

SOUTH LEBANON TOWNSHIP

ORDINANCE NUMBER 219

AN ORDINANCE REPEALING CHAPTER SIX (FLOOD PLAIN MANAGEMENT) OF ORDINANCE NUMBER 164 (SOUTH LEBANON TOWNSHIP SUBDIVISION LAND USE ORDINANCE) IN ITS ENTIRETY AND ADOPTING A NEW CHAPTER SIX (FLOOD PLAIN MANAGEMENT) IN ORDER TO MONITOR THE SUBDIVISION AND/OR DEVELOPMENT OF FLOOD PLAIN AREAS IN ORDER TO PROMOTE AND PROTECT THE GENERAL HEALTH, WELFARE, AND SAFETY OF THE COMMUNITY; TO REQUIRE THAT EACH SUBDIVISION LOT IN FLOOD PLAIN AREAS BE PROVIDED WITH A SAFE BUILDING SITE WITH ADEQUATE ACCESS; TO INSURE THE PUBLIC FACILITIES WHICH SERVE SUCH LOTS OR DEVELOPMENT BE DESIGNED AND INSTALLED TO PROCLUDE FLOOD PLAIN DAMAGE; AND TO PROTECT INDIVIDUALS FROM PURCHASING LAND WHICH ARE UNSUITABLE FOR DEVELOPMENT BECAUSE OF FLOODING.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of South Lebanon Township, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION ONE: Chapter Six (Flood Plain Management) of Ordinance Number 104 (South Lebanon Township's Subdivision Land Use Ordinance) is hereby repealed.

SECTION TWO: Ordinance Number 164 (South Lebanon Township's Subdivision Land Use Ordinance) is hereby amended to provide the following Chapter Six (Flood Plain Management):

CHAPTER 6 - FLOOD PLAIN MANAGEMENT

SECTION 6.01 INTENT

The purpose of the regulations set forth in this Chapter is to monitor the subdivision and/or development of flood plain

areas in order to promote and protect the general health, welfare, and safety of the community; to require that each subdivision lot in flood plain areas be provided with a safe building site with adequate access; to insure that public facilities which serve such lots or development be designed and installed to preclude flood damage; and to protect individuals from purchasing lands which are unsuitable for development because of flooding. The subsequent sections shall be considered requirements supplemental to those procedures and standards specified elsewhere in the Subdivision and Land Development Ordinance, municipal zoning ordinances, the Lebanon County Floodproofing Building Code, and any other applicable ordinances and codes.

SECTION 6.02 DEFINITIONS OF TERMS UTILIZED IN THIS CHAPTER

- A. Base Flood - The flood, also known as the 100 Year Flood, which has a one percent (1%) chance of being equalled in any given year; the flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared.
- B. Base Flood Elevation - The determination by the Federal Insurance Administrator of the water surface elevation of the Base Flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.
- C. Building - A structure which has a roof supported by columns, piers, or walls, which is intended for the shelter, housing, or enclosure of persons, animals, or chattel or which is to house a use of a commercial or manufacturing activity.
- D. Construction - The term "constructions" shall include the building, reconstructions, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including manufactured homes, and gas or liquid storage tanks. For flood plain purposes, "new construction" includes structures for which the "start of construction" commence on or after the effective date of a flood plain management regulation adopted by the municipality.
- E. Development - Any man-made change to improved or unimproved real estate, including but not limited to buildings, manufactured homes, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or the storage of equipment or materials.
- F. Flood - A general and temporary inundation of normally dry land areas by water from waterway overflows or the unusual and rapid accumulation or runoff of surface water from any source.

- G. Flood Plain - (1) A relatively flat or low land area adjoining a river, stream, or watercourse, which is subject to partial or complete inundation by water; (2) an area subject to the unusual and rapid accumulation or runoff of surface water from any source. For the purpose of this Ordinance, the flood plain shall be considered to be the One Hundred (100) Year Flood Plain which is a flood plain having a one percent (1%) chance of being subject to the above conditions during any given year.
- H. Floodway - The channel of a river or other watercourse and the adjacent land area that must be reserved to discharge the Base Flood without cumulatively increasing the water surface elevation of that flood more than one (1) foot at any point.
- I. Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes (1) all mobile homes and (2) camping trailers, recreational vehicles, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- J. Manufactured Home Park and/or Subdivision - A lot or area which is a planned development and designated to contain two or more manufactured homes for rent or for sale. Any lot or area proposed to utilize such design where individual manufactured home sites are proposed for sale shall be known as a manufactured home subdivision.
- K. One Hundred (100) Year Flood (Base Flood) - A flood selected as the Base Flood, that has a one percent (1%) or greater change of occurring in any given year.
- L. Structure - A walled or roofed building, including a gas or liquid storage tank (principally above ground), a manufactured home, or any other man-made object usually assembled of interdependent parts or components which is designed to have a more or less fixed location, whether or not permanently attached at that location.

SECTION 6.03 - APPLICATIONS PROCEDURES AND PLAT REQUIREMENTS

The following procedures shall be required in addition to those specified otherwise in these regulations.

A. Pre-Application Procedures

1. It is suggested that prospective developers consult the Pennsylvania Department of Environmental Pro-

tection and the municipal Sewage Enforcement Officer 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 probable effect of geologic conditions on the proposed development. Concurrently, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the proposed subdivision or development.

B. Preliminary Plan Requirements

The following information shall be required as part of the Preliminary Plan when a subdivision is in a floodplain area and shall be prepared by a registered surveyor:

1. A map illustrating the location of the proposed subdivision or development with respect to the municipality's flood plain areas including information on, but not limited to, Base Flood Elevations, boundaries of flood plain areas, proposed lots and sites, fill, and flood or erosion protective facilities.
2. All subdivision proposals and other proposed new developments shall provide base flood delineations; however, subdivision proposals and other proposed new development greater than 50 lots or 5 acres, whichever is lesser, shall include actual base flood elevation data. It shall be the responsibility of the developer to provide the required base flood elevation data, in a form comparable to HEC-2, which will be certified as accurate by a Registered Professional Engineer.
3. Where the subdivision or land development lies partially or completely in the flood plain area or where the subdivision borders on the flood plain area, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities, and building lots. All such maps shall also show contours at intervals of two (2) feet and identify accurately the boundaries of the flood plain area.

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 submission of the Preliminary Plan plus any changes required by the

Planning Department and/or the local municipal governing body.

2. A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed in flood plain areas. All such maps shall show contours at intervals of two (2) feet and identify accurately the boundaries of the flood plain area.

SECTION 6.04 DESIGN STANDARDS AND IMPROVEMENTS

The design standards and improvements specified herein shall be considered requirements in addition to those of Chapter 5 and otherwise listed in this Ordinance.

A. General

1. Where not prohibited by this or any other laws or ordinances, land located in flood plain areas 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. Building sites for residences or any other type of dwellings or accommodations and building sites for structures or buildings other than residential uses shall be permitted in the flood plain only when in compliance with appropriate municipal zoning ordinances, the Lebanon County Floodproofing Building Code, and any other applicable regulations.
3. If the Planning Department and/or the local municipality determine that only a part of a proposed plat can be safely developed, the shall limit development to that part and shall require that development proceed consistent with this determination.
4. When a developer does not intend to develop the plat himself and the Planning Department and/or the local municipality determine that additional controls are required to insure safe development, they 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.
5. Whenever a developer intends to alter or relocate a watercourse within the designated flood plain, the developer shall notify, in writing by certified mail, all adjacent communities and the

Penna. Department of Community Affairs of all such intended activities prior to any alteration or relocation of the watercourse. Copies of such notification shall be submitted to the Federal Insurance Administrator. The developer shall also assure the local municipally governing body in writing that the flood carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

6. No new construction or development shall be located within a designated floodway. Where the floodway has not been specifically identified for a stream or waterway, no new construction or development shall be permitted within the stream channel (from top of bank to top of bank). Furthermore, construction or development outside the stream banks but within the flood plan district shall be permitted only when in compliance with this Ordinance and Penna. Department of Environmental Protection permit requirements.
7. Lots which are within the flood plain shall be subject to the following:
 - a. Any lots created or revised shall have not more than 50% of their area within the flood plain, except that large lots may be exempted provided a minimum 1 acre area of said lot is outside the flood plain.
 - b. Lot access to a public road shall not be restricted or prevented by flood plain areas.

B. Excavation, Grading and Use of Fill

Any excavation activities, grading and use of fill shall be in compliance with all applicable terms of the municipal zoning ordinance and the Lebanon County Floodproofing Building Code. Furthermore, where 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 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 if such is required by the municipality.

C. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of surface water 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 disposal sites.

Plans shall be subject to the approval of the Planning Department. The Planning Department may also require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be designed to prevent the discharge of excess runoff onto adjacent properties.

D. Streets

The finished excavation of proposed streets shall be no more than two (2) feet below the Base Flood Elevation. The Planning Department may require, where necessary, profiles and elevations of streets to determine compliance with this requirement. Drainage and bridge openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

E. Sewer Facilities

All sanitary sewer systems located in flood plain areas, whether public or private, shall be floodproofed to a point two (2) feet above the Base Flood Elevation.

1. The Planning Department may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics. The Planning Department may require that the developer note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.
2. The Planning Department may prescribe adequate methods for waste disposal. If a sanitary sewer system is located on or within 1000 feet of the proposed subdivision and/or land development, the Planning Department and/or the local municipality shall require the developer to provide sewage facilities to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.

F. Water Facilities

All water systems located in flood plain areas, whether public or private, shall be floodproofed to a point two (2) feet above the Base Flood Elevation. If there is an existing public water supply system on or near the subdivision, the Planning Department and/or the local municipality shall require the

developer to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.

G. Other Public and/or Private Utilities and Facilities

All other public and/or private utilities and facilities shall be elevated or floodproofed to a point two (2) feet above the Base Flood Elevation.

SECTION 6.05 PERFORMANCE GUARANTEE

No final plat shall be approved by the Planning Department and the local municipality until the improvements required by this Ordinance are completed in a satisfactory manner and approved by the local municipality and the Planning Department. In lieu of such construction, approval may be granted prior to completion providing:

- A. The developer enters into an agreement with the local municipality or county guaranteeing that improvements will be installed in accordance with the plans, specifications, and schedules approved by the municipality prior to plat approval. This agreement shall also guarantee that no lot will be sold or building constructed in any flood plain area prior to completion of all protective works or measures planned for such lot and necessary access to facilities; and
- B. The developer provides a fiscal surety to guarantee performance of this agreement and completion of the improvements as planned. The surety may include a certified check, escrow account, irrevocable letter of credit or other bond acceptable to the municipality. The procedural requirements of Section 5.18 of this Ordinance shall apply to any such bonding proposal.

SECTION 6.05 MUNICIPAL LIABILITY

The grant of a permit or approval of a subdivision and/or land development plan in the identified 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.

Adopted this 27th day of August, 1996.

ATTEST:

Curtis E. Kulp (SEAL)
Secretary

BOARD OF SUPERVISORS
SOUTH LEBANON TOWNSHIP

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