

**ARTICLE XI**

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REQUIREMENTS FOR SPECIAL CONDITIONS

1101. General Provisions

Consistent with the Centre County Planning Commission's Purpose, Goals, Objectives and Policies as well as certain Areas of Concern which are more fully described in the Preamble Statement of this Ordinance, it is the intent and purpose of the Commission to impose additional Requirements For Special Conditions to protect and promote the health, safety and general welfare of the County's present and future population.

A. Abrogation and Greater Restrictions

This Article and its provisions are intended to supersede and/or be in addition to any other provisions of this Ordinance and may, at the discretion of the Municipality with concurrence of the Commission, supersede any other Municipal provisions or restrictions. However, any underlying County or Municipal ordinance or other provisions shall remain in full force and effect to the extent that these provisions are more restrictive.

B. Areas of Concern

It is further the intent and purpose of the Commission to identify now and in the future certain specific Areas of Concern and to establish applicable regulations. These Areas of Concern include the following:

1. Floodplain Areas;
2. Mine Subsidence Areas.

1102. Requirements For Floodplain Areas

A. General Purpose

The general purpose and intent to impose additional requirements for Floodplain Areas is as follows:

1. Consistent with the Commission's Purpose, Goals, Objectives and Policies, as more fully described in the Preamble Statement of this Ordinance, it

is the intent and purpose of the County that floodplains should be either maintained in their undeveloped state or be put to uses compatible with the floodplain environment;

2. Further, it is recognized by the County that the limitations of the soil are a major factor in determining the use of the land. To this end, the County supports the Commission's Policy that development should not take place in areas where the soil presents severe engineering or environmental restrictions;

3. Further, it is the Policy of the County that future growth patterns should be directed to ensure the protection of municipal and private water supplies, and to this end it is the intent and purpose of the County that surface and groundwater quality and flow and recharge must be maintained at levels which are environmentally acceptable;

4. Therefore, the Commission shall, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary for the conservation and protection of local water resources and environmental qualities, prohibit or restrict the Subdivision or Land Development of any portion or portions of the tract which lie within or directly adjacent to the floodplain of any stream or drainage course, unless adequate methods are formulated by the Applicant to solve the problems created by the floodplain environment. The Commission in considering such methods as formulated by the Applicant, shall consider the recommendations of the local Municipal Government, the local Municipal Engineer and/or the County Engineer, and other appropriate agencies.

B. Specific Purpose

The specific purpose and intent to impose additional requirements for floodplain areas is as follows:

1. To regulate the Subdivision and/or Land Development of flood prone areas in order to promote the general health, welfare, and safety of the community;

2. To require that each Subdivision lot and/or Land Development tract in a flood prone area be provided with a safe building site with adequate access; and that public, common, and/or private facilities and improvements which serve such uses be designed and installed to preclude flood damage at the time of initial construction;
3. To protect individuals from buying lands which are unsuitable for use because of flood hazards by prohibiting or restricting the Subdivision and/or Land Development of unprotected flood prone areas;
4. To discourage the placement of new structures within the flood prone areas.

C. Application Procedures

1. It shall be the responsibility of the Applicant to consult with the Staff to determine the existence of flood prone areas which may traverse, be adjacent to, or affect the area to be subdivided or developed.

Acceptable methods (as determined by the Staff in consultation with the Applicant) to determine the existence and extent of flood prone areas shall include the following:

- a. Any and all delineations of the flood prone or flood hazard areas as prepared through the procedures adopted pursuant to the National Flood Insurance Program (Flood Disaster Protection Act of 1973/P.L. 93-234, as amended).
- b. Any professionally recognized method which will determine hydrologically the limit of the regulatory flood which shall be defined as a flood having an average frequency of occurrence on the order of once in one hundred (100) years;
- c. Floodplain areas as determined by alluvial soils so classified by the Soil Conservation Service, United States Department of Agriculture, which may be delineated on maps and data comprising the Soil Survey of Centre County. This material is available in the office of

the Commission, the Centre County Conservation District office and the Soil Conservation Service office all of which are located in Bellefonte, Pennsylvania.

d. Those maps, which are available in the office of the Centre County Planning Commission, that delineate the 1972 Agnes Tropical Storm floodplain.

2. In addition to the requirements found elsewhere in this Ordinance, the Applicant shall consult with a qualified soil scientist or other equivalent professional deemed acceptable by the Commission concerning soil suitability when on-site sewage facilities are proposed.

3. The Applicant shall also consult the Centre County Conservation District representative concerning erosion and sedimentation 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 Land Development.

4. In addition to other applicable requirements found in this Ordinance related to Preliminary Plans the following information shall be required:

a. The general delineation of the flood prone area with respect to the proposed Subdivision and/or Land Development including information on, but not limited to, the regulatory flood elevations, boundaries of flood prone areas, proposed lots and sites, necessary cuts and fills, and any flood or erosion protective facilities;

b. The Preliminary Plan shall also include detailed information giving the general location and elevation of proposed roads, public utilities, and building sites. If applicable the Plan shall also show contours at intervals of two (2) or five (5) feet depending on the slope of the land to further identify accurately the boundaries of the flood prone areas.

5. In addition to other applicable requirements found in this Ordinance related to Final Plans the following information shall be required: the delineation of the exact location of all proposed building sites and other structures, street locations and elevations, and public utilities or other improvement locations to be constructed in or near the flood prone areas. All such maps shall show contours at an appropriate interval and/or spot elevations to identify accurately the boundaries of the flood prone areas.

D. Design Standards

In addition to the requirements found elsewhere in this Ordinance the following shall be required:

1. General Requirements

a. Where not prohibited by this or any other laws or ordinances, land located in flood prone area(s) may be platted for development with the provision that the Applicant or subsequent lot owner construct all buildings and structures on those portions of the Subdivision or Land Development that are not included within the flood prone area(s)\*. Further, that the development of the site will not adversely effect flood elevations.

b. No Subdivision and/or Land Development, or part thereof, shall be approved if the proposed development and/or improvements will, individually or collectively, increase the regulatory flood elevation.

c. If the Commission determines that only a part of a proposed Subdivision or Land Development can be safely developed, it may limit development to that part and may require that development proceed consistent with this determination.

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\*Buildings and structures may be permitted in flood prone areas if adequate methods are formulated by the Applicant to solve the problems created by the floodplain environment.

d. When an Applicant does not intend to develop the plat himself and the Commission determines that additional controls are required to insure safe development, it may require the Applicant to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

2. Excavation and Grading

Where any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover will be removed that is located within or directly adjacent to any flood prone area, the Applicant shall consult the Centre 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 a determination can be made as to the type and degree of development the site may accommodate. Before undertaking any excavation or grading, the Applicant shall obtain a grading and excavation permit if such is required by the Municipality.

3. Storm Water Management

Subdivisions and Land Developments shall be subject to the provisions of Section 412 as contained herein.

4. Streets

The finished elevation of proposed streets shall be no more than two (2) feet below the regulatory flood elevation. The Commission may require, where necessary, profiles and elevations of streets to determine compliance with this requirement.

5. Sewer Facilities

All sanitary sewer systems located in flood prone areas, whether public or private, shall be flood-proofed up to a point one (1) foot above the regulatory flood elevation.

a. The Commission may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high groundwater, flooding, or unsuitable soil

characteristics. The Commission may require that the Applicant note on the face of the plat and in any deed conveyance that soil absorption fields are prohibited in designated areas.

b. The Commission may prescribe alternate methods for waste disposal. If a sanitary sewer system is located on or near the proposed Subdivision and/or Land Development the Commission shall require the Applicant to provide sewage facilities to connect to this system where practical, and shall prescribe the procedures to be followed by the Applicant in connecting to the system.

6. Water Facilities

All water systems located in flood prone areas, whether public or private shall be flood-proofed to a point one (1) foot above the regulatory flood elevation. If there is an existing public water supply system on or near the Subdivision and/or Land Development, the Applicant shall connect to this system where practical.

7. Other Public Utilities and Facilities

All other public and/or private utilities and facilities shall be elevated or flood-proofed to a point one (1) foot above the regulatory flood elevation.

E. Definitions

For the purpose of this Article the following definitions shall apply:

1. Flood Prone Area - a relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation; or, any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.
2. Floodway - the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of given magnitude.
3. Regulatory Flood - a flood having an average frequency of occurrence on the order of once in one hundred (100) years, although the flood may occur in any year.

4. Regulatory Flood Elevation - the one hundred (100) year elevation based upon the information contained in the Official Flood Insurance Study.

1103. Requirements For Mine Subsidence Areas

A. General Purpose

The general purpose and intent to impose additional requirements for mine subsidence areas is as follows:

1. Consistent with the Commission's Purpose, Goals, Objectives and Policies as well as other related provisions as more fully described in the Preamble Statement of this Ordinance, it is the intent and purpose of the County that due to the potential severity of mine subsidence, development should not be encouraged in those areas where known abandoned deep mines exist.

2. Further, it is the position of the County that future mining activities be discouraged in areas that are more suitable for orderly community growth and high quality environmentally sensitive areas.

B. Specific Purpose

The specific purpose and intent to impose additional requirements for mine subsidence areas is as follows:

1. That mine subsidence be recognized as a potential Development Limitation by local government agencies, landowners, developers, prospective lot purchasers and those responsible for mining activities.

C. Application Procedures

1. It shall be the responsibility of the Applicant to consult with the Staff to determine the existence of underground mining activities which may traverse, be adjacent to, or affect the area to be subdivided or developed.

2. The determination of the existence of previous underground mining activities shall be documented from the official records of the Department of Environmental Resources, Bureau of Land Protection, Division of Mine

Subsidence Regulation and/or the records as available in the Centre County Courthouse.

3. In addition to other applicable requirements found in this Ordinance related to Final Plans the following shall be required:

- a. Assurances from the Applicant that prospective lot purchasers will be made aware of the extent of previous underground mining activities;
- b. Assurance from the Applicant that prospective lot purchasers will be made aware that they are not obtaining structural protection from mine subsidence but that private agreements can be made for future mining activities;
- c. Assurances from the Applicant that prospective lot purchasers will be made aware of the availability of mine subsidence insurance.