

ARTICLE IX
FLOOD PLAIN AREA REGULATIONS

901. Purpose

The specific purposes of these special provisions are:

- a. To regulate the subdivision or development of land within any designated Flood Plain Area in order to promote the good health, welfare and safety of the community.
- b. To require that each subdivision lot in flood prone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designated and installed to preclude flood at the time of initial construction.
- c. To protect individuals from buying lands which are unsuitable for use because of flood by prohibiting the improper subdivision or development of unprotected lands within the designated flood plain districts.
- d. To protect owners of existing properties from increased risk of flooding due to inappropriate development.

902. Abrogation and Greater Restrictions

This article supplements prior articles of this Subdivision and Land Development Ordinance. To the extent that this article imposes greater requirements or more complete disclosure in any respect, or to the extent that the provisions of this article are more restrictive, it shall be deemed and interpreted to control such other provisions of the Subdivision and Land Development Ordinance.

903. Design Standards in Floodplain

Floodplain areas shall be established and preserved on all development sites. In addition, floodplain areas shall be delineated on development plans as provided below:

- a. A one hundred (100) year floodplain shall be established for all water courses and shall be delineated by one of the following methods:
 - (1) A FEMA flood insurance study.

- (2) A floodplain study prepared by an agency of the county, State, or U. S. Government.
 - (3) A floodplain report or study prepared and certified to by a professional engineer registered in the Commonwealth of Pennsylvania duly qualified by education and experience to perform such duties.
- b. Whenever a floodplain boundary is located within or along a lot, the plan shall include the boundary of the floodplain, along with the elevation or location dimensions from the centerline of the water; a plan note that the floodplain shall be kept free of structures, fill, and other encroachments; and a plan note that floor elevation for all structures adjacent to the floodplain shall be one and one-half (1 ½) feet above the one hundred (100) year flood elevation.

The above provisions shall not be construed to prohibit the following construction activities within floodplain:

- (1) Stormwater management facilities.
- (2) Stream improvements whose sole purpose is to improve aquatic habitat and that are approved by the Pennsylvania Fish Commission.
- (3) Farm ponds.
- (4) Flood-proofing and flood hazard reduction structures to protect existing buildings.
- (5) Water-oriented uses (except buildings), e.g., docks, piers, boat launching ramps, hatcheries, etc.
- (6) Water monitoring devices.
- (7) Culverts, bridges, and their approaches for floodplain crossings by streets, access drives, and driveways.
- (8) Other fill activities as authorized under a permit issued by the U. S. Army Corp. of Engineers, Pennsylvania Department of Environmental Protection, or other authorizing agency.

State regulations for encroachments within floodplains are contained at title 25, Chapter 105 of the Pennsylvania State Code.

Any subdivision or land development proposal, which includes encroachments into Federally mapped floodplain, must include evidence that the applicant has contacted and gained approval for said encroachments from the Pennsylvania Department of Environmental Protection (Waterways, Wetlands, and Erosion Control Division), and Federal Emergency Management Agency.

c. General Standards

- (1) No subdivision or land development or part thereof, shall be approved if the proposed development or improvements will individually or collectively increase the one hundred (100) year flood elevation more than one (1) foot at any point.
- (2) Where not prohibited by this or any other laws or ordinances, land located in any identified floodplain area or district may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other local, State and Federal laws and ordinances regulating such development. For flood-proofing, the U. S. Army Corps of publication "Flood-Proofing Regulations" revised EP 1165-2-314 dated December 15, 1995, shall apply.
- (3) Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any identified floodway area or district. Sites for these uses may be permitted outside the floodway provided they are elevated one and one-half (1 ½) feet above the regulatory flood elevation. If fill is used to raise the elevation of a site, the fill area shall extend out laterally for a distance of at least fifteen (15) feet beyond the limits of the proposed structures.
- (4) Building sites for structures or buildings other than for residential uses shall not be permitted in any identified floodway area or district. Also, such sites for structures or buildings outside the floodway shall be protected as provided for in Section 903c(1) above. However, the governing body may allow the subdivision and/or development of areas or sites for commercial and industrial uses at an elevation below the regulatory flood elevation if the developer otherwise protects the area to that height or assures that the buildings or structures will be flood-proofed at least up to that height.

- (5) If the Zoning Officer, Township Engineer, or Board of Supervisors determines that only a part of a proposed plat can be safely developed, he shall limit development to that part and shall require that development proceed consistent with this determination.
 - (6) When a developer does not intend to develop the plat himself and the municipality determines that additional controls are required to insure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.
- d. Where any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover will be removed, the developer shall consult the County Conservation District representative concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate. Before undertaking any excavation or grading, the developer shall obtain a grading and excavation permit, is such is required.
- e. Drainage Facilities.
- (1) Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings.
 - (2) Plans shall be subject to the approval of the municipality. The municipality may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge or excess runoff onto adjacent properties.
- f. Streets.
- The finished elevation or proposed streets and driveways shall not be more than one (1) foot below the regulatory flood elevation. The municipality may require profiles and elevations of streets to determine compliance with the requirements. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

g. Sanitary Sewer Facilities.

All sanitary sewer systems located in any designated floodplain district shall be flood-proofed up to the regulatory flood elevation.

h. Water Facilities.

All water systems located in any designated floodplain district shall be flood-proofed up to the regulatory flood elevation.

i. Other Utilities and Facilities.

All other public and private utilities including gas and electric shall be elevated or flood-proofed to not less than two (2) feet above the regulatory flood elevation.

904. Application Procedures and Requirements

a. Preliminary Plan Requirements

The following information shall be required as part of the Preliminary Plan and shall be prepared by a Professional Engineer or Professional Land Surveyor:

- (1) Name or person responsible for providing the information required in this section.
- (2) A map showing the location of the proposed subdivision or land development with respect to any designated floodplain area, including information on, but not limited to, the one hundred (100) year flood elevations, boundaries of the flood plan area or areas, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.
- (3) Where the subdivision or land development lies partially or completely within any designated floodplain area, or where the subdivision or land development borders on a floodplain area, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of no greater than five (5) feet, and shall identify accurately the boundaries of the floodplain areas.

- (4) Such other information as is required by the Subdivision and Land Development Ordinance.

b. Final Plan Requirements

The following information shall be required as part of the Final Plan and shall be prepared by a Professional Engineer or Professional Land Surveyor:

- (1) All information required for the submission of the Preliminary Plan incorporating any changes requested by the Board of Supervisors and/or Planning Commission.
- (2) A map showing the exact location and elevation of all proposed buildings, structures, roads and public utilities to be constructed within any designated floodplain area. All such maps shall show contours at intervals of no greater than five (5) feet within the floodplain area, and shall identify accurately the boundaries of the flood prone areas.
- (3) Submission of the Final Plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Protection, and any other Commonwealth agency, or local municipality where any alteration or relocation of a stream or water course is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified in advance of the proposed alteration or relocation. The Department of Community and Economic Development and the Federal Insurance Administrator shall also be notified in advance of any such proposed activity, and proof of such notification shall be submitted in advance of the South Middleton Township Planning Commission meeting at which such plan is to be considered.

905. Disclaimer of Municipal Liability

The grant of a permit or approval of a plan for any proposed subdivision or land development to be located within any designated floodplain area shall not constitute a representation, guarantee or warranty of any kind by the municipality or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the municipality, its officials or employees.