

City of Philadelphia



(Bill No. 120645)

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by making, revising, and consolidating certain regulations regarding flood protection, and by further repealing Chapter 10-1100A of The Philadelphia Code, entitled “Development in Defined Flood Plain Areas”; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 10-1100A of The Philadelphia Code is hereby repealed in its entirety.

SECTION 2. Title 14 of The Philadelphia Code is hereby amended to read as follows:

TITLE 14. ZONING AND PLANNING

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CHAPTER 14-200. DEFINITIONS.

* * *

§14-203. Definitions. For purposes of this Zoning Code, the following definitions shall apply; words, phrases, and terms not defined herein, but defined in Title 4 (The Philadelphia Building Construction and Occupancy Code), shall be construed as defined in Title 4.

* * *

(129) 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 at any point. The floodway is identified as “Floodway” in the Flood Insurance Study (FIS) and accompanying Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance

City of Philadelphia

BILL NO. 120645 continued

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Study. [Where there is no floodway identified on the FIRM, the floodway shall be identified by other available studies or sources of information for the floodplain area.]

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(304.1) Special Flood Hazard Area, Zone AE.

An area designated as an AE Zone by a Flood Insurance Study (FIS) and accompanying Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study; and for which base flood elevations have been provided.

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CHAPTER 14-700. DEVELOPMENT STANDARDS.

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§14-704. Open Space and Natural Resources.

* * *

(4) Flood Protection.

* * *

(e) *Identification of Area.*

Base elevation and floodway information shall be identified from the Flood Insurance Study (FIS) and accompanying Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA), except as follows:

(.1) For AE zones where no floodway has been identified in the FIS, floodway information from other Federal, State or other acceptable sources shall be used when available.

(.2) For Approximate A zones, elevation and floodway information from other Federal, State or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

City of Philadelphia

BILL NO. 120645 continued

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(f) Changes in Identification of Area.

The identified floodplain area may be revised or modified by the Floodplain Administrator where studies or information prepared by a qualified agency or person and provided by an applicant documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six months after the date such information becomes available, the applicant shall notify the Floodplain Administrator and FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data.

(g) *Alteration or Relocation of a Watercourse.*

Prior to altering, relocating, or encroaching into a watercourse, all applicants shall obtain a permit for such action from the Pennsylvania Department of Environmental Protection Southeast Regional Office, shall notify by certified mail all adjacent municipalities which may be affected by such action, and shall submit copies of such notification to FEMA and the Pennsylvania Department of Community and Economic Development.

[(f)](h) No permit for construction within the Special Flood Hazard Area shall be issued unless the applicant has provided written confirmation that all other necessary government permits required by state and federal laws have been obtained, including but not limited to those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33 U.S.C.A. 1344.

[(g) Subsection (c) ("Special Regulations") shall expire October 31, 2012.]

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SECTION 3. This Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

City of Philadelphia

BILL NO. 120645 continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on October 11, 2012. The Bill was Signed by the Mayor on October 17, 2012.



Michael A. Decker
Chief Clerk of the City Council