

~~- INTERIM -~~

## TOWN OF STRAFFORD

### FLOOD HAZARD AREA ZONING ORDINANCE

ADOPTED MARCH 6, 1990

AMENDED MARCH 2, 1993 - (SEE ADDENDUM)

#### 1.0 STATUTORY AUTHORIZATION

1.1 To effect the purposes of 10 V.S.A., Chapter 32, and in accord with the Vermont Planning and Development Act, 24 V.S.A., Chapter 117, Section 4412, there are hereby established zoning regulations for areas of special flood hazard in the Town of Strafford, Vermont.

#### 2.0 STATEMENT OF PURPOSE

2.1 It is the purpose of these regulations to promote the public health, safety, and general welfare, to prevent increases in flooding caused by the uncontrolled development of lands in areas of special flood hazard, and to minimize losses due to floods by:

- a. restricting or prohibiting uses that are dangerous to health, safety, or property in times of flood or cause excessive increase in flood heights or velocities;
- b. requiring that uses vulnerable to floods, including public facilities that serve such uses, shall be protected against flood damage at the time of initial construction; and
- c. protecting individuals from buying lands that are unsuited for their intended purposes because of flood hazard.

#### 3.0 LANDS TO WHICH THESE REGULATIONS APPLY

3.1 These regulations shall apply to all lands in the Town of Strafford, Vermont.

- a. within areas designated as special flood hazard areas on the Town's Official Flood Hazard Area Map.

- b. the elevation, in relation to mean sea level, to which such structures have been floodproofed.
- c. all floodproofing certifications required under this regulation.
- d. all variance actions, including justification for their issuance.

## 8.0 BOARD OF ADJUSTMENT

- 8.1 Upon receiving an application for a permit under these regulations, the Board of Adjustment shall, prior to holding a hearing and rendering a decision thereon, obtain from the applicant:
- a. base flood elevation data for all subdivisions and other proposed new developments;
  - b. the elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new construction or substantial improvement of structures;
  - c. where floodproofing is used in lieu of elevation, the elevation, in regulation to mean sea level, to which any structure or substantial improvement has been floodproofed;
  - d. certification from a registered professional engineer or architect that the floodproofed structure meets the floodproofing criteria of subsection 9.1 (B) 11 of these regulations; and
  - e. a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
- 8.2 Where available; i.e., Zones A1-A30, AE, and AH; the base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer the provisions of these regulations.
- 8.3 In areas where base flood elevations and floodway limits have not been provided, the Board of Adjustment shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, as criteria for approval of all development.

so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
4. New and replacement water supply and 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.
5. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
6. New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.
7. All subdivision proposals be reasonably safe from flooding and that:
  - a. all public utilities and facilities serving subdivisions, such as sewer, gas, electrical, and water systems, be located and constructed to minimize or eliminate flood damage; and
  - b. adequate drainage be provided within subdivisions to reduce exposure to flood hazards.
8. The lowest floor, including basement, of all new buildings shall be at or above base flood elevation.
9. Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of subsection 8.
10. Existing buildings to be substantially improved for non-residential purposes shall either (1) meet the requirements of subsection 9, or (2) be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A permit for a building proposed to be floodproofed 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

## 11.0 TIME FOR ACTING ON APPLICATION

- 11.1 The Board of Adjustment shall hold a properly warned hearing within 30 days of receiving an application, and shall act on such application in a manner described in Section 9.0 above, within 30 days of the final hearing.
- 11.2 A copy of the public notice shall be mailed to the applicant at least 15 days prior to the hearing date.

## 12.0 ISSUANCE AND TRANSMISSION OF PERMITS

- 12.1 Upon granting a permit, the Board of Adjustment shall send to the applicant, by certified mail, a copy of the decision. Copies of the decision also shall be mailed to every person appearing and having been heard at the hearing, with the Administrative Officer, who shall forthwith issue a permit, and with the Town Clerk as a part of the public records.

## 13.0 EFFECTIVE DATE

- 13.1 Permit shall take effect 15 days from the date of issuance.

## 14.0 APPEALS

- 14.1 An interested person, as defined in 24 V.S.A., Section 4464(b), may appeal a decision of the Board of Adjustment to the superior court in accordance with the provisions of 24 V.S.A., Section 4471.

## 15.0 NONCONFORMING STRUCTURES

- 15.1 The Board of Adjustment may, after public notice and hearing, approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a regulated flood hazard area, subject to compliance with the applicable considerations and requirements of Section 9.0 of these regulations and provided that the following criteria are met:
- a. the Board finds that the repair, relocation, or enlargement of such nonconforming structure is required for the continued economically feasible operation of a non-residential enterprise;

## **19.0 SEVERABILITY**

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

## **20.0 PRECEDENCE OF REGULATIONS**

20.1 The provisions of these regulations shall take precedence over any conflicting and less restrictive local laws and Section 2.10, Strafford Flood Plain District of the Strafford Zoning Ordinance.

## **21.0 ANNUAL REPORT TO FEDERAL INSURANCE ADMINISTRATION**

21.1 The Administrative Officer shall submit to the Administrator an Annual Report with respect to the administration and enforcement of these regulations.

21.2 A copy of the Annual Report shall be submitted to the Vermont Department of Environmental Conservation.

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 a designated height.

Floodproofing: Any combination of structural and nonstructural 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.

Lowest Floor: means the lowest floor of the lowest enclosed area (including basement). 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 Section 60.3.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

Manufactured Home Park or Manufactured Home Subdivision: A parcel of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level: means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a Town's Flood Insurance Rate Map are referenced.

New Construction: Structures commenced on or after the effective date of this ordinance.

Structure: An assembly of materials for occupancy or use, including, but not limited to, a building, mobile home or trailer, billboard, sign, wall or fence, except a wall or fence on an operating farm.

Start of Construction: See FIA definition in Section 1909.1 of the current National Flood Insurance Program rules and regulations.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either (1) any project for improvement of a

ADDENDUM  
FLOOD HAZARD AREA ZONING ORDINANCE  
Amendments Adopted March 2, 1993

Section 6.0 (page 2) Permit Requirements and Application Procedures

Add:

- 6.4 The Administrative Officer shall advise the applicant that additional Federal or State permits may be required, and if specific Federal or State requirements are known, require that copies of such permits be provided and maintained on file with any local permit. Such additional permit requirements may include, but not be limited to: Stream Channel Encroachment Line Permit, Water Diversion Permit, Dam Safety Permit and Corps of Engineers 404 Permit.

Section 9.0 (page 5) Development Standards

Add:

- 9.1 6. a Recreational Vehicles placed on sites within Zones A1-30, AH and AE shall be either (1) be on the site for fewer than 180 consecutive days, (2) be fully licensed and ready for highway use, or (3) meet all standards of Section 60.3 (b) (1) of the NFIP Regulations and the elevation and anchoring requirements for "manufactured homes" in paragraph (c) (6) of Section 60.3.

Section 22.0 (page 11) DEFINITIONS

Insert:

Recreational Vehicle: A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.