

# TOWN OF BLOOMFIELD FLOOD HAZARD AREA ZONING BYLAW

## Lands to Which These Regulations Apply

These regulations shall apply for development in all area's in the Town of Bloomfield, Vt. identified as areas of special flood hazard on the (current Flood Insurance Program maps) which are hereby adopted by reference and declared to be part of these regulations.

### 1. Statutory Authorization

To effect the purpose of 10 V. S. A. chapter 32, and in accord with the Vermont Planning and Development Act, 24 V. S. A. chapter 117, section (4404, 4405, 4407(9), 4410, or 4412), there are hereby established zoning regulations for areas of special flood hazard in the Town of Bloomfield

### 2. Statement of Purpose

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 increases 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;

### 3. Permit requirements and Application Procedures

A. Permits are required for all proposed new construction, substantial improvements, and other developments, including the placement of mobile homes, within all lands to which these regulations apply.

B. All zoning permit applications shall be submitted to the administrative officer, on forms furnished by him, who shall determine, on application, whether or not the proposed development is located within the area of special flood hazard by the procedures established in section 6 of these regulations.

C. If the proposed use will be located in the areas of special flood hazard and meets the requirements of Section 7 of these regulations, the administrative officer shall issue a permit. If the proposed use does not meet the requirements of Section 7 the administrative officer shall refer all applicants to the secretary of the board of adjustment.

### 4. Review Procedures

A. Prior to issuing a permit for the construction of a new building(s), the substantial improvement of existing buildings, or for development in the floodway, a copy of the application shall be submitted to the Vermont Department of Water Resources and Environmental Engineering in accordance with 24 V. S. A. 4409. A permit may be issued only following receipt of comments from the Department or the expiration of 30 days from the date the application was mailed to the Department, whichever is sooner.

B. Adjacent communities and the Vermont Department of Water Resources and Environmental Engineering shall be notified at least 15 days prior to issuing any permit for the alteration or relocation of watercourse and copies of such notification shall be submitted to the Administrator of the Federal Insurance Administration.

- C. Proposed development shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law.

#### 5. Duties and Responsibilities of the Administrative Officer

The Administrative Officer is the committee of Three (3) Selectmen. The Board of Adjustment is made up of the Justices of the Peace.

The Town Clerk shall maintain a record of

- A. all permits issued for development in areas of special flood hazard.
- B. the elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings.
- C. the elevation, in relation to mean sea level, to which buildings have been floodproofed.
- D. all floodproofing certificates required under this regulation.
- E. all variance actions, including justification for their issuance.
- F. the records will be maintained at the Town Clerk's Office.

#### 6. Interpretation of District Boundaries

The Administrative Officer shall determine the boundaries of any designated area of special flood hazard by scaling distances on the Official Flood Hazard Boundary Map. Appeals with respect to a boundary interpretation shall be made by filing a notice with the secretary of the Board of Adjustment within fifteen days of the decision of act. The Board of Adjustment is made up of the Justices of the Peace, who are elected Officials.

#### 7. Permitted Uses

The following open space uses shall be permitted within the area of special flood hazard to the extent that they are not prohibited by any other ordinance and provided that they do not require the erection of structures or storage of materials and equipment, the borrowing of fill from outside the flood hazard area, or channel modification or relocation, and do not obstruct flood flows, or increase offsite flood damage potential.

- a. Agricultural uses, such as general farming, pasture, orchard, grazing, outdoor plant nurseries, truck farming, and forestry.
- b. Recreation uses, such as parks, camps picnic grounds, tennis Courts, golf courses, golf driving ranges, archery and shooting ranges, hiking and riding trails, hunting and fishing areas, game farms, fish hatcheries, wildlife sanctuaries, nature preserves, swimming areas, and boat launching sites.
- c. Residential uses, such as lawns, gardens, parking areas, and play areas.

#### 8. Conditional Use Permit Required

All development including fill, excavation, grading, erection or placement of structures, substantial improvement of existing structures and storage of equipment and material prescribed by the Town of Bloomfield zoning ordinance are permitted within an area of special flood hazard only upon the granting of a conditional use permit by the Board of Adjustment.

#### 9. Conditional Use Review Procedures

Upon receiving an application for a conditional use permit under these regulations the Board of Adjustment shall, prior to rendering a decision thereon:

A. Obtain from the applicant:

1. the elevation (in relation to mean sea level) of the lowest floor, including basement, of the new building or buildings to be substantially improved;
2. where floodproofing is proposed, the elevation (in relation to mean sea level) to which the buildings will be flood proofed;
3. Plans drawn to scale showing the existing and proposed land contours, buildings, structures, streams, roads and other pertinent physical features;
4. base flood elevation data for subdivisions and other proposed development which contain at least 50 lots or 5 acres (whichever is the smaller).
5. such other information deemed necessary by the Board of Adjustment for determining the suitability of the site for the proposed development.

B. Notify the Vermont Department of Water Resources and request an evaluation of the proposed development.

C. Obtain from the Vermont Department of Water Resources or other State or Federal agencies any available base flood elevation data.

D. Notify adjacent communities at least 15 days prior to holding a public hearing on an application for the alteration or relocation of a water source and submit copies of such notification to the Administrator of the Federal Insurance Administration,

10. In reviewing each application, the Board of Adjustment shall consider

- a. the evaluation of the Vermont Department of Water Resources.
- b. the availability of alternative locations not subject to flooding for proposed use.
- c. The susceptibility of the proposed improvement to flood damages.
- d. The safety of access to the property in times of flood of ordinary and emergency vehicles.
- e. The potential for damage to the property caused by erosion.
- f. The danger that materials may be swept onto other lands and cause damage to others.
- g. Such other factors as are relevant to the purpose of this ordinance.

11. Base Flood. Elevation and Floodway Limits

Base Flood elevation and floodway information available from zone A on the Bloomfield Flood Hazard Boundary Map and State or Federal Agencies or other sources, shall be obtained and reasonably utilized to administer the provisions of these regulations.

12. The Board of Adjustment may grant a conditional use permit for development provided

- a. All necessary permits are obtained from those government agencies from which approval is required by Federal or State Law.
- b. The development standards of Section 13 are met or exceeded.

13. Development Standards

A. All development shall be designed to:

1. Minimize flood damage to the proposed development and to public facilities and utilities, and
2. Provide adequate drainage to reduce exposure to flood hazards.

B. Structures shall

1. be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,
2. be constructed with materials resistant to flood damage,
3. be constructed by methods and practices that minimize flood damage, and

4. be 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 water course shall be maintained.

D. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

E. 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.

F. Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and shall be anchored to resist flotation, collapse, or lateral movement during the occurrence of the base flood.

Development within the floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.

G. The lowest floor, including the basement, of all new buildings shall be at or above the base flood elevation.

H. New non-residential buildings and existing buildings to be substantially improved for non-residential purposes.

1. Shall meet the requirements of subsection 8, 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 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 construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

I Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other toxic materials, are prohibited within the floodway.

J. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding 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: A minimum of two 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. 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.

#### 14. Time for Acting on Application

A. The board of adjustment shall hold a properly warned hearing within 30 days of receiving an application, and shall act on such application within 30 days of the final hearing.

B. A copy of the public notice shall be mailed to the applicant at least 15 days prior to the hearing date.

#### 15. Insurance & Transmission of Permits

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.

#### 16. Nonconforming Structures

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 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;
- b. the board finds that the repair, relocation, or enlargement of a nonconforming residential or non-residential structure will not increase flood levels in the regulatory floodway, threaten the health, safety, and welfare of the public or other property owners;
- c. the permit so granted shall state that the repaired, relocated, or enlarged nonconforming structure is located in a regulated flood hazard area, does not conform to the bylaws pertaining thereto, may not be eligible for any flood insurance which may pertain to regulated flood hazard areas, and will be maintained at the risk of the owner;
- d. a copy of such permit shall be affixed to the copy of the deed of the concerned property on file in the municipal (Town) clerk's office.

#### 17. Variances to the Development Standards of Section 1-3

Variances shall be granted by the board of adjustment only

- A. in accordance with the provisions 24 V. S. A. Section 4468
- B. upon a determination that during the base flood discharge the variance will not result in increased flood levels.
- C. upon a determination that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

#### 18. Effective Date

- A. A permitted use permit shall take effect 15 days from the date of issuance.
- B. Conditional use permits shall take effect upon adjudication by the Board of Adjustment.

#### 19. Appeals

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.

#### 20. Prohibited Uses

Junkyards, as defined in 24 V. S. A. Section 2068, and storage facilities for chemicals, explosives, flammable liquids, or other toxic materials shall be prohibited.

## 21. Fees

The board of Selectmen shall establish such fees as may be necessary for the filing of notices and the processing of hearings and action thereon. All such fees shall be paid to the secretary of the board of adjustment upon application for a conditional use permit under these regulations.

## 22. Severability

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

## 23. Precedence of Regulations

The provisions of these regulations shall take precedence over any conflicting and less restrictive local laws.

### A. Mobile Homes

(1) Manufactured homes shall be located on compacted fill or pilings so that the lowest floor will be at or above the base flood elevation and anchored to resist flotation, collapse or lateral movement.

(2) Manufactured homes shall be anchored as follows:

- over-the-top and frame ties shall be provided at each of the four corners
- two additional intermediate over-the-top ties and five additional intermediate frame ties per side shall be provided,
- all components of the anchoring systems shall be capable of carrying a force of 4800 pounds,
- any additions to the manufactured home shall be similarly anchored.

(3) When piling foundations are used the pilings shall be placed in stable soil no more than 10 feet apart and piers more than six feet above ground level shall be reinforced.

B. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

C. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the system into the flood waters.

D. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding,

E. Subdivision and manufactured home park proposals,

1. - Shall be consistent with the need to minimize flood damage;
2. - Shall have public utilities and facilities such as sewer, gas electrical and water systems located and constructed to minimize flood damage;
3. - shall have adequate drainage provided to reduce exposure to flood damage; and
4. - shall include an evacuation plan indicating alternative vehicular access and escape routes. Said plan shall be filed with the Town Clerk's Office.

F. In zone A, new construction, substantial improvement or fill shall not adversely affect the flood carrying capacity of the area of Special flood hazard. For the purpose of this requirement, "adversely affect" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the stream channel and the adjacent overbank areas.

F. All new and substantially improved structures shall

- be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure.
- be constructed with materials and utility equipment resistant to flood damage, and

- be constructed by methods and practices that minimize flood damage.

#### 24. Records

The Administrative Officer shall maintain records of all permits issued for within areas of special flood hazard. The records shall include:

- A. whether or not the buildings have a basement
- B. the elevation (in relation to mean sealevel) of the first floor or the basement floor of the new or substantially improved buildings; and
- C. the elevation to which buildings have been flood-proofed, if applicable.

#### 25. Variances

- A. Variances shall be granted by the Board of Adjustment only
  1. In accordance with the provisions of 24 V. S. A. section 4468; and
  2. Upon a determination that during the base flood discharge the variance will not result in increased flood levels, threats to public safety, extraordinary public expense, or create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- B. The secretary of the Board of Adjustment shall notify the applicant that the issuance of a variance to construct a structure below the base flood level
  1. Will result in increased premium rates for flood insurance commensurate with the resulting increase in risk;
  2. increase risks to life and property.
- C. The secretary of the Board of Adjustment shall maintain a record of all variance actions, including justification for their issuance.

#### 26. Warning of Disclaimer of Liability

These regulations do not imply that lands outside the areas of special flood hazard or land uses permitted within such districts will be free from flooding or flood damages. These regulations shall not create liability on the part of the Town of Bloomfield or any town official or employee thereof for any flood damages that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

#### Definitions

"Area of shallow flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FIRM. After detailed ratemaking has been completed in preparation for publication of the FIRM Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Building" means a walled and roofed building including a gas or storage tank that is principally above ground.

"Development" means the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

"Flood Hazard Boundary Map" (FHBM) means an official map of a community issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M. and/or E.

"Flood Insurance Rate Map" (FIRM) means an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

"Flood insurance study" means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

"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 a designated height.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement. An unfinished or flood resistant enclosure, usable solely for parking 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" 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 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.

"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 community's Flood Insurance Rate Map are referenced.

"New construction" Structures commenced on or after the effective date of this ordinance.



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

"Substantial improvement" means 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 repair or improvement 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 structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

(2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Sites.

We, the Selectmen of the Town of Bloomfield, Vermont, do hereby certify that no new building has taken place within the Flood Hazard Area since the town was dropped from the Federal Flood Insurance Program.

February 7, 1987