

ORDINANCE NO. 2006-10

**BOROUGH OF MALVERN
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE AMENDING THE BOROUGH OF MALVERN ZONING ORDINANCE OF 2003, BY ADDING DEFINITIONS OF TERMS RELATED TO ACTIVITIES AND USES WITHIN THE FLOODPLAIN OVERLAY DISTRICT

The Borough Council of Malvern Borough, Chester County, Pennsylvania, hereby

ENACTS and **ORDAINS** as follows:

The Borough of Malvern's Zoning Ordinance is hereby amended to add the following definitions to Section 201:

Section 201 TERMS

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

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

Dry space, essentially - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Flood elevation, regulatory - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 ½) feet.

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

Floodproofing - means 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.

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.

Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home - See "Mobile Home"

Manufactured Home Park - See "Mobile Home Park"

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

New construction - structures for which the start of construction commenced on or after January 16, 1981, and includes any subsequent improvements thereto.

One hundred year flood - see "Flood, One Hundred (100) Year"

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.

Recreational vehicle - a vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. See also "Recreational Equipment".

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 damage occurred..

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.

Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the

improvement. This term includes structures which have incurred "substantial damage" or "repetitive loss" regardless of the actual repair work performed. The term does not, however include 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.

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 Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

ORDAINED by Borough Council this day of September, 2006.

Henry H. Briggs
President, Malvern Borough Council

APPROVED by the Mayor, this day of September, 2006

Gerard J. McGlone, Jr.
Mayor

ENACTED this day of September, 2006

Sandra L. Kelley
Borough Secretary