

AN ORDINANCE AMENDING THE LUZERNE COUNTY  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE  
OF 1976 TO PROVIDE FOR THE REGULATION OF  
LAND DEVELOPMENT AND SUBDIVISION ACTIVITIES  
WITHIN ANY DESIGNATED ONE HUNDRED (100) YEAR  
FLOOD PLAIN AREA

Section 15 Flood Control

15.1 General Provisions

The provisions contained in this section shall apply only when a proposed subdivision or land development is to be located within or adjacent to any area which is subject to flooding from a One Hundred (100) Year flood within the jurisdiction of the Luzerne County Subdivision and Land Development Ordinance and shall be supplementary to the provisions contained elsewhere in this ordinance.

15.11 The specific purpose of these provisions is:

- 15.111 to regulate the subdivision and/or land development of One Hundred (100) Year flood plain areas in order to promote the general health, welfare, and safety of the County;
- 15.112 to require that each subdivision lot in One Hundred (100) Year flood plain areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designated and installed to preclude flood damage at the time of initial construction;
- 15.113 to protect individuals from buying land which is unsuitable for use because of flood hazards by prohibiting the subdivision and/or development of unprotected flood plain areas in the One Hundred (100) Year flood plain.

15.12 Abrogation and Greater Restrictions.

This Ordinance supersedes any other County Ordinance currently in effect in flood plain areas. Where there is conflict between this and any other County Ordinance the more restrictive shall apply.

15.13 County Liability.

The grant of a permit or approval of a subdivision and/or land development plan in the identified One Hundred (100) Year flood plain areas shall not constitute a representation,

with the provisions that the developer construct all buildings and structures to preclude flood damage in accordance with this and other laws and ordinances regulating such development.

15.312 Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any One Hundred (100) Year floodway area. Building sites for residences or any other type of dwelling or accommodation may be permitted in the One Hundred (100) Year flood fringe area if the sites or first floors, including basements are elevated to a height at least one and one-half (1½) feet above the elevation of the One Hundred (100) Year flood. 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.

15.313 Building sites for structures or buildings other than for residential uses shall also not be permitted in any One Hundred (100) Year floodway area. Building sites for structures or buildings other than for residential uses may be permitted in the One Hundred (100) Year flood fringe area subject to the provisions provided for in 15.312. However, the governing body may allow the subdivision and/or sites for commercial and industrial uses at an elevation less than one and one-half (1½) feet above the One Hundred (100) Year flood if the developer otherwise protects the area to that height or assures that the buildings or structures will be floodproofed at least up to that height.

15.314 If the County Planning Commission 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.

15.315 When a developer does not intend to develop the plat himself and the County Planning Commission 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.

#### 15.32 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 waste disposal sites.

The County Planning Commission 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.

Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

#### 15.33 Streets.

The finished elevation of proposed streets shall be no less than the One Hundred (100) Year flood elevation. The County Planning Commission may require, where necessary, profiles and elevation of streets to determine compliance with this requirement. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

#### 15.34 Sewer Facilities.

All sanitary sewer systems located in the One Hundred (100) Year flood plain areas, whether public or private, shall be floodproofed up to a point one and one-half ( $1\frac{1}{2}$ ) feet above the One Hundred (100) Year flood elevation.

The County Planning Commission 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 County Planning Commission 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 the designated area.

#### 15.35 Water Facilities.

All water systems located in the One Hundred (100) Year flood plain areas, whether public or private, shall be floodproofed to a point one and one-half ( $1\frac{1}{2}$ ) feet above the One Hundred (100) Year flood elevation.

#### 15.36 Other Public Utilities and Facilities.

All other public and/or private utilities and facilities shall be elevated or floodproofed to a point one and one-half ( $1\frac{1}{2}$ ) feet above One Hundred (100) Year flood elevation.

Revise Section 9 DEFINITIONS to add the following:

- 9.30 Flood - A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.
- 9.31 Flood Fringe - That portion of the One Hundred (100) Year flood plain outside the floodway.
- 9.32 Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the One Hundred (100) Year flood without cumulatively increasing the water surface elevation more than one (1) foot.
- 9.33 One Hundred 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).
- 9.34 One Hundred (100) Year Flood Plain Area(s) or District(s) - The area(s) or district(s) that has a one (1) percent chance of being flooded in any given year.

Revise Section 7.242 to add the following:

"This security or agreement shall also guarantee that no building will be constructed in any One Hundred (100) Year flood plain area, prior to completion of all protective works or measures planned for such lot and necessary access facilities".

7.243 The developer agrees that the deposit in escrow may be applied by the governing body for the completion of improvements as agreed and may be held for a period of twelve (12) months - after final completion of such improvements for the purpose of:

7.2431 Guaranteeing and securing the correction of any defect in material or workmanship furnished for such improvement latent in character, and not discernible at the time of final inspection or acceptance by the governing body, and

7.2432 Guaranteeing against any damage to such improvements by reason of the settling of the ground, base or foundation thereof.

guarantee, or warranty of any kind by Luzerne County or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the County, its officials or employees.

## 15.2 Application Procedures and Plat Requirements.

### 15.21 Preliminary Plan Requirements.

15.211 A map showing the location of the proposed subdivision and/or land development with respect to the municipality's One Hundred (100) Year flood plain areas including information on, but not limited to, the One Hundred (100) Year flood elevations, boundaries of One Hundred (100) Year flood plain areas, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.

15.212 Where the subdivision and/or land development lies partially or completely in the One Hundred (100) Year flood plain areas, or where the subdivision and/or land development borders on the One Hundred (100) Year flood plain areas, 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 two (2) or five (5) feet depending upon the slope of the land and identify accurately the boundaries of the flood plain areas.

### 15.22 Final Plan Requirements.

The following information shall be required as part of the Final Plan:

15.221 All information required for the submission of the Preliminary Plan incorporating any changes requested by the County.

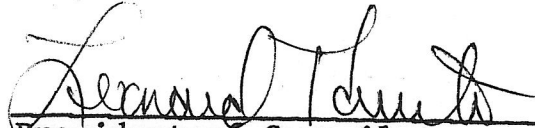
15.222 A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed in One Hundred (100) Year flood plain areas. All such maps shall show contours at intervals of two (2) feet and identify accurately the boundaries of the flood plain areas.

## 15.3 Design Standards and Improvements.

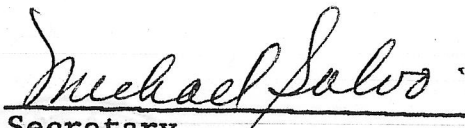
### 15.31 General.

15.311 Where not prohibited by this or any other laws or ordinances, land located in the One Hundred (100) Year flood plain areas may be platted for development.

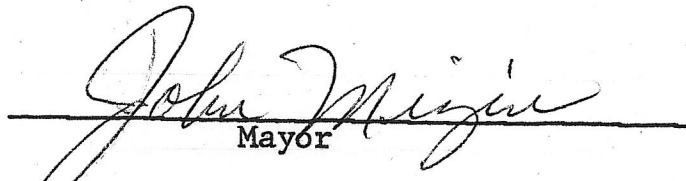
Duly adopted at a special meeting held on the 11th day of  
August, 1975.

  
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President of Council

Attest:

  
\_\_\_\_\_  
Secretary

Approved

  
\_\_\_\_\_  
Mayor