

NO. 2012-8
ORDINANCE

An Ordinance of the County of Luzerne amending Section 7.11, Section 5.58, Section 7.138, Section 9 (9.29, 9.30, 9.31, 9.32, 9.33) and Section 14 of the Subdivision and Land Development Ordinance in accordance with the Home Rule Charter of Luzerne County (the "Charter").

WHEREAS, the Luzerne County Planning Commission recommends the amendment of the Subdivision and Land Development Ordinance in order to meet the requirements of the National Flood Insurance Program and the Pennsylvania Flood Plain Management Act; and

WHEREAS, without the adoption of the flood plain management amendments, the municipalities under the jurisdiction of the County's Ordinances will be placed in jeopardy of losing eligibility in the National Flood Insurance Program, severely impacting the residents' ability to recover from natural disasters; and

WHEREAS, care was taken, after a review of past annual fee adjustments, current costs, work effort involved and level of expense recovery currently being experienced, to design the fee adjustments without adversely affecting projects and development; and

WHEREAS, County Council wishes to amend the Subdivision and Land Development Ordinance;

THE COUNCIL OF THE COUNTY OF LUZERNE HEREBY ENACTS THE FOLLOWING:

SECTION 7.11. Schedule of Fees.

Administrative Review Fees payable to the Luzerne County Planning Commission:

<u>Application type</u>	<u>Fee</u>
<u>Subdivision</u>	\$ 300.00, includes the first 4 lots \$ 50.00 additional fee for each lot over 4*
<u>Land Development</u>	\$ 800.00, plus \$ 60 per unit. (\$ 860.00 min.)
<u>Stormwater Plan**</u>	\$ 275.00
<u>Flood Plain Management</u>	\$ 200.00 Additional fee for Section 14 review.
<u>Component 4B of Planning Land Module or PaDEP County Land Use Letter</u>	\$ 25

Technical Review Fees payable to the Luzerne County Engineering Office:

<u>Subdivision</u>	\$ 250.00, plus \$ 50 for each lot up to 5 (\$ 350.00 Min.)* \$ 80.00 additional fee for each lot over 5.*
<u>Land Development</u>	\$ 750.00 for the first 40,000 sq. ft. of new impervious cover.*** \$ 80.00 for each additional 10,000 sq.ft. of impervious cover, rounded up to the nearest whole 10,000 sq.ft. increment.*** \$ 150.00 Re-Submission Review Fee*****
<u>Stormwater Plan or Report**</u>	\$ 750.00
<u>Flood Plain Management</u>	\$ 300.00 Additional fee for Section 14 review.
<u>Site Inspection****</u>	\$ 200.00 for each inspection

* Fees determined by the number of lots created, including the residual lot.

** Review of either the Countywide, or specific watershed, Act 167 Stormwater Plan, or a Stormwater Report based upon Section 6.115 and Appendix A, as determined by the Planning Commission and County Engineering Office staffs.

*** Impervious cover includes, but is not limited to, structure, roadways, sidewalks, parking areas, stone or gravel areas, etc. The amount of new impervious cover must be provided to verify the required fee.

**** Site inspection for release of Financial Security Guarantee shall be scheduled upon receipt of a written request and the inspection fee for each inspection requested.

*****Each consolidated response(s) to the comment letter(s).

Eliminate current Section 5.58 which reads: Any lot identified as lying with the One Hundred (100) Year Floodway will not be included as part of the required lot area as designated per its appropriate zoning district. The delineation of the One Hundred (100) Year floodway will be determined by those maps produced by the National Insurance program for the municipality. If, for some reason, floodway maps are approximated or non-existent, the developer will use the best data available to determine floodway location.

Insert new Section 5.58 to read: Any lot, or portion of lot, identified as lying within the Floodway will be reserved and noted as Non-Buildable, nor be included as part of the required lot area, as designated by its appropriate zoning district. The delineation of the Floodway will be as shown on the FIRM maps produced by FEMA as part of the National Flood Insurance Program (NFIP).

Eliminate current Section 7.138 which reads: Areas subject to periodic flooding.

Insert new Section 7.138 to read: Outline all identified areas of the Special Flood Hazard Area and Floodway.

Eliminate in SECTION 9 – DEFINITIONS - 9.29 Flood, 9.30 Flood Fringe, 9.32 One Hundred Year Flood, 9.33 One Hundred (100) Year Flood Plain Area(s) or District(s).

Eliminate current Section 9.31 Floodway which reads: The channel of river or other watercourse and the adjacent land areas that must be reserved in order to discharge that One Hundred (100) Year Flood without cumulatively increasing the water surface elevation more than one (1) foot.

Insert new Section 9.31 Floodway to read: –The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the one percent (1%) annual chance flood event without cumulatively increasing the water surface elevation more than one (1) foot.

Insert in Section 9 – DEFINITIONS -the following definitions to read:

9.29 One Percent (1%) Annual Chance Flood Event – A flood that has a one percent (1%) chance of occurring in any one (1) year.

9.30 Special Flood Hazard Area (SFHA) – The area(s) that have a one percent (1%) chance of being flooded in any year, as shown on the FEMA FIRM maps.

9.32 Base Flood Elevation (BFE) – The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE and AH, that indicates the water surface elevation resulting from a flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year.

Eliminate current SECTION 14 – FLOOD CONTROL (See the current Section 14 in the Luzerne County Subdivision/Land Development Ordinance on line at the county's website, www.luzernecounty.org).

Insert new SECTION 14 – FLOOD PLAIN MANAGEMENT to read:

14.1 General Provisions:

A. Intent

The intent of this section is to regulate subdivision and/or land development occurring in the Special Flood Hazard Area in order to promote the general health, welfare, and safety of the community, to provide safe building sites with public facilities to serve the sites designed and installed at the time of initial construction to mitigate flood damage.

B. Applicability

The provisions of this Section shall apply when a proposed subdivision or land development is located, wholly or partially, within the Special Flood Hazard Area, and in a municipality under the jurisdiction of the Luzerne County Subdivision/Land Development Ordinance. These provisions shall be supplementary to the other requirements of this Ordinance.

C. Abrogation and Greater Restrictions

This Section supersedes any other conflicting provisions which may be in effect in other County or Local Municipal Ordinances. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this County Ordinance, or the decisions of the County Engineer, the more restrictive shall apply.

D. Warning and Disclaimer of Liability

The degree of flood mitigation sought by the provisions of this Section is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Section does not imply that areas outside the special Flood Hazard Area, or that land uses permitted within such areas, will be free from flooding or flood damages. This Section shall not create liability on the part of Luzerne County or any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision made thereunder.

14.2 Application Procedures and Plat Requirements

A. Preliminary Plan Requirements

When a subdivision, or land development, is proposed that will be located wholly, or partially, within the Special Flood Hazard Area (SFHA), a map sheet shall be provided showing the boundary and area of the SFHA and the Floodway, if any. Additional detailed information shall be provided either on the map sheet, or in attached documentation, to the satisfaction of the County Engineer, concerning the following: proposed lots and sites, fill area and data, flood or erosion protective facilities, special deed restrictions, contours at intervals of two (2) feet, the Base Flood Elevation, location and elevation of all proposed buildings, elevation certificate for the building sites, and the location and elevation of proposed roads and public utilities and the location and details of the FEMA accepted benchmark elevation control. Where the Base Flood Elevation is not available or when the County Engineer requires, hydrologic and hydraulic studies will be prepared and submitted to determine and/or confirm the BFE and the Floodway. These studies shall be undertaken only by Professional Engineers registered in the Commonwealth of Pennsylvania.

B. Final Plan Requirements

All information required in Section 14.2 A and other pertinent sections of this Ordinance, plus all required information and plan revisions as requested by the Luzerne County Planning Commission, the Luzerne County Engineer, and the local municipality where the application's site is located, if supported by the Luzerne County Planning Commission.

C. Application Coordination

All applications under this section shall be coordinated by the applicant with the Luzerne County Zoning Ordinance, specifically Article 13, the local municipal Flood Plain Management Ordinance, local municipal Flood Plain Administrator, building code officer and the UCC requirements, the Luzerne Conservation District, and all other federal and state agencies having jurisdiction over these issues.

14.3 Design Standards and Improvements

A. General

No building sites, construction of new structures, replacement or expansion of existing structures, or the placement of fill, land contour or drainage pattern modification, will be allowed in the Floodway.

Building sites, construction of new structures, replacement or expansion of existing structures, shall be allowed in the Non-Floodway portions of the SFHA providing they are elevated to one and one-half feet (1 & ½ Ft.) above the Base Flood Elevation and flood proof the required utilities. The placement of fill shall also be allowed subject to the requirements of the local municipal flood plain management ordinance as determined by the local municipal Flood Plain Administrator and the County Engineer, and shall extend laterally at least fifteen (15) feet beyond the building line from all Points, and shall only be used to the extent to which it does not adversely affect adjacent properties or improvements.

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of runoff onto adjacent properties. The requirements of any adopted Luzerne County Storm Water Management Plans, Luzerne Conservation District and drainage rules in the local municipal Flood Plain Management Ordinance must also be followed to the extent that the most restrictive rules apply to the satisfaction of the County Engineer.

C. Street

The finished elevation of all new streets shall be no more than one (1) foot below the Base Flood Elevation and shall be designed to the satisfaction of the County Engineer such that they cannot be inundated by more than a ten (10) year storm protruding into the cartway. The applicant shall provide the elevation of all streets.

D. Water and Sanitary Sewer Facilities and Systems

The distribution and collection systems (new or replacement) shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters. On-lot sewage systems (septic, sand mounds, etc.) shall be prohibited in the SFHA and a note shall be placed on the plot plan and in all deed conveyances that such systems are prohibited, unless they are elevated one and one-half feet (1 & ½ ft.) above the Base Flood Elevation and/or flood proofed, and approved by the local municipal Sewage Enforcement Officer and the PA Department of Environmental Protection. The on-lot systems, if permitted, shall be so located and designed to avoid impairment to it, or contamination from it, during a flood. All sewage systems shall be waterproofed and pressure tested to the satisfaction of the County Engineer.

E. Other Utilities

In the SFHA, all utilities shall be underground in a conduit which shall be waterproofed and protected to not cause harm to the general public during a flood event, if possible. If the county Engineer determines that placing the utilities underground is not possible, they shall be located, elevated and constructed to minimize the chance of impairment during a flood.

This amendment to the Luzerne County Subdivision and Land Development Ordinance shall be effective on October 10, 2012 and shall remain in force until modified, amended or rescinded by the Governing Body of Luzerne County, Pennsylvania.

Enacted by County Council, this 25th day of September, 2012



Tim McGinley, Chair



Linda McClosky Houck, Vice-Chair

Attest:



Brittany Burgess, Clerk of County Council