

FLOOD HAZARD AREA REGULATIONS
FOR THE
TOWN AND VILLAGE OF CAMBRIDGE,
LAMOILLE COUNTY, VERMONT

HISTORY OF THE FLOOD HAZARD AREA REGULATIONS
FOR THE
TOWN AND VILLAGE OF CAMBRIDGE

ADOPTED by Selectboard
January 5, 2015

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PREPARED BY THE:
Town of Cambridge Planning Commission

WITH TECHNICAL ASSISTANCE PROVIDED BY:
Lamoille County Planning Commission

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1 **SECTION 1. INTRODUCTION AND PURPOSE, GENERAL PROVISIONS**
2
3

4 **1.01 STATUTORY AUTHORIZATION:** To effect the purposes of 10 V.S.A. Chapter 32 and in
5 accordance with 24 V.S.A. § 4424, there are hereby established Flood Hazard Area regulations in the
6 Town and Village of Cambridge, Vermont.
7

8 **1.02 PURPOSE:** It is the purpose of these bylaws to minimize and prevent loss of life and property,
9 to reduce hazards to public safety and wellbeing, to minimize and prevent the disruption of commerce, to
10 minimize and prevent the impairment of the tax base, and to minimize the extraordinary public
11 expenditures and demands on public services that result from flood by:
12

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

24 **1.03 PRECEDENCE OF BYLAW:** The provisions of these flood hazard bylaws shall not in any
25 way impair or remove the necessity of compliance with any other local, State, or Federal laws or
26 regulations. Where this flood hazard regulation imposes a greater restriction, the provisions here shall
27 take precedence.
28

29 **1.04 SEVERABILITY SECTION:** If any section, provision, or portion of this ordinance is
30 adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.
31

32 **1.05 WARNING OF DISCLAIMER OF LIABILITY:** This bylaw does not imply that land
33 outside of the areas covered by this bylaw will be free from flood or erosion damages. This regulation
34 shall not create liability on the part of the Town and Village of Cambridge, or any municipal official or
35 employee thereof, for any flood or erosion damages that result from reliance on this regulation or any
36 administrative decision lawfully made hereunder.
37

1 **SECTION 2. DELINEATION OF FLOOD HAZARD AREA AND INTERPRETATION OF**
2 **BOUNDARIES**

3
4
5 **2.01 DELINEATION OF THE DISTRICT:** These regulations shall apply to Special Flood Hazard
6 Areas in the Town and Village of Cambridge. The Flood Hazard Areas shall consist of, and these Flood
7 Hazard Bylaws shall apply to, the Special Flood Hazard Area in and on the most current flood insurance
8 studies and maps published by the Department of Homeland Security, Federal Emergency Management
9 Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural
10 Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared
11 to be part of these regulations.

12
13 **2.02 BASE FLOOD ELEVATIONS AND FLOODWAY LIMITS IN SPECIAL FLOOD**
14 **HAZARD AREAS:** Where available, base flood elevations and floodway limits provided by the National
15 Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to
16 administer and enforce these regulations. In Special Flood Hazard Areas where base flood elevations
17 and/or floodway limits have not been provided by the National Flood Insurance Program or in the Flood
18 Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary
19 data. Where available, the applicant shall use data provided by FEMA or by State or Federal agencies.

20
21 **2.03 INTERPRETATION OF HAZARD AREA BOUNDARIES:** The information presented on
22 any maps, or contained in any studies, adopted by reference, is presumed accurate.

23
24 (A) If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the
25 floodway, the location of the boundary shall be determined by the Administrative Officer (AO). If
26 the applicant disagrees with the determination made by the AO, a Letter of Map Amendment
27 from FEMA shall constitute proof.
28

1 **SECTION 3: DEVELOPMENT STANDARDS**
2
3

4 **3.01 SPECIFICALLY PROHIBITED USES WITHIN THE FHA:** storage or junk yards; new fill
5 that is not compensated elsewhere (except as necessary to construct a replacement on-site wastewater
6 system), any new principal or accessory structures in the floodway; new critical facilities; all development
7 not exempted under 24 V.S.A Ch117, or permitted or conditional below.
8

9 **3.02 PERMITTED USES AND DEVELOPMENT:** The following uses and development activities
10 are permitted upon issuance of a zoning permit, provided they are located outside of the floodway. All
11 permitted uses shall comply with the General Standards for all development found in Section 3.04.
12

- 13 (A) Maintenance, repair, and non-substantial improvements of an existing structure, including
14 building utilities;
- 15 (B) Reasonable modifications to existing structures in order to afford persons with a disability full
16 enjoyment of the premises, including, as provided by the Fair Housing Act but not limited to,
17 installation of access ramps compliant with the Americans with Disabilities Act.
- 18 (C) Accessory structures;
- 19 (D) Development related to onsite septic or water supply systems; and
- 20 (E) At-grade parking
21

22 **3.03 CONDITIONAL USES:** The following uses may be permitted in the Flood Hazard Area as
23 conditional uses by the Appropriate Municipal Panel in accordance with Section 4.02 of these bylaws. All
24 conditional uses shall comply with the General Standards for all development found in Section 3.04.
25

- 26 (A) New principal structures, provided they are not located in the floodway;
- 27 (B) Substantial improvement, elevation, relocation, or flood-proofing of existing structures;
- 28 (C) New or replacement storage tanks for existing structures;
- 29 (D) Improvements to existing structures in the floodway;
- 30 (E) Grading, excavation; or the creation of a pond;
- 31 (F) Improvements to existing roads;
- 32 (G) Bridges, culverts, channel management activities, or public projects which are functionally
33 dependent on stream access or stream crossing; and
- 34 (H) Public utilities.
35

36 **3.04 DEVELOPMENT STANDARDS FOR ALL DEVELOPMENT IN THE FLOOD HAZARD**
37 **AREA:** The following standards shall apply to all subdivision and development, whether permitted or
38 conditional, in the Flood Hazard Area. The criteria below are the minimum standards for development in
39 the flood hazard areas. Where more than one zone or area is involved, the most restrictive standard shall
40 take precedence.
41

42 (A) Special Flood Hazard Area: All development located in the Special Flood Hazard Area but not
43 within the floodway shall comply with the following standards:
44

- 45 1. All development shall be:
46
 - 47 a. Reasonably safe from flooding;
 - 48 b. Designed, operated, maintained, modified, and adequately anchored to prevent
49 flotation, collapse, release, or lateral movement of the structure;
50
51

- 1 c. Constructed with materials resistant to flood damage;
- 2
- 3 d. Constructed by methods and practices which minimize flood damage;
- 4
- 5 e. Constructed with electrical, heating, ventilation, plumbing and air conditioning
- 6 equipment, and other service facilities that are designed and/or located so as to
- 7 prevent water from entering or accumulating within the components during
- 8 conditions of flooding;
- 9
- 10 f. Adequately drained to reduce exposure to flood hazards;
- 11
- 12 g. Located so as to minimize conflict with changes in channel location over time
- 13 and the need to withstand such changes; and,
- 14
- 15 h. Required to locate any fuel storage tanks (as needed to serve an existing building
- 16 in the Special Flood Hazard Area) a minimum of two (2) feet above base flood
- 17 elevation, or to the 500-year flood elevation, whichever is greater, and to
- 18 securely anchor such fuel storage tanks to prevent flotation, or storage tanks may
- 19 be placed underground, if securely anchored as certified by a qualified
- 20 professional.
- 21
- 22 2. In Zones AE, AH, and A1 – A30 where base flood elevations and/or floodway limits
- 23 have not been determined, development shall not be permitted unless it is demonstrated
- 24 that the cumulative effect of the proposed development, when combined with all other
- 25 existing and anticipated encroachment, will not increase the base flood elevation more
- 26 than one (1.00) foot at any point within the community. The demonstration must be
- 27 supported by technical data that conforms to standard hydraulic engineering principles
- 28 and certified by a licensed professional engineer.
- 29
- 30 3. New structures and existing structures to be substantially improved in Zones A, A1-30,
- 31 AE, and AH shall be located such that the lowest floor is at least two (2) feet above base
- 32 flood elevation, or to the 500-year flood elevation, whichever is greater. Such elevation
- 33 must be documented, in as-built condition, with a FEMA Elevation Certificate;
- 34
- 35 4. New structures and existing structures to be substantially improved or meet the definition
- 36 of substantial damage or repetitive loss in Zones A, A1-30, AE, and AH shall be located
- 37 such that the lowest floor, including any basement, with attendant utility and sanitary
- 38 facilities, is at least two (2) feet above base flood elevation, or to the 500-year flood
- 39 elevation, whichever is greater. Such elevation must be documented, in as-built
- 40 condition, with a FEMA Elevation Certificate;
- 41
- 42 5. Non-residential structures to be substantially improved shall:
- 43
- 44 a. Meet the elevation standard above, or
- 45
- 46 b. Shall be designed so that the lowest floor, including basement, together with
- 47 attendant utility and sanitary facilities is at least two (2) feet above the base flood
- 48 elevation, or to the 500-year flood elevation, whichever is greater; so that the
- 49 structure is watertight with walls substantially impermeable to the passage of
- 50 water, and with structural components having the capability of resisting
- 51 hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for

1 flood-proofing shall not be issued until a licensed professional engineer or
2 architect has reviewed the structural design, specifications, and plans, and has
3 certified that the design and proposed methods of construction are in accordance
4 with accepted standards of practice for meeting the provisions of this subsection.
5

6 c. Dry flood-proofing measures used to meet the above flood-proofing standard
7 must be achieved without the use of human intervention at the time of flooding
8 unless the facility is adequately staffed at all hours with people trained and able
9 to deploy the facility's flood-proofing measures.
10

11 6. Fully enclosed areas below grade on all sides (including below grade crawlspaces and
12 basements) are prohibited.
13

14 7. Fully enclosed areas that are above grade, below the lowest floor, below BFE, and
15 subject to flooding, shall
16

17 a. Be solely used for parking of vehicles, storage, or building access, and such a
18 condition shall clearly be stated on any permits; and,
19

20 b. Include a signed non-conversion agreement from the owner of the structure with
21 the permit stating that the enclosed area below the BFE will not be converted to
22 another use not listed in Section 3.02 or Section 3.03 above and that the
23 community would have the ability to inspect the exterior and interior of the
24 enclosed area in compliance with the standards laid out in the non-conversion
25 agreement; and
26

27 c. Be designed to automatically equalize hydrostatic flood forces on exterior walls
28 by allowing for the entry and exit of floodwaters. Such designs must be certified
29 by a licensed professional engineer or architect or must meet or exceed the
30 following minimum criteria: A minimum of two (2) openings on two (2) walls
31 having a total net area of not less than one (1) square inch for every square foot
32 of enclosed area subject to flooding shall be provided. The bottom of all
33 openings shall be no higher than one (1) foot above grade. Openings may be
34 equipped with screens, louvers, valves, or other coverings or devices provided
35 that they permit the automatic entry and exit of floodwaters.
36

37 8. Recreational vehicles must be fully licensed and ready for highway use, and shall either:
38

39 a. be on the site for fewer than one hundred eighty (180) consecutive days or
40

41 b. be permitted in accordance with the elevation and anchoring requirements for
42 "manufactured homes" found below
43

44 9. A small accessory structure of five hundred (500) square feet or less that represents a
45 minimal investment need not be elevated to the base flood elevation in this area, provided
46 the structure is placed on the building site so as to offer the minimum resistance to the
47 flow of floodwaters and shall meet the criteria for fully enclosed areas above grade
48 (above).
49

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

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- 11. 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.
- 12. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- 13. 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;
- 14. 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.
- 15. Subdivisions and Planned Unit Developments must be accessible by dry land access outside the Special Flood Hazard Area.
- 16. 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.
- 17. 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:
 - a. Outside a manufactured home park or subdivision; or
 - b. In a new manufactured home park or subdivision; or
 - c. On a new site in an expansion to an existing manufactured home park or subdivision; or
 - e. On a site in an existing park in which a manufactured home has incurred substantial damage as a result of the flood.
- 18. In A1-30, AH, and AE Zones, manufactured homes to be placed or substantially improved on **an existing site, in an existing manufactured home park, that has not incurred substantial damage** must be elevated so that the lowest floor is at least two (2) feet above Base Flood Elevation, or the chassis is supported by reinforced piers no less than 48 inches in height above grade and securely anchored.
- 19. Historic Structures: The following provisions shall apply to Historic Structures:
 - a. The following shall not be considered a substantial improvement, regardless of total, cumulative cost:
 - i. Improvements to an historic structure necessary to bring the structure into compliancy with any state or local health, sanitary, or safety code

- 1 specifications and which are the minimum improvements necessary to
2 assure safe living conditions; and/or
- 3 ii. Any other alteration of an historic structure provided that the alteration
4 will not preclude the structure's continued designation as a "historic
5 structure."
6
- 7 b. Whenever feasible, electrical systems, utilities and mechanical equipment within
8 a historical structure should be elevated at least two (2) feet above the base flood
9 elevation, or to the 500-year flood elevation, whichever is greater.
10
- 11 c. Historic structures to be substantially improved shall either meet the standards
12 for substantially improved structures above OR, upon a granting of a variance
13 under Section 4.05, be wet flood-proofed to at least two (2) feet above the base
14 flood elevation, or to the 500-year flood elevation, whichever is greater. Wet
15 flood-proofing shall only be permitted in Zones A, AE, A1-30, AH, AO, and AR,
16 and shall be conducted in accordance with FEMA Technical Bulletin FIA-TB-7-
17 93, or the most recent FEMA technical guidance available. Wet flood-proofing
18 techniques may include:
19
- 20 i. Elevating electrical and mechanical systems and utilities at least two (2)
21 feet above the base flood elevation, or to the 500-year flood elevation,
22 whichever is greater;
- 23 ii. Relocating contents vulnerable to flooding to areas of the structure that
24 are at least two (2) feet above the base flood elevation, or at or above the
25 500-year flood elevation, whichever is greater;
- 26 iii. Creating positive drainage, where the grade allows water to drain away
27 from the building;
- 28 iv. Using flood damage-resistant materials on all areas of the structure
29 located lower than two (2) feet above the base flood elevation, or the
30 500-year flood elevation, whichever is greater. Flood resistant materials
31 shall be as described in FIA-TB-2-93, or the most recent FEMA
32 technical guidance available;
- 33 v. filling in basements or wet flood-proofing basements in accordance with
34 Section 4.03(A)(7); and/or
- 35 vi. Installing floodwalls to protect openings such as windows that are
36 located lower than two (2) feet above the base flood elevation, or lower
37 than the 500-year flood elevation, whichever is greater.
38
- 39 d. Upon granting a variance, the Appropriate Municipal Panel may further modify
40 the standards above by reducing the elevation to which an historic structure must
41 be elevated or flood-proofed when these measures will be prohibitively
42 expensive and/or will alter the structure to such an extent that will preclude its
43 continued designation as an historic structure.
44
- 45 20. Compensatory Storage: Where fill is allowed for use to elevate structures located in the
46 SFHA, areas that are located below the BFE shall be compensated for and balanced by a
47 hydraulically equivalent volume of excavation taken from below the base flood elevation.
48 Compensatory storage shall not be required for the construction of a replacement on-site
49 wastewater system serving an existing structure. All excavations shall:
50

- 1 a. Have the exposed soil stabilized against erosion, preferably through seeding and
- 2 mulching;
- 3 b. Be located above the ground water level to minimize ponding and sedimentation;
- 4 c. Be contiguous with existing flood water storage and conveyance;
- 5 d. Be designed to ensure that floodwaters are not displaced onto other properties
- 6 during the base flood; and
- 7 d. Be located on the same parcel as the proposed development, or, if the parcel is
- 8 not large enough for the excavation required, be located on an adjacent parcel
- 9 within an easement granted by the adjacent property owner for the purpose of
- 10 compensatory storage.

11
12 21. Any existing Critical Facilities that are to be substantially improved or meet the
13 definition of substantial damage or repetitive loss, shall be constructed so that the lowest
14 floor, including basement, shall be elevated at least one (1) foot above the elevation of
15 the 500-year floodplain. A critical facility shall have at least one (1) access road
16 connected to land outside the 500-year floodplain which is capable of accommodating
17 emergency services vehicles. The top of the access road must be no lower than six (6)
18 inches below the elevation of the 500-year floodplain.

19
20 (B) Floodway Areas: All development located within the floodway shall comply with the following
21 standards:

- 22
- 23 1. Encroachments or development above grade and less than one (1) foot above the base
- 24 flood elevation are prohibited unless hydrologic and hydraulic analyses are performed in
- 25 accordance with standard engineering practice by a licensed professional engineer,
- 26 certifying that the proposed development will:
 - 27
 - 28 a. Not result in any increase in flood levels (0.00 feet) during the occurrence of the
 - 29 base flood; and
 - 30
 - 31 b. Not increase any risk to surrounding properties, facilities, or structures from
 - 32 erosion or flooding.
 - 33
- 34 2. Public utilities may be placed underground, and the analyses may be waived where a
- 35 licensed professional engineer certifies that there will be no change in grade and the
- 36 utilities will be adequately protected from scour.
- 37

1 **SECTION 4. ADMINISTRATION AND DEVELOPMENT REVIEW PROCEDURES**
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3

4 **4.01 ADMINISTRATIVE OFFICER AND APPROPRIATE MUNICIPAL PANEL:** To
5 administer these Bylaws, there is hereby established an Administrative Officer (AO) and an Appropriate
6 Municipal Panel (AMP) to be appointed by the Selectboard as specified under 24 V.S.A. §4448
7 and §4460.
8

9 (A) The Appropriate Municipal Panel, in the exercise of its functions, shall have the following
10 powers, in addition to those specifically provided for elsewhere in law:
11

- 12 1. appeals from a decision of the Administrative Officer
- 13 2. review of a request for a variance.
- 14 3. review of an application for a conditional use.
15
16
17

18 (B) All proposed development shall be reviewed by the Administrative Officer and/or the
19 Appropriate Municipal Panel to assure that all necessary permits have been received from those
20 government agencies from which approval is required by Federal, State, or Municipal law.
21

22 **4.02 DEVELOPMENT REVIEW PROCEDURES:**
23

24 (A) Application Requirements: All applications for development within the flood hazard area shall
25 include:
26

- 27 1. the name and contact information for the owner of the property, including any agents
28 authorized to act on their behalf;
- 29 2. a thorough description of the proposed development;
- 30 3. general location map, including the address of the property, tax parcel ID, relative
31 locations of the existing development and the nearest public road;
- 32 4. where applicable, a site plan prepared by a licensed land surveyor, registered civil
33 engineer or registered architect that depicts the proposed development, all water bodies,
34 Special Flood Hazard Areas, floodways, the shortest horizontal distance from the
35 proposed development to the top-of-bank of any stream, any existing and proposed
36 drainage, any proposed fill and pre and post development grades, and the elevation of the
37 proposed lowest floor, as referenced to the same vertical datum as the elevation on the
38 current Flood Insurance Rate Maps;
39
40
41
42
- 43 6. base flood elevation data for subdivision proposals or other developments greater than
44 fifty (50) lots or five (5) acres;
- 45 7. Vermont Agency of Natural Resources Project Review Sheet for the proposal. The
46 Project Review Sheet shall identify all State and Federal agencies from which permit
47 approval is required for the proposal and shall be filed as a required attachment to the
48 municipal permit application. The identified permits, or letters indicating that such
49 permits are not required, shall be submitted to the Administrative Officer and attached to
50 the permit before work can begin.
51

- 1
2 8. the appropriate fee, as established by the Selectboard.
3
4 9. In addition to the requirements above, applications for conditional use approval or a
5 variance shall also include the following additional information:
6
7 a. a list of abutters' names and mailing addresses;
8
9 b. a statement of purpose and need for the proposed development;
10
11 c. a description of the alternatives considered to the proposed development,
12 including alternate locations on site, especially outside of the hazard area;
13
14 d. elevations of any proposed development;
15
16 e. such pertinent information as identified in the regulations or deemed necessary
17 by the Appropriate Municipal Panel for determining the suitability of the
18 proposed development for the site;
19
20 f. copies of the application sufficient for the file, the Appropriate Municipal Panel
21 members, the State National Flood Insurance Program Coordinator, and
22 additional parties such as the VT DEC Stream Alteration Engineer and adjacent
23 communities if affected under Section 4.02(B); and,
24
25 g. any additional fees required, as established by the Selectboard.
26

27 (B) Referrals:
28

- 29 1. Upon receipt of a complete application for a substantial improvement or new
30 construction, the AO shall submit a copy of the application and supporting information
31 to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont
32 Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be
33 issued only following receipt of comments from the Agency, or the expiration of thirty
34 (30) days from the date the application was mailed to the Agency, whichever is sooner.
35
36 2. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies
37 of the application shall also be submitted to the adjacent communities, the Stream
38 Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of
39 Engineers. Copies of such notice shall be provided to the State National Flood Insurance
40 Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department
41 of Environmental Conservation. A permit may be issued only following receipt of
42 comments from the Vermont Agency of Natural Resources, or the expiration of thirty
43 (30) days from the date the application was mailed to the Vermont Agency of Natural
44 Resources, whichever is sooner.
45
46 3. The APPROPRIATE MUNICIPAL PANEL shall consider comments from the NFIP
47 Coordinator at The Agency of Natural Resources. The Appropriate Municipal Panel may
48 recess the proceedings on any application pending submission of additional information.
49

50 (C) Hearings:
51

1. At least fifteen (15) days notice shall be provided before the date of the hearing by all of the following:
 - a. Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected; and
 - b. Posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. §312(c)(2), including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made; and,
 - c. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way, as well as to the parties in Section 4.02(B) above if not done so already. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.
 - d. The applicant may be required to bear the cost of the public warning and the cost and responsibility of notification of adjoining landowners. The applicant may be required to provide a copy of the warning and demonstrate proof of the posting and of delivery to adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.
2. The Appropriate Municipal Panel may recess the proceedings on any application pending submission of additional information. The Panel should close the evidence promptly after all parties have submitted the requested information, adjourn the hearing, and may deliberate prior to issuing its decision.

(D) Decisions:

1. Decisions by the Administrative Officer to approve or deny an application shall be issued in writing within thirty (30) days of a complete application.
2. Unless action is taken by the Administrative Officer, including referral to the Appropriate Municipal Panel and/or the NFIP Coordinator under Section 4.03(B) above, the application shall be deemed approved on the 31st day.
3. Applications that require conditional use approval shall be referred to the Appropriate Municipal Panel.
4. Decisions of the Administrative Officer may be appealed to the Appropriate Municipal Panel in accordance with Section 4.02(E). Decisions of the Appropriate Municipal Panel may be appealed to the Vermont Environmental Court in accordance with 24 V.S.A. §4471.
5. Decisions of the Appropriate Municipal Panel for variance or conditional use approval shall be issued in writing within forty-five (45) days after the adjournment of the final

1 hearing. Failure to issue a decision within this period shall be deemed approval and shall
2 be effective on the 46th day.

- 3
4 6. Conditional use approvals shall also provide that all necessary permits must be received
5 from those government agencies from which approval is required by Federal, State, or
6 Municipal law prior to the issuance of a permit.
7
8 7. The Appropriate Municipal Panel shall consider comments from the NFIP Coordinator at
9 the Department of Environmental Conservation.
10
11 8. Approvals shall include a statement of the factual basis on which the Panel has made its
12 conclusions regarding how the proposed development will meet the development
13 standards and a statement of the conclusions.
14
15 9. In rendering a decision in favor of the applicant, the Panel may attach additional
16 reasonable conditions and safeguards as it deems necessary to implement the purposes of
17 this bylaw and the Municipal Plan then in effect.
18
19 10. For subdivisions, the Appropriate Municipal Panel shall:
20
21 a. Review subdivision proposals and other development, including manufactured
22 home parks or subdivisions, to determine whether such proposal will be
23 reasonably safe from flooding and, if a subdivision or other development
24 proposal is in a flood-prone area, to assure that:
25
26 i. Such proposals minimize flood damage,
27 ii. Public utilities and facilities are constructed so as to minimize flood
28 damage, and
29 iii. Adequate drainage is provided.
30
31
32 12. The Panel may provide for the conditioning of permit issuance on the submission of a
33 bond, escrow account, or other surety in a form acceptable to the legislative body of the
34 municipality to assure one or more of the following:
35
36 a. the completion of the project,
37 b. adequate stabilization, and/or
38 c. protection of public facilities that may be affected by a project.
39
40 13. In approving an application that includes compensatory storage and/or flood proofing, the
41 Panel shall require regular maintenance and inspection to ensure that the compensated
42 area(s) and/or flood proofing measures are functioning properly and free of sediment and
43 debris.
44
45 14. Any decision shall be sent by certified mail within the forty-five (45) day period to the
46 applicant, and the appellant. Copies of the decision shall also be mailed to every person
47 or body appearing and having been heard at the hearing, and a copy of the decision shall
48 be filed with the Administrative Officer and the Clerk of the municipality as a part of the
49 public records of the municipality.
50

51 (E) Appeals:

- 1
2 1. An interested person (see definition) may appeal any decision or act taken by the
3 Administrative Officer by filing a notice of appeal with the secretary of the Appropriate
4 Municipal Panel, or with the Town Clerk if no such secretary has been elected.
5
- 6 2. This notice of appeal must be filed within fifteen (15) days of the date of that decision or
7 act, and a copy of the notice of appeal shall also be filed with the Administrative Officer.
8
- 9 3. A notice of appeal shall be in writing and shall include the name and address of the
10 appellant, a brief description of the property with respect to which the appeal is taken, a
11 reference to the regulatory provisions applicable to that appeal, the relief requested by the
12 appellant, and the alleged grounds why the requested relief is believed proper under the
13 circumstances.
14
- 15 4. The Appropriate Municipal Panel shall set a date and place for a public hearing of an
16 appeal under this chapter that shall be within sixty (60) days of the filing of the notice of
17 appeal.
18
- 19 5. The Panel shall give public notice of the hearing as specified in Section 4.02(C)(1). Any
20 person or body empowered to take an appeal with respect to the property at issue may
21 appear and be heard in person or be represented by an agent or attorney at the hearing.
22 Any hearing held under this section may be adjourned by the Panel from time to time;
23 provided, however, that the date and place of the adjourned hearing shall be announced at
24 the hearing. All hearings shall be open to the public, and the rules of evidence applicable
25 at these hearings shall be the same as the rules of evidence applicable in contested cases
26 in hearings before administrative agencies as set forth in 3 V.S.A. § 810.
27
- 28 6. An interested person (see definition) may appeal any decision or act taken by the
29 Appropriate Municipal Panel in accordance with 24 V.S.A §4471.
30
 - 31 a. Notice of appeal shall be filed by certified mailing, with fees, to the
32 Environmental Court and by mailing a copy to the municipal clerk and
33 Administrative Officer, who shall supply a list of interested persons to the
34 appellant within five (5) working days
35
 - 36 b. Upon receipt of the list of interested persons, the appellant shall, by certified
37 mail, provide a copy of the notice of appeal to every interested person.
38

39 (F) Permit Validity:
40

- 41 1. Each permit issued shall contain a statement of the period of time within which an appeal
42 may be taken and shall require posting of a notice of permit on a form prescribed by the
43 municipality within view from the public right-of-way most nearly adjacent to the subject
44 property until the time for appeal in has passed.
45
- 46 2. No permit issued pursuant to this section shall take effect until fifteen (15) days after
47 issuance.
48
- 49 3. In the event that a notice of appeal of a decision by the Administrative Officer is properly
50 filed, no such permit shall take effect until adjudication of that appeal is complete.
51

- 1 4. Each permit shall be valid for a period of two (2) years. The Administrative Officer may
2 extend the permit for an additional ninety (90) days if local or state permits or approvals
3 are pending, provided the request for an extension is made before the expiration of the
4 permit. The Administrative Officer may grant up to four (4) such extensions. Any
5 additional extension may be granted only by the Appropriate Municipal Panel
6

7 (G) Certification of Completion:
8

- 9 1. Within six (6) months of completion of any development approved by the Panel, the
10 applicant shall submit the following to the Administrative Officer:
11
12 a. a certification signed by a licensed professional engineer stating that the project
13 was completed in accordance with the approved plans and all conditions of
14 approval, and
15
16 b. As built plans and a FEMA Elevation Certificate, if required under Section 3.04.
17
18 2. Upon submission, the Administrative Officer shall record and file the certification of
19 completion in accordance with Section 4.03.
20
21 3. Failure to submit a certification or misrepresentation on the certification shall constitute a
22 violation of these bylaws under Section 4.06.
23

24 **4.03 RECORDS AND RECORDING REQUIREMENTS:**
25

26 (A) Within three (3) days following the issuance of a permit, the Administrative Officer shall:
27

- 28 1. deliver a copy of the permit and any accompanying conditional approval to the Listers of
29 the municipality; and
30
31 2. post a copy of the permit in at least one public place in the municipality until the
32 expiration of fifteen (15) days from the date of issuance of the permit.
33

34 (B) Within thirty (30) days after a municipal land use permit has been issued or within thirty (30)
35 days of the issuance of any notice of violation, the Administrative Officer shall:
36

- 37 1. deliver the original or a legible copy of the permit, or notice of permit, and any approvals
38 to the Town Clerk for recording in the land records as provided in 24 VSA, § 1154(a);
39
40 2. file a copy of the permit and any approvals in the Town office in a location where all
41 municipal land use permits shall be kept; and,
42

43 (C) The Administrative Officer shall properly file and maintain a record of:
44

- 45 1. All permits issued in areas covered by this bylaw
46
47 2. Elevation Certificate with the as-built elevation (consistent with the datum of the
48 elevation on the current Flood Insurance Rate Maps for the community) of the lowest
49 floor, including basement, of all new, substantially improved, or flood-proofed buildings
50 (not including accessory buildings) in the Special Flood Hazard Area; and
51

- 1 3. All flood-proofing and other certifications required under this regulation.
- 2
- 3 4. All decisions of the APPROPRIATE MUNICIPAL PANEL (including variances and
- 4 violations) and all supporting findings of fact, conclusions and conditions.
- 5
- 6 5. All Certificates of completion required under Section 4.02(G).
- 7

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

9

10 **4.04 NON-CONFORMITIES:** The following provisions shall apply to all structures, uses of lands,
 11 or improvements thereon which lawfully exist on the effective date of these bylaws and which do not
 12 conform to the requirements of these bylaws.

13

14 (A) The Appropriate Municipal Panel may permit the expansion of the footprint of a non-conforming
 15 use or structure by 500 square feet . Any such expansion or substantial improvement of a non-
 16 conforming structure or use shall comply with the Development Standards for all development in
 17 the Flood Hazard Area found in Section 3.04 of these bylaws.

18

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

24

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

27

28 (D) An individual manufactured home lot in an existing manufactured home park that is vacated shall
 29 not be considered a discontinuance or abandonment of non-conformity. Replacement
 30 manufactured homes must be placed so as to meet the development standards in this bylaw.

31

32 **4.05 VARIANCES:** Variances to the above standards may be granted in writing by the Appropriate
 33 Municipal Panel only in accordance with 24 V.S.A. § 4469 and 44 CFR Section 60.6, and after a hearing
 34 noticed in Section 4.02(C)(1) of these bylaws.

35

36 (A) In reviewing requests for variances, the Appropriate Municipal Panel may grant a variance and
 37 render a decision in favor of the appellant only if all of the following facts are found and the
 38 findings are specified in its written decision:

- 39
- 40 1. There are unique physical circumstances or conditions, including irregularity,
 41 narrowness, or shallowness of lot size or shape, or exceptional topographical or other
 42 physical conditions peculiar to the particular property, and that any unnecessary hardship
 43 is due to these conditions and not the circumstances or conditions generally created by
 44 the provisions of these bylaws in the neighborhood or district in which the property is
 45 located;
- 46
- 47 2. Because of these physical circumstances or conditions, there is no possibility that the
 48 property can be developed in strict conformity with the provisions of these bylaws and
 49 that the authorization of a variance is necessary to enable the reasonable use of the
 50 property;
- 51

- 1 3. The unnecessary hardship has not been created by the appellant;
- 2
- 3 4. The variance, if authorized, will not alter the essential character of the neighborhood or
- 4 district in which the property is located, will not substantially or permanently impair the
- 5 appropriate use or development of adjacent property, will not reduce access to renewable
- 6 energy resources, and will not be detrimental to the public welfare;
- 7
- 8 5. The variance, if authorized, will represent the minimum that will afford relief and will
- 9 represent the least deviation possible from these bylaws and from the Plan; and
- 10
- 11 6. Based on a review by VT Agency of Natural Resources, if it is determined that the
- 12 proposed development will not increase flood levels and/or obstruct the
- 13 establishment and maintenance of fluvial geomorphic equilibrium for the
- 14 watercourse.
- 15

16 (B) In rendering a decision in favor of an applicant for a variance, the APPROPRIATE MUNICIPAL
 17 PANEL may attach such conditions to such variances as it may consider necessary and appropriate
 18 under the circumstances to implement the Act and/or the Town and Village of Cambridge
 19 Comprehensive Development Plan as most recently adopted [the Act §4469(c)]. Such conditions
 20 may include those in Section 4.02(D) of these bylaws. For any variance issued within the Flood
 21 Hazard Area, the permit shall state: "This development is not in conformance with the Flood Hazard
 22 Area bylaws established by the Town and Village of Cambridge to protect the health, safety, and
 23 welfare of the occupants and/or property. This development will be maintained at the risk of the
 24 owner. The issuance of this variance to develop in the flood hazard area will result in increased
 25 premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and
 26 may increase risks to life and property in the event of a flood." Such language shall also be included
 27 on the deed recorded in the Cambridge Land Records.

28
 29 **4.06 VIOLATIONS AND ENFORCEMENT:** It shall be the duty of the Administrative Officer
 30 to enforce the provisions of this bylaw.

31
 32 (A) Upon determination that a violation exists, the Administrative Officer shall notify the alleged
 33 offender of the violation by certified mail and shall mail a copy of the notice of violation to the
 34 State NFIP Coordinator. The notice shall state that:

- 35
- 36 1. a violation exists;
- 37
- 38 2. that the alleged offender has an opportunity to cure the violation within seven (7) days of
- 39 receipt;
- 40
- 41 3. that failure to cure the violation may result in fines and/or loss of flood insurance;
- 42
- 43 4. that the alleged offender will not be entitled to an additional warning notice for a
- 44 violation occurring after expiration of the seven (7) day cure period within the next
- 45 succeeding twelve (12) months; and
- 46
- 47 5. that the notice of violation may be appealed as specified under VIII.G;
- 48

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

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

(C) Any person who is found to have violated this bylaw shall be fined more than \$100.00 per day for each offense. No action may be brought under this section unless such notice as required has been given as described above in Section 4.06(A). In default of payment of the fine, the violator shall pay double the amount of the fine. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of this bylaw shall be paid over to the Town of Cambridge.

1 **SECTION 5. DEFINITIONS.**
2

3 Except where specifically defined herein or in 24 V.S.A CH117, or unless otherwise clearly required by
4 the context, all works, phrases, and terms in this bylaw shall have their usual, customary meanings.
5 Definitions contained in 24 V.S.A CH117 shall be applicable throughout these bylaws, unless otherwise
6 specifically defined in this section.
7

8 In the interpretation of words and terms used, defined, or further described herein, the following shall
9 apply:
10

- 11 The particular controls the general;
- 12 The present tense includes the future tense;
- 13 The words “shall” and “must” are mandatory, and the words “should” and “may” are permissive;
- 14 The word “person” includes a firm, association, organization, partnership, trust, company, or
15 corporation, as well as an individual, unless otherwise specifically defined herein;
- 16 The word “structure” includes “building;”
- 17 The word “lot” includes “parcel.”
18

19 **“Accessory Structure”** means a structure which is: (1) detached from, and clearly incidental and
20 subordinate to, the principal use of a structure on a lot, (2) located on the same lot as the principal
21 structure or use and (3) clearly and customarily related to the principal structure or use. For residential uses
22 these include, but may not be limited to, garages, garden and tool sheds, and playhouses.
23

24 **“Area of Special Flood Hazard”** is synonymous in meaning with the phrase “special flood hazard area”
25 for the purposes of these regulations.
26

27 **“Base Flood”** means the flood having a one percent (1%) chance of being equaled or exceeded in any
28 given year (commonly referred to as the “100-year flood”).
29

30 **“Base Flood Elevation” (BFE)** is the elevation of the water surface elevation resulting from a flood that
31 has a one percent (1%) chance of equaling or exceeding that level in any given year. On the Flood
32 Insurance Rate Map the elevation is usually in feet; in relation to the National Geodetic Vertical Datum of
33 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance
34 Study report, or the average depth of the base flood, usually in feet above the ground surface.
35

36 **“BFE”** see Base Flood Elevation
37

38 **“Buffer”** means an undisturbed area consisting of trees, shrubs, ground cover plants, duff layer, and
39 generally uneven ground surface that extends a specified distance horizontally across the surface of the
40 land from the mean water level of an adjacent lake or from the top of the bank of an adjacent river or
41 stream.
42

43 **“Channel”** means an area that contains continuously or periodic flowing water that is confined by banks
44 and a streambed.
45

46 **“Channel width”** (or bankfull width) is the width of a stream channel when flowing at a bankfull
47 discharge. The bankfull discharge is the flow of water that first overtops the natural banks. This flow
48 occurs, on average, about once every 1 to 2 years.
49

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

1
2 **Critical Facilities**” means development vital to public health and safety or facilities regulated under 30
3 V.S.A. § 248. For the purposes of this definition critical facilities include facilities that provide services
4 or functions related to public health and safety during emergency response and recovery and facilities that
5 must be protected to a higher standard to protect public health and safety.
6

7 **“Compensatory Storage”** means a volume not previously used for flood storage and which shall be
8 incrementally equal to the theoretical volume of flood water at each elevation, up to and including the
9 base flood elevation, which would be displaced by the proposed project. Such compensatory volume
10 shall have an unrestricted hydraulic connection to the same waterway or water body. With respect to
11 waterways, such compensatory volume shall be provided within the same reach of the river, stream, or
12 creek.
13

14 **“Development”** means any human-made change to
15 improved or unimproved real estate, including but not
16 limited to, buildings or other structures, mining,
17 dredging, filling, grading, paving, excavation or drilling
18 operations, or storage of equipment or materials.
19

20 **Existing manufactured home park or subdivision**
21 means a manufactured home park or subdivision for
22 which the construction of facilities for servicing the lots
23 on which the manufactured homes are to be affixed
24 (including, at a minimum, the installation of utilities, the
25 construction of streets, and either final site grading or
26 the pouring of concrete pads) is completed before the
27 effective date of the *initial* floodplain management
28 regulations adopted by a community.
29

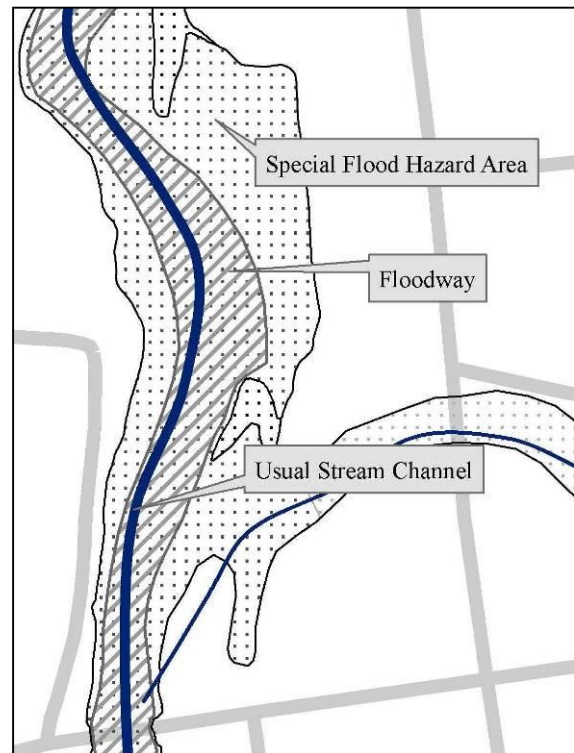
30 **Expansion to an existing manufactured home park or**
31 **subdivision** means the preparation of additional sites by
32 the construction of facilities for servicing the lots on
33 which the manufacturing homes are to be affixed
34 (including the installation of utilities, the construction of
35 streets, and either final site grading or the pouring of
36 concrete pads).
37

38 **“Fill”** means any placed material that changes the natural grade, increases the elevation, or diminishes the
39 flood storage capacity at the site.
40

41 **“FIRM”** see Flood Insurance Rate Map
42

43 **“Flood”** means:

- 44 (a) a general and temporary condition of partial or complete inundation of normally dry land
45 areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of
46 surface waters from any source; and mudslides which are proximately caused by flooding and are
47 akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when
48 earth is carried by a current of water and deposited along the path of the current
49



1 (b) the collapse or subsidence of land along the shore of a lake or other body of water as a result
2 of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical
3 levels or suddenly caused by an unusually high water level in a natural body of water
4 accompanied by a severe storm or by an unanticipated force of nature, such as flash flood or
5 abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in
6 flooding.
7

8 **“Flood Insurance Rate Map” (FIRM)** means an official map of a community on which the Federal
9 Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones
10 applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or
11 Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).
12

13 **“Flood Insurance Study”** means an examination, evaluation, and determination of flood hazards and, if
14 appropriate, the corresponding water surface elevations or an examination, evaluation, and determination
15 of mudslide (i.e., mudflow) and /or flood related erosion hazards.
16

17 **“Floodplain or flood-prone area”** means any land area susceptible to being inundated by water from any
18 source (see definition of “flood”).
19

20 **“Flood-proofing”** means any combination of structural and non-structural additions, changes, or
21 adjustments to structures which reduce or eliminate flood damage to real estate or improved real property,
22 water and sanitary facilities, structures, and their contents.
23

24 **“Flood-proofing, Wet”** includes permanent or contingent measures applied to a structure or its contents
25 that prevent or provide resistance to damage from flooding while allowing floodwaters to enter the
26 structure or area. Generally, this includes properly anchoring the structure, using flood resistant materials
27 below the Base Flood Elevation (BFE), protection of mechanical and utility equipment, and use of
28 openings or breakaway walls.
29

30 **“Floodway”** means the channel of a river or other watercourse and the adjacent land areas that must be
31 reserved in order to discharge the base flood without cumulatively increasing the water surface elevation
32 more than one (1) foot at any point. Please note that Special Flood Hazard Areas and floodways may be
33 shown on separate map panels.
34

35 **“Floodway, Regulatory in “** means the channel of a river or other watercourse and the adjacent land areas
36 that must be reserved in order to discharge the base flood without cumulatively increasing the water
37 surface elevation more than one (1) foot at any point.
38

39 **“Fluvial Erosion”** is erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a
40 flood event causes a rapid adjustment of the stream channel size and/or location.
41

42 **“Functionally dependent use”** means a use which cannot perform its intended purpose unless it is
43 located or carried out in close proximity to water.
44

45 **“Historic structure”** means any structure that is (a) listed individually in the National Register of Historic
46 Places (a listing maintained by the Department of the Interior) or preliminarily determined by the
47 Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b)
48 certified or preliminarily determined by the Secretary of the Interior as contributing to the historical
49 significance of a registered historic district or a district preliminarily determined by the Secretary to
50 qualify as a registered historic district; (c) individually listed on a state inventory of historic places in
51 states with historic preservation programs which have been approved by the Secretary of the Interior; or

1 (d) individually listed on a local inventory of historic places in communities with historic preservation
2 programs that have been certified either: (i) by an approved State program as determined by the Secretary
3 of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.
4

5 **“Letter of Map Amendment (LOMA)”** is a letter issued by the Federal Emergency Management Agency
6 officially removing a structure or lot from the flood hazard zone based on information provided by a
7 licensed engineer or surveyor. This is used where structures or lots are located above the base flood
8 elevation and have been inadvertently included in the mapped special flood hazard area.
9

10 **“Lowest floor”** means the lowest floor of the lowest enclosed area, including basement, except that an
11 unfinished or flood resistant enclosure usable solely for parking of vehicles, building access, or storage in
12 an area other than a basement area is not considered a building’s lowest floor, provided such enclosure is
13 not built so as to render the structure in violation of the applicable non-elevation design requirements of
14 44 CFR 60.3.
15

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

20 **Manufactured home park or subdivision** means a parcel (or contiguous parcels) of land divided into two
21 or more manufactured home lots for rent or sale.
22

23 **“New construction”** for regulation under this bylaw means structures for which the *start of construction*
24 commenced on or after the effective date of the floodplain management regulation adopted by the
25 community and includes any subsequent improvements to such structures.
26

27 **New manufactured home park or subdivision** means a manufactured home park or subdivision for which
28 the construction of facilities for servicing the lots on which the manufactured homes are to be affixed
29 (including at a minimum, the installation of utilities, the construction of streets, and either final site
30 grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain
31 management regulations adopted by a community.
32

33 **“Non-conforming structure”** means a structure or part of a structure that does not conform to the present
34 bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the
35 enactment of the present bylaws, including a structure improperly authorized as a result of error by the
36 Administrative Officer. Structures that were in violation of the flood hazard regulations at the time of
37 their creation, and remain so, remain violations and are not non-conforming structures.
38

39 **“Non-conforming use”** means use of land that does not conform to the present bylaws but did conform to
40 all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a
41 use improperly authorized as a result of error by the Administrative Officer.
42

43 **“Nonconformity”** means a non-conforming use, structure, lot, or parcel.
44

45 **“Non-residential”** includes, but is not limited to, small business concerns, churches, schools, nursing
46 homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings,
47 government buildings, mercantile structures, agricultural and industrial structures, and warehouses.
48

49 **“Recreational vehicle”** means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less
50 when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently

1 towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a
2 temporary living quarters for recreational, camping, travel, or seasonal use.

3
4 **“Repetitive Loss Structure”** is a building covered by flood insurance that has incurred flood-related
5 damages on two (2) occasions during a ten (10) year period ending on the date of the event for which a
6 second claim is made in which the cost of repairing the flood damage, on the average, equaled or
7 exceeded twenty-five percent (25%) of the market value of the building at the time of each such flood
8 event.

9
10 **“Special Flood Hazard Area”** is the floodplain within a community subject to a one percent (1%) or
11 greater chance of flooding in any given year. For purposes of these regulations, the term “area of special
12 flood hazard” is synonymous in meaning with the phrase “special flood hazard area”. This area is usually
13 labeled Zone A, AE, AO, AH, or A1-30 in the most current flood insurance studies and on the maps
14 published by the Federal Emergency Management Agency. Maps of this area are available for viewing in
15 the municipal office or online from the FEMA Map Service Center (www.msc.fema.gov) Base flood
16 elevations have not been determined in Zone A where the flood risk has been mapped by approximate
17 methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas
18 that are determined by detailed methods. Please note, where floodways have been determined they may
19 be shown on separate map panels from the Flood Insurance Rate Maps.

20
21 **“Start of construction”** for purposes of floodplain management determines the effective map or bylaw
22 that regulates development in the Special Flood Hazard Area. The “start of construction” includes
23 substantial improvement and means the date the building permit was issued, provided the actual start of
24 construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within
25 one hundred eighty (180) days of the permit date. The actual start means either the first placement of
26 permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of
27 piles, the construction of columns, any work beyond the stage of excavation, or the placement of a
28 manufactured home on a foundation. Permanent construction does not include land preparation, such as
29 clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it
30 include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor
31 does it include the installation on the property of accessory buildings, such as garages or sheds not
32 occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual
33 start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a
34 building, regardless of whether that alteration affects the external dimensions of the building.

35
36 **“Structure”** means, for regulatory purposes under this bylaw, a walled and roofed building, as well as a
37 manufactured home, and any related built systems, including gas or liquid storage tanks.

38
39 **“Substantial damage”** means damage of any origin sustained by a structure whereby the cost of restoring
40 the structure to its before-damaged conditions would equal or exceed fifty percent (50%) of the market
41 value of the structure before the damage occurred.

42
43 **“Substantial improvement”** means any reconstruction, rehabilitation, addition, or other improvement of a
44 structure after the date of adoption of this bylaw, the cost of which, over three (3) years or over the period
45 of a common plan of development, cumulatively equals or exceeds fifty percent (50%) of the market
46 value of the structure before the “start of construction” of the improvement. This term includes structures
47 which have incurred “substantial damage,” regardless of the actual repair work performed. The term does
48 not, however, include either (a) any project for improvement of a structure to correct existing violations of
49 state or local health, sanitary, or safety code specifications which have been identified by the local code
50 enforcement official and which are the minimum necessary to assure safe living conditions or (b) any

1 alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued
2 designation as a “historic structure.”
3
4 **“Top of Bank”** means that vertical point along a stream bank where an abrupt change in slope is evident.
5 For streams in wider valleys it is the point where the stream is generally able to overflow the banks and
6 enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.
7
8 **“Violation”** means the failure of a structure or other development to be fully compliant with this bylaw.
9 A structure or other development without the elevation certificate, other certifications, or other evidence
10 of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that
11 documentation is provided.
12