

ORDINANCE 2024-02
BOROUGH OF DOWNINGTOWN
CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF DOWNINGTOWN, AS AMENDED, BY AMENDING CHAPTER 150, "FLOODPLAIN MANAGEMENT", SECTION 150-6.02, "ELEVATION AND FLOODPROOFING REQUIREMENTS TO PERMIT SUBSTANTIAL IMPROVEMENTS, STORAGE SHEDS AND DECKS WITHOUT THE REQUIREMENT TO OBTAIN A VARIANCE, SUBJECT TO COMPLIANCE WITH SPECIFIC FLOODPROOFING MEASURES, AND TO AMEND ARTICLE X, CHAPTER 150-10.02, SPECIFIC DEFINITIONS TO ADD A DEFINITION FOR "DECK".

AND NOW, this 5th day of April, it is hereby enacted and ordained by the Borough Council of Downingtown, Chester County, Pennsylvania, that:

SECTION 1. Section 150-6.02 of the Borough Code, "Elevation and floodproofing requirements" Is hereby amended to remove the requirement for a variance for sheds and substantial improvements in the floodplain as follows:

SECTION 2. Section 150-6.02 is hereby amended to read:

150-6.02 Elevation and flood proofing requirements.

Within any identified floodplain area, any new construction, *except storage sheds and decks constructed in compliance with section E and F below*, shall be prohibited. If a variance is obtained for new construction in the identified floodplain area in accordance with the criteria in Article IX, then the following provisions apply:

A. Residential structures.

(1) In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.

(2) In A Zones, where there are no base flood elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including the basement) elevated up to, or above, the regulatory flood elevation determined in accordance with § 150-5.02C of this chapter.

(3) In AO Zones, any new construction or substantial improvement shall have the lowest floor (including the basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.

(4) The design and construction standards and specifications contained in the current edition of the International Building Code (IBC) and International Residential Code (IRC), or the latest edition thereof adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 Pa. Code (Chapters 401-405, as amended) shall be utilized, where they are more restrictive.

E. Accessory structures. Structures accessory to a principal building, including a storage shed, need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

(1) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.

(2) Floor area shall not exceed 200 square feet.

(3) The structure will have a low damage potential.

(4) The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters and must be located outside the floodway. The structure may be erected in the floodplain, provided the structure cannot be erected in a location outside of the floodplain in the property's rear or side yard area that would otherwise comply with all other applicable provisions of the Downingtown Borough Code.

(5) Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.

(6) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.

(7) Sanitary facilities are prohibited.

(8) The structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. 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 square inch for every square foot of enclosed space.

- (b) The bottom of all openings shall be no higher than one 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.

- (9) If a variance is ***required and*** granted, a signed declaration of land restriction (nonconversion agreement) shall be recorded on the property deed prior to issuance of the certificate of occupancy.
- (10) Prohibit the storage of hazardous materials, in excess of five gallons, in accessory structures.

F. Decks

- (1) ***A deck may be erected in the floodplain, provided there is no covered area above the deck. No deck may be erected in the floodway.***
- (2) ***If there is any area between the deck and the grade below, that area must remain open and unobstructed.***
- (3) ***No deck located in the floodplain may have an area greater than 200 square feet.***

SECTION 3. Section 150-10.02 is hereby amended to include a definition for Deck as follows:

DECK - Any structure which serves as a raised horizontal platform on floor constructed of wood or other materials, without enclosing walls or roofs.

SECTION 4. Applicability. The provisions hereof shall supersede any ordinances or parts of ordinances which are inconsistent herewith.

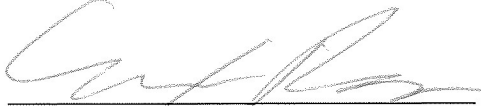
SECTION 5. Severability. If any provision, sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

SECTION 6. Effective Date. This Ordinance shall become effective five (5) days from enactment.

ENACTED AND ORDAINED this 3rd day of April, 2024 by the Borough Council of
Downingtown.

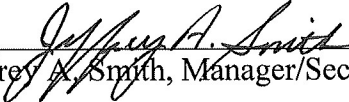
ADOPTED this 3rd day of April, 2024.

BOROUGH OF DOWNINGTOWN



Alex Rakoff, Council President

ATTEST:


Jeffrey A. Smith, Manager/Secretary
Phil Dague, Mayor