

TOWNSHIP OF MIDDLESEX
CUMBERLAND COUNTY, PENNSYLVANIA
ORDINANCE NO. 1 -87

AN ORDINANCE AMENDING ORDINANCE NO. 15-70 (THE MIDDLESEX TOWNSHIP ZONING ORDINANCE) ORIGINALLY ENACTED ON AUGUST 5, 1970, AND AS SUBSEQUENTLY AMENDED, TO ADD THERETO CERTAIN REQUIREMENTS OF THE PENNSYLVANIA FLOOD PLAIN MANAGEMENT ACT (ACT 166 OF 1978) PRIMARILY REGULATING DEVELOPMENT OF FLOODPLAIN AREAS WHICH MAY ENDANGER HUMAN LIFE AND ACTIVITIES IN FLOODPLAIN AREAS WHICH MAY ENDANGER HUMAN LIFE

BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Township Supervisors in and for the Township of Middlesex, Cumberland County, Pennsylvania, as follows:

SECTION 1: Ordinance No. 15-70 (THE MIDDLESEX TOWNSHIP ZONING ORDINANCE) originally enacted on August 5, 1970, as subsequently amended, is hereby further amended as follows:

A. Section 17.05 of Article XVII is hereby renumbered and shall hereafter be known as Section 17.07, and as renumbered is hereby continued and reenacted in full force and effect.

B. The following new sections are hereby added to and shall supplement Article XVII as follows:

SECTION 17.05 Development Which May Endanger Human Life.

1. In accordance with the Pennsylvania Flood Plain Management Act and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following material or substances, or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume, or any amount of radioactive substances) of any of the following materials of substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions:

- A. Acetone
- B. Ammonia
- C. Benzene
- D. Calcium carbide
- E. Carbon disulfide

- F. Celluloid
- G. Chlorine
- H. Hydrochloric acid
- I. Hydrocyanic acid
- J. Magnesium
- K. Nitric acid and oxide of nitrogen
- L. Petroleum products (gasoline, fuel oil, etc.)
- M. Phosphorus
- N. Potassium
- O. Sodium
- P. Sulphur and sulphur products
- Q. Pesticides (including insecticides, fungicides and rodenticides)
- R. Radioactive substances, insofar as such substances are not otherwise regulated.

2. Within any Floodway Area (FW) any structure of the kind described in Section 17.05, 1, above, shall be prohibited.

3. Where permitted within any Flood-Fringe Area (FF) or General Floodplain Area (FA) any structure of the kind described in Section 17.05, 1, above, shall be:

A. elevated or designed and constructed to remain completely dry up to at least one and one-half ($1\frac{1}{2}$) feet above the one-hundred year flood, and

B. designed to prevent pollution from the structure or activity during the course of a one-hundred (100) year flood. Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

4. Within any General Floodplain Area (FA) any structure of the kind described in Subsection A, above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

5. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this Section.

SECTION 17.06 Activities Requiring Special Permits

1. Identification of Activities requiring a Special Permit - in accordance with the Pennsylvania Flood Plain Management Act (Act 1978-166) and regulations adopted by the Department of Community Affairs as required by the Act, the following obstructions and activities are permitted only by Special Permit, if located partially or entirely within any identified floodplain area.

A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

- (1) Hospitals - public or private
- (2) Nursing homes - public or private
- (3) Jails or prisons

B. The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to any existing mobile home park or mobile home subdivision.

2. Application Requirements - Applicants for Special Permits shall provide five (5) copies of the following items:

A. A written request including a completed Building Permit Application Form.

B. A small scale map showing the vicinity in which the proposed site is located.

C. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

- (1) north arrow, scale and date;
- (2) topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;
- (3) all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

(4) the location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;

(5) the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural or man-made features affecting, or affected by, the proposed activity or development;

(6) the location of the flood plain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;

(7) the location of all proposed buildings, structures, utilities, and any other improvements; and

(8) any other information which the municipality considers necessary for adequate review of the application.

D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

(1) sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate;

(2) for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

(3) complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;

(4) detailed information concerning any proposed flood-proofing measures;

(5) cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;

(6) profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and

(7) plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

(1) certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

(2) certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;

(3) a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;

(4) a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows;

(5) a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;

(6) the appropriate component of the Department of Environmental Resources' "Planning Module for Land Development";

(7) where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control;

(8) any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources to implement and maintain erosion and sedimentation control;

(9) an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

ENACTED AND ORDAINED this 7th day of January, 1987.

TOWNSHIP OF MIDDLESEX

By Albert M. Schauer
Chairman, Board of Township Supervisors

By Robert M. Eppley
Member, Board of Township Supervisors

By Abraham Wilkins
Member, Board of Township Supervisors

ATTEST:

William J. Wilkins
Township Secretary

3. Application Review Procedures - Upon receipt of an application for a special Permit by the Township Secretary, the following procedures shall apply in addition to all other applicable permit procedures which are already established:

A. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Cumberland County Planning Commission by registered or certified mail for its review and recommendations.

Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment.

B. If an application is received that is incomplete, the Township Secretary shall notify the applicant in writing, stating in what respects the application is deficient.

C. If the Township decides to disapprove an application, it shall notify the applicant in writing of the reasons for the disapproval.

D. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs by registered mail within five (5) working days after the date of approval.

E. Before issuing the Special Permit, the Township shall allow the Department of Community Affairs thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township.

F. If the Township does not receive any communication from the Department of Community Affairs during the thirty (30) day review period, it may issue a Special Permit to the applicant.

G. If the Department of Community Affairs should decide to disapprove an application, it shall notify the Township and applicant in writing of the reasons for the disapproval, and the Township shall not issue the Special Permit.

4. Technical Requirements for Department Requiring a Special Permit, in addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a Special Permit. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provision shall apply.

A. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

(1) fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designated, located and constructed so that:

(a) the structure will survive inundation by waters of the one-hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one-hundred (100) year flood elevation.

(b) the lowest floor elevation (including basement) will be at least one and one-half (1½) feet above the one-hundred (100) year flood elevation.

(c) the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one-hundred (100) year flood.

(2) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

5. Within any floodplain area any structure of the kind described in Subsection A. above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

6. Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements of this Section.

SECTION 2: If any 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 of this Ordinance. It is hereby declared as the intent of the Board of Township Supervisors of this Township that this Ordinance would have been enacted and adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3: The provisions of this Ordinance shall be deemed to control over any inconsistent or conflicting provisions of any other ordinance previously enacted, and to the extent of any inconsistency or conflict, such previously enacted, inconsistent or conflicting ordinance provisions shall be deemed to be repealed.

SECTION 4: This Ordinance shall take effect as provided by law.