

[Flood](#) Inundation Hazard Area Bylaws, Village of Jeffersonville, Vermont,
adopted: July 6, 2011. [Most Recent Amendments \(date of adoption\)](#)

VILLAGE OF JEFFERSONVILLE

LAMOILLE COUNTY, VERMONT

[FLOOD](#) INUNDATION HAZARD AREA BYLAWS

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Prepared by the Jeffersonville Planning Commission

[These regulations were developed by the Jeffersonville Board of Trustees and Planning Commission with technical assistance from the Lamoille County Planning Commission using funds awarded by the Department of Housing and Community Development through the Municipal Planning Grant Program](#)

**VILLAGE OF JEFFERSONVILLE
INUNDATION HAZARD AREA BYLAWS**

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I. STATUTORY AUTHORIZATION AND EFFECT

In accordance with 10 V.S.A. Chapter 32, and V.S.A. Chapter 117 §4424, §4411 and §4414, there is hereby established a bylaw for areas at risk of flood damage in the Village of Jeffersonville, Vermont. Except as additionally described below, all administrative procedures follow 24 VSA Chapter 117.

II. STATEMENT OF PURPOSE

It is the purpose of this bylaw to:

- A. Implement the goals, policies, and recommendations in the current municipal plan;
- B. Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding;
- C. Ensure that the selection, design, creation, and use of development is reasonably safe and accomplished in a manner that is consistent with public wellbeing and does not impair flood plain services or the stream corridor,
- D. Manage the flood hazard area designated pursuant to 10 V.S.A. Chapter 32 § 753, the municipal hazard mitigation plan; and make the Village of Jeffersonville, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

III. OTHER PROVISIONS

A. Precedence of Bylaw

The provisions of these flood hazard bylaws shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this flood hazard regulation imposes a greater restriction the provisions herein shall take precedence.

B. Validity and Severability

If any portion of this bylaw is held unconstitutional or invalid by a competent court, the remainder of this bylaw shall not be affected.

C. Warning of Disclaimer of Liability

This bylaw does not imply that land outside of the areas covered by this bylaw will be free from flood damages. This regulation shall not create liability on the part of the Village of Jeffersonville, or any municipal official or employee thereof, for any flood damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

D. Repeal

Adoption of these bylaws effectively repeals all former zoning flood hazard bylaws including the Flood Hazard Zoning Bylaws adopted on 11 April 1994.

IV. LANDS TO WHICH THESE REGULATIONS APPLY

A. Regulated Flood Hazard Areas

These regulations shall apply to the Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations. The location of the boundary shall be determined by the Administrative Officer (AO). If the applicant disagrees with the determination made by the AO, a Letter of Map Amendment from FEMA shall constitute proof.

B. Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas

Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations. In Special Flood Hazard Areas where base flood elevations and/or floodway limits *have not* been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.

V. JURISDICTIONAL DETERMINATION AND INTERPRETATION

A. The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.

B. If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area, the location of the boundary shall be determined by the Administrative Officer (AO). The AO may require additional topographic or base flood elevation information if necessary to make such determination. If available, the AO shall use a FEMA Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) in making a determination. Once issued, the LOMA or LOMR shall constitute proof of the FHO/Flood Hazard Area boundary and whether the proposed development is within the FHO/Flood Hazard Area.

C. A FEMA Letter of Map Revision based on Fill (LOMR-F) that has been issued after July 6, 2011 shall not be used to remove lands from the jurisdiction of this bylaw.

D. When the AO deems a property is within the Special Flood Hazard Area an applicant seeking to challenge such determination shall have 15 days from the date of receiving the AO's determination to notify the AO of his or her intent to seek proof of the boundary. Upon timely filing of such notification letter by the applicant, the application for the permit shall not be considered complete until the AO has received a LOMA or LOMR issued by FEMA or any other evidence identified in such notice.

E. Availability of Hec-RAS Model: In order to demonstrate compliance with pertinent sections of these Regulation, Applicants may utilize the Lamoille Brewster River Hec-RAS model, prepared for the Village of Jeffersonville and housed with the Lamoille County Planning Commission. Nothing herein shall obligate the applicant to utilize this model provided other reliable data is available.

F. Illustrations: Pictorial illustrations have been added to some sections to assist readers in understanding the regulations. These illustration are not to scale and are for information purposes only. If there is a conflict between any illustration and the text of the regulations, the text shall control.

V. Summary Table: Development Review in Hazard Areas

The hazard areas are not appropriate sites for new structures nor for development that increases the elevation of the base flood.

#	Activity	Hazard-Zone	
Code	P:Permitted; C:Conditional-Use-Review; X:Prohibited; A:Exempted	Special Flood Hazard Area (Definition on page 13.)	Floodway (Definition on page 12.)

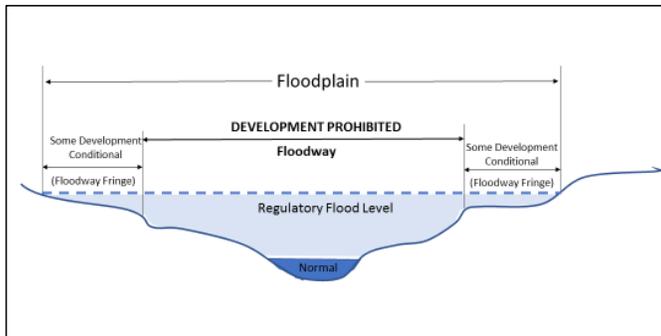
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1	New Structures	X	X
2	Storage	X	X
3	Improvements to Existing Structures	P, C	C
4	Small Accessory Structures	P	X
5	At-Grade Parking	P	C
6	Replacement water supply or septic systems	€	€
8	Fill as needed to elevate existing structures	€	€
9	Fill	X	X
12	Grading	€	€
13	Road maintenance	A	A
14	Road improvements	€	€
15	Bridges and culverts	€	€
16	Channel management	€	C
17	Recreational vehicles	P	P
18	Open space, recreation	A	A
19	Forestry	A	A
20	Agriculture	A	A

VI. DEVELOPMENT REVIEW IN HAZARD AREAS

A. Permit

A permit is required from the AO for all development in all areas defined in Section IV. Development that requires conditional use approval, non-conforming use approval, or a variance from the Board of Adjustment (BOA) under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the AO. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in Section VI and VII. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.³



B. Permitted Development

For the purposes of review under these regulations, the following development activities in the Special Flood Hazard Area where outside of the Floodway, and meeting the Development Standards in Section VII, require only an administrative permit from the AO:

1. Non-substantial improvements;
2. Accessory structures;
3. Development related to on-site septic or water supply systems;
4. Building utilities;
5. At-grade parking ~~for existing buildings~~; and,
6. Recreational vehicles.
7. [Additions to pre-existing structures in accordance with Section XI of these regulations. Note that some additions](#)

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[may require conditional use review](#)

C. Prohibited Development in Special Flood Hazard Area

1. New residential or non-residential structures (including the placement of manufactured homes);
2. Storage or junk yards;
3. New fill except as necessary to elevate structures above the base flood elevation;
4. [New principal structures, accessory structures, or additions](#) in the floodway;
5. Critical facilities are prohibited in all areas affected by mapped flood hazards; and,
6. All development not exempted, permitted, or conditionally permitted.

D. Conditional Use Review

Conditional use review and approval by the BOA is required prior to the issuance of a permit by the AO for proposed development within the following:

1. Substantial improvement, elevation, relocation, or flood proofing of existing structures, [including use of fill as necessary](#);
 2. New or replacement storage tanks for existing structures;
 3. Improvements to existing structures in the floodway;
 4. Grading, excavation, or the creation of a pond;
 5. [Improvements to existing roads, existing sidewalks, roads, parking areas, sewer/water infrastructure and/or stormwater drainage and management infrastructure, excluding those exempt below](#);
 6. [New bridges, culverts, channel management activities, or other public projects which are functionally dependent on stream access or stream crossing](#);
 7. Public utilities.
 8. [Additions to pre-existing structures in accordance with Section XI of these regulations. Note that some additions may be considered permitted development.](#)
- 8.9.

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E. Exempted Activities

The following are exempt from regulation under this bylaw:

1. [The removal of a building or other structure in whole or in part; The removal of a building or other improvement in whole or in part, so long as the ground elevations under and adjacent to the removed structure remains unchanged or is reduced. \(Note: if FEMA mitigation funds are being used for the removal, the damaged structure may be required to remain in place until funds are granted\)](#)
2. [Remediation of environmental contamination in accordance with a Corrective Action Plan \(CAP\) approved by the Vermont Department of Environmental Conservation and US Environmental Protection Agency, provided there is no increase in finished ground elevation upon completion of the CAP.](#)
3. [Routine maintenance of existing buildings in the usual course of business required or undertaken to conserve the original condition, while compensating for normal wear and tear. Routine maintenance includes actions necessary for retaining or restoring a piece of equipment, machine, or system to the specified operable condition to achieve its maximum useful life and does not include expansions or improvements to development.](#)
4. [Interior improvements to existing buildings that cost less than 500 dollars.](#)
5. [Maintenance of existing roads and storm water drainage; Maintenance of existing sidewalks, roads, parking areas, sewer/water infrastructure and/or stormwater drainage and management infrastructure. For purpose of these regulations, this includes improvements to existing sidewalks to meet ADA standards and construction of new sidewalks adjacent to existing public roads.](#)
6. [Maintenance of existing bridges, culverts, and channel stabilization activities, and modifications to existing bridges and culverts which increase their hydraulic capacity.](#)
- 6.7. [Reasonable modifications to existing structures in order to afford persons with a disability full enjoyment of the premises, including, as provided by the Fair Housing Act but not limited to, installation of access ramps compliant with the Americans with Disabilities Act.](#)
8. [The following activities are exempt from municipal regulation, but may require a permit under the State's "Vermont](#)

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[Flood Hazard Area and River Corridor Rule” \(Environmental Protection Rule, Chapter 29\):](#)

- a. Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices [for Maintaining Water Quality on Logging Jobs, or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation; and;](#)
- b. Agricultural activities conducted in accordance with the Vermont Department of Agriculture's [Accepted-Required Agricultural Practices \(RAAP\)](#). Prior to the construction of farm structures the farmer must notify the AO in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks;
- c. [Public utility generating plans ant transmission facilities regulated under 30 VSA § 248;](#)
- d. [Telecommunication facilities regulated under 30 VSA § 248;](#)
- e. [State an-owned and operated institutions and facilities, as defined under 24 VSA § 248;](#)

[7-9. River and floodplain restoration projects, including dam removal, that restore natural and beneficial floodplain functions and include written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw](#)

[8-10. Planting Projects which do not include any construction or grading activities in accordance with 24 VSA § 4424\(c\).](#)

F. Variances

Variances may be granted in writing by the BOA only in accordance with all the criteria in 24 V.S.A. § 4469, § 4424 (E), and 44 CFR Section 60.6⁴, after a public hearing noticed as described in Section VIII.

Any variance issued in the Special Flood Hazard Area will not increase flood heights and it will inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.⁵

VII. DEVELOPMENT STANDARDS

The criteria below are the minimum standards for development in the flood hazard areas. Where more than one zone or area is involved, the most restrictive standard shall take precedence.

A. Special Flood Hazard Area

1. *All development shall be:*

- a. Reasonably safe from flooding;
- b. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
- c. Constructed with materials resistant to flood damage;
- d. Constructed by methods and practices that minimize flood damage;
- e. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- f. Adequately drained to reduce exposure to flood hazards;
- g. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
- h. Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) 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.

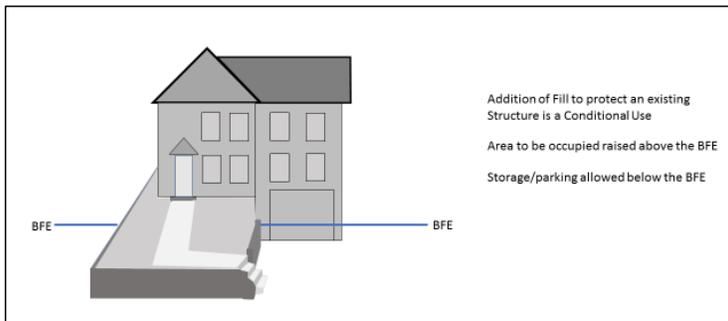
2. In Zones AE, AH, and AI - A30 *where base flood elevations and/or floodway limits have not been determined*, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1.00 foot⁶ at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

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3. *Structures to be substantially improved* in Zones A, AI-30, AE, and AH shall be located such that the lowest floor is at least one foot ⁷ above base flood elevation. This must be documented, in as-built condition, with a FEMA Elevation Certificate.
4. *Non-residential structures to be substantially improved* shall:
 - a. Meet the standards in VII A 3; or,
 - b. Have the lowest floor, including basement, together with attendant utility and sanitary facilities designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for flood proofing shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
5. *Fully enclosed areas below grade on all sides* (including below grade crawlspaces and basements) are prohibited.
6. *Fully enclosed areas that are above grade*, below the lowest floor, below BFE and subject to flooding, shall :
 - a. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
 - b. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
7. *Recreational vehicles* must be fully licensed and ready for highway use;⁸
8. A *small accessory* structure of 500 square feet or less ⁹ 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 in VII A 6 (above).
9. *Water supply systems* shall be designed to minimize or eliminate infiltration of flood waters into the systems. ¹⁰
10. *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.
11. *On-site waste disposal systems* shall be located to avoid impairment to them or contamination from them during flooding.
12. *The flood carrying and sediment transport capacity* ¹¹ 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;
13. *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.
- 14 *Subdivisions and Planned Unit Developments must be accessible by dry land* access outside the special flood hazard area.
15. *Existing buildings, including manufactured homes, to be substantially improved in Zone AO* shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least as high as the depth number specified on the community's FIRM, or at least two feet if no depth number is specified. ¹²
16. [Historic structures that would meet the definition of substantial improvement or substantial damage if not for their historic structure designation, the improved or repaired building shall meet the following mitigation performance standards for areas below the base flood elevation.](#)

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- a. Any future damage to enclosures below the lowest floor shall not result in damage to the foundation, utility connections, or elevated portions of the building or nearby structures;
- b. Utility connections (e.g., electricity, water, sewer, natural gas) shall be protected from inundation and scour or be easily repaired;
- c. The building foundation shall be structurally sound and reinforced to withstand a base flood event;
- d. The structure's historic designation shall not be precluded;
- e. The likelihood of flood waters entering the structure during the base flood is reduced; and
- f. There shall be no expansion of uses below base flood elevation except for parking, storage, building access, or, in the case of non-residential buildings, where the space is dry floodproofed.
- g. Use of flood damage-resistant materials in on all areas below the base flood elevation is strongly encouraged. Flood resistant materials shall be as described in FIA-TB-2-93, or the most recent FEMA technical guidance available;
- h. Fill may be used to elevate the Historic structure, as well as its surrounding historic context, including yard, access, and utility areas.



Example of Residential Structure Complying with Standards in Section VII.A. 1-16

B. Floodway Areas¹³

1. Encroachments or development above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice by a registered professional engineer, certifying that the proposed development will:
 - a. Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;
 - b. Not result in any increase in base flood velocities.
 - c. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
2. Public utilities may be placed underground, and the analyses may be waived, where a registered professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.

C. Development subject to Act250

Applicants are advised that development subject to Act250 may be required to meet more stringent requirements, such as elevating/flood proofing to two (2) feet above the base flood elevation and providing "compensatory storage" for any fill.

VIII. Administration

A. Administrative Officer (AO) and Board of Adjustment (BOA)

There is hereby established an AO and a BOA to be appointed by the Board of Trustees as specified under 24 VSA §4448 and §4460.

B. Application Submission Requirements

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1. In order for an application for development to be considered a complete application it shall include:
 - a. The name and contact information for the owner(s) of the property, including any agents authorized to act on their behalf;
 - b. A thorough description of the proposed development;
 - c. General location map including the address of the property, tax parcel ID, relative locations of the existing development and the nearest public road;
 - d. Where applicable, a site plan that depicts the proposed development, all water bodies, Special Flood Hazard Areas, floodways, any existing and proposed drainage, any proposed fill, and pre- and post-development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;
 - e. A completed Vermont Agency of Natural Resources Project Review Sheet for the proposal. This Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the permit application submitted to the Village of Jeffersonville. The identified permits, or letters indicating that such permits are not required, shall be submitted to the AO as attachments to the application;¹⁴
 - f. If this is an appeal for a variance, then the appeal application must include responses to the criteria set forth in 24 VSA §4469, §4424 (E), and CFR 60.6
 - g. Five copies¹⁵ of the complete application, including one to be forwarded to the State National Flood Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Program, and two copies for the Village of Jeffersonville; and,
 - h. An application fee of \$500.00 payable to The Village of Jeffersonville, as determined by the Board of Trustees.
2. For applicants seeking conditional use approval, approval under nonconforming structures and uses, or a variance, the following additional items also need to be provided for the application to be considered complete.
 - a. A list of abutters names and mailing addresses;
 - b. A statement of purpose and need for the proposed development;
 - c. A description of the alternatives considered to the proposed development, including alternate locations on site, especially outside of the hazard area;
 - d. Such pertinent information as identified in the regulations or deemed necessary by the Board for determining the suitability of the proposed development for the site;
 - e. Copies of the application sufficient for the file, the Board members, the State National Flood Insurance Program Coordinator, and additional parties such as the VT DEC Stream Alteration Engineer and adjacent communities if affected under Section VII C 2; and,
 - f. An application fee of \$500.00 payable to The Village of Jeffersonville, as determined by the Board of Trustees.

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C. Referrals

1. Upon receipt of a complete application for a substantial improvement or new construction the AO shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424¹⁶. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.¹⁷
2. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or at the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner. The BOA should consider comments from the NFIP Coordinator at ANR.

D. Public Notice

1. Prior to the issuance of a permit, proposals needing conditional use review, nonconforming structures and uses review, or approval for a variance, must have a warned public hearing. A copy of the application shall be submitted to VT ANR at least 30 days prior to the date of the public hearing. Public notice of the hearing shall be provided at least 15 days

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notice before the date of the hearing by all the following:

- a. Publication of the date, place, and purpose of the hearing in the newspaper.
 - b. Posting of the same information in three or more public places within the municipality including posting within view from the public right-of-way nearest 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 all interested persons (as defined in Chapter 117). 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. For hearings on subdivision plats located within 500 feet of a municipal boundary, written notification to the clerk of the adjoining municipality.
2. Public notice of all other types of development review hearings, including site plan review shall be given not less than seven (7) days prior to the date of the public hearing, and shall at minimum include the following:
- a. Posting of the date, place and purpose of the hearing in three (3) or more public places within the municipality; and
 - b. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, 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.
3. The applicant shall bear the cost of the public warning and notification of adjoining landowners.¹⁸
4. No defect in the form or substance of any required public notice under this section shall invalidate the action of the BOA where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the BOA/Development Review Board or the Environmental Court, the action shall be remanded to the BOA to provide new posting and notice, hold a new hearing, and take a new action.

E. Decisions

1. The AO shall act within 30 days to approve or deny the application, or refer the application to the BOA. Applications that cannot be approved in compliance with this bylaw shall be denied. The decision shall be issued in writing and include a statement of the factual bases on which the conclusions were made. Decisions of the AO can be appealed as below. If the AO fails to act within the 30-day period, a permit shall be deemed issued on the 31st day.
2. The BOA shall consider comments from the NFIP Coordinator at ANR. The BOA may recess the proceedings on any application pending submission of additional information. The BOA should close the hearing promptly after all parties have submitted the requested information, adjourn the hearing, and may deliberate prior to issuing its decision.
3. [To verify the location of proposed development and to evaluate conformity of the application with the standards of these regulations, the BOA may make a site visit and require the applicant's attendance at the site visit. Interested parties shall be invited to the site visit.](#)
4. [Pursuant to the Act §4440, the BOA may require an applicant to pay for the reasonable costs of an independent technical review of the application. Accordingly, the BOA shall prepare a detailed scope for the technical review. The scope shall be strictly limited and relevant to specific review criteria upon which the BOA is required to base its decision on the application and shall require that the review be completed in a timely manner, as specified by the BOA. The BOA, in consultation with the Trustees, and adopted Village policies, shall retain a competent and, where applicable, licensed individual or company qualified in the pertinent field\(s\) to conduct the independent review. The cost of the review shall be paid for by the applicant, in accordance with procedures established by the Trustees. The BOA may require that the Lamoille Brewster River Hec-RAS model, prepared for the Village of Jeffersonville and housed with the Lamoille County Planning Commission, be used in this review.](#)
5. Decisions by the BOA shall include a statement of the factual basis on which its conclusions are based regarding how the proposed development will meet the development standards, and a statement of the conclusions. In rendering a

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decision in favor of the applicant, the BOA may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of this bylaw and the municipal plan then in effect. BOA decisions shall be conditioned to assure that all necessary permits must be also received from those government agencies from which approval is required by Federal, State or Municipal law for the approval to be valid. The BOA may provide for the conditioning of permit issuance on the submission of a bond, escrow account, or other surety in a form acceptable to the legislative body of the municipality to assure one or more of the following: the completion of the project, adequate stabilization, or protection of public facilities that may be affected by a project.

6. Decisions of the BOA shall be issued in writing within 45 days after the adjournment of the final hearing. All decisions shall be sent by certified mail to the applicant, and the appellant in matters on appeal. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing. The decision will include a notice that an Interested Person may appeal the decision within 15 days.

F. Records

1. Within three days following the issuance of a permit, the AO shall:
 - a. Deliver a copy of the permit to the Listers of the municipality; and
 - b. Post a copy of the permit in at least one public place in the municipality until the expiration of 15 days from the date of issuance of the permit.
2. Within 30 days after a municipal land use permit has been issued or within 30 days of the issuance of any notice of violation, the AO shall:
 - a. Deliver the original or a legible copy of the permit, or notice of permit, and any approvals to the municipal clerk for recording in the land records as provided in 24 VSA, § 1154(a), and §4449;
 - b. File a copy of the permit and any approvals in the municipal office in a location where all municipal land use permits shall be kept; and,
 - c. The AO may charge the applicant for the cost of the recording fees as required by law.
3. The AO shall properly file and maintain a record of:¹⁹
 - a. All permits issued in areas covered by this bylaw;
 - b. Elevation Certificates 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 or substantially improved buildings (not including accessory buildings) in the Special Flood Hazard Area
 - c. All flood proofing and other certifications required under this regulation; and,
 - d. All decisions of the Board (including variances and violations) and all supporting findings of fact, conclusions and conditions.

G. Permit Validity

Each permit issued shall:

1. Contain a statement of the period of time within which an appeal may be taken
2. Require posting of a notice of permit on a form prescribed by the municipality within view from the public right-of-way most nearly adjacent to the subject property until the time for appeal has passed.
3. Not take effect until 15 days after issuance, or in the event that a notice of appeal, a decision by the AO is properly filed. No such permit shall take effect until adjudication of that appeal by the BOA is complete and the time for taking an appeal to the environmental court has passed without an appeal being taken. If an appeal is taken to the environmental court, the permit shall not take effect until adjudication by the environmental court; and,
4. Be valid for a period of three years from the later of a) its date of issue or b) if applicable, the date of issue of the Act 250 permit for the same project. [The AO may extend the validity of the permit if start of construction is delayed due to issuance of other State, local, or Federal Permits, provided the applicant requests such an extension prior to the expiration of the permit.](#)

H. Appeals

An interested person as defined in [Section XI24 VSA § 4465\(b\)](#) may appeal any decision or act taken by the AO by filing a notice of appeal with the secretary of the BOA or with the municipal clerk if no such secretary has been elected.

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This notice of appeal must be filed within 15 days of the date of that decision or act, and a copy of the notice of appeal shall also be filed with the AO.

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

The BOA shall set a date and place for a public hearing of an appeal under this chapter that shall be within 60 days of the filing of the notice of appeal. The BOA shall give public notice of the hearing as specified for conditional approval. Any person or body empowered to take an appeal with respect to the property at issue may appear and be heard in person or be represented by an agent or attorney at the hearing. Any hearing held under this section may be adjourned by the BOA from time to time, provided, however, that the date, time, and place of the adjourned hearing's reconvening shall be announced at the hearing. All hearings under this section shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 V.S.A. § 810.

Decisions of the BOA may be appealed under §4469 in request for a Variance. Within 30 days of a decision by the BOA, under §4471 an Interested Person who has participated in the municipal regulatory proceeding may appeal to the Vermont Environmental Court.

IX CERTIFICATE OF OCCUPANCY ²⁰

In accordance with Chapter 117 §4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure within Special Flood Hazard Area until a Certificate of Occupancy is issued therefore by the AO, stating that the proposed use of the structure or land conforms to the requirements of these bylaws. A Certificate of Occupancy is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw. Within 14 days of the receipt of the application for a Certificate of Occupancy, the AO shall inspect the premises to ensure that all permits identified on the Project Review Sheet have been acquired and that all work has been completed in conformance with the zoning permit and associated approvals. If the AO fails to grant or deny the Certificate of Occupancy within 14 days of the submission of the application, the certificate shall be deemed issued on the 15th day. If a Certificate of Occupancy can not be issued, notice will be sent to the owner and copied to the lender.

X. ENFORCEMENT AND PENALTIES

It shall be the duty of the AO to enforce the provisions of this bylaw. Upon determination that a violation exists, the AO shall notify the alleged offender of the violation by certified mail.

A. The notice of enforcement shall state that:

1. A violation exists;
2. That the alleged offender has an opportunity to cure the violation within seven days of receipt;
3. That failure to cure the violation may result in fines and/or loss of flood insurance;
4. That the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days within the next succeeding 12 months; and,
5. That the notice of violation may be appealed as specified under [VIII.GH](#);

B. Copies of the notice of violation will be:

1. Mailed to the Vermont NFIP Coordinator,
2. Filed in the land use permit files, within 30 days; and,
3. Delivered to the municipal clerk for recording in the land records.

C. After seven days, if the violation has not been remedied, in accordance with 10 VSA § 1974a, § 4451, and § 4452, any person who is found to have violated this bylaw shall be fined by the court not more than \$100.00 for each offense. No action may be brought under this section unless such notice, as required herein, has been given as described above in this part. 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.

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D. If any appeals have been resolved, but the violation remains, the AO shall 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 AO 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.

E. Violations of the ~~Aeecepted~~ Required Agricultural Practices shall be enforced under this Section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. Section 4812.

Commented [SJ6]: ?? Can a community do this??

XI. PREEXISTING STRUCTURES (NON-CONFORMITIES)

The following provisions shall apply to all structures, uses of lands, or improvements thereon which lawfully exist on July 11, 2011 and which do not conform to the requirements of these bylaws.

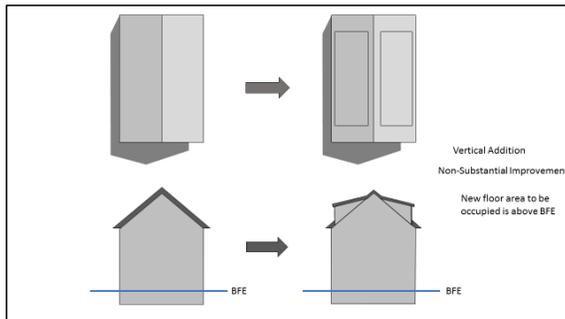
A. Additions to Non-Conforming Structures:

1. Vertical Additions.

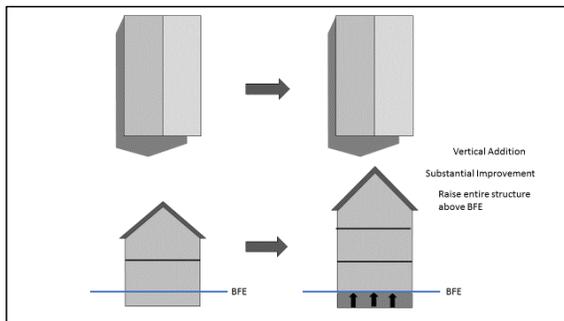
Non-Substantial Improvements: The AO may permit Vertical Additions that are non-substantial improvements. Any new floor area to be occupied shall be located above the Base Flood Elevation.

Commented [SJ7]:

Commented [SJ8]: Illustrate each of the below



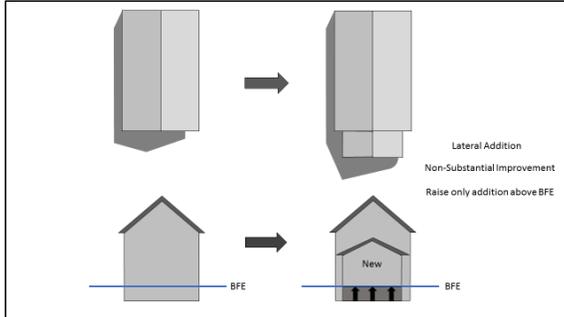
Vertical Additions that are Substantial Improvements shall be reviewed by the BOA. As a condition of approval, the preexisting structure shall be brought into compliance with all standards in Section VII.



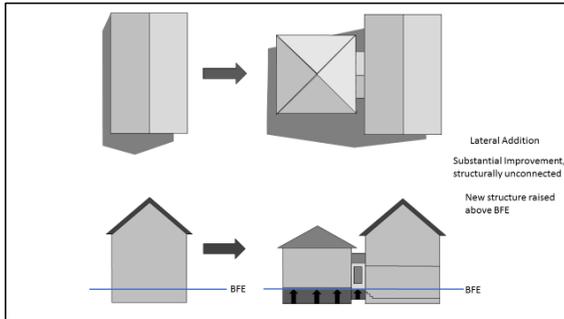
Flood Inundation Hazard Area Bylaws, Village of Jeffersonville, Vermont,
adopted: July 6, 2011. [Most Recent Amendments \(date of adoption\)](#)

2. Lateral Additions: Lateral additions shall be reviewed by the BOA as a conditional use in accordance with the following:

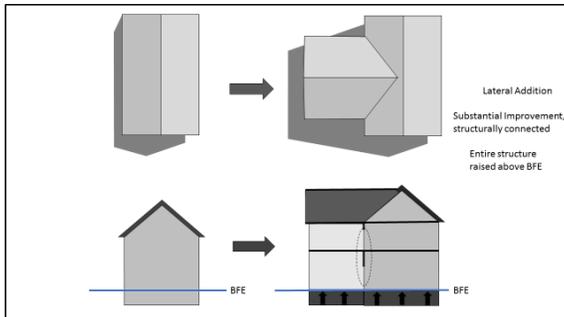
Non-substantial improvements: If the lateral addition is not a substantial improvement, only the addition must comply with the standards in Section VII.



Substantial improvements, not structurally connected: If the lateral addition is a substantial improvement but is not structurally connected to the preexisting Structure (for example, the addition does not share a load bearing wall with the preexisting structure), only the addition must comply with the standards in Section VII.



Substantial improvements, structurally connected: If the lateral addition is a substantial improvement and is structurally connected to the preexisting structure (for example, the addition shares a load bearing wall with the preexisting structure), both the addition and the preexisting structure must comply with the standards in Section VII.



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3. *Floodway*: No addition shall encroach on floodway areas.

B. Abandonment of Non-Conforming Structures

Non-conforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than twelve (12) months. The Administrative Officer may grant additional twelve (12) month extensions when reconstruction or habitation is delayed due to other pending local, state, or federal permitting, financing, insurance claims, or similar matters; and

Commented [SJ9]: Trustees can determine if this is an appropriate time limit.

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

C. Reconstruction of Substantially Damaged Non-Conforming Structures

The Administrative Officer may authorize reconstruction of a substantially damaged or destroyed non-conforming structure, provided the reconstructed structure it is located within the footprint of the preexisting structure, or relocated to a less hazardous location on the parcel.

An application to reconstruct a substantially damaged structure must be submitted within twelve (12) months of the occurrence of substantial damage, or the substantially damaged structure shall be considered abandoned in accordance with Section XI.B. above. The Administrative Officer may grant additional twelve (12) month extensions when reconstruction or habitation is delayed due to other pending local, state, or federal permitting, financing, insurance claims, or similar matters

The reconstructed structure must be rebuilt to the Standards of Section VII above, and the structure must otherwise comply with all requirements of the National Flood Insurance Program. The applicant shall provide the Administrative Officer with documentation necessary to ensure compliance with this section. If the Administrative Officer is unable to determine if any standard in Section VII has been met, the application shall be referred to the Board of Adjustment.

XI. DEFINITIONS

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

"Addition, Horizontal" means any an addition that does not increase the footprint of a building, but which may increase the floor area. Examples include upper story additions or renovations, including but not limited to finishing of attics, adding dormers, etc.

"Addition, Lateral" means any addition that increases the footprint of a building. Lateral Additions may be "structurally connected" or "not structurally connected."

"Structurally Connected:"

"Not Structurally Connected:"

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

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

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

the ground surface.

"**BFE**" see Base Flood Elevation

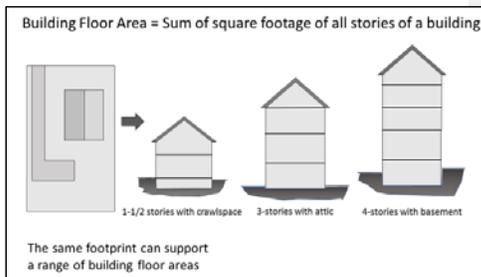
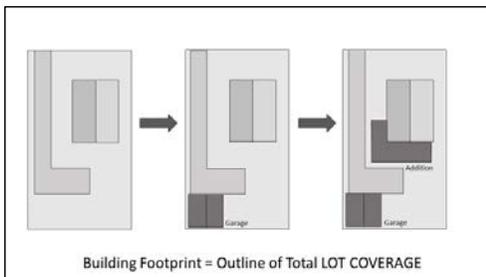
"**Building, Footprint**" means the outline of the total area of a building including its porches or decks, as defined by the outside perimeter of its foundation and/or footings.

Commented [SJ10]: Illustrate footprint vs. floor area

"**Building, Floor Area**" The sum of the square footage of all stories of a building, measured from the exterior face of exterior walls, including storage areas, utility areas, attics, and basements.

FOOTPRINT

FLOOR AREA



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

"**Compensatory storage**" means a volume not previously used for flood storage and which shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the base flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream, or creek.

"**Critical facilities**" - include police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station.

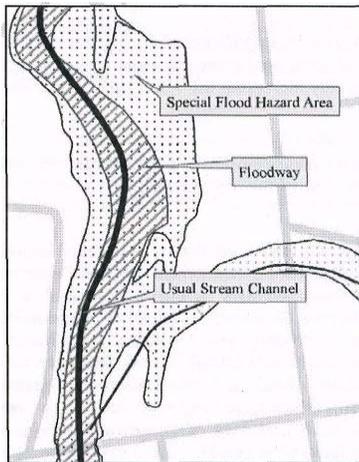
"**Development**" means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"**Fill**" means any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site. "**Fill**" means any placed material that changes the natural grade, increases the elevation, redirects the movement of flood water, or diminishes the flood storage capacity at the site. See also [Grading](#).

"**FIRM**" sees Flood Insurance Rate Map

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"**Flood**" means (a) a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current, (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.



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

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

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

Commented [SJ11]: Add existing sketch outlining floodplain/floodway

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

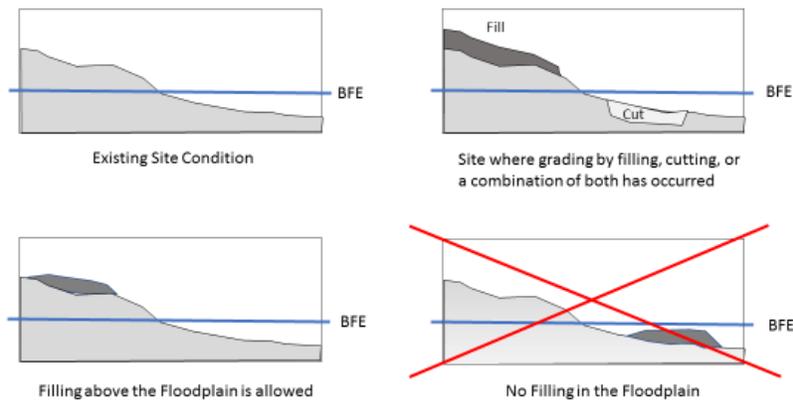
"**Floodway**" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that Special Flood Hazard Areas and floodways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

"**Floodway, Regulatory in the Village of Jeffersonville**" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.²¹

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

"Grading" means the movement or replacement of topsoil or other material originating on the site and within the hazard area. Grading results in minor or no changes in topographic elevations. Grading also includes the replacement of unsuitable material of an equal or lesser volume, as long as its placement does not result in an increase in ground elevation. It does not mean the import of new material from outside of the hazard area that is not offset with an equal or greater removal of material on site, which would be considered filling. See also FILL.

GRADING VS. FILL



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

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

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

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

"New construction" for regulation under this bylaw, means structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by the community and includes any

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subsequent improvements to such structures.

"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.

"Special Flood Hazard Area" is the floodplain within a community subject to a 1 percent 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, AO, AH, AE, or AI-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: 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 regulated 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 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, or 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 include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

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

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years, or over a the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- (b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

ADOPTED on July 6, 2011 by unanimous vote of the Jeffersonville Board of Trustees.

[Most Recent Amendments Adopted on \(Date\) by \[redacted\] vote of the Jeffersonville Board of Trustees.](#)

SIGNED:

TAMMY FENTON
Chair, Board of Trustees
Village of Jeffersonville

Endnotes

(Endnotes 1 and 2 are not applicable to these bylaws and are therefore deleted from this document.)

³ To participate in the National Flood Insurance Program (NFIP), the Code of Federal Regulations requires that communities assure that all other permits have been secured. 44 CFR 60.3 (a) (2)

⁴ Required for NFIP, 44 CFR Section 60.6

⁵ Required for NFIP, 44 CFR Section 60.6 (a) (5)

⁶ ~~The "one foot" standard here should be the same as the standard that the community adopts in the definition of "Floodway, Regulatory in the Village of Jeffersonville".~~

⁷ ~~Where base flood elevations are available, structures are required to be at or above the base flood elevation, 44 CFR 60.3 (c)(2)(3). Flood insurance rates are substantially reduced for structures one foot or more above base flood elevation. Over time the elevation of the base flood may increase as the stream changes position, as the floodplain is encroached upon, as development increases in the watershed, and as the climate changes. VT DEC strongly recommends that existing structures in all flood hazard areas be at least one foot above the base flood elevation. Under the minimum regulations in the CFR it is possible to add a clause to allow manufactured homes in parks that pre-date the flood hazard maps, to be elevated to only 36 or 48" above grade if they can not otherwise be elevated above BFE. This is not safe or recommended. If the community needs to consider this option please consult with VT DEC regarding the language and definitions required.~~

⁸ The NFIP requires fully licensed and ready for highway use, or on site for 180 days or less, 44CFR60.3(c)(14).

~~The community can define a low cost structure by setting a limit such as 500 ft or less. The community can also choose to not allow such accessory structures. Flood insurance is not available for such structures.~~

¹⁰ The NFIP requires the standards in VIIA 10, 11, and 12, 44 CFR 60.3 (a) (5) (6). Under Vermont state law, permits for such activity are handled by VT DEC and are not subject to local control unless the community has been delegated authority. The NFIP requirements are met through the state permit process. If there are additional requirements regarding development (in general) in the hazard zone then any application for development must meet those standards during local review.

¹¹ The NFIP requires that any altered watercourse maintain its capacity to carry floodwaters, 44 CFR 60.3 (b) 7. ~~VT DEC recommends that any altered watercourse also maintain its ability to transport its sediment load and not decrease stream geomorphic stability.~~

¹² ~~Communities that do not have AO Zones mapped on their FIRM do not need to adopt this regulation.~~

¹³ ~~These standards are recommended by VT DEC and/or required by the NFIP. The floodway is an area reserved to convey floodwaters during the base flood. Encroachments in the floodway are prohibited if they cause any increase in the elevation of the base flood. Actual floodwater movement during the base flood may have considerable destructive velocity and power.~~

¹⁴ The NFIP requires assurance that all other permits have been secured. The use of the Project Review Sheet is an efficient way to meet that requirement.

¹⁵ Please specify the number of copies sufficient for the AO, BOA, and referrals.

¹⁶ Required by Title 24 VSA Chapter 117 §4424.

¹⁷ Required by Title 24 VS A Chapter 117 §4424.

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¹⁸ Required by Title 24 VSA Chapter 117. The community can choose to handle this in at least two ways:

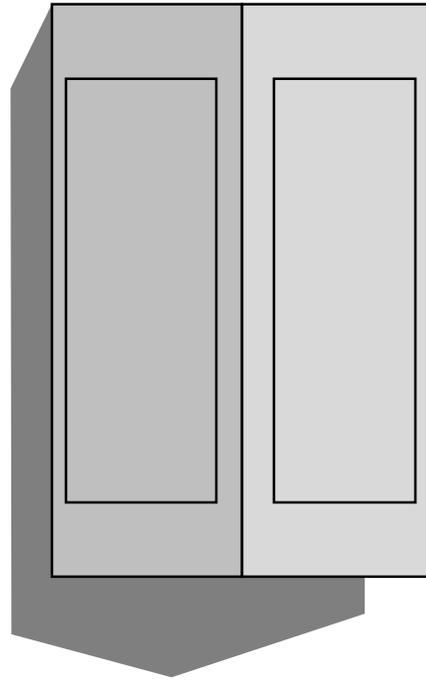
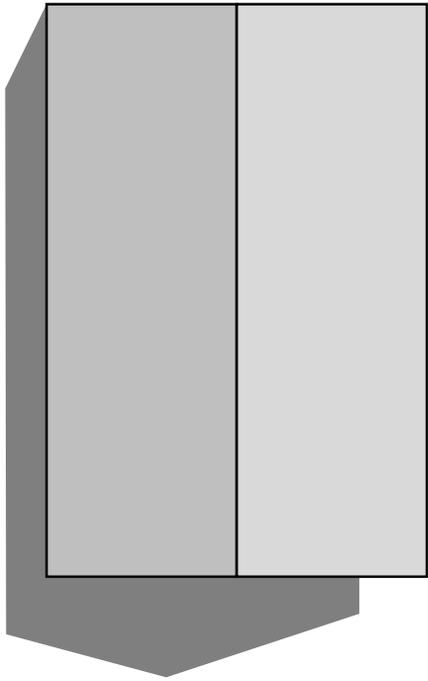
- a. The applicant shall bear the cost of the public warning and of notification of adjoining landowners. Or
- b. The applicant shall provide a copy of the warning, and demonstrate proof of the posting and of the delivery to adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.

¹⁹ The NFIP requires records to be kept of permits including variances, elevations of new or substantially improved structures, flood proofing, and related certifications. CFR 60.3 (b) (5)

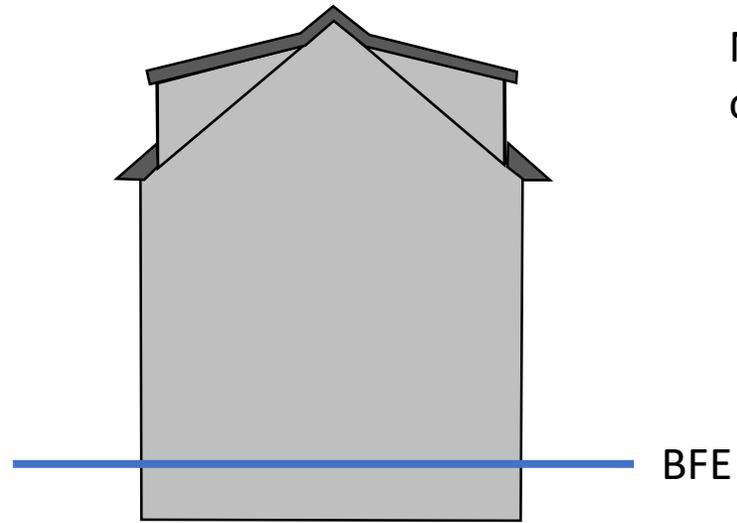
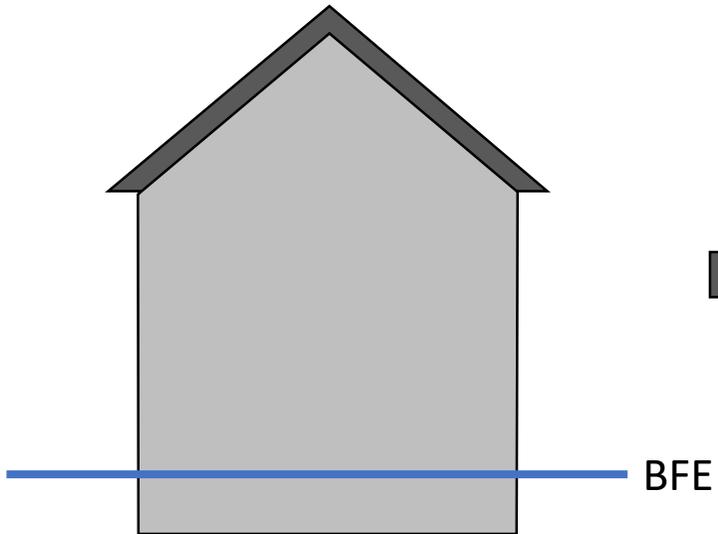
²⁰ ~~A Certificate of Occupancy is recommended by the VT DEC as a low cost method to support the enforcement of these regulations.~~

²¹ If the FIRM includes information on base flood elevations, the NFIP requires that the community adopt a regulatory floodway standard. CFR 60.3 (d) (2). This standard should allow a surcharge of one foot or less. In effect, this allows the base flood elevation to increase up to one foot, thereby increasing the risk of damage to existing properties in or near the Special Flood Hazard Area. Section VI C 3 prohibits new fill, except where necessary to safely elevate structures, as a way to minimize increases in the elevation of the base flood.

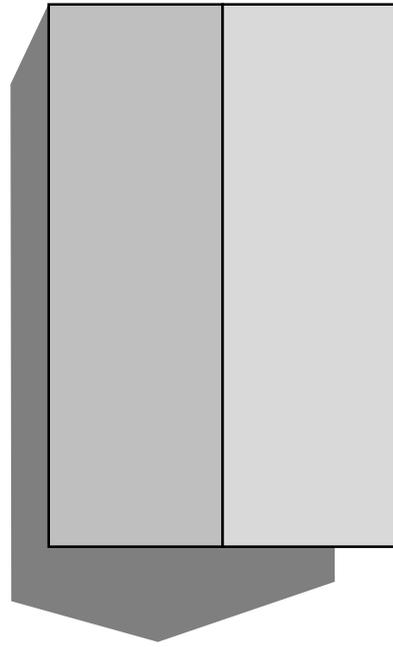
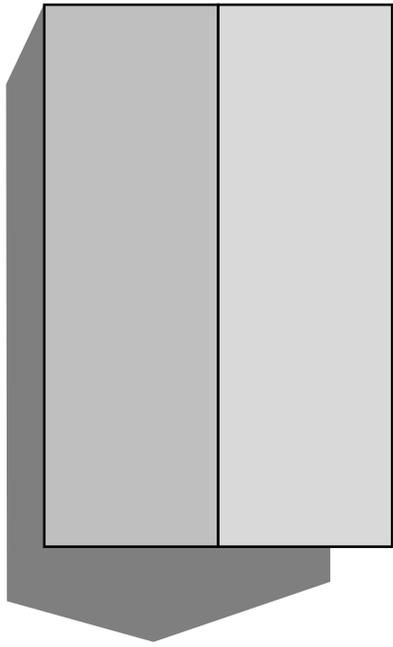
²² ~~The community has several options here. "Substantial Development" sets the threshold by which a structure in harm's way is compelled to be prepared for the base flood. Typically the preparation is to elevate the addition or the structure. The minimum NFIP standard is to define "substantial" as an investment of 50% of the existing value of the structure, or any investment subsequent to "substantial damage" to the structure. This high (50%) threshold may not get the structure or community prepared in time for the next flood, and many improvements are phased over several years. The NFIP encourages communities to adopt stricter standards such as by defining "substantial improvement" as cumulative over a defined period of time (such as three or five years), or by way of a common plan of development. The definition here uses three years. 44 CFR 59.1.~~



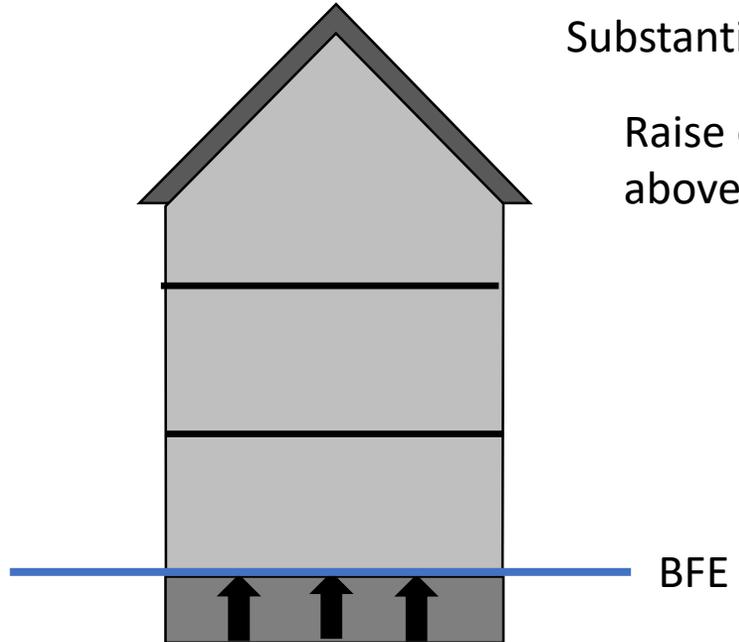
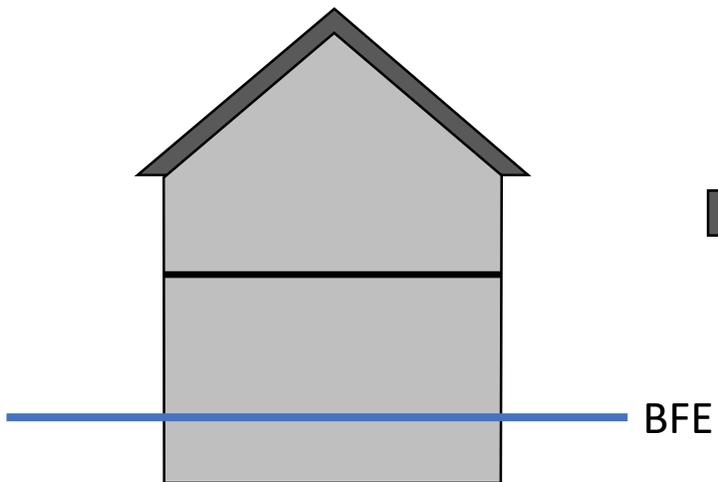
Vertical Addition
Non-Substantial Improvement



New floor area to be
occupied is above BFE

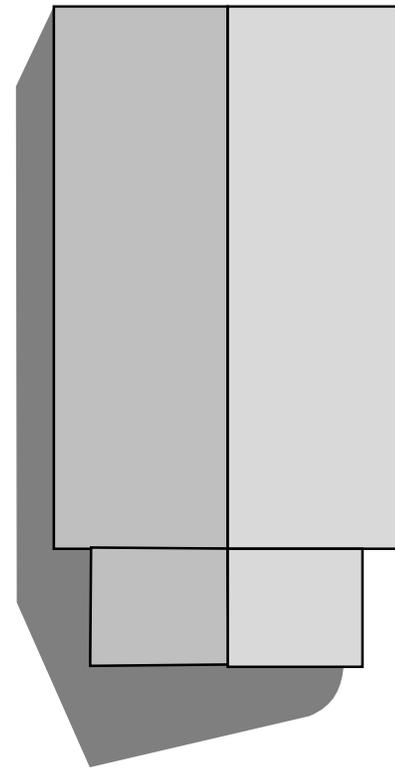
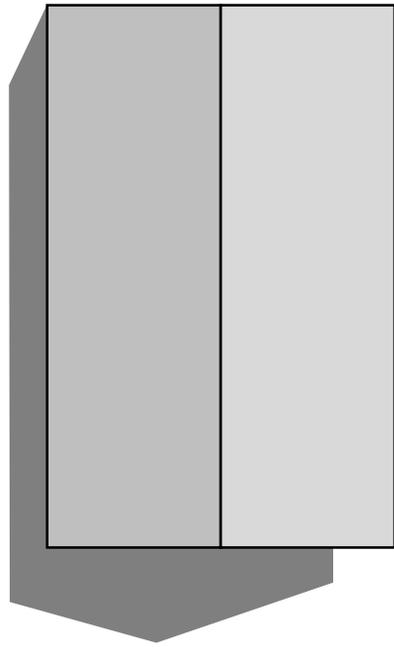


Vertical Addition

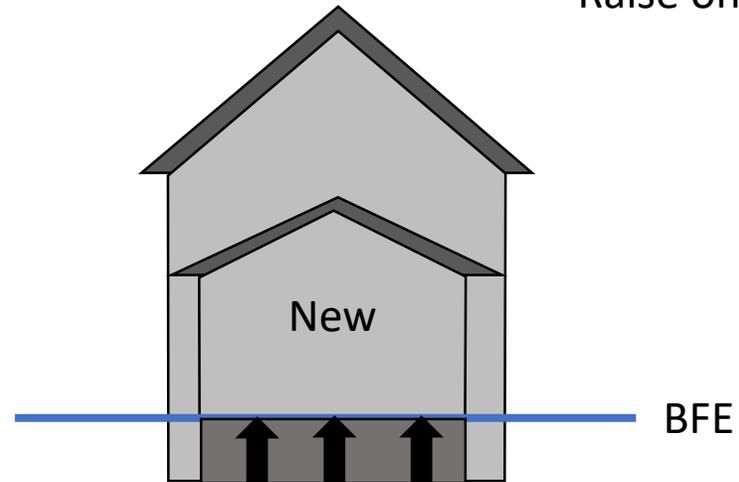
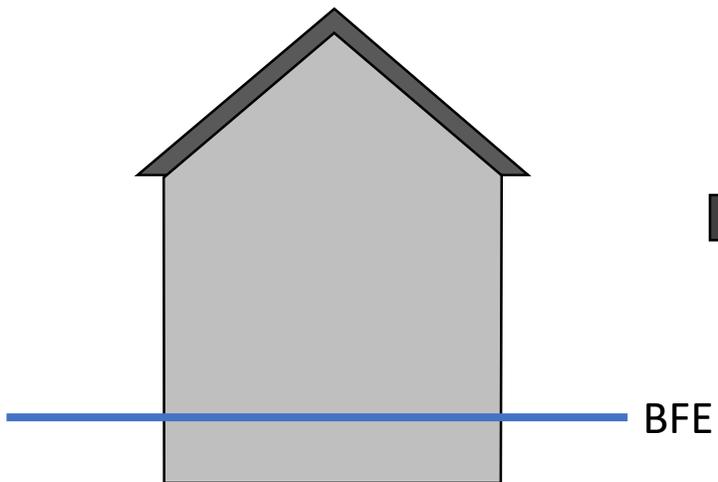


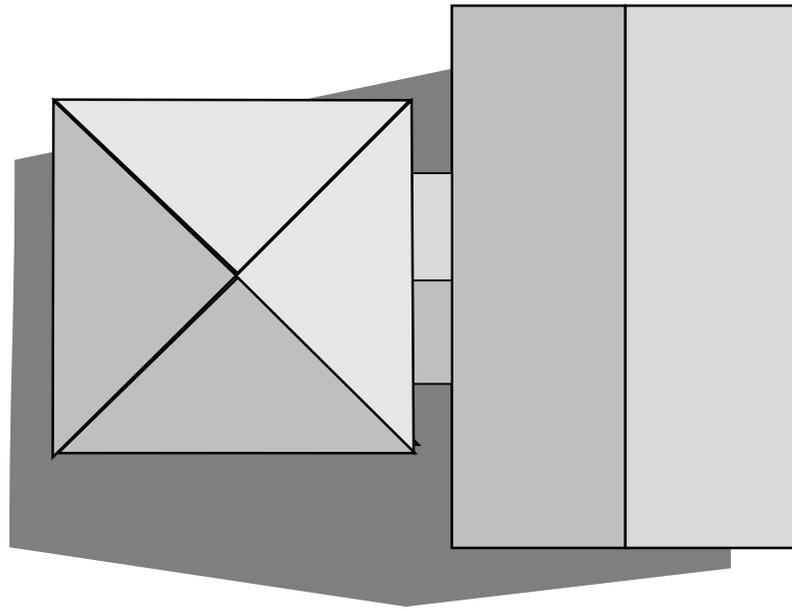
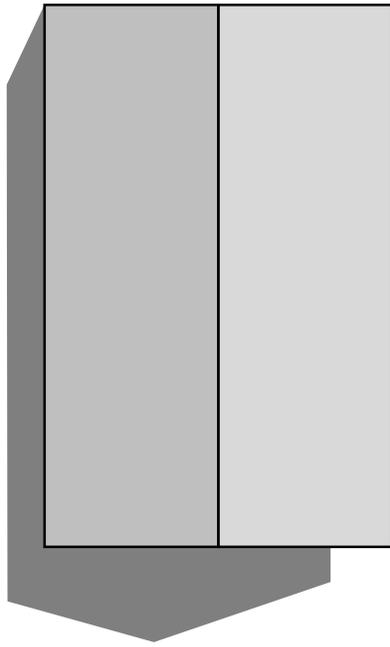
Substantial Improvement

Raise entire structure
above BFE



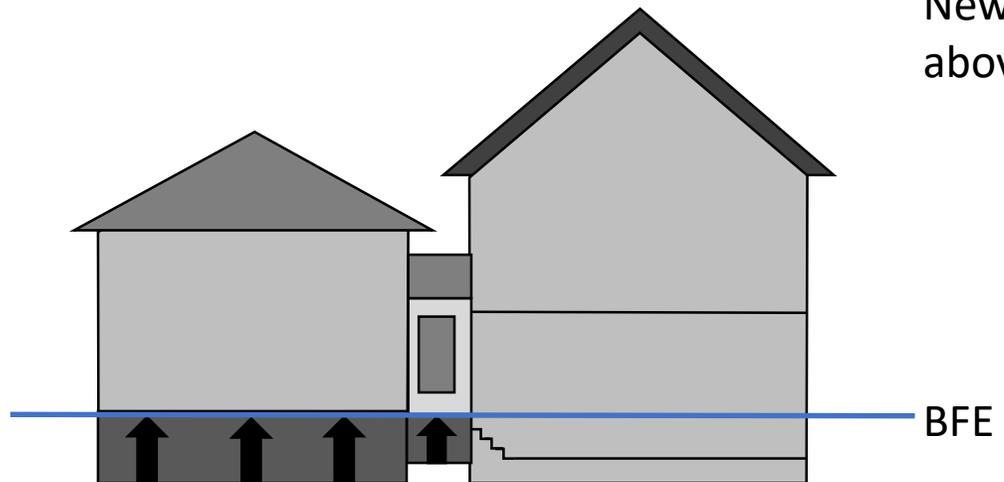
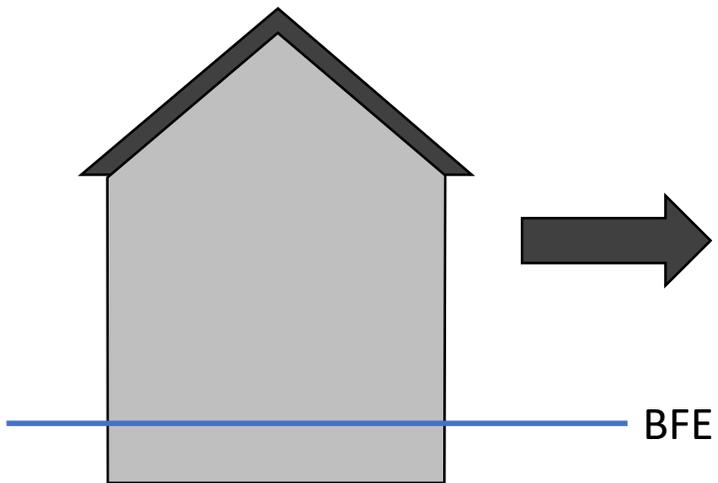
Lateral Addition
Non-Substantial Improvement
Raise only addition above BFE



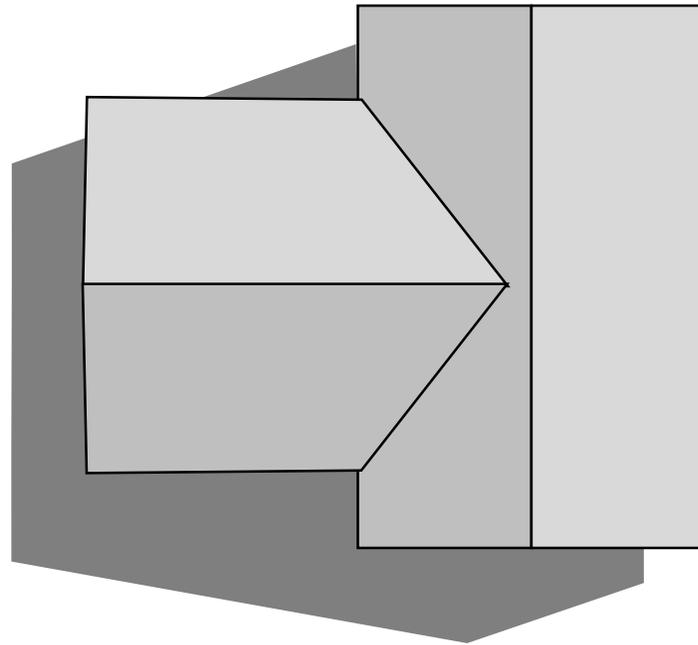
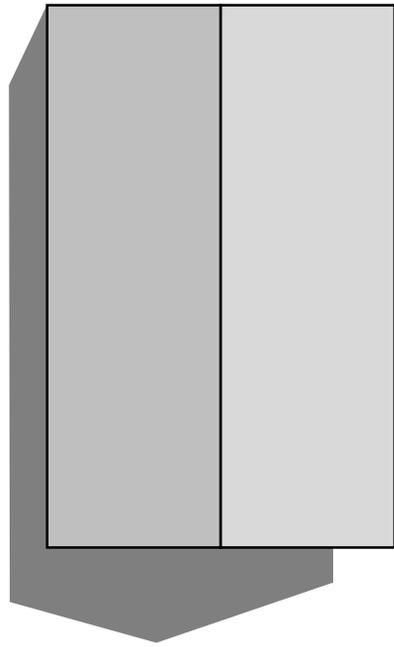


Lateral Addition

Substantial Improvement,
structurally unconnected



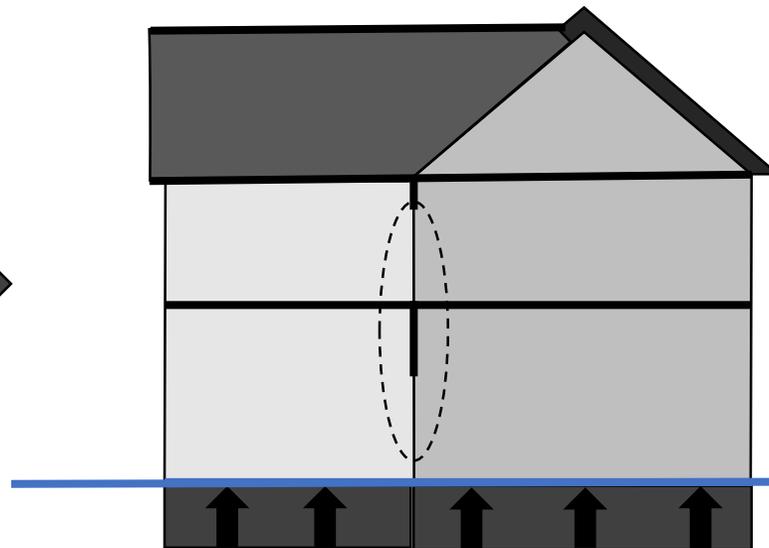
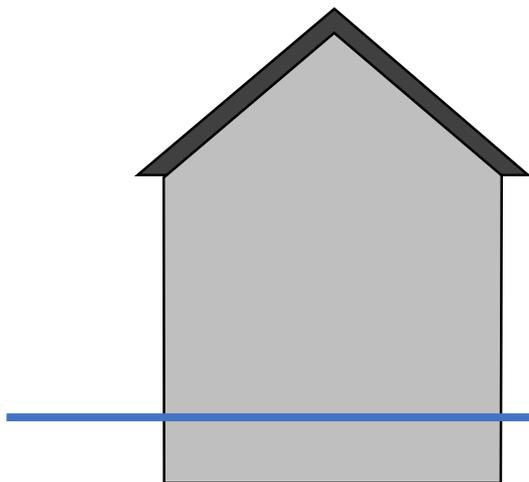
New structure raised
above BFE



Lateral Addition

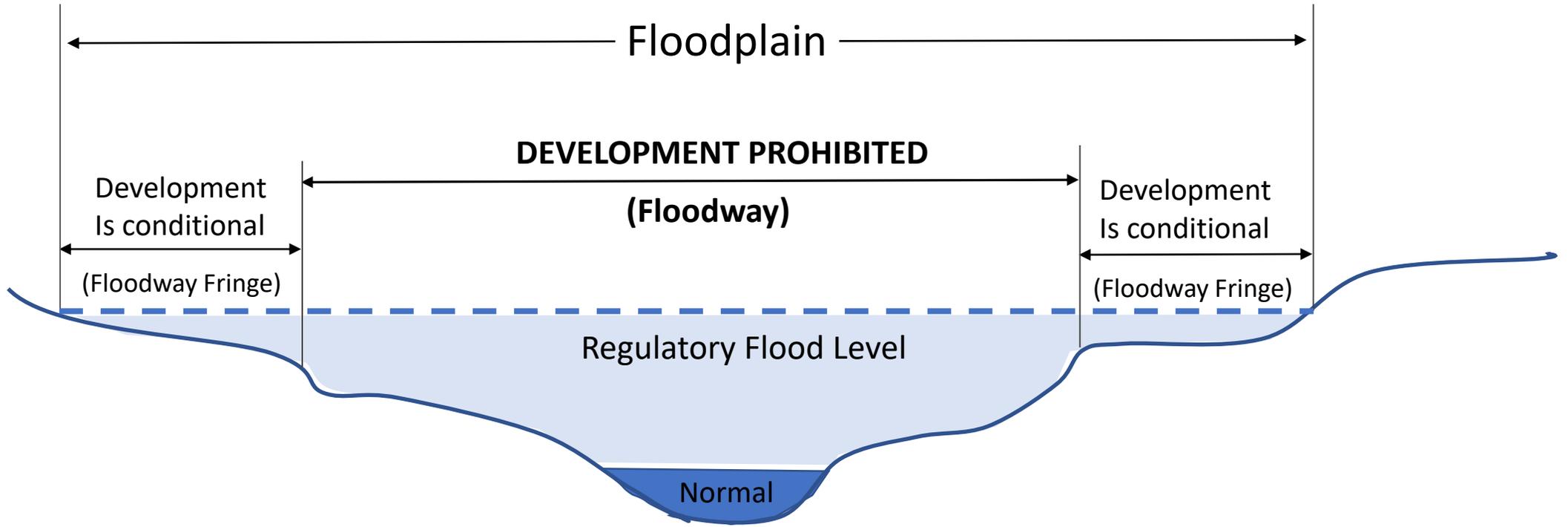
Substantial Improvement,
structurally connected

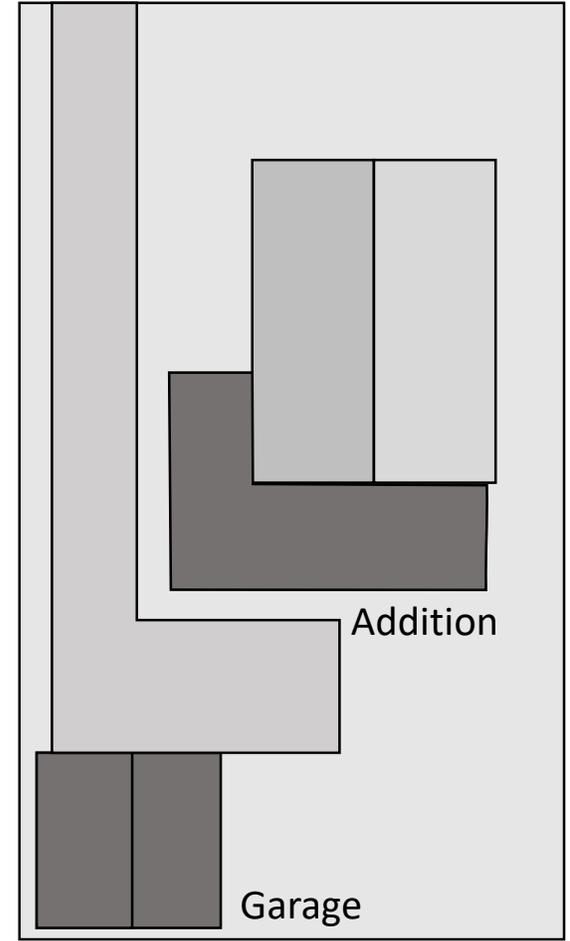
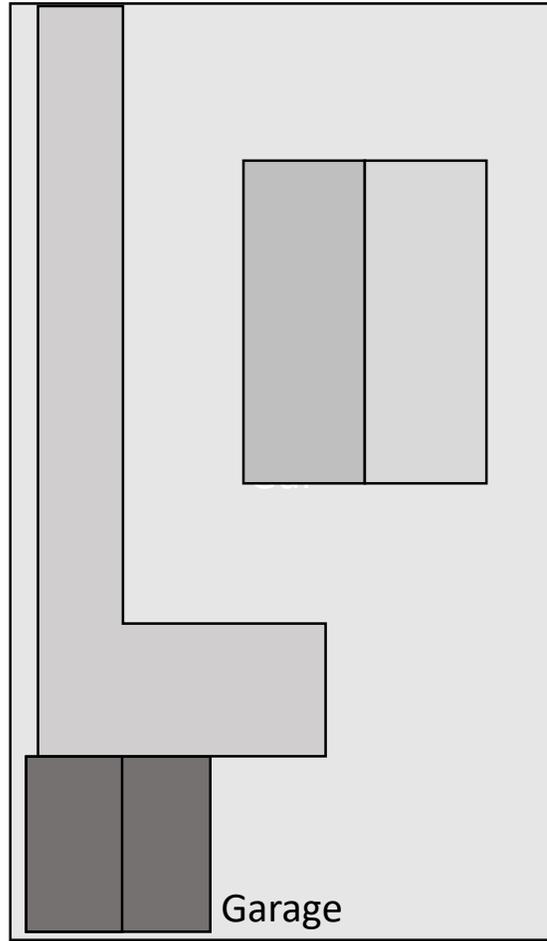
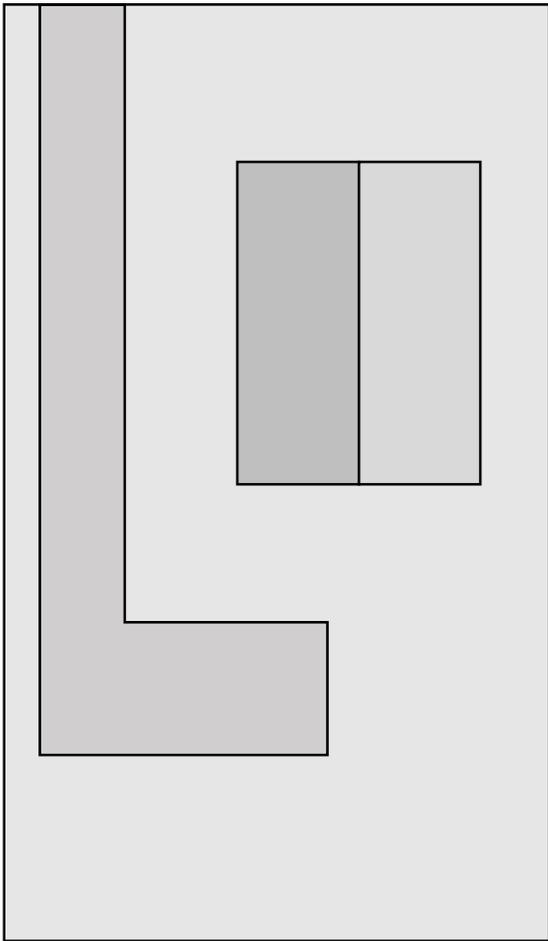
Entire structure
raised above BFE



BFE

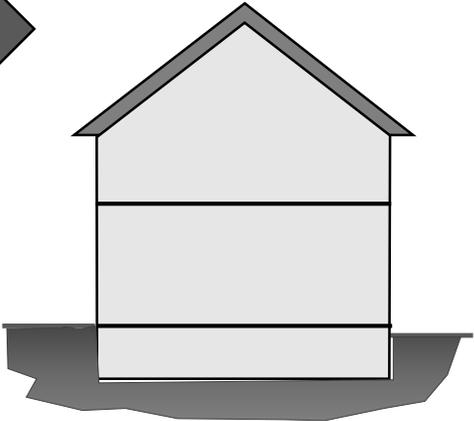
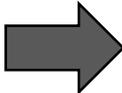
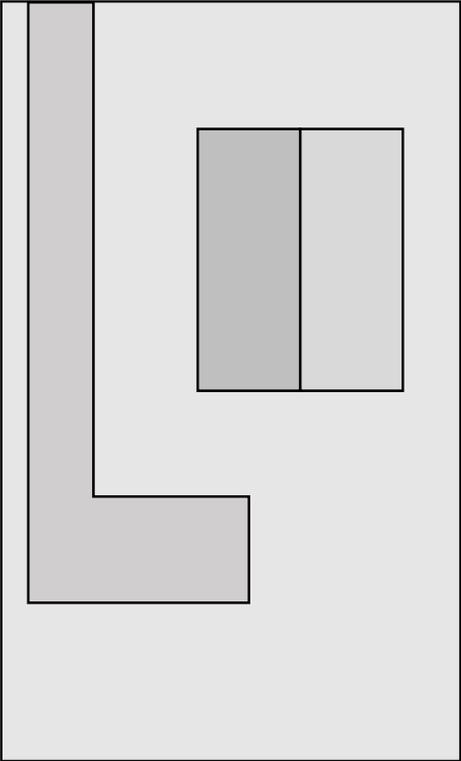
BFE



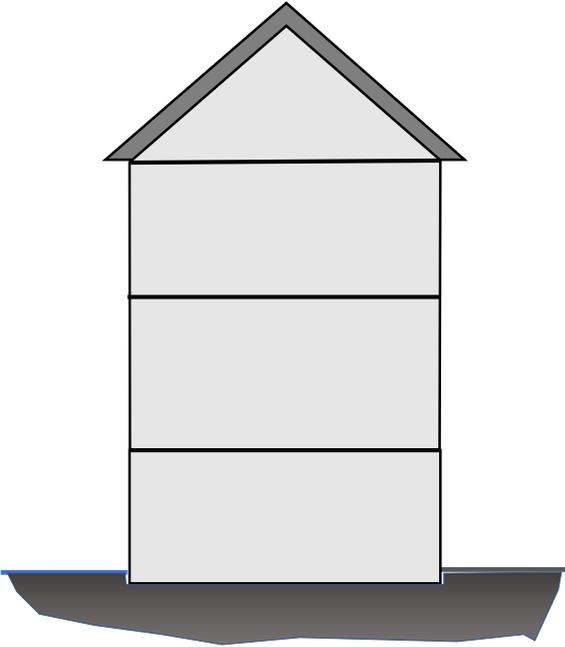


Building Footprint = Outline of Total LOT COVERAGE

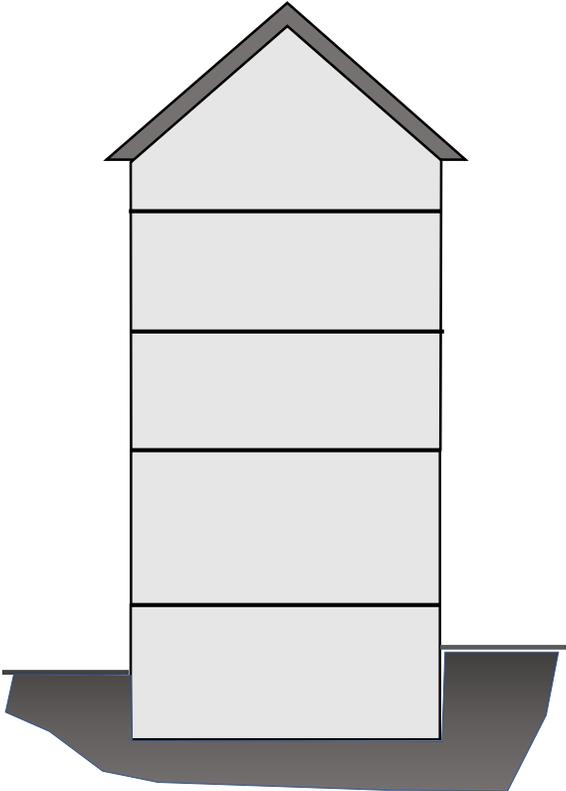
Building Floor Area = Sum of square footage of all stories of a building



1-1/2 stories with crawlspace

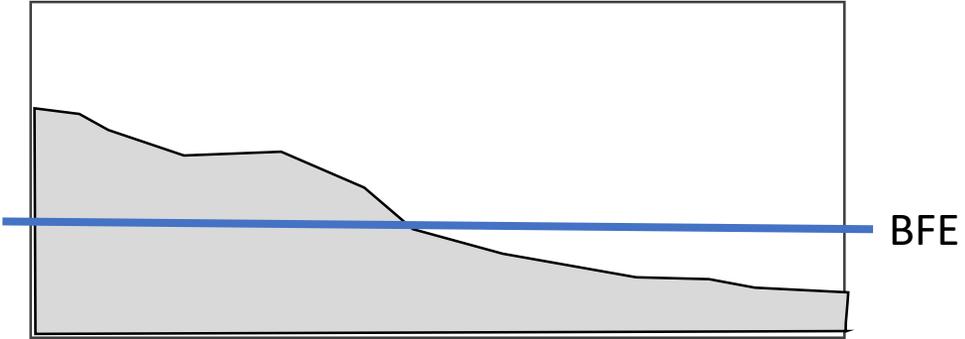


3-stories with attic

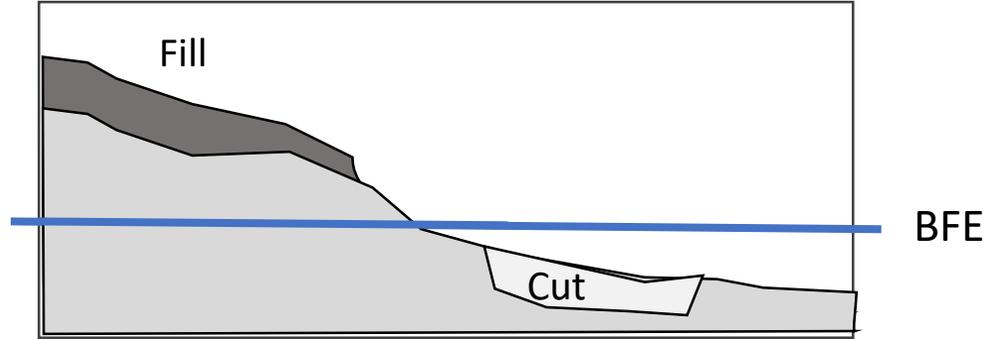


4-stories with basement

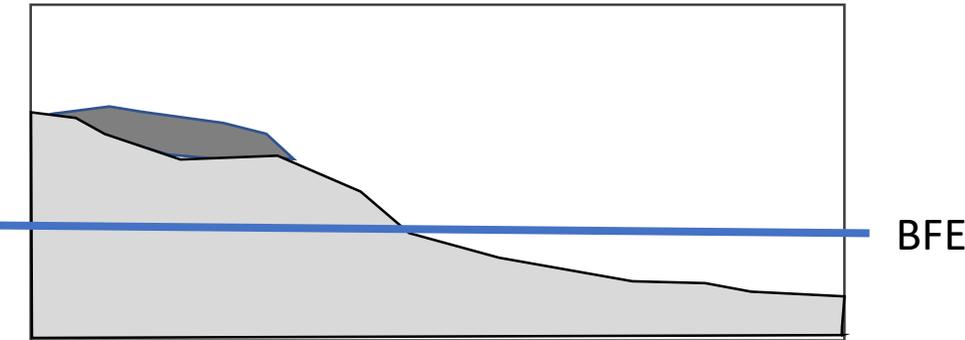
The same footprint can support a range of building floor areas



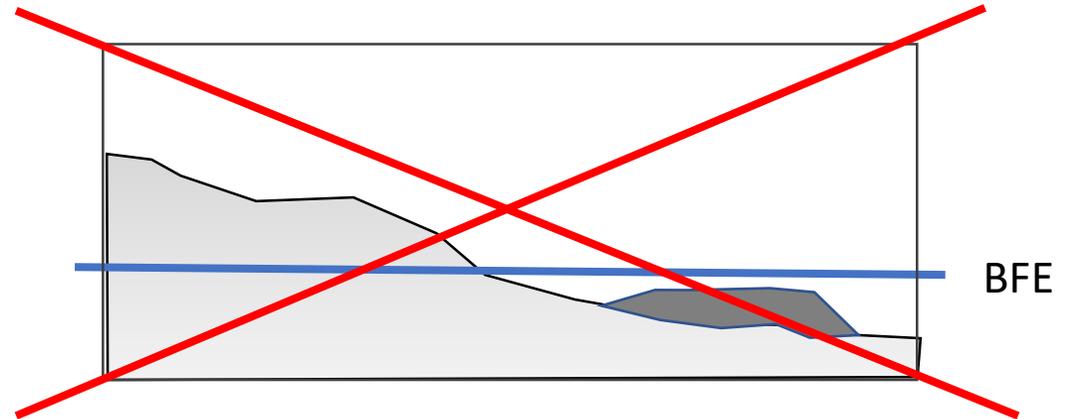
Existing Site Condition



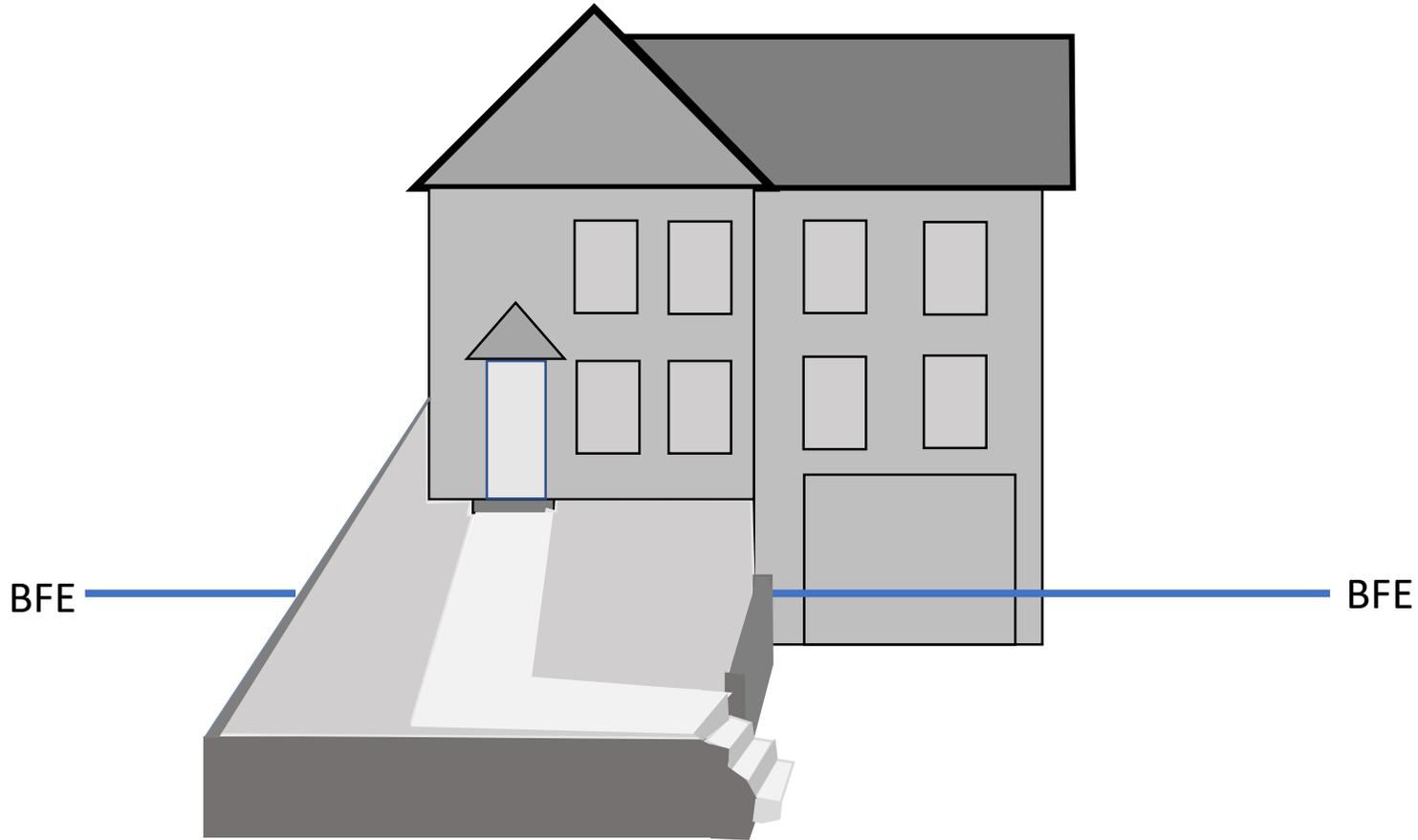
Site where grading by filling, cutting, or a combination of both has occurred



Filling above the Floodplain is allowed



No Filling in the Floodplain



Addition of Fill to protect an existing Structure is a Conditional Use

Area to be occupied raised above the BFE

Storage/parking allowed below the BFE