

ARTICLE 6

FLOOD PLAIN MANAGEMENT

SECTION 601. PURPOSE.

It is recognized in East Pennsboro Township that special precautions must be made with regards to land development activities in flood plain areas. The specific purpose of these provisions is:

- A. To regulate land development within any designated flood plain district in order to promote the general health, welfare, and safety of the community. Development within a flood plain area is permitted only in accordance with Article 4 of the East Pennsboro Township Zoning Ordinance
- B. To require that each lot in flood plain areas include a safe building site with adequate access; and that public facilities which serve such uses be designed and constructed to minimize flood damage.
- C. To protect individuals from buying lands that are unsuitable for use because of flooding by prohibiting the improper development of unprotected lands within the designated flood plain districts.

SECTION 602. ABROGATION AND GREATER RESTRICTION.

This Ordinance supercedes any Township flood plain ordinances currently in effect. However, any other applicable ordinances shall remain in full force and effect to the extent that those provisions are more restrictive.

SECTION 603. MUNICIPAL LIABILITY.

The grant of a permit or approval of a plan for any proposed land development to be located within any identified flood plain area or district 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.

SECTION 604. APPLICATION PROCEDURES AND REQUIREMENTS

All applications for land development with the appropriate data shall be submitted in accordance with the procedures set forth in Article 3 of this Ordinance.

SECTION 605. DESIGN STANDARDS AND IMPROVEMENT IN DESIGNATED FLOOD PLAIN DISTRICTS

- A. General
 1. Where not prohibited by this or any other laws or ordinances, land located in any identified flood plain area or district may be developed with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.

2. Without a special exception or variance, buildings and structures shall not be permitted in any identified floodway district (FW). Structures may be permitted in the flood fringe district (FF) if the building site, structure or building is elevated to one and one-half feet (1.5) 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 structure or building. If the building or structure is to be raised, construction of the building or structure shall comply with the appropriate flood resistance requirements of the UCC (PA Act 45, as amended).

The Township Board of Commissioners may permit land development in areas or sites at an elevation below the regulatory flood elevation only upon receiving evidence and assurances from the applicant that lots created and building sites will be protected to the regulatory flood elevation, or that the structures or buildings will be floodproofed at least up to that height.

3. If the Township determines that only a part of a proposed plan can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
4. When an applicant does not intend to develop the plan himself and the Township 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 plan.

B. Excavation and Grading

Where any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover will be removed, the developer shall contact the Cumberland County Conservation District representative concerning the plans for erosion and sediment pollution control and also to obtain a report describing 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.

C. Drainage Facilities

Stormwater management facilities shall be designed in accordance with the requirements of Article 7 of this Ordinance and in such a manner which will convey stormwater runoff in a safe and efficient manner.

The plans for stormwater management shall be subject to the approval of the Township.

D. Streets

All streets in flood plain areas shall be designed and constructed in accordance with Article 5 of this Ordinance. The finished elevation of proposed streets shall not be more than the one foot below the regulatory flood elevation. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

E. Sanitary Sewer Facilities

All sanitary sewer facilities in flood plain areas shall be designed and constructed in accordance with Article 5 of this Ordinance. However, all sanitary sewer systems, whether public or private, shall be floodproofed up to one and one-half (1.5) feet above the regulatory flood elevation. The installation of sewage disposal facilities requiring soil absorption systems shall be prohibited where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics or if these systems are within designated flood plain areas or districts. The developer shall note on the face of the plan and in any deed of conveyance that soil absorption fields are prohibited in such area or district.

The Township may prescribe adequate methods for waste disposal. If a sanitary sewer system is located on or near the proposed land development, the Township shall require the developer to connect to this system in accordance with Article 5 of this Ordinance.

F. Water Facilities

All water facilities in flood plain areas shall be designed and constructed in accordance with Article 5 of this Ordinance. However, all water systems, whether public or private, shall be floodproofed up to one and one-half (1.5) feet above the regulatory flood elevations.

If a public water facility is located on or near the proposed land development, the Township shall require the developer to connect to this system in accordance with Article 5 of this Ordinance.

G. Other Utilities and Facilities

All other utilities in flood plain areas shall be designed and constructed in accordance with Article 5 of this Ordinance. However, all other public and private utilities and facilities including gas and electric shall be elevated or floodproofed up to one and one-half (1.5) feet above the regulatory flood elevation.