

Planning Department Review Memo

To: Wayne Township Planning Board
Board Chair and Members

From: Christopher J Kok, PP, AICP
Township Planner

Date: February 24, 2020

Subject: **Master Plan Consistency of Ordinance 10-2020
Amending Section 134-97 to repeal and replace the Township's Flood
Plain Regulations.**

The purpose of this memo is to provide a review of the Master Plan implications of Ordinance 6-2020, which was introduced for a first reading by the Township Council on February 5, 2020.

Summary of Ordinance

The Federal Emergency Management Agency (FEMA) has conducted new flood mapping and provided revised ordinances that municipalities are required to adopt in order to participate in the National Flood Insurance Program (NFIP). Participation in the NFIP allows residents of a community to purchase and renew flood insurance, receive federal disaster assistance, and receive federal mortgage insurance for properties within flood hazard areas. This specific ordinance is required to be adopted by FEMA in the introduced format and provides the following updates:

- New definitions to provide greater clarity in use of terminology.
- Adoption of new flood maps and specification of dates and names of flood map files.
- Increase in information required for construction within a flood hazard area.
- Increase in construction requirements within a flood hazard area.
- Transfer of responsibilities from the Construction Code Official to the Director of Public Works.

Consistency of Flood Hazard Regulations with the Master Plan

Master Plan, 2003 Master Plan Re-Examination, and 2010 Master Plan Re-Examination all discuss efforts to eliminate the hazard posed by development within flood hazard areas as well as participation in federal and state efforts to buy out flood prone properties. The proposed ordinance is part of this effort and reflects the best practices as established by FEMA in regards to flood hazard mitigation. As such, this ordinance is wholly consistent with the policies established in the Master Plan and subsequent Re-Examinations.

Consistency of Flood Hazard Regulations with Land Development Ordinance

While the ordinance is consistent with the Master Plan, there are certain inconsistencies between the proposed ordinance and the existing ordinance, particularly in regards to organization of the ordinance. In particular, the proposed ordinance contains a section of definitions (134-97.2), whereas Chapter 134 contains all definitions within Section 134-2.2. Because FEMA requires the ordinance to be adopted in this specific format, the Planning Department recommends the following revisions to Section 134-2.2 to be adopted as part of a separate ordinance:

- Change introduction language from “*For the purpose of this chapter, the following terms are herewith defined to mean and shall be construed to mean the following:*” to “*For the purpose of this chapter, terms shall be defined and construed to mean as described below. For the purposes of the Flood Plain Regulations (Section 134-97), applicable terms are defined in Section 134-97.2. Terms defined for the purposes of the Flood Plain Regulations shall not apply outside of Section 134-97.*”
- Remove the following definitions from Section 134-2.2:
 - Area of Shallow Flooding
 - Area of Special Flood Hazard
 - Base Flood
 - Breakaway Wall
 - Elevated Building
 - Flood or Flooding
 - Flood Fringe
 - Flood Hazard Areas
 - Flood Insurance Rate Map (FIRM)
 - Flood Insurance Study
 - Flood Plain
 - Floodway
- Revise Sub-item G of the definition of Critical Environmental Area to read “Area of Special Flood Hazard.”

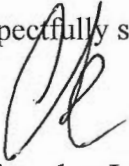
Planning Department Recommendations

Based on the above, it is the Planning Department’s opinion that this ordinance is consistent with the recommendations of the 1994 Master Plan, 2003 Master Plan Re-Examination, and 2010 Master Plan Re-Examination. As such, and given the importance of remaining within the National Flood Insurance Program, the Planning Department recommends that the ordinance be given a favorable review by the Planning Board.

Due to conflicts between the ordinance which is required by FEMA to be adopted in its current format and the existing Land Development Ordinance, the Planning Department recommends the introduction and adoption of a new ordinance to resolve the above listed issues.

Upon review by the Planning Board, a report of its conclusions and suggestions regarding the consistency of the ordinance with provisions of the Master Plan shall be provided to the Township Council per NJSA 40:55D-26.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'CJ Kok', written over the word 'submitted' in the previous block.

Christopher J. Kok, P.P., A.I.C.P.
Township Planner