

**ARTICLE III**  
**Section 3-160**

**FLOOD ZONE DISTRICT**

**(11-13-02)**

**Section 3-160.1 The Flood Zone.** The Flood Zone is hereby established to promote the good health, safety and general welfare of all users of property within the Flood Zone Areas; to minimize the need for flood rescue and relief efforts generally undertaken at the expense of the general public; to minimize prolonged interruptions of business; to minimize damage to public facilities and utilities; to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and, to insure that all users of land within the flood prone areas are notified of the potential hazards that may be caused by flooding.

The Flood Zone is also intended to minimize public and private losses due to flood conditions in specific areas by special requirements designed to:

restrict or prohibit uses which are dangerous to health, safety and property due to water, erosion, flood heights and velocities;

require that land uses vulnerable to floods be protected against flood damage at the time of initial construction;

control the alteration of natural flood plains, stream channels and natural protective barriers, which re-involved in the accommodation of flood waters;

control filling, grading, dredging and other development which may increase erosion or flood damage; and

prevent or regulate the construction of flood barriers which unnaturally divert flood waters or which may increase flood hazards to other lands.

**Section 3-160.2 General Provisions.** The Flood Zone District is hereby described as areas of special flood hazard A, A2, A5, A7, A10, A12, A13, A18, A19, A21 and the Floodway as shown, defined, and bounded on the maps provided by the United States Department of housing and Urban Development Office of the Federal Insurance Administration to the City of Westfield.

Said maps and all revisions thereto, hereinafter referred to collectively as the "Flood Insurance Rate Map" for this section are declared to be a part of this ordinance and are further described as Community Panel Numbers 250153 0005B; 250153 0010B; 250153 0015B; and 250153 0020B, and entitled "Flood Boundary and Floodway Map" and Community Panel Numbers 250153 0005B, 250153 0010B; 250153 0015B; and 250153 0020B and entitled "Flood Insurance Rate Map."

A scientific and engineering report also provided by the United States Department of Housing and Urban Development Office of the Federal Insurance Administration, said report entitled “Flood Insurance Study, City of Westfield, Massachusetts’s, Hampden County” and all revisions thereto is also hereby adopted by reference and declared to be a part of this ordinance.

All existing zoning districts within the confines of the Flood Zone District at the time of passage of this ordinance shall remain in force as specifically allowed and described in other ordinance Sections of Appendix B-Zoning and as shown, defined and bounded on the map entitled “Westfield, Massachusetts, Zoning Map” or as such map and zoning districts delineated thereon are hereafter amended.

Said existing zoning districts shall be subject also to the further requirements of this ordinance.

A development Permit shall be required in conformance with the provisions of this ordinance for all improvements and changes made to the property including but not limited to new building construction; existing building reconstruction and substantial improvement made thereto; new mobile home park or trailer park and substantial improvement made to existing mobile homes and trailer homes; other types of structures; all mining, dredging, filling, drilling, grading, paving or excavation operations.

All provisions of this ordinance shall be considered as minimum requirements; liberally construed in favor of the governing body; and deemed neither to limit nor repeal any other powers granted under state statutes.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes.

This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood dams.

This ordinance shall not create liability on the part of the City of Westfield or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**Section 3-160.3 Definitions.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. **Appeal.** A request for a review of the Superintendent of Buildings interpretation of any provision of this ordinance or a request for a variance.

2. Area of Special Flood Hazard. The land in the flood plain within a community subject to a one- percent or greater change of flooding in any given year. The areas designated as A, A2, A5, A7, A10, A12, A13, A18, A19, A21 and the Floodway on the “Flood Plain Zoning Map” are the specific areas of special flood hazard.
3. Base Flood. The flood having a one- percent change of being equaled or exceed in any given year.
4. Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
5. Development Permit. A building permit issued by the Superintendent of Buildings for all “Development” within the areas of special flood hazard.
6. Existing Mobile Home Park or Trailer Park. A parcel or contiguous parcels of land divided into two or more mobile home or trailer lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home or trailer is to be affixed, including the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets is completed before the effective date of this ordinance.
7. Expansion to an Existing Mobile Home Park or Trailer Park. The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed including the installation of utilities, either final site grading or pouring of concrete pads or the construction of streets.
8. Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the over-flow of inland waters and/or the unusually and rapid accumulation of runoff of surface waters from any source.
9. Flood Barrier. For the purpose of this ordinance, “Flood Barrier” is defined as any building, embankment, dike or other structure constructed in an area, and any man-made change to the natural topography of any area, including grading, mounding, filling excavating, paving, mining, dredging, or drilling that creates an obstruction causing flood waters to be unnaturally diverted away from the area to the detriment of other lands.
10. Flood Hazard Boundary Map and Flood Insurance Map. An official map of a community on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zoned applicable to the Community.

11. Flood Insurance Study. The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Hazard Boundary-Floodways Maps and the water surface elevation of the base flood.
12. Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
13. Mobile Home or Trailer. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or camping trailers.
14. New Mobile Home or Trailer Park. A parcel or contiguous parcels of land divided into two or more mobile home or trailer lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home or trailer is to be affixed including the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets in completed on or after the effective date of this ordinance.
15. Start of Construction. The first placement of permanent construction of a structure on a site, beyond the stage of excavation and shall include the completed installation of poured slabs or footings and foundation walls.

For a structure without a basement or poured footings, the “Start of Construction” includes the completed installation of pilings, piers, or foundation.

For Mobile homes and trailers “Start of Construction” is the date on which the construction of facilities for servicing the site on which the mobile home or trailer is to be affixed including the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities is completed.

16. Structure. A walled and roofed building that is principally above ground. This definition includes a mobile home and trailer home.
17. Variance. A grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in substantial hardship.

#### **Section 3-160.4 Administration.**

1. Designation and Duties of the Administrator. The Superintendent of Buildings shall be the Administrator and Implementor of the provisions of this ordinance and shall exercise the authority to require the submission of all reasonable information on which to base a determination.

Duties of the Superintendent of Buildings shall include, but not be limited to:

- a. Reviewing all development permits to assure that the permit requirements of this ordinance have been satisfied and to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- b. Notifying the Westfield Conservation Commission and the Westfield Flood Control Commission regarding all application for development permit within the "Flood Zone District".

The Conservation Commission shall review the applications within the scope of its authority related to conservation matters and shall forward its recommendation to the Superintendent of Buildings within the allotted time designated by the General Laws of the Commonwealth of Massachusetts, Chapter 131, Section 40.

The Flood Control Commission shall review the applications within the scope of its authority related to the control of flooding and shall forward its recommendations to the Superintendent of Buildings within twenty (20) days.

- c. Verifying and recording the actual elevation in relation to mean sea level of the lowest floor, including basement of all new or substantially improved structures.
- d. Verifying and recording the actual elevation in relation to mean sea level to which the new or substantially improved structures have been flood proofed.
- e. Obtaining certification from a registered professional engineer or architect when floodproofing is utilized for a particular non-residential structure.
- f. Making the necessary interpretation as to the exact location of the boundaries of the special flood hazard areas particularly where there appears to be a conflict between a mapped boundary and actual field conditions.

The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

- g. Obtaining, reviewing and reasonably utilizing any base flood elevation data available from a federal, state or other source when base flood elevation data has not been stipulated by the scientific and engineering

maps, report and revisions thereto provided by the Federal Insurance Administration.

- h. Maintaining all records pertaining to the provisions of this ordinance and assuring that said records shall be open for public inspection.
2. **Permit Procedures.** Application for a Development Permit shall be made to the Superintendent of Buildings on forms furnished by the Superintendent of Buildings and may include, not be limited to the following plans and duplicate drawn to scale showing the natural, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

The following information also shall be provided:

- a. The elevation in relation to mean sea level of the lowest floor including the basement of all structures. A declaration stating whether or not all structures contain basement also shall be provided.
  - b. The elevation in relation to mean sea level to which any non-residential structure has been floodproofed.
  - c. A certificate from a registered professional engineer or architect that the non-residential floodproofed structure meets the floodproofing criteria of this ordinance.
  - d. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
3. **Proposed for Variances.**
- a. The Zoning Board of Appeals of the City of Westfield shall hear and decide appeals and requests for variances from the requirements of this ordinance.
  - b. The Zoning Board of Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Superintendent of Buildings in the enforcement or administration of this ordinance.
  - c. Variances may be issued for the reconstruction rehabilitation or restoration of structures listed on the National Register of Historic Places, without regard to the procedures set forth in the remainder of this sub-section.

- d. In deciding upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified within this ordinance, and:
1. The danger that materials may be swept onto other land to the injury of others.
  2. The danger to life and property due to flooding or erosion damage.
  3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  4. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
  5. The safety of access to the property in times of flood by ordinary and emergency vehicles.
  6. The expected heights, velocity, duration, rate of rise and sediment transport to of the flood waters expected at the site.
  7. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

Generally, variances may be issued for new construction and substantial improvements to be erected on a lot contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the aforementioned items 3.d.1 through 3.d.7 have been fully considered and that an enforcement of the provisions of this ordinance would involve substantial hardship, financial or otherwise to the variance petitioner and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this ordinance.

- e. Variances shall not be issued within the designated flood plain if any increase in flood levels during the base flood discharge would result.

Those granted within the flood plain all require adherence to all of the regulations of this ordinance pertaining to the base flood.

- f. Conditions for Variances.

1. A variance shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  2. In addition to normal criteria on which decisions by the Zoning Board of Appeals are normally based as described in Section 7 Subsection 8 of Appendix B-Zoning of the Westfield Code of Ordinances, a variance additionally shall only be issued upon a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, or cause fraud on or victimization of the public.
  3. Any applicant to whom a variance is granted by the Zoning Board of Appeals for a structure where the basement elevation is below the flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest flood elevation.
- g. The Zoning Board of Appeals shall notify the Westfield Conservation Commission and the Westfield Flood Control Commission of variances applied for within the “Flood Zone District”.

**Section 3-160.5 Provisions for Flood Hazard Reduction.**

1. General Standards. In all areas of special flood hazards the following provisions are required:
  - a. All new construction and substantial improvements shall be anchored to prevent floatation, collapse or lateral movement of the structure.
  - b. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
  - c. All new construction shall be constructed by methods and practices that minimize flood damage.
2. Specific Standards. In all areas of special food hazards where base flood elevation data has been provided by the Flood Insurance Administration or by other federal, state or local sources, the following provisions are required:
  - a. Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including the basement elevated to or above the base flood elevation.

A minimum lot area of twenty one thousand seven hundred and eighty (21,780) square feet and minimum lot frontage of one hundred (100) feet shall be required for all new residential construction within the areas of special flood hazard.

- b. Non-residential Construction. New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Superintendent of Buildings.

- c. Mobile Homes and Trailer Homes. Mobile homes and trailer homes shall remain subject to the provisions of Chapter 8 Article XI of the Westfield Code of Ordinances and within the jurisdiction of the Westfield Board of Health but shall be further subject to the requirements of this ordinance.

- 1. All mobile homes and trailer homes shall be anchored to resist floatation, collapse, or lateral movement by providing over the top and frame ties to ground anchors.

Over the top ties shall be provided at each of the Four Corners of the mobile home or trailer home with two additional ties per side at intermediate locations.

Mobile homes or trailers homes less than fifty (50) feet long shall require four additional ties per side. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds. Additions to the mobile home or trailer home shall be similarly anchored as previously described.

- 2. For new mobile home and trailer parks; for expansions to existing mobile home and trailer parks; and for existing mobile home and trailer parks where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of value of the streets, utilities and pads before the repair, reconstruction, or improvement has commenced the following shall be required.

- a. Stands or lots shall be elevated on compacted fill or on the pilings so that the lowest floor of the mobile home or trailer will be at or above the base flood level.

- b. Adequate surface drainage and access for a hauler shall be provided.
- c. In the instance of elevation on pilings, lots shall be large enough to permit steps. Piling foundations shall be placed in stable soil not more than ten (10) feet apart and reinforcement shall be provided for pilings more than six feet above the ground level.

**Section 3-160.6 Floodways.** Since the floodway is an extremely hazardous area due to the velocity of flood water which carries debris, potential projectiles and causes erosion, all new structures including mobile homes and trailer homes and substantial improvement to existing structures, mobile homes, and trailer homes as well as other forms of land development at the time of the adoption of this ordinance shall not be permitted.

**Section 3-160.7 Method of Determining Lines on Flood Plain Maps.** The location of the boundary lines of the Flood Plain shown upon the Flood Plain Maps shall be determined as follows:

1. Where the boundary lines are shown upon the Flood Plain Map within the street lines of public or private ways the centerlines of such ways shall be the boundary lines.
2. Where the boundary lines are shown approximately on the location of property lines or lot lines, and the exact location of the property, lot or boundary lines is not indicated by means of figures, then the property or lot lines shall be the boundary lines.
3. Boundary lines located outside of such street lines shown approximately parallel thereto shall be regarded as parallel to such street lines; and figures placed upon the Flood Plain Maps between such boundary lines and street lines are the distance in feet of such boundary lines from such street lines, such distances being measured at right angles to such street lines unless otherwise indicated.
4. In all cases which are not covered by the other provisions of this section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon the Flood Plain Maps, or, if distances are not given, then by the scale of such map.
5. Whenever any uncertainty exists as to the exact location of a boundary line, the location of such line shall be determined by the inspector of buildings; provided, however, that any person aggrieved by his decision may appeal to the Board of Appeals.

6. Where a district boundary line divides a lot as existing at the time this ordinance takes effect and the major portion of such lot is in the less restricted district, the regulations existing to that district may extend as well to such portion of such lot as is not more than twenty-five (25) feet within the more restricted district; provided, that the lot has frontage in the less restricted district.