



Lamoille County Planning Commission

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To: Cambridge Planning Commission
From: Seth Jensen, LCPC Senior Planner
RE: Draft Cambridge Flood Hazard Regulations
Date: October 20, 2014

Enclosed with this memo please find a DRAFT of potential Flood Hazard Bylaws for the Town and Village of Cambridge. These bylaws are designed to meet minimum standards for participation in the National Flood Insurance Program (NFIP), which enables Cambridge property owners to receive reduced cost flood insurance. In addition, the draft contains “above code” standards that exceed NFIP minimums. These standards are intended to (a) provide additional protection against loss to life and property resulting from flooding, (b) reduce flood insurance costs for Cambridge property owners, (c) enable Cambridge Town and Village to receive additional State funds for repairs to infrastructure damaged during a federally declared disaster, and/or (d) better protect the natural functions of river corridors and floodplains.

“Above Code” options are described in greater detail below. These options are color coded in the attached Draft bylaws.

Prohibition on New Structures and Fill: The draft prohibits new structures and fill within the 100-year flood plain. The draft would allow the replacement and expansion of pre-existing structures and the use of fill to elevate such structures above the base flood elevation, as required by the bylaws. NFIP minimums allow new structures as long as they are elevated to the 100-year flood level. By prohibiting new development in the 100-year flood plain, the Municipality becomes eligible to receive additional State funds for repairs to infrastructure damaged during a federally declared disaster (referred to as the VTERAF program). Prohibition of new structures and fill also earns points toward the CRS program (defined below).

NOTE: An alternative to this approach is to allow new structures, but require them to be elevated via structural measures (such as via piers) rather than fill. This allows flood waters to pass beneath the structure rather than being displaced onto adjacent properties. A drawback of this approach is that it still places people and property in a flood hazard area. However, this may be mitigated to some degree by requiring freeboard.

Compensatory Storage: As noted above, the draft allows use of fill solely for the purpose of elevating existing structures located in the floodplain. A potential drawback of use of fill in the floodplain is that it may displace flood levels onto adjacent properties. “Compensatory Storage” requires “no-net fill” within the floodplain. In other words, if 10 yards of fill are needed to elevate a structure, a compensating 10 yards of fill must be lowered elsewhere. Compensatory storage also earns points toward the CRS program.

Freeboard: The draft requires any substantially improved structure to be elevated at two (2) feet above base flood elevation or to the 500-year flood elevation, whichever is greater. This requirement is referred to as “freeboard.” NFIP minimum only requires structures to be elevated to the base flood elevation. The base flood levels defined by FEMA do not account for debris in floodwaters (such as ice jams). Thus structures only elevated to this level may not be protected if ice jamming occurs or when actual flood levels are higher than the 100-year flood (such as during a 500-year flood). In addition, if a community requires “freeboard,” land owners applying for FEMA assistance to elevate existing structures are eligible for funds for the additional elevation. Absent a freeboard requirement, FEMA will only fund elevation to the base flood elevation. Freeboard also earns points toward the CRS program.

River Corridors: The draft regulates areas where rivers are prone to erosion in addition to areas that are prone to inundation flooding. These areas are not regulated under NFIP minimum standards. By regulating river corridors, the Municipality becomes eligible to receive additional State funds for repairs to infrastructure damaged during a federally declared disaster (referred to as the VTERAF program).

Critical Facilities: Critical Facilities refer to facilities that are “vital to public health and safety.” NFIP recommends, but does not require, additional protections for critical facilities. The bylaws contain two options to address critical facilities: (1) prohibit critical facilities from locating in the flood hazard area or (b) require additional elevation of the facility AND any access road. The Planning Commission should discuss which option is a best fit for Cambridge. Prohibiting critical facilities ensures these facilities are protected against flooding. HOWEVER, critical facilities often provide emergency shelter and relief to residents impacted or isolated during a flood. Thus, where existing population centers, such as Cambridge Village, are located in flood prone areas, ensuring that these facilities are accessible and nearby can protect public safety. Note, either approach to critical facilities earns points toward the CRS program.

Important Definitions

Floodway: The channel of a river or stream – and lands adjoining the channel – required to efficiently carry and discharge the flow of water during a flood.

Floodway Fringe: The area bordering a floodway that has been, or could also be, inundated by floodwater at various storm intervals.

Floodplain: Combined, the *floodway* and the *floodway fringe* make up a floodplain. Typically, the floodway is narrow, while the floodway fringe is wider and ultimately where development is more likely to occur.

100-year/500-year floodplain: Floodplains can be measured by different intervals (100 year, 500 year, etc.) based on how much rain falls during a given storm event. A “100 year floodplain” is the flooding which results from a storm that has a 1% chance of occurring in any given year. A “500 year

floodplain” is the flooding which results from a storm that has a 0.2% chance of occurring in any given year. A 500 year flood is larger than a 100 year flood. NFIP-compliant bylaws use the 100 year floodplain as the regulatory standard. Note the 100-year floodplain is referred to as the Special Flood Hazard Area (SFHA).

Base Flood Elevation (BFE): Predicted water levels during the 100-year flood. If the BFE is 400 feet, the surface of water during the 100-year flood will be at least 400 feet above sea level. Note that the methodology that FEMA uses for calculating the BFE does not account for some of the major causes of flooding in Vermont, such as ice and debris jams or blockages caused by undersized bridges and culverts.

Community Rating System (CRS): The Community Rating System is a voluntary program in which property owners in participating communities are eligible for reduced flood insurance premiums. In order to participate in CRS, a community must receive a certain number of points. Communities can receive “points” by including “above code” requirements in local flood hazard bylaws, conducting public outreach related to flood hazards and flood hazard mitigation, tracking development within the floodplain, actively working to conserve land within the floodplain, and similar measures. Also, by participating in CRS, the Municipality becomes eligible to receive additional State funds for repairs to infrastructure damaged during a federally declared disaster (referred to as the VTERAF program).

FEMA has measured base flood elevations (BFEs) for the Special Flood Hazard Area (SFHA) and has delineated both floodways and the floodway fringes in Cambridge.

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2 **CAMBRIDGE FLOOD HAZARD BYLAWS**
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5 STATUTORY AUTHORIZATION: To effect the purposes of 10 V.S.A. Chapter 32 and in accordance
6 with 24 V.S.A. § 4424, there is hereby established Flood Hazard regulations in the Town and Village of
7 Cambridge, Vermont.
8

9 PURPOSE: It is the purpose of these bylaws to minimize and prevent loss of life and property, to reduce
10 hazards to public safety and wellbeing, to minimize and prevent the disruption of commerce, to minimize
11 and prevent the impairment of the tax base, and to minimize the extraordinary public expenditures and
12 demands on public services that result from flood by:
13

- 14 • Restricting or prohibiting uses that are dangerous to health, safety, or property in times of
15 flood or that cause excessive increase in flood heights or velocities;
- 16
- 17 • Requiring that the design and construction of development in the flood hazard areas is
18 accomplished in a manner that minimizes or eliminates the potential for flood damage;
- 19
- 20 • Prohibiting filling of the flood hazard area unless compensating for the flood carrying
21 capacity elsewhere; and
- 22
- 23 • Promoting wise use of the flood hazard areas as agricultural lands and open space.
24

25 DELINEATION OF THE DISTRICT: These regulations shall apply to Special Flood Hazard Areas and
26 the River Corridors in the Town and Village of Cambridge. The Flood Hazard Areas shall consist of,
27 and these Flood Hazard Bylaws shall apply to, the following areas:
28

29 The Special Flood Hazard Area in and on the most current flood insurance studies and maps
30 published by the Department of Homeland Security, Federal Emergency Management Agency,
31 National Flood Insurance Program, as provided by the Secretary of the Agency of Natural
32 Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and
33 declared to be part of these regulations.
34

35 The River Corridors as published by the Vermont Agency of Natural Resources, including the
36 Statewide River Corridors and refinements to that data based on field-based assessments which
37 are hereby adopted by reference. Where River Corridors are not mapped, the standards contained
38 in these bylaws shall apply to the area measured as fifty (50) feet from the top of the stream bank
39 or slope.
40

41 BASE FLOOD ELEVATIONS AND FLOODWAY LIMITS IN SPECIAL FLOOD HAZARD AREAS:
42 Where available, base flood elevations and floodway limits provided by the National Flood Insurance
43 Program and in the Flood Insurance Study and accompanying maps shall be used to administer and
44 enforce these regulations. In Special Flood Hazard Areas where base flood elevations and/or floodway
45 limits have not been provided by the National Flood Insurance Program or in the Flood Insurance Study
46 and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where
47 available, the applicant shall use data provided by FEMA or by State or Federal agencies.
48

49 INTERPRETATION OF HAZARD AREA BOUNDARIES: The information presented on any maps, or
50 contained in any studies, adopted by reference, is presumed accurate.

1
2 If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the
3 floodway, the location of the boundary shall be determined by the Administrative Officer (AO). If
4 the applicant disagrees with the determination made by the AO, a Letter of Map Amendment
5 from FEMA shall constitute proof.

6
7 If uncertainty exists with respect to the boundaries of the River Corridor, the location of the
8 boundary shall be determined by the AO. If the applicant disagrees with the determination made
9 by the AO, a letter of determination from the Vermont Agency of Natural Resources shall
10 constitute proof.

11
12 SPECIFICALLY PROHIBITED USES WITHIN THE FHA: creation of new principal structures
13 (including the placement of manufactured homes); storage or junk yards; new fill, except as necessary to
14 elevate existing structures above the base flood elevation; any new principal or accessory structures in the
15 floodway; critical facilities; all development not exempted under Section X.X, or permitted or
16 conditional below

17
18 PERMITTED USES AND DEVELOPMENT: The following uses and development activities are
19 permitted upon issuance of a zoning permit, provided they are located outside of the floodway and any
20 River Corridor. All permitted uses shall comply with the General Standards for all development found in
21 Section X.X

- 22
23 Maintenance, repair, and non-substantial improvements of an existing structure, including
24 building utilities;
25 Reasonable modifications to existing structures in order to afford persons with a disability full
26 enjoyment of the premises, including, as provided by the Fair Housing Act but not limited to,
27 installation of access ramps compliant with the Americans with Disabilities Act.
28 Accessory structures;
29 Development related to onsite septic or water supply systems;
30 At-grade parking

31
32 CONDITIONAL USES: The following uses may be permitted in the Flood Hazard Area as conditional
33 uses by the Appropriate Municipal Panel in accordance with Section X.X of these bylaws:

- 34
35 Substantial improvement, elevation, relocation, or flood proofing of existing structures;
36 New or replacement storage tanks for existing structures;
37 Improvements to existing structures in the floodway;
38 Grading, excavation; or the creation of a pond;
39 Improvements to existing roads;
40 Bridges, culverts, channel management activities, or public projects which are functionally
41 dependent on stream access or stream crossing;
42 Public utilities;
43 Improvements to existing principal structures in the River Corridors that do not expand the
44 footprint of the existing structure more than five hundred (500) square feet;
45 Accessory structures in the River Corridors, with a foot print of five hundred (500) square feet or
46 less, that represent a minimal investment
47 Building utilities in the River Corridors;
48 Critical facilities; and,
49 At-grade parking located within a River Corridor and serving an existing building

Comment [SJ1]: NFIP Minimum's would also allow new structures subject to conditional use review

Comment [SJ2]: This would give the DRB authority over town and village public works projects. Is this the intent? Confirm minimum NFIP Standards

1 DEVELOPMENT STANDARDS FOR ALL DEVELOPMENT IN THE FLOOD HAZARD AREA:
2 The following standards shall apply to all subdivision and development, whether permitted or conditional,
3 in the Flood Hazard Area. The criteria below are the minimum standards for development in the flood
4 hazard areas. Where more than one zone or area is involved, the most restrictive standard shall take
5 precedence.

6
7 Special Flood Hazard Area: All development located in the Special Flood Hazard Area but not
8 within the floodway or River Corridor shall comply with the following standards:
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10 All development shall be:

11 Reasonably safe from flooding;

12 Designed, operated, maintained, modified, and adequately anchored to prevent
13 flotation, collapse, release, or lateral movement of the structure;

14 Constructed with materials resistant to flood damage;

15 Constructed by methods and practices which minimize flood damage;

16 Constructed with electrical, heating, ventilation, plumbing and air conditioning
17 equipment, and other service facilities that are designed and/or located so as to
18 prevent water from entering or accumulating within the components during
19 conditions of flooding;

20 Adequately drained to reduce exposure to flood hazards;

21 Located so as to minimize conflict with changes in channel location over time
22 and the need to withstand such changes; and,

23 Required to locate any fuel storage tanks (as needed to serve an existing building
24 in the Special Flood Hazard Area) a minimum of two (2) feet above base flood
25 elevation, or to the 500-year flood elevation, whichever is greater, and to
26 securely anchor such fuel storage tanks to prevent flotation, or storage tanks may
27 be placed underground, if securely anchored as certified by a qualified
28 professional.

29 In Zones AE, AH, and A1 – A30 where base flood elevations and/or floodway limits
30 have not been determined, development shall not be permitted unless it is demonstrated
31 that the cumulative effect of the proposed development, when combined with all other
32 existing and anticipated encroachment, will not increase the base flood elevation more
33 than one (1.00) foot at any point within the community. The demonstration must be
34 supported by technical data that conforms to standard hydraulic engineering principles
35 and certified by a licensed professional engineer.

36 Structures to be substantially improved in Zones A, A1-30, AE, and AH shall be located
37 such that the lowest floor is at least two (2) feet above base flood elevation, or to the 500-
38 year flood elevation, whichever is greater. Such elevation must be documented, in as-
39 built condition, with a FEMA Elevation Certificate;

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1 Structures to be substantially improved or meet the definition of substantial damage or
2 repetitive loss in Zones A, A1-30, AE, and AH shall be located such that the lowest
3 floor, including any basement, with attendant utility and sanitary facilities, is at least two
4 (2) feet above base flood elevation, or to the 500-year flood elevation, whichever is
5 greater. Such elevation must be documented, in as-built condition, with a FEMA
6 Elevation Certificate;

7
8 Non-residential structures to be substantially improved shall:

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10 Meet the elevation standard above, or

11
12 Shall be designed so that the lowest floor, including basement, together with
13 attendant utility and sanitary facilities is at least two (2) feet above the base flood
14 elevation, or to the 500-year flood elevation, whichever is greater; so that the
15 structure is watertight with walls substantially impermeable to the passage of
16 water, and with structural components having the capability of resisting
17 hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for flood
18 proofing shall not be issued until a licensed professional engineer or architect has
19 reviewed the structural design, specifications, and plans, and has certified that the
20 design and proposed methods of construction are in accordance with accepted
21 standards of practice for meeting the provisions of this subsection.
22

23 Dry flood proofing measures used to meet the above flood proofing standard
24 must be achieved without the use of human intervention at the time of flooding
25 unless the facility is adequately staffed at all hours with people trained and able
26 to deploy the facility's flood proofing measures.
27

28 Fully enclosed areas below grade on all sides (including below grade crawlspaces and
29 basements) are prohibited.
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31 Fully enclosed areas that are above grade, below the lowest floor, below BFE, and
32 subject to flooding, shall

33
34 Be solely used for parking of vehicles, storage, or building access, and such a
35 condition shall clearly be stated on any permits; and,
36

37 Include a signed non-conversion agreement from the owner of the structure with
38 the permit stating that the enclosed area below the BFE will not be converted to
39 another use not listed in Section X.X above and that the community would have
40 the ability to inspect the exterior and interior of the enclosed area in compliance
41 with the standards laid out in the non-conversion agreement; and
42

43 Be designed to automatically equalize hydrostatic flood forces on exterior walls
44 by allowing for the entry and exit of floodwaters. Such designs must be certified
45 by a licensed professional engineer or architect or must meet or exceed the
46 following minimum criteria: A minimum of two (2) openings on two (2) walls
47 having a total net area of not less than one (1) square inch for every square foot
48 of enclosed area subject to flooding shall be provided. The bottom of all
49 openings shall be no higher than one (1) foot above grade. Openings may be
50 equipped with screens, louvers, valves, or other coverings or devices provided
51 that they permit the automatic entry and exit of floodwaters.

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Recreational vehicles must be fully licensed and ready for highway use, and shall either:

be on the site for fewer than one hundred eighty (180) consecutive days or

be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” found below

A small accessory structure of five hundred (500) square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria for fully enclosed areas above grade (above).

Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability;

Bridges and culverts, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable. Subdivisions and Planned Unit Developments must be accessible by dry land access outside the Special Flood Hazard Area.

Existing buildings, including manufactured homes, which are to be substantially improved or which meet the definition of substantial damage or repetitive loss in Zone AO shall have the lowest floor, including basement and the attendant utility and sanitary facilities, elevated above the highest adjacent grade, at least (2) two feet above the depth number specified on the community’s FIRM, or, if no depth number is specified, at least three (3) feet.

Manufactured homes: Must be elevated and anchored to resist flotation, collapse, or lateral movement. Manufactured homes placed or substantially improved within A1-30, AH, and AE Zones must be elevated such that the lowest floor is at least two (2) feet above the Base Flood Elevation and must be securely anchored provided that the manufactured home is:

- i. Outside a manufactured home park or subdivision; or
- ii. In a new manufactured home park or subdivision; or
- iii. On a new site in an expansion to an existing manufactured home park or subdivision; or
- iv. On a site in an existing park in which a manufactured home has incurred substantial damage as a result of the flood.

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2 In A1-30, AH, and AE Zones, manufactured homes to be placed or substantially
3 improved on **an existing site, in an existing manufactured home park, that has not**
4 **incurred substantial damage** must be elevated so that the lowest floor is at least two (2)
5 feet above Base Flood Elevation, or the chassis is supported by reinforced piers no less
6 than 48 inches in height above grade and securely anchored.

7
8 **Compensatory Storage:** Where fill is allowed for use to elevate existing structures located
9 in the SFHA, areas that are located below the BFE shall be compensated for and balanced
10 by a hydraulically equivalent volume of excavation taken from below the base flood
11 elevation. All excavations shall:

12
13 **Have the exposed soil stabilized against erosion, preferably through seeding and**
14 **mulching;**

15
16 **Be located above the ground water level to minimize ponding and sedimentation;**
17 **and**

18
19 **Be contiguous with existing flood water storage and conveyance.**

20
21 **Any new Critical facilities and/or any existing Critical Facilities that are to be**
22 **substantially improved or meet the definition of substantial damage or repetitive loss,**
23 **shall be constructed so that the lowest floor, including basement, shall be elevated at least**
24 **one (1) foot above the elevation of the 500-year floodplain. A critical facility shall have**
25 **at least one (1) access road connected to land outside the 500-year floodplain which is**
26 **capable of accommodating emergency services vehicles. The top of the access road must**
27 **be no lower than six (6) inches below the elevation of the 500-year floodplain.**

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29 **Floodway Areas**

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31 Encroachments or development above grade and less than one (1) foot above the base
32 flood elevation are prohibited unless hydrologic and hydraulic analyses are performed in
33 accordance with standard engineering practice by a licensed professional engineer,
34 certifying that the proposed development will:

35
36 Not result in any increase in flood levels (0.00 feet) during the occurrence of the
37 base flood;

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39 Not increase any risk to surrounding properties, facilities, or structures from
40 erosion or flooding.

41
42 Public utilities may be placed underground, and the analyses may be waived where a
43 licensed professional engineer certifies that there will be no change in grade and the
44 utilities will be adequately protected from scour.

45
46 **River Corridors**

47
48 **Improvements to existing structures and any associated fill as needed to comply with**
49 **elevation requirements in the Special Flood Hazard Area shall not decrease the distance**
50 **between the existing primary building and the top of bank;**

1 Accessory structures may be located within fifty (50) feet of the existing primary
2 building, provided that the location does not decrease the distance between the existing
3 primary structure and the top of bank.

4
5 Development shall not increase the susceptibility of that property or other properties to
6 fluvial erosion damage;

7
8 Development shall not increase the potential of materials being swept onto other lands or
9 into the stream and causing damage to other properties from fluvial erosion;

10
11 Development shall not cause an undue burden on public services and facilities, including
12 roads, bridges, culverts, and emergency service providers, during and after fluvial erosion
13 events.

14
15 Bridge and culvert projects must have a Stream Alteration Permit, and Channel
16 Management Activities must be authorized by the Agency of Natural Resources.

17
18 Any development exempt from minimal land use regulations (such as agriculture and
19 public utilities) shall comply with all applicable standards established by the State of
20 Vermont.

21
22 ADMINISTRATIVE OFFICER AND APPROPRIATE MUNICIPAL PANEL: To administer these
23 Bylaws, there is hereby established an Administrative Officer (AO) and an Appropriate Municipal Panel
24 to be appointed by the Selectboard as specified under 24 V.S.A. §4448 and §4460.

25
26 The Appropriate Municipal Panel, in the exercise of its functions, shall have the following
27 powers, in addition to those specifically provided for elsewhere in law:

- 28
29 1. appeals from a decision of the Administrative Officer
30
31 2. review of a request for a variance.
32
33 3. review of an application for a conditional use.

34
35 All proposed development shall be reviewed by the Administrative Officer and/or the
36 Appropriate Municipal Panel to assure that all necessary permits have been received from those
37 government agencies from which approval is required by Federal, State, or Municipal law.

38
39 DEVELOPMENT REVIEW PROCEDURES:

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41 Application Requirements: **All applications for development within the flood hazard area**
42 shall include:

43
44 the name and contact information for the owner of the property, including any agents
45 authorized to act on their behalf;

46
47 a thorough description of the proposed development;

48
49 general location map, including the address of the property, tax parcel ID, relative
50 locations of the existing development and the nearest public road;

1 where applicable, a site plan that depicts the proposed development, all water bodies,
2 Special Flood Hazard Areas, floodways, River Corridors, the shortest horizontal distance
3 from the proposed development to the top-of-bank of any stream, any existing and
4 proposed drainage, any proposed fill and pre and post development grades, and the
5 elevation of the proposed lowest floor, as referenced to the same vertical datum as the
6 elevation on the current Flood Insurance Rate Maps;

7
8 base flood elevation data for subdivision proposals or other developments greater than
9 fifty (50) lots or five (5) acres;

10 Vermont Agency of Natural Resources Project Review Sheet for the proposal. The
11 Project Review Sheet shall identify all State and Federal agencies from which permit
12 approval is required for the proposal and shall be filed as a required attachment to the
13 municipal permit application. The identified permits, or letters indicating that such
14 permits are not required, shall be submitted to the Administrative Officer and attached to
15 the permit before work can begin.
16

17 the appropriate fee

18
19 Applications for conditional use approval or a variance shall also include the following additional
20 information:
21

22 a list of abutters' names and mailing addresses;

23 a statement of purpose and need for the proposed development;

24 a description of the alternatives considered to the proposed development, including
25 alternate locations on site, especially outside of the hazard area;

26 elevations of any proposed development;

27 such pertinent information as identified in the regulations or deemed necessary by the
28 Appropriate Municipal Panel for determining the suitability of the proposed development
29 for the site;

30 copies of the application sufficient for the file, the Appropriate Municipal Panel
31 members, the State National Flood Insurance Program Coordinator, and additional parties
32 such as the VT DEC Stream Alteration Engineer and adjacent communities if affected
33 under Section X.X.; and,
34

35 any additional fees required.
36

37 For subdivisions, the Appropriate Municipal Panel shall:

38 Review subdivision proposals and other development, including manufactured home
39 parks or subdivisions, to determine whether such proposal will be reasonably safe from
40 flooding and, if a subdivision or other development proposal is in a flood-prone area, to
41 assure that:

- 42 a. Such proposals minimize flood damage,
- 43 b. Public utilities and facilities are constructed so as to minimize flood damage,
44 and

1 c. Adequate drainage is provided.

Comment [SJ3]: This may need to be added to the Subdivision Regulations, rather than contained in the Flood Hazard Bylaws

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4 Referrals:

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6 Upon receipt of a complete application for a substantial improvement or new
7 construction, the AO shall submit a copy of the application and supporting information
8 to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont
9 Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be
10 issued only following receipt of comments from the Agency, or the expiration of thirty
11 (30) days from the date the application was mailed to the Agency, whichever is sooner.
12

13 If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies
14 of the application shall also be submitted to the adjacent communities, the Stream
15 Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of
16 Engineers. Copies of such notice shall be provided to the State National Flood Insurance
17 Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department
18 of Environmental Conservation. A permit may be issued only following receipt of
19 comments from the Vermont Agency of Natural Resources, or the expiration of thirty
20 (30) days from the date the application was mailed to the Vermont Agency of Natural
21 Resources, whichever is sooner.
22

23 The APPROPRIATE MUNICIPAL PANEL shall consider comments from the NFIP
24 Coordinator at The Agency of Natural Resources. The APPROPRIATE MUNICIPAL
25 PANEL may recess the proceedings on any application pending submission of additional
26 information.
27

28 Hearings:

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30 At least fifteen (15) days notice shall be provided before the date of the hearing by all of
31 the following:
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33 Publication of the date, place, and purpose of the hearing in a newspaper of
34 general circulation in the municipality affected; and
35

36 Posting of the same information in three or more public places within the
37 municipality in conformance with location requirements of 1 V.S.A. §312(c)(2),
38 including posting within view from the public right-of-way most nearly adjacent
39 to the property for which an application is made; and,
40

41 Written notification to the applicant and to owners of all properties adjoining the
42 property subject to development, without regard to any public right-of-way, as
43 well as to the parties in Section X.X above if not done so already. The
44 notification shall include a description of the proposed project and shall be
45 accompanied by information that clearly informs the recipient where additional
46 information may be obtained and that participation in the local proceeding is a
47 prerequisite to the right to take any subsequent appeal.
48

49 The applicant may be required to bear the cost of the public warning and the cost and
50 responsibility of notification of adjoining landowners. The applicant may be required to
51 provide a copy of the warning and demonstrate proof of the posting and of delivery to

1 adjoining landowners either by certified mail, return receipt requested, or by written
2 notice hand delivered or mailed to the last known address supported by a sworn
3 certificate of service.

4
5 The Appropriate Municipal Panel may recess the proceedings on any application pending
6 submission of additional information. The Panel should close the evidence promptly
7 after all parties have submitted the requested information, adjourn the hearing, and may
8 deliberate prior to issuing its decision.
9

10 Decisions:

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12 Decisions by the Administrative Officer to approve or deny an application shall be issued
13 in writing within thirty (30) days of a complete application.
14

15 Unless action is taken by the Administrative Officer, including referral to the Appropriate
16 Municipal Panel and/or the NFIP Coordinator under **Section X.X** above, the application
17 shall be deemed approved on the 31st day.
18

19 Applications that require conditional use approval shall be referred to the Appropriate
20 Municipal Panel.
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22 Decisions of the Administrative Officer can be appealed to the Appropriate Municipal
23 Panel.
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25 Decisions of the Appropriate Municipal Panel for variance or conditional use approval
26 shall be issued in writing within forty-five (45) days after the adjournment of the final
27 hearing. Failure to issue a decision within this period shall be deemed approval and shall
28 be effective on the 46th day.
29

30 Conditional use approvals shall also provide that all necessary permits must be received
31 from those government agencies from which approval is required by Federal, State, or
32 Municipal law prior to the issuance of a permit.
33

34 The Appropriate Municipal Panel shall consider comments from the NFIP Coordinator at
35 the Department of Environmental Conservation.
36

37 Approvals shall include a statement of the factual basis on which the Panel has made its
38 conclusions regarding how the proposed development will meet the development
39 standards and a statement of the conclusions.
40

41 In rendering a decision in favor of the applicant, the Panel may attach additional
42 reasonable conditions and safeguards as it deems necessary to implement the purposes of
43 this bylaw and the Municipal Plan then in effect.
44

45 The Panel may provide for the conditioning of permit issuance on the submission of a
46 bond, escrow account, or other surety in a form acceptable to the legislative body of the
47 municipality to assure one or more of the following: the completion of the project,
48 adequate stabilization, or protection of public facilities that may be affected by a project.
49

50 Any decision shall be sent by certified mail within the forty-five (45) day period to the
51 applicant, and the appellants. Copies of the decision shall also be mailed to every person

1 or body appearing and having been heard at the hearing, and a copy of the decision shall
2 be filed with the Administrative Officer and the Clerk of the municipality as a part of the
3 public records of the municipality.
4

5 Appeals:

6
7 An interested person (see definition) may appeal any decision or act taken by the
8 Administrative Officer by filing a notice of appeal with the secretary of the Appropriate
9 Municipal Panel, or with the Town Clerk if no such secretary has been elected.

10
11 This notice of appeal must be filed within fifteen (15) days of the date of that decision or
12 act, and a copy of the notice of appeal shall also be filed with the Administrative Officer.
13

14 A notice of appeal shall be in writing and shall include the name and address of the
15 appellant, a brief description of the property with respect to which the appeal is taken, a
16 reference to the regulatory provisions applicable to that appeal, the relief requested by the
17 appellant, and the alleged grounds why the requested relief is believed proper under the
18 circumstances.
19

20 The Appropriate Municipal Panel shall set a date and place for a public hearing of an
21 appeal under this chapter that shall be within sixty (60) days of the filing of the notice of
22 appeal.
23

24 The Panel shall give public notice of the hearing as specified in **Section X.X**. Any person
25 or body empowered to take an appeal with respect to the property at issue may appear
26 and be heard in person or be represented by an agent or attorney at the hearing. Any
27 hearing held under this section may be adjourned by the Panel from time to time;
28 provided, however, that the date and place of the adjourned hearing shall be announced at
29 the hearing. All hearings shall be open to the public, and the rules of evidence applicable
30 at these hearings shall be the same as the rules of evidence applicable in contested cases
31 in hearings before administrative agencies as set forth in 3 V.S.A. § 810.
32

33 Permit Validity

34
35 Each permit issued shall contain a statement of the period of time within which an appeal
36 may be taken and shall require posting of a notice of permit on a form prescribed by the
37 municipality within view from the public right-of-way most nearly adjacent to the subject
38 property until the time for appeal in has passed.
39

40 No permit issued pursuant to this section shall take effect until fifteen (15) days after
41 issuance.
42

43 In the event that a notice of appeal of a decision by the Administrative Officer is properly
44 filed, no such permit shall take effect until adjudication of that appeal is complete.
45

46 Each permit shall be valid for a period of two (2) years. The Administrative Officer may
47 extend the permit for an additional ninety (90) days if local or state permits or approvals
48 are pending, provided the request for an extension is made before the expiration of the
49 permit. The Administrative Officer may grant up to four (4) such extensions. Any
50 additional extension may be granted only by the Appropriate Municipal Panel
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RECORDS AND RECORDING REQUIREMENTS:

Within three (3) days following the issuance of a permit, the Administrative Officer shall:

deliver a copy of the permit and any accompanying conditional approval to the Listers of the municipality; and

post a copy of the permit in at least one public place in the municipality until the expiration of fifteen (15) days from the date of issuance of the permit.

Within thirty (30) days after a municipal land use permit has been issued or within thirty (30) days of the issuance of any notice of violation, the Administrative Officer shall:

deliver the original or a legible copy of the permit, or notice of permit, and any approvals to the Town Clerk for recording in the land records as provided in 24 VSA, § 1154(a);

file a copy of the permit and any approvals in the Town office in a location where all municipal land use permits shall be kept; and,

The Administrative Officer shall properly file and maintain a record of:

All permits issued in areas covered by this bylaw

Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, substantially improved, or flood proofed buildings (not including accessory buildings) in the Special Flood Hazard Area; and

All flood proofing and other certifications required under this regulation.

All decisions of the APPROPRIATE MUNICIPAL PANEL (including variances and violations) and all supporting findings of fact, conclusions and conditions.

The Municipality may charge the applicant for the cost of the recording fees as required by law.

NON-CONFORMITIES: The following provisions shall apply to all structures, uses of lands, or improvements thereon which lawfully exist on the effective date of these bylaws and which do not conform to the requirements of these bylaws.

The Appropriate Municipal Panel may permit the expansion of the non-conforming use or structure by up to xxx percent [x%] of the ground area in use at the onset of non-conformity. Any such expansion or substantial improvement of a non-conforming structure or use shall comply with the Development Standards for all development in the Flood Hazard Area found in Section X.X of these bylaws.

Comment [SJ4]: PC will need to define acceptable percentage increase (usually between 25 and 50%)

A non-conforming structure that is substantially damaged or destroyed may be reconstructed only in circumstances when the structure cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed structure must be rebuilt to two (2) feet above base flood elevation, or to the 500-year flood elevation, whichever is greater, and the structure must otherwise comply with all requirements of the National Flood Insurance Program;

1
2 Non-conforming structures or uses shall be considered abandoned where such structures or uses
3 are discontinued for more than twelve (12) months; and

4
5 An individual manufactured home lot in an existing manufactured home park that is vacated shall
6 not be considered a discontinuance or abandonment of non-conformity. Replacement
7 manufactured homes must be placed so as to meet the development standards in this bylaw.
8

9 VARIENCES: Variances to the above standards may be granted in writing by the Appropriate Municipal
10 Panel only in accordance with 24 V.S.A. § 4469 and 44 CFR Section 60.6, and after a hearing noticed in
11 Section X.X of these bylaws. In reviewing requests for variances, the Appropriate Municipal Panel may
12 grant a variance and render a decision in favor of the appellant only if all of the following facts are found
13 and the findings are specified in its written decision:
14

15 There are unique physical circumstances or conditions, including irregularity, narrowness, or
16 shallowness of lot size or shape, or exceptional topographical or other physical conditions
17 peculiar to the particular property, and that any unnecessary hardship is due to these conditions
18 and not the circumstances or conditions generally created by the provisions of these bylaws in the
19 neighborhood or district in which the property is located;
20

21 Because of these physical circumstances or conditions, there is no possibility that the property
22 can be developed in strict conformity with the provisions of these bylaws and that the
23 authorization of a variance is necessary to enable the reasonable use of the property;
24

25 The unnecessary hardship has not been created by the appellant;
26

27 The variance, if authorized, will not alter the essential character of the neighborhood or district in
28 which the property is located, will not substantially or permanently impair the appropriate use or
29 development of adjacent property, will not reduce access to renewable energy resources, and will
30 not be detrimental to the public welfare;
31

32 The variance, if authorized, will represent the minimum that will afford relief and will represent
33 the least deviation possible from these bylaws and from the Plan; and .
34

35 Based on a review by VT Agency of Natural Resources, if it is determined that the proposed
36 development will not increase flood levels and/or obstruct the establishment and maintenance of
37 fluvial geomorphic equilibrium for the watercourse.
38

39 In rendering a decision in favor of an applicant for a variance, the APPROPRIATE MUNICIPAL PANEL
40 may attach such conditions to such variances as it may consider necessary and appropriate under the
41 circumstances to implement the Act and/or the Town and Village of Cambridge Comprehensive
42 Development Plan as most recently adopted [the Act §4469(c)]. Such conditions may include those in Section
43 X.X of these bylaws.
44

45 For any variance issued within the Flood Hazard Area, the permit shall state: "This development is
46 not in conformance with the Flood Hazard Area bylaws established by the Town and Village of
47 Cambridge to protect the health, safety, and welfare of the occupants and/or property. This
48 development will be maintained at the risk of the owner. The issuance of this variance to develop in
49 the flood hazard area will result in increased premium rates for flood insurance up to amounts as high
50 as \$25 for \$100 of insurance coverage and may increase risks to life and property in the event of a
51 flood." Such language shall also be included on the deed recorded in the Cambridge Land Records.

1
2 VIOLATIONS AND ENFORCEMENT: It shall be the duty of the Administrative Officer to enforce the
3 provisions of this bylaw.
4

5 Upon determination that a violation exists, the Administrative Officer shall notify the alleged
6 offender of the violation by certified mail and shall mail a copy of the notice of violation to the
7 State NFIP Coordinator. The notice shall state that:

- 8 a violation exists;
- 9
- 10 that the alleged offender has an opportunity to cure the violation within seven (7) days of
11 receipt;
- 12
- 13 that failure to cure the violation may result in fines and/or loss of flood insurance;
- 14
- 15 that the alleged offender will not be entitled to an additional warning notice for a
16 violation occurring after expiration of the seven (7) day cure period within the next
17 succeeding twelve (12) months; and
- 18
- 19 that the notice of violation may be appealed as specified under VIII.G;
- 20

21
22 If the violation is not remedied within seven (7) days, or after all appeals have been resolved, the
23 Administrative Officer shall:

- 24 file a copy of the notice of violation in the municipal land use permit files;
- 25
- 26 file a copy of the notice of violation with the Town Clerk for filing in the land records;
- 27
- 28 if located in an area of special flood hazard, submit a declaration to the Administrator of
29 the National Flood Insurance Program requesting a denial of flood insurance to the
30 violator. The declaration shall consist of (a) the name of the property owner and address
31 or legal description of the property sufficient to confirm its identity or location, (b) a clear
32 and unequivocal declaration that the property is in violation of a cited State or local law,
33 regulation, or ordinance, (c) a clear statement that the Administrative Officer making the
34 declaration has authority to do so and a citation to that authority, (d) evidence that the
35 property owner has been provided notice of the violation and the prospective denial of
36 insurance, and (e) a clear statement that the declaration is being submitted pursuant to
37 Section 1316 of the National Flood Insurance Act of 1968, as amended; and,
- 38
- 39 an enforcement action shall be brought under 24 VSA § 4452 or 10 VSA § 1974a to cure
40 the violation.
41

42
43 Any person who is found to have violated this bylaw shall be fined more than \$100.00 per day
44 for each offense. No action may be brought under this section unless such notice as required has
45 been given as described above in **Section X.X**. In default of payment of the fine, the violator
46 shall pay double the amount of the fine. Each day that a violation is continued shall constitute a
47 separate offense. All fines collected for the violation of this bylaw shall be paid over to the Town
48 of Cambridge.
49

1 PRECEDENCE OF BYLAW: The provisions of these flood hazard bylaws shall not in any way impair or
2 remove the necessity of compliance with any other local, State, or Federal laws or regulations. Where
3 this flood hazard regulation imposes a greater restriction, the provisions here shall take precedence.
4

5 SEVERABILITY SECTION: If any section, provision, or portion of this ordinance is adjudged
6 unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.
7

8 WARNING OF DISCLAIMER OF LIABILITY: This bylaw does not imply that land outside of the areas
9 covered by this bylaw will be free from flood or erosion damages. This regulation shall not create
10 liability on the part of the Town and Village of Cambridge, or any municipal official or employee thereof,
11 for any flood or erosion damages that result from reliance on this regulation or any administrative
12 decision lawfully made hereunder.
13

14
15 **DEFINITIONS:**
16

17 Except where specifically defined herein or in 24 V.S.A CH117, or unless otherwise clearly required by
18 the context, all words, phrases, and terms in this bylaw shall have their usual, customary meanings.
19 Definitions contained in 24 V.S.A CH117 shall be applicable throughout these bylaws, unless otherwise
20 specifically defined in this section.
21

22 In the interpretation of words and terms used, defined, or further described herein, the following shall
23 apply:
24

- 25 The particular controls the general;
- 26 The present tense includes the future tense;
- 27 The words "shall" and "must" are mandatory, and the words "should" and "may" are permissive;
- 28 The word "person" includes a firm, association, organization, partnership, trust, company, or
29 corporation, as well as an individual, unless otherwise specifically defined herein;
- 30 The word "structure" includes "building;"
- 31 The word "lot" includes "parcel."
32

33 **"Accessory Structure"** means a structure which is: (1) detached from, and clearly incidental and
34 subordinate to, the principal use of a structure on a lot, (2) located on the same lot as the principal
35 structure or use and (3) clearly and customarily related to the principal structure or use. For residential uses
36 these include, but may not be limited to, garages, garden and tool sheds, and playhouses.
37

38 **"Area of Special Flood Hazard"** is synonymous in meaning with the phrase "special flood hazard area"
39 for the purposes of these regulations.
40

41 **"Base Flood"** means the flood having a one percent (1%) chance of being equaled or exceeded in any
42 given year (commonly referred to as the "100-year flood").
43

44 **"Base Flood Elevation" (BFE)** is the elevation of the water surface elevation resulting from a flood that
45 has a one percent (1%) chance of equaling or exceeding that level in any given year. On the Flood
46 Insurance Rate Map the elevation is usually in feet; in relation to the National Geodetic Vertical Datum of
47 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance
48 Study report, or the average depth of the base flood, usually in feet above the ground surface.
49

50 **"BFE"** see Base Flood Elevation
51

1 **“Buffer”** means an undisturbed area consisting of trees, shrubs, ground cover plants, duff layer, and
2 generally uneven ground surface that extends a specified distance horizontally across the surface of the
3 land from the mean water level of an adjacent lake or from the top of the bank of an adjacent river or
4 stream.
5

6 **“Channel”** means an area that contains continuously or periodic flowing water that is confined by banks
7 and a streambed.
8

9 **“Channel width”** (or bankfull width) is the width of a stream channel when flowing at a bankfull
10 discharge. The bankfull discharge is the flow of water that first overtops the natural banks. This flow
11 occurs, on average, about once every 1 to 2 years.
12

13 **“Common plan of development”** is where a structure will be refurbished over a period of time. Such
14 work might be planned unit by unit.
15

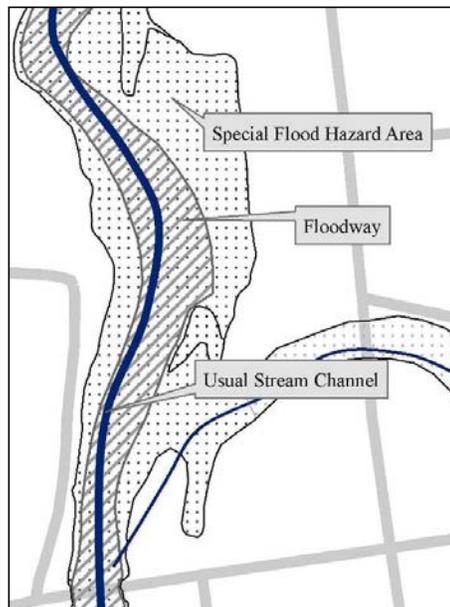
16 **“Critical Facilities”** means development vital to public health and safety or facilities regulated under 30
17 V.S.A. § 248. For the purposes of this definition critical facilities include facilities that provide services
18 or functions related to public health and safety during emergency response and recovery and facilities that
19 must be protected to a higher standard to protect public health and safety.
20

21 **“Compensatory Storage”** means a volume not previously used for flood storage and which shall be
22 incrementally equal to the theoretical volume of flood water at each elevation, up to and including the
23 base flood elevation, which would be displaced by the proposed project. Such compensatory volume
24 shall have an unrestricted hydraulic connection to the same waterway or water body. With respect to
25 waterways, such compensatory volume shall be provided within the same reach of the river, stream, or
26 creek.
27

28 **“Development”** means any human-made change to
29 improved or unimproved real estate, including but not
30 limited to, buildings or other structures, mining,
31 dredging, filling, grading, paving, excavation or drilling
32 operations, or storage of equipment or materials.
33

34 **Existing manufactured home park or subdivision**
35 means a manufactured home park or subdivision for
36 which the construction of facilities for servicing the lots
37 on which the manufactured homes are to be affixed
38 (including, at a minimum, the installation of utilities, the
39 construction of streets, and either final site grading or
40 the pouring of concrete pads) is completed before the
41 effective date of the *initial* floodplain management
42 regulations adopted by a community.
43

44 **Expansion to an existing manufactured home park or**
45 **subdivision** means the preparation of additional sites by
46 the construction of facilities for servicing the lots on
47 which the manufacturing homes are to be affixed
48 (including the installation of utilities, the construction of
49 streets, and either final site grading or the pouring of
50 concrete pads).



1
2 **“Fill”** means any placed material that changes the natural grade, increases the elevation, or diminishes the
3 flood storage capacity at the site.
4
5 **“FIRM”** see Flood Insurance Rate Map
6
7 **“Flood”** means:
8 (a) a general and temporary condition of partial or complete inundation of normally dry land
9 areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of
10 surface waters from any source; and mudslides which are proximately caused by flooding and are
11 akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when
12 earth is carried by a current of water and deposited along the path of the current
13
14 (b) the collapse or subsidence of land along the shore of a lake or other body of water as a result
15 of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical
16 levels or suddenly caused by an unusually high water level in a natural body of water
17 accompanied by a severe storm or by an unanticipated force of nature, such as flash flood or
18 abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in
19 flooding.
20
21 **“Flood Insurance Rate Map” (FIRM)** means an official map of a community on which the Federal
22 Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones
23 applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or
24 Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).
25
26 **“Flood Insurance Study”** means an examination, evaluation, and determination of flood hazards and, if
27 appropriate, the corresponding water surface elevations or an examination, evaluation, and determination
28 of mudslide (i.e., mudflow) and /or flood related erosion hazards.
29
30 **“Floodplain or flood-prone area”** means any land area susceptible to being inundated by water from any
31 source (see definition of “flood”).
32
33 **“Flood proofing”** means any combination of structural and non-structural additions, changes, or
34 adjustments to structures which reduce or eliminate flood damage to real estate or improved real property,
35 water and sanitary facilities, structures, and their contents.
36
37 **“Floodway”** means the channel of a river or other watercourse and the adjacent land areas that must be
38 reserved in order to discharge the base flood without cumulatively increasing the water surface elevation
39 more than one (1) foot at any point. Please note that Special Flood Hazard Areas and floodways may be
40 shown on separate map panels.
41
42 **“Floodway, Regulatory in “** means the channel of a river or other watercourse and the adjacent land areas
43 that must be reserved in order to discharge the base flood without cumulatively increasing the water
44 surface elevation more than one (1) foot at any point.
45
46 **“Fluvial Erosion”** is erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a
47 flood event causes a rapid adjustment of the stream channel size and/or location.
48
49 **“Functionally dependent use”** means a use which cannot perform its intended purpose unless it is
50 located or carried out in close proximity to water.
51

1 **“Historic structure”** means any structure that is (a) listed individually in the National Register of Historic
2 Places (a listing maintained by the Department of the Interior) or preliminarily determined by the
3 Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b)
4 certified or preliminarily determined by the Secretary of the Interior as contributing to the historical
5 significance of a registered historic district or a district preliminarily determined by the Secretary to
6 qualify as a registered historic district; (c) individually listed on a state inventory of historic places in
7 states with historic preservation programs which have been approved by the Secretary of the Interior; or
8 (d) individually listed on a local inventory of historic places in communities with historic preservation
9 programs that have been certified either: (i) by an approved State program as determined by the Secretary
10 of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.
11

12 **“Letter of Map Amendment (LOMA)”** is a letter issued by the Federal Emergency Management Agency
13 officially removing a structure or lot from the flood hazard zone based on information provided by a
14 licensed engineer or surveyor. This is used where structures or lots are located above the base flood
15 elevation and have been inadvertently included in the mapped special flood hazard area.
16

17 **“Lowest floor”** means the lowest floor of the lowest enclosed area, including basement, except that an
18 unfinished or flood resistant enclosure usable solely for parking of vehicles, building access, or storage in
19 an area other than a basement area is not considered a building’s lowest floor, provided such enclosure is
20 not built so as to render the structure in violation of the applicable non-elevation design requirements of
21 44 CFR 60.3.
22

23 **“Manufactured home (or Mobile home)”** means a structure, transportable in one or more sections, which
24 is built on a permanent chassis and is designed for use with or without a permanent foundation when
25 attached to the required utilities. The term “manufactured home” does not include a “recreational
26 vehicle.”

27 **Manufactured home park or subdivision** means a parcel (or contiguous parcels) of land divided into two
28 or more manufactured home lots for rent or sale.

29
30 **“New construction”** for regulation under this bylaw means structures for which the *start of construction*
31 commenced on or after the effective date of the floodplain management regulation adopted by the
32 community and includes any subsequent improvements to such structures.
33

34 **New manufactured home park or subdivision** means a manufactured home park or subdivision for which
35 the construction of facilities for servicing the lots on which the manufactured homes are to be affixed
36 (including at a minimum, the installation of utilities, the construction of streets, and either final site
37 grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain
38 management regulations adopted by a community.
39

40 **“Non-conforming structure”** means a structure or part of a structure that does not conform to the present
41 bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the
42 enactment of the present bylaws, including a structure improperly authorized as a result of error by the
43 Administrative Officer. Structures that were in violation of the flood hazard regulations at the time of
44 their creation, and remain so, remain violations and are not non-conforming structures.
45

46 **“Non-conforming use”** means use of land that does not conform to the present bylaws but did conform to
47 all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a
48 use improperly authorized as a result of error by the Administrative Officer.
49

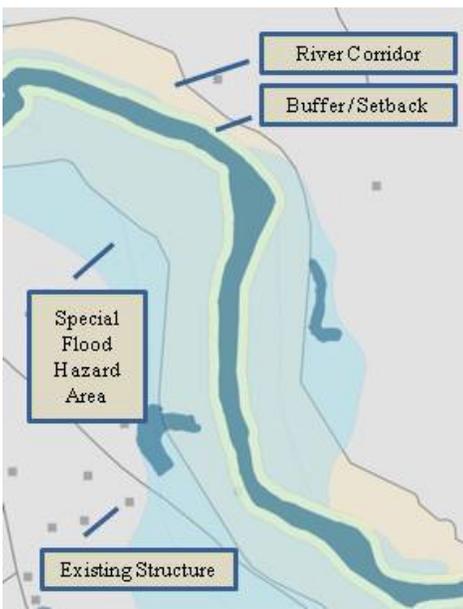
50 **“Nonconformity”** means a non-conforming use, structure, lot, or parcel.

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“Non-residential” includes, but is not limited to, small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

“Recreational vehicle” means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

“River Corridor” means the land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition, as that term is defined in 10 V.S.A. §1422, and for minimization of fluvial erosion hazards, as delineated by the Agency in accordance with the ANR River Corridor Protection Guide.



“Repetitive Loss Structure” is a building covered by flood insurance that has incurred flood-related damages on two (2) occasions during a ten (10) year period ending on the date of the event for which a second claim is made in which the cost of repairing the flood damage, on the average, equaled or exceeded twenty-five percent (25%) of the market value of the building at the time of each such flood event.

“Special Flood Hazard Area” is the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. For purposes of these regulations, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area”. This area is usually labeled Zone A, AE, AO, AH, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center (www.msc.fema.gov) Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

“Start of construction” for purposes of floodplain management determines the effective map or bylaw that regulates development in the Special Flood Hazard Area. The “start of construction” includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it

1 include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor
2 does it include the installation on the property of accessory buildings, such as garages or sheds not
3 occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual
4 start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a
5 building, regardless of whether that alteration affects the external dimensions of the building.

6
7 **“Structure”** means, for regulatory purposes under this bylaw, a walled and roofed building, as well as a
8 manufactured home, and any related built systems, including gas or liquid storage tanks.

9
10 **“Substantial damage”** means damage of any origin sustained by a structure whereby the cost of restoring
11 the structure to its before-damaged conditions would equal or exceed fifty percent (50%) of the market
12 value of the structure before the damage occurred.

13
14 **“Substantial improvement”** means any reconstruction, rehabilitation, addition, or other improvement of a
15 structure after the date of adoption of this bylaw, the cost of which, over three (3) years or over the period
16 of a common plan of development, cumulatively equals or exceeds fifty percent (50%) of the market
17 value of the structure before the “start of construction” of the improvement. This term includes structures
18 which have incurred “substantial damage,” regardless of the actual repair work performed. The term does
19 not, however, include either (a) any project for improvement of a structure to correct existing violations of
20 state or local health, sanitary, or safety code specifications which have been identified by the local code
21 enforcement official and which are the minimum necessary to assure safe living conditions or (b) any
22 alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued
23 designation as a “historic structure.”

24
25 **“Top of Bank”** means that vertical point along a stream bank where an abrupt change in slope is evident.
26 For streams in wider valleys it is the point where the stream is generally able to overflow the banks and
27 enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.

28
29 **“Violation”** means the failure of a structure or other development to be fully compliant with this bylaw.
30 A structure or other development without the elevation certificate, other certifications, or other evidence
31 of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that
32 documentation is provided.
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