the analysis demonstrate that the cumulative effect of the proposed development activity, when combined with all other existing and potential flood hazard area encroachments will not increase the base flood elevation more than 1.0 (one) foot at any point.

3. Development and use may be permitted in accordance with the regulations of the underlying district and with other applicable overlay districts provided that the proposed use, activity and/or development complies with the restrictions included herein. Refer to the prohibited and special exception restrictions included in§27-1829 and §27-1830.

D. The **Shallow Flooding Subdistrict** shall be those areas identified as Zones AO and AH on the FIRM and in the FIS, as well as those shallow flooding areas which have been identified in other studies or sources. These areas are subject to inundation by 1-percent-annual-chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes. Development and use may be permitted in accordance with the regulations of the underlying district and with other applicable overlay districts provided that the proposed use, activity and/or development complies with the restrictions included herein. Refer to the prohibited and special exception restrictions included in §27-1829 and §27-1830.

§27-1819. Changes in Identification of Floodplain Overlay District

The Floodplain Overlay District may be revised or modified by the City where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify the FEMA of the changes by submitting technical or scientific data.

§27-1820. District Boundary Disputes

Should a dispute concerning any Floodplain Overlay District boundary arise, an initial determination shall be made by the City of Reading Planning Commission, and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

§27-1821. Jurisdictional Boundary Changes

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in 44 CFR §60.3.

§27-1822. Technical Provisions – General

A. Alteration or Relocation of Watercourse

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the City, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

3. In addition, FEMA and the Pennsylvania Department of Community and Economic Development Department shall be notified prior to any alteration or relocation of any watercourse.

B. Alteration or Changes to the Base Flood Elevation

Technical or scientific data shall be submitted by the applicant to FEMA for a Conditional Letter of Map Revision (CLOMR), or a Letter of Map Revision (LOMR), or other activity resulting in changes in the BFE. The situations when a LOMR or a CLOMR are required are:

1. for any development that will cause any rise in the base flood elevations within the Floodway Subdistrict; or

2. for any development occurring in the Zone A Subdistrict or Zone AE without Floodway Subdistrict, which will cause a rise of more than one foot in the base flood elevation; or

3. for alteration or relocation of a stream (including but not limited to installing culverts and bridges).

C. Alterations to the Floodway

1. Within the Zone A Subdistrict or the Shallow Flooding Subdistrict 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 water obstruction permit is obtained from the Pennsylvania Department of Environmental Protection.

2. For development in the Floodway Subdistrict and the Zone AE without Floodway Subdistrict refer to §27-1818.

D. Any new construction, development, uses or activities allowed within any identified floodplain area or within the Floodplain Overlay District shall be undertaken in strict compliance with the provisions contained in this Part and all other applicable codes, ordinances and regulations.

§27-1823. Elevation and Floodproofing Requirements

A. Residential Structures

1. Within the Zone AE without Floodway Subdistrict any new construction or substantial improvement shall have the lowest floor (including basement) elevated to least one and one half (1½) feet above the Base Flood Elevation (BFE).

2. Within the Zone A Subdistrict, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated to least one and one half (1½) feet above the BFE, determined in accordance with §27-1818.C of this Part.

3. Within Shallow Flooding Subdistrict (if applicable), any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the flood depth number specified on the FIRM.

4. The design and construction standards and specifications contained in Chapter 4 Buildings and Chapter 5 Codes shall be utilized.

B. Non-residential Structures

1. Within the Zone AE without Floodway Subdistrict any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated to least one and one half (1½) feet above the BFE.

2. In the Zone A Subdistrict , where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed to least one and

one half (1½) feet above the BFE, determined in accordance with section §27-1818.C of this Part.

3. In Zone AO (if applicable), any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the flood depth number specified on the FIRM.

4. Any non-residential structure, or part thereof, made watertight below the BFE shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing 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.

5. The design and construction standards and specifications contained in Chapter 4 Buildings and Chapter 5 Codes shall be utilized.

C. Space below the lowest floor

1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.

2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

    a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space;

    b. the bottom of all openings shall be no higher than one (1) foot above grade;

    c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Historic Structures

See Definitions for requirements for the substantial improvement of any historic structures.

E. Accessory structures shall meet the requirements of these regulations.

§27-1824. Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within the Floodplain Overlay District, except for development within the Floodway Subdistrict:

A. Fill

1. Disposal of fill, including but not limited to rubble, construction debris, woody debris, and trash, shall not be permitted in the Floodplain Overlay District.

2. If engineered fill is used for building purposes, it shall meet all of the FEMA development criteria, including but not limited to:

   a. extend laterally at least fifteen (15) feet beyond the building line from all points;

   b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;

   c. be compacted and stabilized to provide the necessary permeability and resistance to erosion, scouring, and settling;

   d. be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and

   e. be used to the extent to which it does not adversely affect adjacent properties.

3. Any proposed development, including fill, proposed within the Floodway Subdistrict shall comply with §27-1818.

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

3. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

4. The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code shall be utilized.

D. Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and which are not listed in §27-1825 Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or flood proofed to the maximum extent possible.

G. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

2. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

3. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.

4. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

J. Paints and Adhesives

1. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.

2. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

3. All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.

2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

M. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

N. Uniform Construction Code Coordination

The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections of this Part, to the extent that they are more restrictive and supplement the

requirements of this Part.

International Building Code (IBC) 2009 or the latest edition thereof:
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or the latest edition thereof:
Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

§27-1825. Development Which May Endanger Human Life

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Pennsylvania Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

1. will be used for the production or storage of any of the following dangerous materials or substances; or,

2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,

3. will involve the production, storage, or use of any amount of radioactive substances;

shall be prohibited within the Floodplain Overlay District. The following list of materials and substances are considered dangerous to human and/or aquatic life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.

§27-1826. Special Requirements for Subdivisions

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in the Floodplain Overlay District 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 or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

§27-1827. Special Requirements for Manufactured Homes

A. Within the Floodplain Overlay District, manufactured homes shall be prohibited within the floodway or the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

B. Where permitted within the Floodplain Overlay District, all manufactured homes, and any improvements thereto, shall be:

   1. placed on a permanent foundation;

   2. elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above base flood elevation; and

   3. anchored to resist flotation, collapse, or lateral movement.

C. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.

D. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the units(s) proposed installation.

§27-1828. Special Requirements for Recreational Vehicles

Recreational vehicles within the Floodplain Overlay District must either:

   a. be on the site for fewer than 180 consecutive days,

   b. be fully licensed and ready for highway use, or

   c. meet the permit requirements for manufactured homes in §27-1827.

§27-1829. Prohibited Uses

In accordance with the administrative regulations promulgated by the Pennsylvania Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following uses shall be prohibited within the Floodplain Overlay District:

A. the construction, enlargement or expansion of any of the following uses; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

   1. hospitals,

   2. nursing homes,

   3. jails or prisons;

B. the commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

§27-1830. Special Exception Uses and Special Exception Application Requirements

The development or placement of a new dwelling within the Floodplain Overlay District shall only be permitted by a special exception. Refer to §27-1818 for other types of developments requiring a special exception. The applicant for a special exception shall bear the burden of proof that the proposed development meets the requirements set forth in this Part. Dwellings are not permitted within the Floodway Subdistrict, refer to §27-1818.

Applicants for special exceptions within the Floodplain Overlay District shall comply with the application requirements set forth in this Part pertaining to special exceptions. In addition, the application shall include five copies of the following items:

A. a written request including a completed Floodplain Permit Application Form;

B. a small scale map showing the vicinity in which the proposed site is located;

C. a plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

   1. north arrow, scale and date;

   2. topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of not more than two (2) feet;

   3. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

   4. the location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and

elevations;

5. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;

6. the location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;

7. the location of all proposed buildings, structures, utilities, and any other improvements; and

8. any other information which the municipality considers necessary for adequate review of the application.

D. plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

1. sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;

2. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

3. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;

4. detailed information concerning any proposed floodproofing measures;

5. cross section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;

6. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and

7. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities;

E. the following data and documentation:

1. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

2. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect

against damage from the base flood;

3. a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effects such pollution may have on human life;

4. a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation and flows;

5. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation and flows;

6. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development";

7. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;

8. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and

9. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

§27-1831. Special Exception Application Review Procedures

Upon receipt of an application for a special exception the following procedures shall apply in addition to those of §27-1810. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Planning commission and City Engineer for review and comment.

A. If an application is received that is incomplete, the City shall notify the applicant in writing, stating in what respect the application is deficient.

B. If the City decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

§27-1832. Special Exception Technical Requirements

A. In addition to the requirements of §27-1830 the following minimum requirements shall also apply to any proposed development requiring a special exception. If there is a conflict between any of the following requirements and any other section within this Part, or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

B. No application for a special exception shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

1. fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:

   a. the structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE;

   b. the lowest floor (including basement) will be elevated to at least one and one half (1 ½) feet above base flood elevation;

   c. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood; and

2. prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

All 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 in sufficient detail to allow a thorough technical review by the City and the Pennsylvania Department of Community and Economic Development.

§27-1833. Existing Structures in Identified Floodplain Areas

The provisions of this Part do not require any changes or improvements to be made to lawfully existing structures within the Floodplain Overlay District. However, when an improvement is made to any existing structure, the provisions of §27-1834 shall apply.

§27-1834. Improvements to Existing Structures

The following provisions shall apply whenever any improvement is made to an existing structure located within the Floodplain Overlay District:

A. No expansion or enlargement of an existing structure shall be allowed within the Floodway Subdistrict that would cause any increase in BFE.

B. No expansion or enlargement of an existing structure shall be allowed within the Zone

AE without Floodway Subdistrict or the Zone A Subdistrict that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

C. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with §27-1823 and all other applicable provisions of this Part.

D. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC.

§27-1835. Variances - General

If compliance with any of the requirements of this Part would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

§27-1836. Variance Procedures and Conditions

Requests for variances shall be considered by the City in accordance with the procedures contained in §27-1816 and the following:

A. No variance shall be granted for any construction, development, use, or activity within any Floodway Subdistrict that would cause any increase in the BFE.

B. No variance shall be granted for any construction, development, use, or activity within the Zone AE without Floodway Subdistrict that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

C. Except for a possible modification of the regulatory BFE requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to a development regulated by Prohibited Uses (§27-1829) or to Development Which May Endanger Human Life (§27-1825).

D. If granted, a variance shall involve only the least modification necessary to provide relief.

E. In granting any variance, the City shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Part.

F. Whenever a variance is granted, the City shall notify the applicant in writing that:

1. the granting of the variance may result in increased premium rates for flood insurance;

2. such variances may increase the risks to life and property.

G. In reviewing any request for a variance, the City shall consider, at a minimum, the following:

1. that there is good and sufficient cause;

2. that failure to grant the variance would result in exceptional hardship to the applicant;

3. that the granting of the variance will:

a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,

b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

H. A complete record of all variance requests and related actions shall be maintained by the City. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

§27-1837. Definitions - General

Unless specifically defined below, words and phrases used in this Part shall be interpreted so as to give this Part its' most reasonable application. Refer also to Part 22 General Definitions. If duplication of terms or conflict occurs, then the definitions listed below will take precedence.

§27-1838. Specific Definitions

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. Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).

3. Base flood discharge - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

4. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

5. Basement - any area of the building having its floor below ground level on all sides.

6. 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.

7. City – City of Reading, Pennsylvania.

8. 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.

9. Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

10. Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

12. 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 community.

13. 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.

14. 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.

15. 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.

16. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

17. Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

18. Historic structures – 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 historic 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 which have been approved by the Secretary of the Interior; or

    d. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:

        i. By an approved state program as determined by the Secretary of the Interior or

        ii. Directly by the Secretary of the Interior in states without approved programs.

19. 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 Part.

20. 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.

21. Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

22. 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.

23. New construction - structures for which the start of construction commenced on or after July 3, 2012 and includes any subsequent improvements to such structures. Any construction started after September 29, 1978 and before July 3, 2012 is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

24. New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

25. 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.

26. Post-FIRM Structure - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated 09/29/1978, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

27. Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated 09/29/1978, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

28. Recreational vehicle - a vehicle which is:

    e. built on a single chassis;

    f. not more than 400 square feet, measured at the largest horizontal projections;

    g. designed to be self-propelled or permanently towable by a light-duty truck,

    h. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

29. Regulatory flood elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet.

30. 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.

31. Special Exception for Floodplain Uses - a special approval which is required for certain developments when such developments are located in all, or a designated portion of the Floodplain Overlay District.

32. 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, A1-A30, AE, A99, or, AH.

33. 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 from 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.

34. Structure – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

35. 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.

36. 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.

37. 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 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.

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this Part, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

38. 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 The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

39. Violation - means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

§27-1839. Adoption

Part 18 shall be effective on July 3, 2012 and shall remain in force until modified, amended or rescinded by City of Reading, Berks County, Pennsylvania.

ENACTED AND ADOPTED by the Council this 11 day of June, 2012.

ATTEST: COUNCIL OF THE CITY OF READING

City of Reading City Clerk By: Council President

THE FOLLOWING ADDITIONAL CHANGES TO THE ZONING ORDINANCE ARE INCLUDED IN THIS AMENDMENT:

Zoning Ordinance Section 22-2202: Eliminate the term "FLOODPLAIN"

Zoning Ordinance Section 22-2204: Remove the title "Flood Zone Definitions" and replace with "Reserved". Remove all of the text from this section.

Submitted to Mayor: _____
Date: 6/10/12

Received by the Mayor's Office: _____
Date: 6/15/12

Approved by Mayor: _____
Date: 6/15/12

Vetoed by Mayor: _____
Date: _____

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 11th day of June A. D. 20 12. Witness my hand and seal of the said City this 15th day of June A. D. 20 12.

CITY CLERK