

Ordinance No. 2236-16

**ORDINANCE AMENDING THE
§426, FLOOD PLAIN (FP) OVERLAY DISTRICT
AND §1202, ZONING PERMIT, OF THE
LAND USE ORDINANCE
OF THE TOWNSHIP OF LAWRENCE**

WHEREAS, the Township Council of the Township of Lawrence (“Township Council”), a municipal corporation in the County of Mercer, State of New Jersey, finds that the public health, safety, morals, and general welfare of the community shall be promoted by the revision and amendment of the Land Use Ordinance of the Township to fully ensure the municipality’s continued ability to participate in the National Flood Insurance Program; and

WHEREAS, these amendments to the Land Use Ordinance and the adoption of new federally compliant regulations as Chapter 8A, Flood Damage Prevention, of the Code of the Township of Lawrence, are necessitated by the final determination of the Federal Emergency Management Agency of new floodways, flood hazard areas and base flood elevations in Lawrence Township and indeed throughout Mercer County; and

WHEREAS, the Planning Board of the Township of Lawrence has adopted a Master Plan that comprehensively provides a foundation for the appropriate use, regulation and development of lands in the Township in a manner which will promote the public health, safety, morals, and general welfare; and

WHEREAS, the Municipal Land Use Law at *N.J.S.A. 40:55D-62a* requires substantial consistency of the provisions regulating zoning and land use with the adopted Master Plan; and

WHEREAS, the Planning Board has determined that the revisions and amendments to the Land Use Ordinance set forth herein are consistent with the goals and objectives of the Master Plan and more specifically the Conservation Element where flood plains are identified as environmentally sensitive lands that are best left in an undeveloped state and therefore favorably recommends to the Township Council that the LUO be so amended.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Lawrence that the Land Use Ordinance be hereby amended as follows:

Section 1. §426, Flood Plain (FP) Overlay District, as modified, shall be entirely amended as follows:

§ 426 Flood Prevention.

- A. **Purpose.** It is the purpose of this Section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. **Protect human life and health;**
 2. **Minimize expenditure of public money for costly flood control projects;**
 3. **Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;**
 4. **Minimize prolonged business interruptions;**
 5. **Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;**
 6. **Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;**
 7. **Ensure that potential buyers are notified that property is in an area of special flood hazard; and**
 8. **Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.**
- B. Limitations on Development. No storage of materials, structure, building, alteration of the natural contours of the ground, or alteration of any watercourse shall be undertaken in the Township of Lawrence without first complying with the rules and regulations of Chapter 8A of the Code of the Township of Lawrence, as applicable.**

Section 2. §1202.C, Specialized Zoning Permits, shall be amended to add a paragraph 3 as follows:

3. **Development permit (flood hazard areas). A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard as established in Chapter 8A, Flood Damage Prevention, of the Code of the Township of Lawrence. Application for a Development Permit shall be made on forms furnished by the Department of Engineering and shall include at a minimum the following:**
 - a. **Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;**
 - b. **Elevation in relation to mean sea level to which any structure has been floodproofed.**
 - c. **Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in §8A-15.B of the Code of the Township of Lawrence; and,**
 - d. **Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.**

- e. In addition, the following information may be required by the Zoning Officer:
 - i. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question;
 - ii. Existing or proposed structures, fill, storage of materials, drainage facilities; and
 - iii. The location of the foregoing.

Section 3. §300, Zoning Districts, shall be modified by removing the designation “Flood Plain Overlay”.

Section 4. Continuation. In all other respects, the Land Use Ordinance of the Township of Lawrence shall remain unchanged.

Section 5. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Land Use Ordinance as a whole, or any other part thereof.

Section 6. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 7. Enactment. This Ordinance shall take effect upon the filing thereof with the Mercer County Planning Board after final passage, adoption, and publication by the Township Clerk of the Township of Lawrence in the manner prescribed by law.

Adopted: May 17, 2016

RECORD OF VOTE

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bobbitt	X						X
Mr. Kownacki	X						
Ms. Lewis				X			
Mr. Powers	X					X	
Mayor Maffei	X						