

HONEY BROOK TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 27-1, 1984

AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK, CHESTER COUNTY, PENNSYLVANIA AMENDING THE HONEY BROOK TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE ADOPTED AUGUST 5, 1976, AS AMENDED, BY ADDING TO, REVISING AND AMENDING ARTICLES I, II, IV, V, AND VII OF SAID ORDINANCE TO COMPLY WITH SECTION 60.3(d) OF THE NATIONAL FLOOD INSURANCE PROGRAM AND THE PENNSYLVANIA FLOOD PLAIN MANAGEMENT ACT (ACT 166 OF 1978).

BE IT HEREBY ENACTED AND ORDAINED, and it is enacted and ordained by authority of the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania that the Honey Brook Township Subdivision and Land Development Ordinance of August 5, 1976, as amended, is further amended as follows:

I. Amend Article I, Section 101, PURPOSES, to include three new paragraphs, as follows:

"O. To regulate the subdivision and/or development of land within any designated flood plain district in order to promote the general health, welfare, and safety of the community.

P. To require that each subdivision lot in flood-prone areas include a safe building site with adequate access; and, that public facilities which serve such uses be designed and installed to minimize flood damage.

Q. To protect individuals from buying lands which are unsuitable for use because of flooding by prohibiting the improper subdivision and/or development of unprotected lands within the designated flood plain districts."

II. Amend Article I, Section 102, INTERPRETATION, to add a new paragraph following the introductory paragraph, as follow:

"The Flood Plain amendments to this Ordinance supersede any ordinances currently in effect in flood hazard areas. However, any other applicable ordinances shall remain in full force and effect to the extent that those provisions are more restrictive."

III. Amend Article I, GENERAL PROVISIONS, to add a new Section 106, Municipal Liability, as follows:

"Section 106 - Municipal Liability

The grant of a permit or approval of a plan for any proposed subdivision and/or 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 Honey Brook Township or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials or employees."

IV. Amend Article II, Section 201, Definitions, to incorporate the following new or amended definitions:

"Building. Any structure having enclosed walls and roof, permanently located on the ground. A combination of materials to form a permanent structure. Included shall be all mobile homes and trailers used for human habitation.

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. A subdivision of land is a development.

Dwelling. A building designed and constructed for residential purposes (see also Section 202 of the Township Zoning Ordinance for various types of dwellings).

Floodplain. Delete the word "Special" in the fourth line and correct the last line of this definition to read "Flood Boundary and Floodway Map (August 1, 1984)."

Identified Flood Plain Area or District

Those flood plain areas specifically designated in the Township Zoning Ordinance as being inundated by the one-hundred (100) year flood. Included would be areas identified as the Floodway District (FW), the Flood-Fringe District (FF), and General Flood Plain District (FA).

One-Hundred (100) Year Flood

A flood that, on the average, is likely to occur once every one-hundred (100) years, (i.e., that has a one [1] percent chance of occurring each year, although the flood may occur in any year).

Regulatory Flood Elevation

The one-hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1-1/2) feet.

Structure - (Amend the existing definition by adding the following additional paragraph):

"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."

Subdivision - (Delete the existing definition and substitute the following):

"The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development; Provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, or residential dwellings shall be exempted."

V. Amend Article IV, PROCEDURES, Section 400, General Procedures, to incorporate a new Paragraph A., Pre-Application Procedures, as follows:

"A. Pre-Application Procedures (within any Flood Hazard/ Flood Plain District

1. Prior to the preparation of any plans, it is suggested that prospective developers consult with the Chester County Department of Health concerning soil suitability when on-site sewage disposal facilities are proposed.
2. Prospective developers should consult with the County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development.
3. If it is known that the parcels being created will be used for development that is considered dangerous to human life, or personal property, prospective developers should check the provisions contained in the Township Zoning Ordinance, which pertain specifically to those kinds of development.

VII. Amend Article V, MINIMUM DESIGN STANDARDS, Section 500, General, to incorporate new Paragraphs "P." through "S," as follows:

- "P. Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any identified Flood Plain Area or District. Sites for these uses may be permitted outside the flood plain if the sites or dwelling units are elevated up to 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 structures.
- Q. Building sites for structures or buildings other than for residential uses shall also not be permitted in any identified Flood Plain Area or District.
- R. If the Township 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.
- S. When a developer does not intend to develop the plat 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 plat. This may also include the requirement of a note on the Plan warning any purchaser of the extent of Flood Plain affecting each lot or parcel.

VII. Amend Article V, MINIMUM DESIGN STANDARDS, by incorporating the various new sections shown as follows:

- a. Add a new Section 502.A., 10, Flood Plain Areas, as follows:

"10. Flood Plain Areas

The finished elevation of proposed streets shall not be more than the one (1) foot below the Regulatory Flood Elevation. The Township may require profiles and elevations of streets to determine compliance with the requirements. Drainage opening shall be sufficient to discharge flood flows without unduly increasing flood heights."

- b. Add new paragraphs to Section 510, Storm and Surface Drainage, at the end of the last paragraph thereof, as follows:

"Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings.

Plans shall be subject to the approval of the Township. The Township may require a primary 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. Add a new Section 512., A., 9., Flood Protection for Sewage Systems, as follows:

"9. Flood Protection for Sewage Systems

All sanitary sewer systems, whether public or private, shall be flood-proofed up to the Regulatory Flood Elevation.

- a) 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 within designated flood plain areas or districts. The Township, 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 any such area or district.
- b) The Township may prescribe adequate methods for waste disposal. If, in the future, a sanitary sewer system is located near the proposed subdivision and/or land development, the Township 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."

- d. Add a new Section 517, Water Supply, Paragraph H., as follows:

"H. All water systems, whether public or private, shall be floodproofed up to the Regulatory Flood Elevation. If, in the future, there is an existing public water supply system near the subdivision, the Township 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."

- e. Add a new paragraph to Section 513, Public Utilities, Section A., Paragraph 5. to read as follows:

"5. All other public and private utilities and facilities including gas and electric shall be elevated or flood-proofed up to the Regulatory Flood Elevation."

VIII. Amend Article VIII, PLAN SUBMISSION REQUIREMENTS, Section 801, Preliminary Plans, to incorporate a new Paragraph 8. Flood Plain Data Required, as follows:

"8. Flood Plain Data Required

When any Plan involves a Flood Hazard or Flood Plain District, as shown on the Township Zoning Map and as listed in the Township Zoning Ordinance, the following requirements shall be met:

1. A map showing the location of the proposed subdivision and/or land development with respect to any identified flood plain area or district, including information on the one-hundred (100) year flood elevations, shall be required.
2. Where the subdivision and/or land development lies partially or completely within any identified Flood Plain Area or District or where such activities border on any identified Flood Plain Area or District, the Preliminary Plan map shall include the following information:
 - a) The location and elevation of proposed roads, utilities, and building sites, fills, flood or erosion protection facilities.

- b) The one-hundred (100) year flood elevations.
- c) Areas subject to special deed restrictions.
- d) All such maps shall show contours at intervals of two (2) feet and shall identify accurately the boundaries of the identified Flood Plain Areas or Districts."

IX. Amend Article VIII, PLAN SUBMISSION REQUIREMENTS, Section 802, Final Plans, to incorporate a new Paragraph 3, Flood Plain Data Required, as follows:

- "3. When any Plan involves a Flood Hazard or Flood Plain District, the following information shall also be required.
 - 1. All information required for the submission of the Preliminary Plan incorporating any changes requested by the Township.
 - 2. A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed within any identified Flood Plain Area or District. All such maps shall show contours at intervals of two (2) feet and identify accurately the boundaries of the Flood Plain 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, 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 of the proposed alteration or relocation. The Department of Community Affairs, and the Federal Insurance Administrator shall also be notified whenever any such activity is proposed."

EFFECTIVE DATE. This Ordinance shall become effective five (5) days after enactment as provided by law.

ENACTED AND ORDAINED this 25th day of July, 1984.

ATTEST

Ruby M. Titman
Township Secretary

BOARD OF SUPERVISORS OF
HONEY BROOK TOWNSHIP

James H. Lomb
Donald Johnson
Richard L. Deckler