

FLOOD HAZARD AREA REGULATIONS

TOWN OF HUNTINGTON

Adopted: March 21, 2011



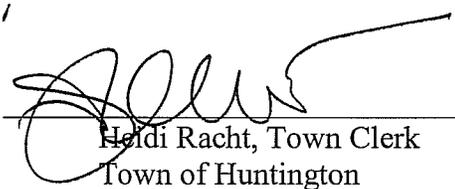
Town of Huntington
4930 Main Road
Huntington, VT 05462

Phone: 802/434-4779

TOWN CLERK'S CERTIFICATE
(pursuant to 24 V.S.A. §4447)

I, Heidi, Racht, duly elected Town Clerk for the Town of Huntington, Vermont do hereby certify that amended Flood Hazard Area Regulations (a copy of which is attached hereto) were adopted by a vote of the Selectboard of the Town of Huntington on March 21, 2011 after fully complying with the statutory requirements for the publication, posting, consideration and adoption or amendment procedures set forth in Title 24, Chapter 117 of Vermont Statutes Annotated, and that the said Flood Hazard Area Regulations are currently a duly adopted bylaw of the Town of Huntington in full force and effect.

Dated: *March 22, 2011*



Heidi Racht, Town Clerk
Town of Huntington

**TOWN OF HUNTINGTON
FLOOD HAZARD AREA REGULATIONS**

SECTION 110 INTENT AND APPLICATION OF REGULATIONS

111. Authorization. To effect the purpose of 24 VSA Chapter 117 (hereinafter the "Act"), in accordance with 10 VSA Chapter 32, and in accordance with Sections 4401, 4402(1) 4411, 4414(2) and 4424 of the Act, there are hereby established Flood Hazard Area Regulations applicable to those areas in the Special Flood Hazard Area in the Town of Huntington.

112. Purpose. It is the purpose of these Regulations to: maintain eligibility of citizen participation in the National Flood Insurance Program; promote the public health, safety and general welfare; prevent increased occurrences in flooding through regulation of land development in flood hazard areas; minimize losses due to flooding and to protect watercourses and flood plains and important natural resources contained therein. *[Special Note: Development in Flood Hazard Areas may impact the property owner's flood insurance policy. It is the responsibility of the applicant and/or property owner to ascertain what, if any, insurance ramifications are entailed.]*

113. Application of Regulations. Any proposed use or structure in the Special Flood Hazard Area must meet all the standards and criteria for development in the zoning district in which it is located, including the obtaining of all federal, state and local permits, after which it must meet the requirements of these Flood Hazard Area Regulations. The requirements of the Flood Hazard Area Regulations may supersede those of the zoning district and may render otherwise permitted uses conditional or not permitted.

114. Precedence of Regulations and Severability. The provisions of these Regulations shall take precedence over any conflicting and less restrictive local laws. In the event that any section, provision or portion of these Regulations is adjudged unconstitutional or invalid by any court, the remainder of these Regulations shall not be affected.

115. Warning of Disclaimer of Liability. These Regulations do not imply that areas outside the Flood Hazard Area or land uses permitted within such areas will be free from flooding or flood damage. These Regulations shall not create liability on the part of the Town of Huntington, town officials, or employees thereof for any flood damages that may result from reliance on these Regulations or any administrative decision made hereunder.

SECTION 120 DEFINITION OF TERMS IN SPECIAL FLOOD HAZARD AREA

The definitions listed below are applicable to these Flood Hazard Area Regulations. Additional clarification and definition of terms are also contained in 44 CFR Section 59.1 (10-1-09 Edition) of the National Flood Insurance Program. The definitions contained in Article 8 of the Huntington Zoning Regulations are applicable to this regulation where they do not conflict with the definitions below.

ACCESSORY STRUCTURE: 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.

ACT: 24 Vermont Statutes Annotated, Chapter 117 entitled "Municipal and Regional Planning and Development."

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE): 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."

BASEMENT: Any area of the building having its floor sub-grade, below ground level on all sides.

BUILDING: A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

COMMON PLAN OF DEVELOPMENT: Where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

CRITICAL FACILITIES: Includes 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 or LAND DEVELOPMENT: Any human-made change to improved or unimproved real estate including construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or any mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials or any change in the use of any building or other structure, or land, or extension of use of land.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of these Regulations.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FILL: Any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

FIRM: See Flood Insurance Rate Map.

FLOOD: (a) A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of 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 body of water as a result of erosion or undermining caused by 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 by some similarly unusual and unforeseeable event which results in flooding.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the Federal Insurance Administrator has delineated both the Special Flood Hazard Areas and the risk premium applicable to the community.

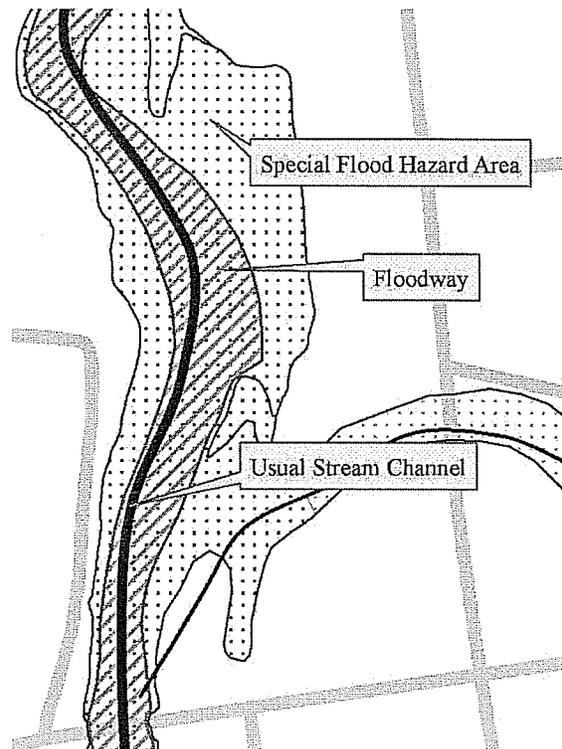
FLOOD INSURANCE STUDY: An examination, evaluation and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood related erosion hazards.

FLOOD HAZARD AREA or AREA OF SPECIAL FLOOD HAZARD: The land in the flood plain within a community subject to a one percent or greater chance of flooding in a given year.

FLOOD PLAIN or FLOOD PRONE AREA: Any land area susceptible to being inundated by water from any source (see definition of "flood").

FLOOD PROOFING: 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.

FLOODWAY: 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. Note that Special Flood Hazard Areas and Floodways may be shown on separate panels (See inset).



FLOODWAY, REGULATORY TOWN OF HUNTINGTON: 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.

FLOOD ZONES: The FEMA mapped and designated zones within the Special Flood Hazard Area (See "Special Flood Hazard Area" definition below). The flood zones applicable to Huntington are Zone A and Zone AE defined as follows:

Zone A - Areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage. Because detailed analyses are not performed for such areas; no depths or base flood elevations are shown within these zones.

AE - Areas in the base floodplain where base flood elevations are provided. AE Zones are now used on 2009 and 2010 format FIRMs.

HISTORIC STRUCTURE: 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): 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: 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 44CFR Section 60.3.

MANUFACTURED HOME or MOBILE HOME: A structure, transportable in one or more sections, which is built on a manufactured chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL: 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 community's Flood Insurance Rate Map are referenced.

MINOR RESIDENTIAL BUILDING IMPROVEMENTS: Any repairs, reconstruction, or improvement of a structure, the cost of which is less than fifty (50) percent of the market value of the structure.

NEW CONSTRUCTION: Structures for which the start of construction commenced on or after July 17, 1978 (date of acceptance by FEMA of the original Huntington flood hazard regulation) and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after July 17, 1978.

NON-RESIDENTIAL: Includes, but is not limited to: small business concerns, churches, schools, nursing homes, pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

PRINCIPAL STRUCTURE: The building in which is conducted the main use of the lot where it is located.

RECREATIONAL VEHICLE: 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: The floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. This area is usually labeled Zone A or AE 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.

STORAGE: Material or supplies which are being held in reserve for future use.

STRUCTURE: For the purposes of this regulation, a walled and roofed building, as well as a manufactured home or mobile home, and any related built systems including gas or liquid storage tanks.

SUBSTANTIAL DAMAGE: Any damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any improvement of a structure, the cumulative value of which over three years equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvements. This term also includes repair or restoration of structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or
- (2) Any alteration of an historic structure listed on the National or State Register of Historic Places, provided that the alteration will not preclude the structure's continued designation as an historic structure.

VIOLATION: The failure of a structure or other development to be fully compliant with these Regulations. 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.

SECTION 130 PERMITS

131. Permits Required. Unless exempted in Section 150, a Zoning Permit (as provided in the Huntington Zoning Regulations) is required in Special Flood Hazard Areas or the Floodway for all development as defined in Section 120.

132. Permitted Use. A Zoning Permit may be issued by the Administrative Officer for residential accessory structures and minor residential building improvements (not considered to be substantial improvements) and other uses listed in and meeting the requirements of Section 160.

133. Conditional Use Approval. Conditional Use Approval by the Zoning Board of Adjustment is required for new construction, the substantial improvement of existing buildings or any development within the Floodway in accordance with Section 170 of these regulations.

SECTION 140 FLOOD HAZARD AREA MAP AND INTERPRETATION

141. Flood Hazard Area Map. These regulations shall apply to all Special Flood Hazard Areas identified in and on the most current flood insurance studies and maps (named the Flood Hazard Maps or the Flood Insurance Rate Maps [FIRM] published by the Department of Homeland Security, Federal Emergency Management Agency [hereinafter FEMA]), National Flood Insurance Program as provided by the Secretary of the Vermont Agency of Natural Resources pursuant to 10 VSA Section 753 which are hereby adopted by reference and declared to be a part of these regulations. The most current Flood Hazard Map (or FIRM) for the Town of Huntington shall be maintained on file at the Huntington Town Office by the Administrative Officer.

142. Interpretation of Flood Hazard Boundaries. Upon receipt of an application which involves land development in the Special Flood Hazard Area, the Administrative Officer may request assistance in delineating the boundaries of the Special Flood Hazard Area boundaries from the Vermont Department of Environmental Conservation. An applicant for a zoning permit or land owner of property in the Special Flood Hazard Area may apply for a LOMA, which determination shall be binding. 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.

SECTION 150 ACTIVITIES NOT REQUIRING A ZONING PERMIT IN FLOOD HAZARD AREAS

The following activities and uses within the Flood Hazard Areas shall not require a Zoning Permit.

- a. The removal of a structure or building in whole or in part.
- b. Agricultural activities conducted in accordance with the Vermont Agency of Agriculture, Food and Markets' Accepted Agricultural Practices (AAP's). A person engaging in agricultural activities shall give written notification to the Zoning Administrator prior to the construction of a farm structure and shall abide by the setbacks set forth in the Huntington Zoning Regulations as well as the requirements established by the Vermont Agency of Agriculture, Food and Markets for agricultural structures built within the Special Flood Hazard Area.

- c. Forestry (silvicultural) activities conducted in accordance with the Vermont Department of Forest, Parks and Recreation's Accepted Management Practices not involving construction of a structure within the Flood Hazard Area.
- d. Signs which are properly anchored and are not a barrier to the movement of flood waters.
- e. Home occupations.
- f. Gardens.

SECTION 160 PERMITTED USES AND PROCEDURES

161. Application and Procedures. The Administrative Officer may approve a Zoning Permit in the Flood Hazard Area for those uses and activities outlined in Section 162. The applicant shall include with each application a Vermont Agency of Natural Resources (ANR) Project Review Sheet (reviewed by an ANR Permit Specialist) identifying all state and federal agencies from which permit approvals required. The identified permits, or letters indicating that such permits are not required, shall be submitted to the Administrative Officer prior to commencing development.

162. Permitted Uses.

- a. Small residential accessory structures such as sheds and detached garages and improvements to such structures not located on compacted fill which have been elevated to a level at or above the base flood elevation are subject to compliance with the following criteria: [*Special note: Small accessory structures located in Flood Hazard Areas and not elevated may impact the property owner's flood insurance policy. It is the responsibility of the applicant to ascertain what, if any, insurance ramifications are entailed.*]
 - i. Accessory structures shall not be used for human habitation.
 - ii. Accessory structures shall be designed to have low flood damage potential.
 - iii. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
 - iv. Accessory structures shall be firmly anchored to prevent flotation that may result in damage to other structures.
 - v. Service facilities such as electrical and heating equipment shall be elevated or flood-proofed.
- b. Small residential accessory structures (not a principal structure) such as sheds and detached garages and improvements to such structures located on compacted fill which has been elevated to a level at or above the base flood elevation.
- c. Where fill is used, there shall be no net increase in the amount of fill in the Special Flood Hazard Area.

d. Any development for residential purposes **except** construction of new residential buildings and substantial improvement of existing residential buildings. In determining whether an improvement is substantial (and, therefore, subject to conditional use approval), the Administrative Officer may confer with the Town Listers, consider the recommendations of the Vermont Department of Environmental Conservation and consider other applicable provisions of these regulations, as well as information provided by the applicant.

SECTION 170 APPLICATION AND PROCEDURES FOR CONDITIONAL USE

171. Conditional Use Approval. Conditional Use Approval by the Board of Adjustment is required for the following:

- a. New Construction of a principal structure.
- b. Substantial improvement of a structure.
- c. Development which is not exempt pursuant to Section 150 or permitted pursuant to Section 160.

172. Application Submission and Requirements. Application for a Zoning Permit for land development requiring Conditional Use Approval in a Flood Hazard Area shall be made to the Administrative Officer, who shall refer the application to the Zoning Board of Adjustment as set forth in the Huntington Zoning Regulations for review as provided by these Regulations. The applicant shall include with each application a Vermont Agency of Natural Resources (ANR) Project Review Sheet (reviewed by an ANR Permit Specialist) identifying all state and federal agencies from which permit approvals required. Unless waived or varied by the Administrative Officer and Zoning Board of Adjustment Chair, the application and accompanying documents shall include, but are not limited to:

- a. The elevation (in relation to the mean sea level) of the lowest floor, including basement, of new buildings or buildings to be substantially improved;
- b. Where flood-proofing is proposed, the elevation (in relation to mean sea level) to which the building will be flood proofed;
- c. Plans drawn to scale showing the existing and proposed land contours, buildings, structures, streams, roads and other pertinent physical features;
- d. Base flood elevations data for subdivisions and other proposed development which contain at least fifty (50) lots or five (5) acres, whichever is the smaller.
- e. Such other information deemed necessary by the Zoning Board of Adjustment for determining the suitability of the site for the proposed development.

173. Procedures.

173.1 State Review. Prior to issuing a conditional use approval for any development in the Special Flood Hazard Area, a copy of the application shall be submitted by the Administrative Officer to the Vermont Department of Environmental Conservation in accordance with Section 4424 of the Act. A conditional use approval may be issued only following receipt of comments from the Department or the expiration of thirty (30) days from the date the application was submitted to the Department, whichever is sooner.

173.2 Notification. Adjacent communities and the Vermont Department of Environmental Conservation shall be notified at least fifteen (15) days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the Federal Insurance Administration.

173.3 State and Federal Approvals. Prior to approval by the Zoning Board of Adjustment, proposed development shall be reviewed by the Zoning Board of Adjustment to assure that all necessary permits have been identified from those governmental agencies from which approval is required by State or Federal law, including those permits identified on the Project Review Sheet referred to in Section 172. The identified permits, or letters indicating that such permits are not required, shall be submitted to the Administrative Officer prior to commencing development.

173.4 Issuance of Zoning Permit. As provided in the Huntington Zoning Regulations, the Administrative Officer shall issue a Zoning Permit only after conditional use approval.

174. Zoning Board of Adjustment Review.

174.1 Criteria: When reviewing an application, the Zoning Board of Adjustment shall consider:

- a. The comments of the Vermont Department of Environmental Conservation, if any.
- b. The availability of alternative locations not subject to flooding for the proposed use.
- c. The susceptibility of the proposed improvements to flood damage.
- d. The safety of access to the property in times of flood by ordinary and emergency vehicles.
- e. The potential for damage to the property caused by erosion.
- f. The danger of materials being swept onto other lands and causing damage to others.
- g. The proposed water supply and sanitation systems and the ability of these systems to avoid disease, contamination and unsanitary conditions under conditions of flooding.
- h. The costs of providing governmental and public facilities and services during and after flooding.
- i. Such other factors as are relevant to the purposes of these Regulations.

174.2 Standards. The Zoning Board of Adjustment may grant a Conditional Use Approval for development provided:

- a. All necessary permits are obtained from those governmental agencies from which approval is required by Federal or State law; and
- b. The development standards of Sections 174.3 and 174.4 below are met or exceeded, as well as all other provisions of this Huntington Zoning Regulations.

174.3 Floodway Areas.

- a. Development or encroachment within the Floodway is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development or encroachment will not result in any increase in flood levels during the occurrence of the base flood.
- b. Storage areas or facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the Floodway.

174.4 Flood Hazard Areas.

- a. All development and subdivisions shall be designed to:
 - i. Minimize flood damage to the proposed development and to public facilities and utilities and to assure that they are reasonably safe from flooding; and
 - ii. Provide adequate drainage to reduce exposure to flood hazards.
- b. Structures shall be:
 - i. Designed (or modified when a structure is being substantially improved) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood;
 - ii. Constructed with materials resistant to flood damage;
 - iii. Constructed by methods and practices that minimize flood damage; and
 - iv. 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.
- c. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

d. 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.

e. On-site waste disposal system shall be located to avoid impairment or contamination during flooding.

f. New and replacement manufactured homes, including mobile homes, shall be elevated on structurally-sound, permanent foundations which meet the requirements of Section 174.4(b) above, and such that the top of the foundation under the entire manufactured home is above the base flood elevation or shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured or mobile home is above the base flood elevation.

g. The lowest floor, including the basement, of all new buildings shall be at least one (1) foot above the base flood elevation. Residential accessory buildings may be excluded in accordance with Section 162(a) and (b).

h. Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of Section 174.4(g) above.

i. The substantial improvement of any commercial, industrial or other non-residential structure shall either meet the requirements of Section 174.4(g) or be designed to be watertight below the elevation indicated in Section 174.4(g). with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. An approval for a building proposed to be flood proofed 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. After construction is completed, a registered professional engineer or architect must prepare and submit a Floodproofing Certificate to the Administrative Officer.

j. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited. All new construction and substantial improvements with fully enclosed areas that are above grade below the lowest floor (such as crawl spaces) below BFE and subject to flooding shall be solely used for parking of vehicles, storage, or building access (and such a condition shall clearly be stated on any permits), and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

i. A minimum of two (2) openings 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;

ii. The bottom of all openings shall be no higher than one (1) foot above grade;

- iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- k. Storage areas or facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited unless the area is filled to at least one (1) foot above the base flood elevation
- l. Use of fill shall comply with Section 162.c.
- m. Recreational Vehicles placed on site in the Flood Hazard Area shall either:
 - i. Be on the site for fewer than 180 consecutive days
 - ii. Be fully licensed and ready for highway use, or
 - iii. Meet all standards of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" in Section 174.4.
- n. In Zones A and AE where base flood elevations and/or floodway limits have not been determined, development outside of existing structures 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 one foot 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.
- o. Such additional conditions as deemed necessary by the Zoning Board of Adjustment in order to meet the proposed and Flood Hazard Area management requirements of these Regulations.

SECTION 180 ADMINISTRATION AND ENFORCEMENT

181.1 Administrative Officer Records. The Administrative Officer shall maintain records of:

- a. All permits issued for development in Special Flood Hazard Areas;
- b. Elevation Certificates with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for Huntington) 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 these regulations;

d. All decisions of the Zoning Board of Adjustment (including variances and violations) and all supporting findings of fact, conclusions and conditions, including special exceptions and the justification for their issuance.

e. All violations and enforcement actions.

181.2 Watercourse Alteration or Relocation. When the Administrative Officer becomes aware of watercourse alteration or relocation, the Administrative Officer shall notify adjacent communities thereof.

182. Special Exceptions. Special exceptions (**also known as variances**) shall be granted by the Zoning Board of Adjustment only:

a. In accordance with 24 VSA Section 4424 (2) (E) and 4469 and in accordance with the criteria for granting special exceptions found in 44 CFR, Section 60.6 of the National Flood Insurance Program regulations.

b. Upon a determination that the special exception will not result in increased flood levels, threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

183. Zoning Board of Adjustment Secretary.

183.1 Notification. The Secretary of the Zoning Board of Adjustment shall notify the applicant that:

a. The issuance of a special exception to construct a structure below the base flood elevation will result in increased flood premium up to amounts as high as \$25.00 per \$100.00 of coverage for flood insurance; and

b. Such construction below the base flood elevation increases risks to life and property.

183.2 Record Keeping. The Secretary of the Zoning Board of Adjustment shall:

a. Maintain a record of all special exception actions, including justification for their issuance; and

b. Report such exceptions issued under Section 182 in its annual report to the National Flood Insurance Program.

184. Application of the Huntington Zoning Regulations. Except as provided herein, the administrative procedures, standards, definitions and enforcement mechanisms of the Huntington Zoning Regulations shall be applicable to the regulation of the Special Flood Hazard Area in the manner of any other zoning district. Where, pursuant to the enforcement of these regulations, a notice for a violation is issued by to a property owner, a copy shall be sent to Vermont NFIP Coordinator.

185. Section 1316 Notification. Where the enforcement mechanisms provided in the Huntington Zoning Regulations and by statute have been insufficient to abate a continuing violation of these regulations, the Administrative Officer shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property where the violation

is occurring pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.