

Interim Flood Hazard Area Bylaw – Major flood recovery

Purpose

Major flooding in July 2023 caused widespread damage to buildings and infrastructure in the Town of Hardwick and throughout Vermont.

This interim bylaw allows those primary residential or non-residential structures in the Special Flood Hazard Area that have been substantially damaged during this flooding event to be evaluated under a more streamlined process. Those structures that are deemed substantially damaged may be repaired or replaced under this streamlined process, if the applicant employs demonstrably higher design standards to avoid or minimize repeated damages from future flooding.

Authority

This interim bylaw is adopted in accordance with 10 V.S.A. Chapter 32, and 24 V.S.A. Chapter 117 §4415 and §4424.

This interim bylaw amends *Hardwick Unified Development Bylaws* for the Town of Hardwick adopted on October 6, 2022. This bylaw is effective upon adoption and expires July 10, 2024.

The Vermont Department of Environmental Conservation (DEC) supports use of this interim bylaw to manage flood hazard areas in the community as part of disaster recovery. To ensure compliance with the National Flood Insurance Program, the Town/City of Hardwick will work with DEC to update these interim flood hazard regulations prior to their expiration date.

Interim Changes to Town/City of Hardwick Zoning Regulations:

Section 5.3 Flood Hazard Review

Primary residential and non-residential structures (definition in 44 CFR 59.1) in the Special Flood Hazard Area that have been substantially damaged during the recent flooding of July 2023 may be relocated, repaired, or rebuilt by administrative permit from the Zoning Administrator where such proposed work:

1. Cannot be relocated outside the Special Flood Hazard Area on the same parcel;
2. Elevates the lowest floor to at least two feet above base flood elevation;
3. Will provide an Elevation Certificate for the as-built structure to the Town/City of Hardwick by 3 years from the date of adoption.

Substantial Damage Determinations

- a. In the event of damage of any kind to a structure located within the Special Flood Hazard Area, the AO shall determine if Substantial Damage occurred regardless of any intended repair at that time.

- b. Substantial Damage determinations shall be made in accordance with current FEMA and ANR guidance, or by a procedure meeting FEMA standards and established by the Town in accordance with 24 V.S.A. § 1972.

State Referral

Any application regarding New Construction, Substantial Damage, Substantial Improvement, development in a Floodway, development in a River Corridor, or a Variance shall be submitted by the AO to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources in accordance with 24 V.S.A. § 4424. A permit may be issued following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

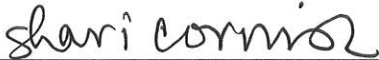
Adopted by vote of the Selectboard of the Town of Hardwick on August 17, 2023.

Town of Hardwick Selectboard:



Eric Remick, Chair

Ceilidh Galloway-Kane, Vice Chair



Shari Cornish



Elizabeth H. Dow



Danny Hale