

# NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community Hardwick, Town & Village of C.I.D. 500027# State Vermont

Review of: *Updated 2024 Hardwick Unified Development Bylaws.4.23.24 v4 (received 5/17/24)*

Reviewed by: Sacha Pealer, VT DEC, sacha.pealer@vermont.gov (802) 490-6162 Date of Review: 6/26/24

Community Floodplain Management Regulations Reviewed by (circle one): FEMA (State) Other: (Agency Name)

Reviewer's Determination:  The floodplain management regulations are compliant.

The floodplain management regulations are not compliant.

Approved by: \_\_\_\_\_ (FEMA only) Date of Approval: \_\_\_/\_\_\_/\_\_\_

The "Item Description" is a synopsis of the regulatory requirement and should not be construed as a complete description. Refer to the actual language contained in the National Flood Insurance Program Floodplain Management Regulations at Title 44 Code of Federal Regulations (CFR) Part 59 and 60 for the complete description of the required minimum criteria. Below the "Level of Regulations" column, you can indicate whether the community ordinance meets or exceeds the respective provision in the non-shaded areas.

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d <sup>1</sup>	e <sup>1</sup>	
<b>ORDINANCES MUST CONTAIN THE FOLLOWING PROVISIONS:</b>						
1. Citation of Statutory Authority				Y		1.1
2. Framework for administering the ordinance (including permit system, establishment of the office for administering the ordinance, record keeping, etc.).				Y		Article 7, 2.3, Table 2.8
3. Adequate enforcement provisions (including a violation and penalty section specifying actions the community will take to assure compliance). 24 VSA 4451- 4454				Y		7.5
4. Variance section with evaluation criteria and insurance notice. [60.6(a)]				Y		7.4
5. Effective Date: _____ Adoption Date: _____				n/a		Draft
6. Signature of Appropriate Official and Certification Official.				n/a		Draft
<b>OTHER PROVISIONS AND ACTIONS THAT MAY BE NECESSARY TO MAKE THE ORDINANCE LEGALLY ENFORCEABLE AND ENSURE THAT IT CAN BE PROPERLY ADMINISTERED:</b>						
7: Purpose section citing health, safety, and welfare reasons				Y		1.2 A, Table 2.8

<sup>1</sup> If a community has both floodways and coastal high hazard areas, it must meet the requirements of both level 60.3(d) and 60.3(e).

# NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

**Community:** Hardwick, Town & Village of **C.I.D.** 500027 **State** Vermont

Reviewed by: Sacha Pealer, VT DEC Date of Review: 6/26/2024

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d <sup>1</sup>	e <sup>1</sup>	
for adoption.						
8: Disclaimer of Liability section advising that the degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.				Y		5.3 B
9. Abrogation and Greater Restriction section. (e.g., This Ordinance shall not in any way impair/remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this Ordinance imposes a greater restriction, the provisions of this Ordinance shall control.)				Y		1.3 C
10. Severability section. (e.g., If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.)				Y		1.5
11. Public hearing (State/local laws may require hearings)						Planning Commission Hearing 6/11/24; Select Board Hearing TBD
12. Publication (State/local laws may require public notices)						Town web site
<b>MINIMUM NFIP CRITERIA:</b>						
13. Definitions: [59.1] <u>Y</u> Base Flood; <u>Y</u> Base Flood Elevation; <u>Y</u> Development; <u>n/a</u> Existing manufactured home park or subdivision; <u>n/a</u> Expansion to an existing manufactured home park or subdivision; <u>Y</u> Flood Insurance Rate Map; <u>Y</u> Flood Insurance Study; <u>Y</u> Floodway; <u>Y</u> Lowest Floor; <u>Y</u> Manufactured Home; <u>n/a</u> Manufactured Home Park or Subdivision; <u>Y</u> New Construction; <u>n/a</u> New Manufactured Home Park or Subdivision; <u>Y</u> Recreational Vehicle; <u>Y</u> Special Flood Hazard Area; <u>Y</u> Start of Construction; <u>Y</u> Structure; <u>Y</u> Substantial Damage; <u>Y</u> Substantial Improvement; <u>Y</u> Violation;				Y		8.2  Manufactured Homes consistent with Structures.
Other Definitions as appropriate such as						

# NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

**Community:** Hardwick, Town & Village of    **C.I.D.** 500027    **State** Vermont

Reviewed by: Sacha Pealer, VT DEC    Date of Review: 6/26/2024

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d <sup>1</sup>	e <sup>1</sup>	
<u>Y</u> Floodproofing; <u>n/a</u> Highest adjacent grade for community's with mapped AO Zones; <u>Y</u> Historic Structures						
14. Adopt or reference correct Map and date. [60.3(b)] (If the community has an automatic adoption provision in its ordinance, is it a valid provision?)				Y		5.3 A
15. Adopt or reference correct Flood Insurance Study and date. [60.3(c), (d), and/or (e)] (If the community has an automatic adoption provision in its ordinance, is it a valid provision?)				Y		5.3 A
16. Require permits for all proposed construction or other development including placement of manufactured homes to determine whether such construction or development is in a floodplain. [60.3(a)(1)]						
17. Require permits for all proposed construction and other development within SFHAs. [60.3(b)(1)]				Y		5.3 A
18. Assure that all other State and Federal permits are obtained. [60.3(a)(2)]				Y		5.3 A
19. Review permits to assure sites are reasonably safe from flooding and require for new construction and substantial improvements in flood-prone areas [60.3(a)(3)]: (a) Anchoring (including manufactured homes) to prevent flotation, collapse, or lateral movement of the structure. [60.3(a)(3)(i)]				Y		5.3 G1 a & b
(b) Use of flood-resistant materials. [60.3(a)(3)(ii)]				Y		5.3 G1 c
(c) Construction methods and practices that minimize flood damage. [60.3(a)(3)(iii)]				Y		5.3 G1 d
(d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities designed and/or located to prevent water entry to accumulation. [60.3(a)(3)(iv)]				Y		5.3 G1 e

# NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

**Community:** Hardwick, Town & Village of    **C.I.D.** 500027    **State** Vermont

Reviewed by: Sacha Pealer, VT DEC    Date of Review: 6/26/2024

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d <sup>1</sup>	e <sup>1</sup>	
20. Review subdivision proposals and other development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding [60.3(a)(4)]. If a subdivision or other development proposal is in a flood-prone area, assure that: (a) Such proposals minimize flood damage. [60.3(a)(4)(i)]				Y		5.3 G1 a & d
(b) Public utilities and facilities are constructed so as to minimize flood damage. [60.3(a)(4)(ii)]				Y		5.3 G1 d & e
(c) Adequate drainage is provided. [60.3(a)(4)(iii)]				Y		5.3 G1 f
21. Require new and replacement water supply and sanitary sewage systems to be designed to minimize or eliminate infiltration. [60.3(a)(5) and 60.3(a)(6)]				Y		5.3 G9
22. Require onsite waste disposal systems be designed to avoid impairment or contamination. [60.3(a)(6)(ii)]				Y		5.3 G10
23. Require base flood elevation data for subdivision proposals or other developments greater than 50 lots or 5 acres. [60.3(b)(3)]				Y		2.2 C
24. In A Zones, in the absence of FEMA BFE data and floodway data, obtain, review, and reasonably utilize other BFE and floodway data as a basis for elevating residential structures to or above the base flood level, and for floodproofing or elevating non-residential structures to or above the base flood level. [60.3(b)(4)]				Y		2.2 C
25. Where BFE data are utilized in Zone A, obtain and maintain records of the lowest floor and floodproofing elevations for new and substantially improved construction. [60.3(b)(5)]				Y		5.3 G3, 7.6 E2 & E3
26. In riverine areas, notify adjacent communities of watercourse alterations and relocations. [60.3(b)(6)]				Y		5.3 F2

# NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

**Community:** Hardwick, Town & Village of    **C.I.D.** 500027    **State** Vermont

Reviewed by: Sacha Pealer, VT DEC    Date of Review: 6/26/2024

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d <sup>1</sup>	e <sup>1</sup>	
27. Maintain the carrying capacity of an altered or relocated watercourse. [60.3(b)(7)]				Y		5.3 G11
28. Require all manufactured homes to be elevated and anchored to resist flotation, collapse, or lateral movement. [60.3(b)(8)]				Y		5.3 G1 b 5.3 G3 5.3 G14
29. Require all new and substantially improved <u>residential</u> structures within A1-30, AE, and AH Zones have their lowest floor (including basement) elevated to or above the Base Flood Elevation. [60.3(c)(2)]				Y		5.3 G3
30. <sup>2</sup> In AO Zones, require that new and substantially improved <u>residential</u> structures have their lowest floor (including basement) to or above the highest adjacent grade at least as high as the FIRM's depth number. [60.3(c)(7)]				n/a		No AO Zones in community
31. Require that new and substantially improved <u>non-residential</u> structures within A1-30, AE, and AH Zones have their lowest floor elevated or floodproofed to or above the Base Flood Elevation. [60.3(c)(3)]				Y		5.3 G4
32. <sup>2</sup> In AO Zones, require new and substantially improved <u>non-residential</u> structures have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number on the FIRM. [60.3(c)(8)]				n/a		No AO Zones in community
33. Require that for floodproofed non-residential structures, a registered professional engineer/architect certify that the design and methods of construction meet requirements at 60.3(c)(3)(ii). [60.3(c)(4)]				Y		5.3 G4 c
34. Require, for all new construction and substantial				Y		5.3 G6

<sup>2</sup> Item 30 and 32 are not required if the community has no AO Zones.

# NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

**Community:** Hardwick, Town & Village of **C.I.D.** 500027 **State** Vermont

Reviewed by: Sacha Pealer, VT DEC Date of Review: 6/26/2024

Item Description (Section reference to the NFIP Regulations follows)	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d <sup>1</sup>	e <sup>1</sup>	
improvements, that fully enclosed areas below the lowest floor that are used solely for parking of vehicles, building access or storage in an area other than a basement and which is subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of floodwaters in accordance with the specifications in 60.3(c)(5). (Openings requirement)						
35. <sup>3</sup> Until a regulatory floodway is designated, no encroachment may increase the Base Flood level more than 1 foot. [60.3(c)(10)]				Y		5.3 G2
36. <sup>4</sup> In Zones AO and AH, require drainage paths around structures on slopes to guide water away from structures. [60.3(c)(11)]				n/a		No AO or AH Zones in community
37. Require that manufactured homes placed or substantially improved within A1-30, AH, and AE Zones, which meet one of the following location criteria, to be elevated such that the lowest floor is to or above the Base Flood Elevation and be securely anchored: (i) outside a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; (iv) on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. [60.3(c)(6)]				Y		5.3 G1 b 5.3 G3 5.3 G14
38. In A-1-30, AH, and AE Zones, require that manufactured homes to be placed or substantially improved in an <u>existing</u> manufactured home park to be elevated so that (i) the lowest floor is at or above the Base Flood				Y		5.3 G3 5.3 G14

<sup>3</sup> Item 35 is not required if all streams have floodways designated.

<sup>4</sup> Item 36 is not required if the community has no AO or AH Zones.

# NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

**Community:** Hardwick, Town & Village of    **C.I.D.** 500027    **State** Vermont

Reviewed by: Sacha Pealer, VT DEC    Date of Review: 6/26/2024

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d <sup>1</sup>	e <sup>1</sup>	
Elevation; OR (ii) the chassis is supported by reinforced piers no less than 36 inches in height above grade and securely anchored. [60.3(c)(12)]						
39. In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must (i) be elevated and anchored; OR (ii) be on the site for less than 180 consecutive days; OR (iii) be fully licensed and highway ready. [60.3(c)(14)]				Y		5.3 G7
40. Designate a regulatory floodway which will not increase the Base Flood level more than 1 foot. [60.3(d)(2)]				Y		8.2 Definitions
41. In a regulatory floodway, prohibit any encroachment, which would cause any increase in the Base Flood level unless hydrologic and hydraulic analyses prove that the proposed encroachment would not increase flood levels during the Base Flood discharge. [60.3(d)(3)]				Y		5.3 H
42. In V1-30, VE, and V Zones, obtain and maintain the elevation of the bottom of the lowest horizontal structural member of the lowest floor of all new and substantially improved structures. [60.3(e)(2)]						
43. In V1-30, VE, and V Zones, require that all new construction and substantial improvements: (a) Are elevated and secured to anchored pilings or columns so that the bottom of the lowest horizontal structural member is at or above the Base Flood Elevation. [60.3(e)(4)]						
(b) A registered professional engineer/architect certify that the design and methods of construction meet elevation and anchoring requirements at 60.3(e)(4)(i) and (ii). [60.3(e)(4)]						

# NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

**Community:** Hardwick, Town & Village of    **C.I.D.** 500027    **State** Vermont

Reviewed by: Sacha Pealer, VT DEC    Date of Review: 6/26/2024

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d <sup>1</sup>	e <sup>1</sup>	
(c) Have the space below the lowest floor either free of obstruction or constructed with breakaway walls. Any enclosed space shall be used solely for parking, building access, or storage. [60.3(e)(5)]						
(d) All new construction is landward of mean high tide. [60.3(e)(3)]						
(e) Prohibit use of fill for structural support. [60.3(e)(6)]						
(f) Prohibit alteration of sand dunes and mangrove stands, which would increase potential flood damage. [60.3(e)(7)]						
44. Require that manufactured homes placed or substantially improved within V1-30, VE, and V Zones, which meet one of the following location criteria, meet the V Zone standards in 60.3(e)(2) through (e)(7): (i) outside a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; (iv) on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. [60.3(e)(8)]						
45. In V1-30, VE, and V Zones, require that manufactured homes to be placed or substantially improved in an <u>existing</u> manufactured home park to be elevated so that (i) the lowest floor is at or above the Base Flood Elevation; OR (ii) the chassis is supported by reinforced piers no less than 36 inches in height above grade and securely anchored. [60.3(e)(8)(iv)]						
46. In V1-30, VE, and V zones, all recreational vehicles to be placed on a site must (i) be elevated and anchored; OR (ii) be on the site for less than 180 consecutive days; OR (iii) be fully licensed and highway ready.						



# NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

**Community:** Hardwick, Town & Village of **C.I.D.** 500027 **State** Vermont

Reviewed by: Sacha Pealer, VT DEC Date of Review: 6/26/2024

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d <sup>1</sup>	e <sup>1</sup>	
[60.3(e)(9)]						

**Additional Information:**

N Stand-alone Ordinance?

Y Automatic Adoption?

Y Additional Regulatory Measures? If yes, specify:

-Fill prohibited in SFHA except for elevation of structures and primary access; no net loss of flood storage capacity

-Design Flood Elevation of 2 feet above base flood elevation

-Storage, salvage yards, critical facilities, and caretakers apartments prohibited in the SFHA

-Certificate of Compliance

-Substantial improvement determined over 1 year or common plan of development

-Critical facilities to be elevated or dry floodproofed to 1 foot above 500-year flood elevation or 3 feet above base flood elevation, whichever is higher.

**State Requirement:**

Y ANR Referral Requirement [24 VSA §4424]? 5.3 F1

Y Town/City/Village changes completed?