

## **Section 3-160**

### **FLOODPLAIN MANAGEMENT DISTRICT**

#### **3-160.1 - Intent.**

*The Floodplain Management District is intended to promote the good health, safety and general welfare of all users of property within areas prone to flooding; 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 Floodplain Management District is also intended to minimize public and private losses due to flood conditions in specific areas by special requirements designed to:*

- 1. Restrict or prohibit uses which are dangerous to health, safety and property due to water, erosion, flood heights and velocities;*
- 2. Require that land uses vulnerable to floods be protected against flood damage at the time of initial construction;*
- 3. Control the alteration of natural floodplains, stream channels and natural protective barriers, which re-involved in the accommodation of flood waters;*
- 4. Control filling, grading, dredging and other development which may increase erosion or flood damage; and*
- 5. Prevent or regulate the construction of flood barriers which unnaturally divert flood waters or which may increase flood hazards to other lands.*

#### **3-160.2 - General Provisions.**

*The Floodplain Management District is herein established as an overlay district, to include all special flood hazard areas within the City of Westfield designated as Zone A or AE on the Hampden County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program.*

*The map panels of the Hampden County FIRM that are wholly or partially within the City of Westfield are panel numbers 25013C0160E, 25013C0163E, 25013C0164E, 25013C0170E, 25013C0180E, 25013C0190E, 25013C0191E, 25013C0193E, 25013C0352E, 25013C0355E, 25013C0358E, 25013C0359E, 25013C0360E, 25013C0376E, 25013C0377E, 25013C0378E, and 25013C0379E dated July 16, 2013, and revisions thereto.*

*The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Hampden County Flood Insurance Study (FIS) report dated July 16, 2013. The FIRM and FIS report are incorporated herein by reference and are on file with the Engineering Department. The FIRM is also on file with the City Clerk, Planning Board, Building Department and Conservation Commission.*

*The provisions and requirements of all underlying zoning districts, unless otherwise described by this Floodplain Management District, shall remain in effect as described elsewhere in the zoning ordinance and as shown, defined and bounded on the zoning map, as amended. Said zoning districts shall be subject also to the further requirements of this section.*

*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, or substantial improvement made to, mobile home park or trailer park and 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 district or uses permitted within such areas will be free from flooding or flood damage.*

*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.*

### **3-160.3 - Definitions.**

*Unless specifically defined below, words or phrases used herein shall be interpreted so as to give them the meaning they have in common usage.*

1. Appeal. *A request for a review of the administrator's interpretation of any provision of this ordinance or a request for a variance.*
2. Area of Special Flood Hazard. *The areas designated as A and AE and the Floodway on the "Flood Insurance Rate Map" are the specific areas of special flood hazard; generally, such land in a floodplain within the City and subject to a one-percent or greater chance of flooding in any given year.*
3. Base Flood. *The flood having a one- percent chance 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 permit issued by the administrator of this ordinance for all development within the areas of special flood hazard. In the case of the requirement of a building permit for some or all of the work, the administrator may allow the Development Permit to be issued concurrently and in the form of the building permit, where the otherwise required information has been provided. In the case where no building permit is required, the administrator may allow a permit issued by the Conservation Commission to serve as the Development Permit where the applicant has provided satisfactory evidence to demonstrate compliance with this ordinance.*
6. 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.*
7. Flood Barrier. *For the purpose of this ordinance, any building, wall, fence, 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.*
8. Flood Insurance Rate Map (FIRM). *An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zoned applicable to the Community.*
9. Flood Insurance Study. *An examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.*
10. 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.*
11. 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 placed on a site for not more than 180 days.*

12. Structure. A walled and roofed building, to also include a gas or liquid storage tank, mobile home and trailer home, that is principally above ground.
13. 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.

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

1. Designation and Duties of the Administrator. The Superintendent of Buildings shall be the Administrator and implementer 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 Administrator 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 an application for development permit within the Floodplain Management 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 Administrator 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 Administrator within 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 flood-proofing 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, notwithstanding a Letter of Map Amendment/Letter of Map Revision from FEMA may also be required.
  - 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 Flood Insurance Rate Maps and Flood Insurance Study thereto provided by the Federal Emergency Management Agency.
  - 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 Administrator on forms furnished by same. The following shall be provided with the application:
  - 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 a basement also shall be provided.
  - b. The elevation in relation to mean sea level to which any non-residential structure has been flood-proofed.

- c. *A certificate from a registered professional engineer or architect that any non-residential flood-proofed structure meets the flood-proofing criteria of applicable codes.*
  - d. *A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.*
  - e. *In addition, the Administrator may require plans, in duplicate, drawn to scale showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, development, fill, storage of materials, drainage facilities and the location of the foregoing.*
3. Appeals.
- a. *The Zoning Board of Appeals of the City of Westfield shall hear and decide petitions 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 Administrator in the enforcement or administration of this ordinance, as provided by the General Laws of the Commonwealth of Massachusetts, Chapter 40A, Section 8.*
  - 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, provided a determination is made that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.*
  - 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 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.*
  - e. *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.*
  - f. *Variances shall not be issued within the designated floodplain if any increase in flood levels during the base flood discharge would result.*
  - g. 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. Those granted within the floodplain all require adherence to all of the regulations of this ordinance pertaining to the base flood.*

- 2) *In addition to normal criteria on which decisions by the Zoning Board of Appeals are normally based as described elsewhere in this ordinance. 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, extra-ordinary public expense, creation of nuisances, or causing 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.*
- h. *The Zoning Board of Appeals shall notify the Westfield Conservation Commission and the Westfield Flood Control Commission of variances applied for within the Floodplain Management District.*

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

1. General Standards. *In all areas of special flood hazards the following provisions are required:*
  - a. *In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.*
  - b. *Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.*
  - c. *All subdivision proposals must be designed to assure that:*
    - 1) *such proposals minimize flood damage;*
    - 2) *all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and*
    - 3) *adequate drainage is provided to reduce exposure to flood hazards.*
  - d. *A certification by a professional engineer or architect, registered in Massachusetts, that the standards of this subsection are satisfied shall be provided to the Administrator.*
2. Dimensional Standards. *For any new residential construction within the areas of special flood hazard, no lot shall have less than 21,780 square feet in area, nor less than 100 feet of frontage, unless the underlying or other overlay district requires a greater amount.*
3. Notification. *In a riverine situation, the Administrator shall notify the following of an alteration or relocation of a watercourse:*
  - 1) *Adjacent Municipalities - Southampton, Holyoke, West Springfield, Agawam, Southwick, Granville, Russell, Montgomery*
  - 2) *NFIP State Coordinator - Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 600-700, Boston, MA 02114-2104*
  - 3) *NFIP Program Specialist - Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor, Boston, MA 02110*

### **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, in Zone AE, along watercourses within the City of Westfield that have a regulatory floodway designated on the Hampden County FIRM, all new structures and substantial improvement to existing structures, as well as other forms of development which may restrict or otherwise adversely affect the floodway, shall not be permitted.*

(7/8/13)