

State of Vermont Agency of Commerce & Community Development Department of Housing & Community Development **Municipal Planning Commission Bylaw Reporting Form**

Provisional Form pursuant to Act 47 of 2023, The HOME Act

This provisional form issued pursuant to the Act 47 of 2023 is subject to change.

The Department welcomes feedback on the form's implementation of the Act.

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Why is this form required?

Vermont's Municipal & Regional Planning & Development Act (24 V.S.A 4441) requires a municipal planning commission to prepare a report when considering an amendment to a bylaw. Act 47 of 2023 adds a requirement to the report to include findings on conformance with sections 4412, 4413, and 4414 of the Act. It also adds a requirement that the municipal planning commission provide the report to the Department of Housing and Community Development upon approval of an adoption or amendment. The report must be submitted with GIS (Geographic Information Systems) files, a complete bylaw, and information about municipal planning and governance and systems. The form will be published on the Vermont Planning Data Center, here:

<https://accdmaps.vermont.gov/MunicipalPlanningDataCenter/>. Bylaw submission and posting supports the availability of Vermont's adopted municipal bylaws from a central digital source for statewide access and use.

Vermont Municipal Bylaw Reporting Form

How does a municipality submit the form?

Upon completion of the sections below, upload a saved version of the file [here](#). The form must be submitted with the approved bylaw(s) and any GIS shapefiles (when adding or amending district boundaries of record on the Vermont Open [Geodata Portal](#)). The form can be saved as a Microsoft Word document (DOC) or converted to a Portable Document Format (PDF) file. If you need assistance completing the form, please reach out to the contact above or your municipality's regional planning commission.

Type of Bylaw Filing

Select all that apply.

- New bylaw(s)
- Amendment to existing bylaw(s)
- Repeal of existing bylaw(s)

Explain multiple selections.

Type of Bylaw(s)

Select all that apply.

- Unified Development *(select all bylaws included in the unified bylaws below)*
- Zoning
 - Does the bylaw add or change any zoning districts or boundaries?**
 - Yes
 - No
- Subdivision
- Interim
- Flood Hazard
- River Corridor
- Shoreland Protection
- Other: *(explain)*

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Date of Hearing(s)

Planning Commission Hearing(s) *(enter date[s])*

Legislative Body Hearing(s) *(enter date[s])*

Date of Adoption

Skip this section if the bylaw is proposed for hearing.

Date of Popular Election *(enter date only if subject to a popular election/vote)*

Date of Last Action *(enter date of final approval action by voters or legislative body)*

Bylaw Summary & Statement of Purpose

Provide a brief explanation of the bylaw and a statement of purpose (per 24 V.S.A. 4441). Use as much space as needed.

Findings on Municipal Plan Furtherance

Explain how the bylaw conforms with or furthers the goals and policies contained in the municipal plan. Use as much space as needed.

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Findings on Safe & Affordable Housing

Explain the effect of the bylaw on the availability of safe and affordable housing. Use as much space as needed.

Findings on Required Provisions & Prohibited Effects

Explain how the bylaw conforms with 24 V.S.A. 4412. Use as much space as needed.

Include explanations on how the bylaws conform with these provisions (as applicable):

- *Mobile, modular and prefabricated housing*
- *Mobile home parks*
- *Duplex uses*
- *Multi-unit dwelling uses*
- *Accessory dwelling unit uses*
- *Residential care homes or group homes*
- *Hotels for emergency housing*
- *Existing small lots*
- *Required frontage*
- *Home occupations*
- *Childcare home or facility*
- *Heights of renewable energy structures*
- *Nonconformities*
- *Communications antennae and facilities*
- *Planting projects in flood hazards*
- *Accessory on-farm businesses*
- *Lot and dimensional standards for minimum dwelling unit density*
- *Density for affordable housing*

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Findings on Limitations on Municipal Bylaws

Explain how the bylaw conforms with 24 V.S.A. 4413. Use as much space as needed.

Include explanations on how the bylaws conform with these provisions (as applicable):

- *State- or community-owned and -operated institutions and facilities*
- *Public and private schools and other institutions*
- *Places of worship*
- *Public and private hospitals*
- *Regional solid waste management facilities*
- *Hazardous waste management facilities*
- *Emergency shelters*
- *Required agricultural practices*
- *Accepted silvicultural practices*
- *Solar energy devices*
- *Ancillary telecommunications improvements and lines*

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Findings on Permissible Types of Regulation

Explain how the bylaw conforms with 24 V.S.A. 4414. Use as much space as needed.

Select all regulations adopted by the municipality:

- Zoning (§4414)
 - Downtown, Village Center, and Growth Center Districts
 - Agricultural, Rural Residential, Forest & Recreation Districts
 - Airport Hazard Areas
 - Shorelands
 - Design Review Districts
 - Historic District/Landmark Bylaws
 - River Corridors and Buffers
- Overlay Districts (§4414)

List overlays:

- Conditional Use Review (§4414)
- Parking & Loading Standards (§4414)
- Performance Standards (§4414)
- Energy Resource Standards (§4414)
- Inclusionary Zoning (§4414)
- Waiver Provisions (§4414)
- Stormwater Management Standards (§4414)
- Wireless Telecommunication Bylaws (§4414)
- Water/Wastewater Permit Sequencing Standards (§4414)
- Green Development Incentives (§4414)
- Solar Screening Standards (§4414)

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Municipal Plan Future Land Uses & Density Compatibility

Explain how the bylaw is compatible with the proposed future land uses and densities of the municipal plan.

Planned Community Facilities

Explain how the bylaw carries out, as applicable, any specific proposals for any planned community facilities.

Municipal Planning Implementation Information

Upon adoption of the bylaw(s), select all elements of the municipal planning program that apply in the municipality:

- Unexpired Municipal Plan
- RPC-Approved Municipal Plan & Confirmed Planning Process (§4350)
- Interim Bylaws (§4415)
- Site Plan Review (§4416)
- Planned Unit Development (§4417)
- Subdivision (§4418)
- Administrative approvals of minor subdivisions/boundary adjustments (§4463)
- Unified Development Bylaws (§4419)
- Local Act 250 Review of Municipal Impacts (§4419)
- On The Record Review/Adopted Municipal Administrative Procedures (§4471)
- Official Map (§4421)

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- Public Facilities Phasing (§4422)
- Transfer Development Rights (§4423)
- Freestanding Shorelands Bylaws (§4424)
- Freestanding River Corridor Protection Areas (§4424)
- Freestanding Flood or Hazard Areas (§4424)
- Enrolled in the National Flood Insurance Program
- Other Special or Freestanding Bylaws (§4424)

List

- Capital Budget & Program (§4430)
- Impact Fees (Chapter 131, §4422)
- Judicial Bureau Ticketing Option for Enforcement (§4452 & 1974a of Title)
- Advisory Commissions/Committees (§4433(1))
- Historic Preservation Commissions (§4433(3))
- Design Review Commissions (§4433(4))
- Housing Commissions (§4433(5))
- Development Review Board (§4460)
- Zoning Board of Adjustment (§4460)
- Joint Board of Adjustment Development Review Board (§4460)
- Full-time Administrative Officer
- Part-time Administrative Officer
- Volunteer/stipend Administrative Officer
- Staff planner(s)
- Availability of planning Information on municipal website:
 - Municipal plan and maps
 - Bylaws
 - Fee schedule
 - Contact information for administrative officer
 - Information about Planning Commission
 - Information about the Appropriate Municipal Panel (ZBA/DRB)

Primary website URL:



CITY OF BARRE

FLOOD HAZARD AREA REGULATIONS

Version Date: August 27, 2010

DRAFT Amendments to Planning Commission April 11, 2024

Department of Zoning Inspections, Permitting, & Planning, Permitting &
Assessing

City of Barre
6 North Main Street
Barre, VT 05641

802-476-0245

Section 5. Substantial Improvement/Damage Determinations

5.01 Determining Substantial Improvements

- (A) Applicability. Where development constitutes a substantial improvement to an existing structure, the existing structure shall be improved to NFIP standards and to the standards of these regulations.
1. Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which either equals or exceeds ~~\$50,000~~ or exceeds 50 percent of the market value of the structure, ~~whichever is less~~, before the start of construction.
 2. ~~_____~~ -This term includes structures which have incurred "repetitive loss" or "substantial damage", regardless of actual work performed.
- (B) Calculating Substantial Improvements. The following shall apply when calculating substantial improvements:
1. Unless stricter rules are described in this section, FEMA NFIP guidance such as the *NFIP Flood Plain Management Requirements- Desk Reference* shall be used to guide calculation of market value of structure and costs.
 2. Where one building is attached to another through a covered breezeway or similar connection, the two buildings are considered separate and substantial improvement calculations shall be made for each structure independently.
 3. All improvements shall be counted cumulatively over 5 years to determine if a substantial improvement of a structure has occurred.
 - a. Any non-permitted improvements discovered after the fact shall be considered to have all occurred at the same time for purposes of determining substantial improvements.
 4. In general the City of Barre shall use the assessed value of the structure as the default value of the structure, and does not preclude an appraisal from being used. The value of the land should not be included in the valuation of the structure.
- (C) Substantial Improvements of Existing Structures. The following shall apply to govern structures that are substantially improved:
1. Where an application proposes to make a substantial improvement to an existing structure, that structure shall be brought into conformance with these regulations. For example a structure with the lowest floor below BFE may be required to elevate the structure.

2. Where one structure is attached to another through a covered breezeway or similar connection, it is a separate structure and not an addition. Therefore, substantial improvement of a structure would require the elevation of the structure and all additions but not separate structures.
 3. Regardless of substantial improvement determination, all additions (i.e. expansions of building footprint) shall meet NFIP requirements.
- (D) Non-Substantial Improvements of Existing Structures. The following shall apply to govern structures that are not substantially improved:
1. Where a proposal is determined to be a non-substantial improvement only the improvement will be reviewed for conformance with these regulations.
 2. Non-substantial improvements to existing structures apply to existing structures on their existing footprints. Additions to structures must be compliant with all relevant requirements of these regulations.
- (E) The term 'substantial improvement' does not include the following:
1. The cost of improvements of a structure to correct existing violations of state and local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
 2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure. The Administrative Officer may request from the applicant a Section 106 report, prepared by a qualified professional, to demonstrate compliance with this provision.
 - a. This exemption does not apply to additions (i.e. expansions of building footprint) to historic structures which must be built in compliance with these regulations.

5.02 Determining Substantial Damage

- (A) Applicability. Where a substantially damaged structure is proposed for redevelopment, the structure shall be redeveloped to the standards of these regulations.
- (B) Calculating substantial damage. The following shall apply when calculating substantial damages:
1. Unless stricter rules are described in this section, FEMA NFIP guidance such as the *NFIP Flood Plain Management Requirements- Desk Reference* shall be used to guide calculation of market value of structure and costs to repair.
 2. In general the City of Barre shall use the assessed value of the structure as the

default value of the structure. The value of the land should not be included in the valuation of the structure.

- (C) Substantial damage of existing structures. The following shall apply to govern structures that are substantially damaged:
1. Where a substantially damaged structure is proposed for redevelopment, that structure shall be brought into conformance with these regulations. For example a building with the lowest floor below BFE which has been substantially damaged may be required to elevate the building during reconstruction.
- (D) Non-Substantial damage of existing structures. The following shall apply to govern structures that are not substantially damaged:
1. Redevelopment of a structure which has sustained non-substantial damage shall have that development reviewed under the rules regarding substantial improvements above (Section 5.01).

6. Where an individual mobile home lot in an existing mobile home park is vacated, the lot shall not be considered discontinued or abandoned even if either the lot or park is non-conforming. Replacement mobile homes shall be regulated per section 8.14(B) of these regulations.

Subsection 8B Specific Uses & Structures Review Criteria

8.10 Alteration of a Watercourse

- (A) Alteration or relocation of watercourses. The alteration or relocation of a portion of a watercourse within the Flood Hazard Area is prohibited unless part of an overall plan (adopted by the municipality) involving river restoration, flood mitigation, or other public purpose. In these instances, the alteration or relocation may be permitted only if the flood carrying capacity within the altered or relocated portion of a watercourse is maintained or increased.

8.11 Filling and Other Earthwork

- (A) Requirements regarding filling in the Flood Hazard Area.
 1. In instances where these regulations allow fill, all fill must be properly compacted, graded, and, where appropriate, re-vegetated. All filling must be in compliance with Technical Bulletin 10-01 *Ensuring that structures built on fill in or near special flood hazard areas are reasonably safe from flooding.*
 2. Landfilling is not permitted within the stream or river setback, wetlands or wetland setback, nor in the floodway.
 3. The practice of removing unsuitable existing material (topsoil) and backfilling with structural material is not considered the placing of fill.
- (B) Where an applicant wishes to remove a property from the Flood Hazard Area by elevating the natural grade (adding fill in the flood hazard area) the applicant shall provide a CLOMR-F or LOMR-F, as appropriate to the project.

8.12 Fuel Tanks

- (A) All fuel storage tanks (e.g. liquid propane, diesel, home heating fuel, kerosene, etc.) in the Flood Hazard Area shall be placed at or above DFE (Design Flood Elevation) or a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground if securely anchored as certified by a qualified professional.
- (B) Fuel storage tanks located below the DFE must have all filler pipes and vents located at or

above the DFE.

8.13 Manufactured (Mobile) Homes

- (A) No provision of these regulations shall have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing from the municipality, except upon the same terms and conditions as conventional housing is excluded. [§4412(1)(B)]
- (B) Within these regulations, mobile homes and manufactured homes are synonymous.
- (C) In non-conforming manufactured home parks, manufactured homes shall be treated the same as conventional housing except that manufactured homes shall demonstrate that they are securely anchored to foundation system to resist flotation, collapse, and lateral movement.

8.14 Manufactured (Mobile) Home Parks

- (A) Manufactured home parks are prohibited in the Flood Hazard Area.
- (B) Any manufactured homes to be replaced or substantially improved that are located in an existing manufactured home park, where elevating a replacement home to or above the base flood elevation is not possible, the lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely anchored to resist flotation, collapse, or lateral movement.
- (C) An evacuation plan for any existing manufactured home parks and subdivisions indicating alternate vehicular access and escape routes shall be filed with the State Civil Defense Office. (See §1910.3(b)(8) of the Federal Register and the FEMA manual, "Manufactured Home Installation in Flood Hazard Areas" for anchoring standards.)

8.15 Public Infrastructure

- (A) Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or crossing are permitted in the Flood Hazard Area provided they are part of an overall plan (adopted by the municipality).

8.16 Recreational Vehicles

- (A) Storage or use of recreational vehicles is prohibited in the flood hazard area.

8.17 Subdivisions

- (A) The subdivision of land within the Flood Hazard Area is allowed only if it can be demonstrated by the applicant that each parcel created will have some permissible use. Each new parcel, for instance, shall have sufficient areas outside of the floodway which are suitable for