

TOWNSHIP OF MIDDLESEX
CUMBERLAND COUNTY, PENNSYLVANIA
ORDINANCE NO. 4 OF 1981
(4-81)

AN ORDINANCE AMENDING THE MIDDLESEX TOWNSHIP SUBDIVISION CONTROL ORDINANCE OF 1968 ORIGINALLY ENACTED ON MARCH 6, 1968 (EFFECTIVE APRIL 3, 1968) TO ADD THERETO AN ARTICLE ESTABLISHING SPECIAL LAND SUBDIVISION STANDARDS AND REQUIREMENTS IN FLOOD PLAIN AREAS OF MIDDLESEX TOWNSHIP AND PROVIDING FOR THE PROCEDURES TO ADMINISTER THE SAME.

BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Supervisors of this Township as follows:

SECTION 1. The Middlesex Township Subdivision Control Ordinance of 1968 originally enacted on March 6, 1968 (Effective April 3, 1968) is hereby amended by adding and supplementing thereto the following new Article XI which shall be incorporated into said Subdivision Control Ordinance:

ARTICLE XI

FLOOD PLAIN AREA REGULATIONS

SECTION 1100 - 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 1101 - 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.

SECTION 1102 - DEFINITIONS

As used in this Article XI, the following terms shall have the meanings hereinafter set forth:

1. "Building" - a combination of materials to form a permanent structure having walls and a roof, including but not limited to all mobile homes and trailers used for human habitation.
2. "Designated Flood Plain Areas" - a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation in a 100 year flood as designated in the Middlesex Township Zoning Ordinance as amended.
3. "Developer" - any landowner, agent or such land owner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development and the subdivision of land.
4. "Development" - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations, and the subdivision of land.
5. "Dwelling" - a building designed and constructed for residential purposes in which people live.
6. "Flood" - a temporary inundation of normally dry land areas.
7. "Flood Plain" - see definition of "Flood-Prone Area" below.
8. "Floodproofing" - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water or sanitary facilities, structures, and their contents.
9. "Flood-Prone Area" - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
10. "Floodway" - the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude without increasing the water surface elevation of that flood more than one (1) foot at any point.

11. "Identified Flood-Prone Area" - the flood plain area specifically identified in the Middlesex Township Zoning Ordinance as being inundated by the one hundred (100) year flood. Included would be areas identified as Floodway (FW), Flood-Fringe (FF) and General Flood Plain (FA).
12. "Mobile Home" (Floodplain Management Purposes) - a transportable, single family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.
13. "Obstruction" - any wall, dam, wharf, embankment, levee, dike, pile abutment, projections, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or floodprone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.
14. "One hundred (100) year Flood" - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. a flood that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).
15. "Regulatory Flood Elevation" - the 100 year flood elevation plus a freeboard safety factor of one and one-half (1½) feet.
16. "Structure" - anything constructed or erected on the ground or attached to the ground, including but not limited to, buildings, factories, sheds, cabins, mobile homes, and other similar items.

SECTION 1103 - 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 (1) foot 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 1103C 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 1102 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 plat 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 plat 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 plat.

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 and on-site water disposal sites.

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.

C. - Streets and Driveways

The finished elevation of proposed streets and driveways shall not be more than the one (1) foot below 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 1104 - APPLICATION PROCEDURES AND REQUIREMENTS

A. - Pre-Application Procedures

- (1) Prior to the preparation of any plans, it is suggested that prospective developers consult with the Pennsylvania Department of Environmental Resources concerning soil suitability when on-site sewage disposal facilities are proposed.
- (2) Prospective developers shall consult the County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development.

B. - Preliminary Plan Requirements

The following information shall be required as part of the Preliminary Plan and shall be prepared by a registered engineer or surveyor:

- (1) Name of engineer, surveyor, or other qualified 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 Flood Plain Area, including information on, but not limited to, the one hundred (100) year flood elevations, boundaries of the Flood Plain Area of 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 Flood Plain Area, or where the subdivision or land development borders on a Flood Plain 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 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.

C. - Final Plan Requirements

The following information shall be required as part of the Final Plan and shall be prepared by a registered engineer or 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 Flood Plain Area. All such maps shall show contours at intervals of 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 Resources, 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 Affairs, 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 Middlesex Township Planning Commission meeting at which such plan is to be considered.

SECTION 1105 - 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.

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 Supervisors of this Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not be included herein.

ENACTED AND ORDAINED this 9th day of June 1981.

TOWNSHIP OF MIDDLESEX
Cumberland County, Pennsylvania

By Albert M. Shorne
Chairman, Board of Supervisors

By David C. Witzel
Member, Board of Supervisors

By Robert M. Epley
Member, Board of Supervisors

ATTEST:

W. E. Pacion
Secretary

(TOWNSHIP SEAL)