

## ARTICLE IX

### FLOOD PLAIN AREA REGULATIONS

#### **Section 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 floodprone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed 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.

#### **Section 902. Abrogation and Greater Restrictions**

This Article supplements prior articles of this Subdivision and Land Development Ordinance as well as the Township Zoning 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 or Zoning Ordinance.

#### **Section 903. Design Standards and Improvements in Designated Flood Plain Areas**

##### a. **General**

- (1) Where not prohibited by this or any other laws or ordinances, land located in any designated Flood Plain Area 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 laws and ordinances regulating such development.

- (2) 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 foot (1') at any point.
- (3) Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any floodway area. Sites for these uses may be permitted outside the floodway area in a Flood Plain Area if the lowest floor (including basement) is elevated to the Regulatory Flood Elevation. If fill is used to raise the elevation of a site, the fill area shall extend laterally for a distance of at least fifteen (15) feet beyond the limits of the proposed structure, and access shall meet the requirements of Section 903c hereinbelow.
- (4) Building sites for structures or buildings other than for residential uses shall not be permitted in any floodway area. Sites for such structures or buildings outside the floodway in a Flood Plain Area shall be protected as provided for in Section 903.a.(3) above. However, the Board of Supervisors may allow the subdivision 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 to the Regulatory Flood Elevation.
- (5) If the Board of Supervisors 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.
- (6) When a developer does not intend to develop the plan himself, and the Board of Supervisors 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. **Drainage Facilities**

Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings, on-site water supply systems and on-site sewage disposal systems.

Plans shall be subject to the approval of the Board of Supervisors. The Board of Supervisors 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 of excess runoff onto adjacent properties. All drainage facilities shall be designed in accordance with Article X of This Ordinance.

c. **Streets and Driveways**

The finished elevation of proposed streets and driveways shall be at least one (11) foot above the Regulatory Flood Elevation. Profiles and elevations of streets and driveways to determine compliance with this requirement, and as required by other provisions of This Ordinance, shall be submitted with the Final Plan. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

d. **Sewer Facilities**

All sanitary sewer systems located in any designated Flood Plain Area, whether public or private, shall be floodproofed up to the Regulatory Flood Elevation.

e. **Water Facilities**

All water systems located in any designated Flood Plain Area, whether public or private, shall be floodproofed up to the Regulatory Flood Elevation.

f. **Other Utilities and Facilities**

All other public or private utilities and facilities, including gas and electric, shall be elevated or floodproofed up to the Regulatory Flood Elevation.

**Section 904. Application Procedures and Requirements**

a. **Preliminary Plan Requirements**

Where the subdivision or land development lies partially or completely within any designated Flood Plain Area, or where the subdivision or land development borders on a Flood Plain Area, the following information shall be required as part of the Preliminary Plan and shall be prepared by a registered professional engineer:

- (1) Name of engineer 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 Flood Plain Area, including information on, but not limited to, the one-hundred (100) year flood elevations, boundaries of the Flood Plain Area or areas, proposed lots and

sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.

- (3) 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 Flood Plain 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 registered professional engineer:

- (1) All information required for the submission of the Preliminary Plan incorporating any changes requested by the Board of Supervisors.
- (2) A map showing the exact location and elevation of all proposed buildings, structures, roads and public utilities to be constructed within any designated Flood Plain Area. All such maps shall show contours at intervals of no greater than five (5') feet within the Flood Plain Area, and shall identify accurately the boundaries of the floodprone 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 watercourse 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 Carroll Township Planning Commission meeting at which such plan is to be considered.

**Section 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 Flood Plain 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. A note to this effect shall be included on the plan.