

**ORDINANCE 1658
ADOPTED 7/5/2011
PUBLISHED 7/8/2011**

AN ORDINANCE AMENDING CHAPTERS 1 AND 14 OF APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF NORWICH, CONNECTICUT TO MEET NEW FEDERAL AND STATE STANDARDS FOR FLOODPLAIN MANAGEMENT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH that Sections 1.0, 14.2, 14.3, 14.4 and 14.6 of Appendix A, Zoning, of the Code Ordinances of Norwich, CT, be amended as set forth herein to bring said regulations into compliance with federal floodplain management standards as promulgated in 44 CFR 60.3 and state standards in General Statutes Section 8-21. .

1.5. *Basement* is a story in a building, the structural ceiling of which is four feet or more above the average level of finished grade abutting the exterior wall(s) fronting on any street and the floor level of which is below finished grade at all points on the periphery of the building. **For floodplain management purposes, a basement is any area of the building having its floor subgrade (below ground level) on all sides.**

(new) **1.5.2. *Base flood elevation (BFE)* is the elevation of the crest of the base flood or 100-year flood measured as 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.**

1.5.2 **1.5.3.** *Bed and breakfast inn* is an existing single-family owner-occupied dwelling in which the owner rents not more than eight rooms to provide overnight accommodations for transients and which may include the serving of breakfast only. Maximum length of stay per guest may not exceed 14 days within a 90-day period.

(new) **1.16.01. *Cost* means, as related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.**

1.17.1. *Development* means any manmade change to improved or unimproved real estate, including but not limited to **the construction of buildings or other 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.**

(new) **1.21.01. *Federal Emergency Management Agency* is the federal agency that administers the National Flood Insurance Program (NFIP).**

(new) **1.21.3. *Flood Insurance Study (FIS)* is 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.**

(new) **1.21.4 *Floodplain Violation* means a failure of a structure or other development to be fully compliant with the community's floodplain management regulations. 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.**

1.21.4. **1.21.5 *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 surface elevation more than one foot.**

(new) **1.21.6. *Functionally dependent use or facility* is 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.**

1.21.31.21.7. ***Furniture store* is a building containing a minimum of 20,000 square feet of which 90 percent of the floor space is primarily designated and used for the display and sale of major household and occasional furnishings directly to ultimate consumers.**

1.21.51.21.8. ***Hazardous materials, substances, and waste* means any material, substance or waste that is toxic, reactive, corrosive or ignitable, and may be determined to pose a present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, including hazardous substances, materials and wastes as defined in the Code of Federal Regulations, title 40 CFR, parts 261, 302.4 and 300.6, as amended, and title 49 CFR, subchapter C, part 171, as amended.**

(new) **1.24.1. *Historic structure*** is 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 historic 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: (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.

1.42.1. *Lowest floor* means the lowest floor of the lowest enclosed area (including the basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, an area other than basement area is not considered a building's lowest floor area.

1.42.2. *Manufactured or mobile home* means a structure, transportable in one 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, **recreational vehicles** and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

(new) **1.42.3. *Market value*** of a structure, as related to substantial improvement and substantial damage, shall be determined by the most recent property tax assessment (total assessment minus land value and the value of structures not affected made prior to the start of the initial repair or improvement, or, if applicable, prior to the damage occurring, unless the property owner chooses to submit a an independent appraisal conducted by a professional appraiser no earlier than one year before the start of initial repair or improvement or, in the case of damage, within one year of the date of the damage occurring, in which case the market value of the structure prior to repair, improvement or damage shall be determined by the independent appraisal.

1.42.3 **1.42.4. *Mean sea level***, means, for 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 (FIRM) are referenced.

(new) **1.42.5. *New construction*** for purposes of floodplain management means structures for which the "start of construction" commenced on or after **June 15, 1978**, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures. This definition shall apply only to Chapter 14 of these regulations.

(new) **1.47.02. Recreational vehicle** means 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 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.

(new) **1.50.3. Special flood hazard area (SFHA)** means 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, A1-30, AE, AO, AH on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

1.50.31.50.4. *Start of construction* (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)) includes substantial improvements 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 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. This definition shall apply only to Chapter 14 of these regulations.

1.54 *Structure* (see Building). **For floodplain management purposes, Chapter 14 only, a structure is 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.**

(new) **1.54.01. Substantial damage** means 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.

1.54.1. Substantial improvement means any repair, reconstruction or improvement of a structure, **taking place during a one (1) year period**, the **cumulative** cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. 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 **historic** structure listed on the National Register of Historic Places or a state inventory of historic places.

(new) **1.57.01. Variance means an exception to these regulations granted by the Zoning Board of Appeals in accordance with Chapter 19.**

1.57.01**1.57.02.** *Water-dependent uses* are those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland, including but not limited to: Marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront dock and port facilities, shipyards and boat building facilities, water-based recreational uses, navigation aids, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or process water and which cannot reasonably be located or operated at an inland site and uses which provide general public access to marine or tidal waters. (Connecticut General Statutes Sec. 22a-93-16)

(new) **1.57.03. 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 floodplains of coastal or riverine areas.**

Section 14.2 Lands to be regulated by this ordinance

This chapter shall apply to all areas of special flood hazard and floodways within the jurisdiction of the City of Norwich. The areas of special flood hazard and floodways are identified by the Federal Emergency Management Agency in its flood insurance study (FIS) or flood insurance rate map, with accompanying floodway maps and other supporting data, and any revision thereto. The designation of areas of special flood hazard and floodway shall become part of the Norwich zoning map as an overlay zoning district. The "flood boundary and floodway map" and the "flood insurance rate map" and any amendments thereto shall be declared part of this ordinance.

This chapter shall apply to all areas of special flood hazard and floodways 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 City of Norwich, 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.

(new) **14.2.2. Floodway violation.** 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 of this chapter until such time as all required documentation is provided to the zoning enforcement officer.

(new) **14.2.3** If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

a. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)

Section 14.3.1

The zoning enforcement officer may require that verification of elevations be provided by the applicant and/or owner of the property. Such verification shall be determined by a land surveyor licensed in the State of Connecticut and shall be based on *National Geodetic Vertical Datum (1929)* the **North American Vertical Datum (NAVD) of 1988**.

Section 14.3.2

(new) **(b)** The zoning enforcement officer 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 (whether

in response to the zoning enforcement officer's request or not), the zoning enforcement officer shall propose the adoption a regulatory floodway overlay zone 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.

Section 14.4.2 (a)

(a) Encroachments, including fill, new construction, substantial improvements and other development unless certification, with supporting technical data, by a professional engineer registered in the State of Connecticut 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.

(new) (c) **New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless the structure is a functionally dependent use or facility.**

Section 14.6.1(d)

(d) Structures otherwise permitted in the zoning district in which the floodplain is located, provided that:

1. All new construction and substantial improvements of residential structures, including manufactured **or mobile** homes, shall have the lowest floor (including the basement) elevated 1 1/2 feet above the base flood level elevation (BFE). **All residential structures, including manufactured or mobile homes, to be repaired as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is at or above the base flood elevation (BFE).**

2. All new construction and substantial improvements of nonresidential structures, **including mixed use structures**, shall:

a. Have the lowest floor (including the basement) elevated 1 1/2 feet above the base flood level elevation (BFE); or

b. Together with attendant utilities and sanitary facilities, be designed so that the structure is flood proofed 1 1/2 feet above the base flood level elevation (BFE), with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A professional engineer or architect licensed in the State of Connecticut shall certify to the commission on the city plan and the building inspector that the construction of the building will comply with this section and other requirements outlined in the building code for the construction of buildings in a floodplain.

Section 14.6.2.

(a) All uses, fill, structures or other encroachments, including, but not limited to, fill, excavation, deposition, construction, substantial improvements, storage of materials, or equipment, whether permanent or temporary, shall not be permitted when such encroachments, acting alone or in combination with existing or future uses, unduly affect the efficiency or capacity of the floodplain. One hundred percent compensatory flood storage shall be provided, on-site or off-site, for all encroachment within the floodplain. It shall be demonstrated by technical data, prepared by a professional engineer licensed in the State of Connecticut, that the proposed compensatory storage shall counterbalance, at the same flood frequency, the encroachment within close proximity to the development.

(a) The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, excavation, deposition, new construction, substantial improvements involving an increase in the footprint to the structure, storage of materials or equipment, whether permanent or temporary, 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 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. This standard shall be demonstrated by technical data, prepared by a professional engineer licensed in the State of Connecticut. Compensatory storage can be provided off-site if approved by the municipality.

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.

(e) New sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters. **New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.**

Section 14.6.3

(new) (c) **A copy of any necessary federal and state permit applications. Prior to construction, the applicant shall provide documentation to the zoning enforcement officer to assure that all necessary permits have been received. Copies of such permits shall be maintained on file with the application submitted under this section.**

Section 14.6.7

(c) Upon the granting of the variance, the zoning board of appeals shall notify the applicant in writing that:

(1) The granting of the variance to construct a structure below the base flood level will result in increased premium rates for flood insurance **up to amounts as high as \$25 for \$100 of insurance coverage.;**

(e) The zoning board of appeals shall maintain a record of all variances granted, including justification for their issuance and report **any variance to the Federal Emergency Management Agency (FEMA) in its biennial report.**

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Purpose: To revise regulations for development in designated FEMA floodplains that meet or exceed the minimum federal standards of 44 CFR 60.3 and new state requirements as necessary for Norwich to remain eligible to participate in the National Flood Insurance Program (NFIP).

Peter Albert Nystrom
Mayor

**ORDINANCE 1659
ADOPTED 7/5/2011
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AN ORDINANCE AMENDING CHAPTER 12, MOBILE HOMES AND MOBILE HOME PARKS, OF THE CODE OF ORDINANCES OF NORWICH, CONNECTICUT TO MEET NEW FEDERAL AND STATE STANDARDS FOR FLOODPLAIN MANAGEMENT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH that the title and Sections 12.1, 12.2, 12.9 and 12.10 of Chapter 12, Mobile Homes and Mobile Home Parks, of the Code Ordinances of Norwich, CT, be amended as set forth herein to bring said regulations into compliance with federal floodplain management standards as promulgated in 44 CFR 60.3.

Chapter 12 – Mobile **(Manufactured)** Homes and Mobile Home Parks

Sec. 12-1: - Definitions.

For the purpose of this chapter, certain words shall have the following meanings:

(c) Trailer **or Recreational Vehicle** shall be deemed a trailer, motorcoach, converted bus, pickup camper, or vehicles used for sleeping or living quarters but which is self-contained with running water, bath facilities, flush toilet and appropriate sanitary connections, **and designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.**

(d) Mobile **(Manufactured)** home shall be deemed to be a unit similar to a trailer or any vehicle used for sleeping or living quarters but which is equipped with running water, bath facilities, flush toilet and appropriate sanitary connections. Living units of a hinged or collapsible nature which are transported to the site of erection by mobile means or those which are premade in two half sections that are set up on a temporary or permanent foundation and later fastened together are to be classified as mobile homes and are to be subject to the requirements of this chapter.

(e) Mobile **(Manufactured)** home park **or subdivision** shall mean privately owned land upon which two or more mobile homes are or are intended to be used and occupied as sleeping or living quarters.

(f) Special Flood Hazard Area, Base Flood Elevation, Substantial Improvement and Substantial Damage shall mean as defined in Appendix A to the Code of Ordinances (Zoning).

Sec. 12-2: - Occupation of trailers, maintenance of trailer parks prohibited; exception.

(d) Trailers and Recreational Vehicles placed on sites in special flood hazard areas shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet the elevation and anchoring requirements of Section 12-3 (s) below. A trailer or 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.

Sec. 12-9. - General requirements for existing mobile home parks.

(s) Special Flood Hazard Area. All existing mobile (manufactured) homes located in the special flood hazard area and undergoing a substantial improvement or repaired as a result of substantial damage shall be elevated so that the bottom of the lowest floor is at or above the base flood elevation. 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 pressure. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. Homes shall be installed using methods and practices that minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten feet apart, and reinforcement is provided for piers more than six feet above ground level.

Sec. 12-10. - Expansion or enlargement of existing mobile home parks.

(4) Mobile homes expanded or enlarged in the special flood hazard area must meet the requirements of Section 12-9 (s) above.

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Purpose: To revise regulations for development in designated FEMA floodplains that meet or exceed the minimum federal standards of 44 CFR 60.3 as necessary for Norwich to remain eligible to participate in the National Flood Insurance Program (NFIP).

Mayor Peter Albert Nystrom