

RC#-11-206

PROPOSED REGULATION CHANGE

TO AMEND SECTION 2 of the Zoning Regulations to include the following new definitions and revisions to the existing definitions.

NEW DEFINITIONS:

BASE FLOOD ELEVATION (BFE): The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

BASEMENT: Any area of the building having ½ or more of its floor below the average level of the adjacent ground and with a floor to ceiling height of not less than 6.5'. For buildings within the established Flood Hazard Overlay Districts, the basement definition shall be any area of the building having its floor subgrade (below ground level) on all sides.

EXISTING 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 home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 15, 1982, the effective date of the floodplain management regulations adopted by the community.

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).

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The federal agency that administers the National Flood Insurance Program (NFIP).

FLOOD or FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM): The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community.

FLOOD INSURANCE STUDY (FIS): The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FUNCTIONALLY DEPENDENT USE OR FACILITY: A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

HISTORIC STRUCTURE: Any structure that is: [a] listed individually in the National or State Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; [b] Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district; [c] Individually listed on the state inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs; [d] individually listed on the Town of Colchester inventory of historic places.

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

NEW CONSTRUCTION: Structures for which the “start of construction” commenced on or after June 15, 1982, the effective date of this ordinance and includes 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 June 15, 1982, the effective date of the floodplain management regulation adopted by the community.

RECREATIONAL VEHICLE: A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a car or light duty truck; (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use, including but not limited to, travel trailers, truck campers, camping trailers, and self propelled motor homes. For the purposes of these Regulations, no more than one (1) such unit shall be parked or stored on a lot in a residential district, except in an authorized recreation campground.

SPECIAL FLOOD HAZARD AREA (SFHA): The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A and AE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

STRUCTURE: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. In the Flood Hazard Overlay Districts, a **STRUCTURE** shall be defined as a walled and roofed building

which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

VARIANCE: Permission to depart from the literal requirements of the Zoning Regulations. As it relates to the Food Hazard Overlay Districts, a variance is a grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

VIOLATION: Non-compliance with these regulations. As it relates to the Flood Hazard Overlay Districts, a violation is a failure of a structure or other development to be fully compliant with the community's floodplain management ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

SECTION 2-REVISED DEFINITIONS:

EXISTING LANGUAGE IN ITALICS, PROPOSED LANGUAGE NORMAL:

***DEVELOPMENT:** Means any man-made change to improved or unimproved real estate, including, but not limited to, building or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.*

DEVELOPMENT: Means any man-made change to improved or unimproved real estate, including, but not limited to, construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

***FLOODPLAIN:** Areas of special flood hazard in Colchester as determined by the Federal Emergency Management Agency in their most recent Flood Insurance Study or as otherwise mapped on their most recent Floodway Flood Boundary and Floodway Map.*

FLOODPLAIN: Areas of special flood hazard in Colchester as determined by the Federal Emergency Management Agency in their most recent Flood Insurance Study or as otherwise mapped on their most recent Flood Insurance Rate Map.

***MANUFACTURED HOME:** Means a structure, transportable in one (1) 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. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.*

MANUFACTURED HOME: Means a structure, transportable in one (1) 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. The term also includes recreational vehicles, park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

MEAN SEA LEVEL: *Means, for the 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.*

MEAN SEA LEVEL: Means, for the purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

START OF CONSTRUCTION: *For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or 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, footings, 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.*

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WATER SURFACE ELEVATION: *Means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.*

WATER SURFACE ELEVATION: Means the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

Proposed language in bold font. Deleted language with strike thru.

REVISION TO SECTION 3.7.3.J:

Flood Hazard Areas. When any part of the lot is located within the Flood Plain District, the requirements of **Section 7 – Flood Hazard Overlay Districts** shall apply.

REVISION AND AMENDMENT TO SECTION 7.1:

The purpose of this Section 7 . . . by a report by the Federal Emergency Management Agency entitled **“Flood Insurance Study, New London County, Connecticut”**, revised **July 18, 2011**, on file with the Town Clerk.

The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of Colchester or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made there under. The Town of Colchester, its officers and employees shall assume no liability for another person’s reliance on any maps, data or information provided by the Town of Colchester.

REVISION TO SECTION 7.2:

Zone X Flood Hazard Overlay District (includes **Zone X shaded and Zone X unshaded**)

Zone A Flood Hazard Overlay District

Zone AE Flood Hazard Overlay District (~~includes Zones A1-30~~)

REVISION TO SECTION 7.3:

The flood hazard overlay districts established by this Section 7 are the areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated July 18, 2011, and accompanying Flood Insurance Rate Maps (FIRM), dated July 18, 2011, and other supporting data applicable to the Town of Colchester, and any subsequent revisions thereto, are adopted by reference and declared to be a part of these Regulations. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The Flood Insurance Rate Map is on file

in the Office of the Town Clerk, and shall constitute the Flood Hazard Overlay District Map.

REVISION TO SECTION 7.5:

Zone X Flood Hazard Overlay District (including Zone X shaded and Zone Z unshaded):

REVISION OF SECTION 7.6:

Section 7.6 Zone A Flood Hazard Overlay District and Zone AE Flood Hazard Overlay District:

The Zone A Flood Hazard Overlay . . . at selected intervals within Zone AE in the Flood Insurance Study and on the Flood Insurance Rate Map. **The Commission shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in any area of potential, demonstrable or historical flooding within the community meet the standards in Section 7.8.**

REVISION TO SECTION 7.6.2.B:

Any new construction, enlargement of existing structures, substantial improvement to the same footprint, **substantial improvement that enlarges the footprint**, placement of any manufactured home or recreational vehicle (including a manufactured home located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood) or any other development; except that existing structures that are destroyed or made uninhabitable by flood, fire or other natural disaster, **or have experienced substantial damage**, may be reconstructed to their size and shape immediately prior to their destruction, provided those structures meet the requirements of Section 7.8 herein. This Section 7.6.2.B shall not apply to **functionally dependent uses or facilities** (including docks, piers, ~~boat houses~~, etc.) if not otherwise prohibited in the Zoning Regulations of the Town.

REVISION TO SECTION 7.7:

Nothing in this Section 7 shall be construed so as to prohibit ordinary and routine maintenance to structures existing in accordance with the Zoning Regulations in effect at the time of the adoption of this Section 7. **Maintenance projects that constitute a substantial improvement to an existing structure will subject the structure to meeting the requirements of Section 7.8 herein.**

REVISION TO SECTION 7.8.4:

Reconstruction of **functionally dependent uses or facilities** (including docks, piers, ~~boat houses~~, etc.) shall not be subject to the requirements of Section 7.8.1 herein.

ADD NEW SECTIONS 7.8.5-7.8.20:

7.8.5 New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed using methods and practices that minimize flood damage. Building sites must be reasonably safe from flooding.

7.8.6 New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed with materials and utility equipment resistant to flood damage.

7.8.7 New construction, substantial improvements, and repairs to structures that have sustained substantial damage shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

7.8.8 Electrical, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, and other service facilities, or any machinery or utility equipment or connections servicing a structure shall be elevated to or above the base flood elevation (BFE) to prevent water from entering or accumulating within the components during conditions of flooding. This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation ductwork, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes.

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

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

7.8.11 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

7.8.12 The flood carrying capacity within any altered or relocated watercourse must be maintained. Adjacent communities, the Department of Environmental Protection (CTDEP) and the Federal Emergency Management Agency (FEMA) must be notified prior to any alteration or relocation of a watercourse.

7.8.13 Require all necessary federal or state permits have been received. Require that copies of such permits be provided and maintained on file with the permit application.

7.8.14 Manufactured homes shall be elevated so that the lowest floor is elevated to, at a minimum, one (1) foot above the base flood elevation as shown in the Flood Insurance Study and on the Flood Insurance Rate Map. Manufactured homes shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. Manufactured homes shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.

7.8.15 Recreational vehicles placed on sites shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet the standards of Section 7.8. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

7.8.16 Located within Special Flood Hazard Areas are areas designated as floodways on the community's Flood Insurance Rate Map. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments shall be permitted unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design.

7.8.17 When base flood elevations have been determined within Zone AE on the community's Flood Insurance Rate Map but a regulatory floodway has not been designated, the Commission must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.

7.8.18 The Commission may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1.0) foot at any point within the community.

7.8.19 Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

7.8.20 Compensatory Storage. The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year 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. Compensatory storage can be provided off-site if approved by the municipality.

ADD NEW SECTION 7.11:

7.11 Records. The town shall obtain, record and maintain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction, substantial improvements or repair to a structure that has sustained substantial damage.

REVISE SECTION 12.5.3.C.25:

FLOOD PLAIN INFORMATION. Information regarding Flood Plain District shall include the flood plain boundary and base flood and floor elevation data as specified in **Section 7** of these regulations.

ADD NEW SECTION 18.6.2.C:

SECTION 18.6.2.C Any applicant to whom a variance is granted from the requirements of Section 7 (Flood Hazard Overlay Districts) shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE), and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation.

REVISE SUBDIVISION REGULATION 6.6:

6.6 Subdivision standards for the Flood Plain District The Flood Plain District includes all special flood hazard areas designated as **Zone A and AE** on the **New London County, Connecticut** Flood Insurance Rate Maps (FIRM) ~~and the Flood Boundary and Floodway Maps, dated July 18, 2011~~ on file with the Colchester Town Clerk. These maps as well as the accompanying **New London County, Connecticut Flood Insurance Study** are incorporated herein by reference. In all special flood hazard areas the following shall apply: