



FLOODPLAIN MANAGEMENT REGULATIONS

EFFECTIVE DATE: JUNE 18, 2010

AS AMENDED TO FEBRUARY 17, 2011

Adopted by the Weston Planning and Zoning Commission on June 7, 2010 and

Amended on February 7, 2011

FLOODPLAIN MANAGEMENT REGULATIONS
WESTON, CONNECTICUT
Effective Date: June 18, 2010, Amended: February 17, 2011

I. AUTHORITY AND PURPOSE

The Weston Planning and Zoning Commission of the Town of Weston, CT, hereby adopts these Floodplain Regulations in accordance with the purposes, authority, and requirements of Title 7, Chapter 98, Section 7-148(C)(7)(A) and Title 8, Chapter 124, Section 8-2 of the General Statutes of the State of Connecticut, as amended.

These regulations are designed to promote the public health, safety and welfare by minimizing public and private losses due to flood conditions in areas of Weston known as special flood hazard areas. Building in special flood hazard areas will be controlled to gain greater protection from flooding, limit damage to private property, and ensure continued eligibility of owners of property in Weston for participation in the National Flood Insurance Program.

The Weston Planning and Zoning Commission (the Local Administrator) shall administer Weston's Floodplain Management Regulations.

II. THE FLOOD ZONE

The Flood Zone includes all special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut dated June 18, 2010, and accompanying Flood Insurance Rate Maps (FIRM), dated June 18, 2010, and other supporting data applicable to the Town of Weston, and any subsequent revisions thereto, which are adopted by reference and declared to be part of this regulation. 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 special flood hazard areas include any area shown on the FIRM as Zones A (unnumbered) and AE, including areas designated as a floodway on a FIRM. Special flood hazard areas are determined utilizing the Base Flood Elevations (BFE) provided on the flood profiles in the FIS for a community. BFEs provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The FIRM and FIS are on file with the Town of Weston.

In those areas where Base Flood Elevations and floodway data have been clearly established by the Federal Study, the Local Administrator shall obtain, review and reasonably utilize any data available from a federal, state or other source as the basis for applying the standards contained in Section IV. When utilizing data other than that provided by the Federal Emergency Management Agency, the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at anyone point

III. PERMIT PROCEDURE

A. PRELIMINARY DISCUSSION: To provide helpful guidelines to applicants, informal discussion of flood zone development plans between the applicant and the Town Engineer and Land Use Director is encouraged.

B. PERMIT: A Flood Zone Development Permit shall be obtained from the Local Administrator before any site preparation or development begins within any special flood hazard area. A Flood Zone Development Permit application shall be approved prior to the issuance of a driveway, building, fill or zoning permit. Application forms are available at the office of the Weston Planning and Zoning Commission.

C. FEE: An application fee based on the fee schedule set forth in the “Ordinance Regulating Land Use Fees,” effective July 1, 2006, as amended shall be collected with each application for a Flood Zone Development Permit.

D. APPLICATION: A Flood Zone Development Permit application shall be completed, and shall include:

1. Application Form and Fee: A completed application on the form approved by the Local Administrator and payment of the applicable fee. (Amended 2/17/11)
2. Project Description: A short, clear and complete written description of the proposed activity shall be provided.
3. Map: An A-2 property survey showing the boundaries or location of the floodway, the floodway fringe, the 100-Year Floodplain, any proposed development, and any existing building, structures, drainage facilities, wells and septic systems. The map shall be certified as correct by a registered professional engineer, an architect or a land surveyor licensed by the State of Connecticut.
4. Profile: The applicant shall provide a profile of the site showing floodplain and floodway elevations as related to mean sea level. The elevation of the lowest floor of all structures, the property access and any fill to be placed on the property in relation to mean sea level shall be shown. The profile shall be certified as correct by a registered professional engineer.
5. Construction Drawings and Details: Construction plans, such as floor plans and elevations, of all proposed or modified structures or facilities shall be provided. The plans shall be certified as correct by a registered professional engineer or licensed architect.
6. Watercourse Alteration Detail: The applicant shall provide the details of any proposed alteration of a watercourse in the special flood hazard area, and measures to be taken to insure that the previous flood-carrying capacity of the watercourse will be maintained.

E. Certifications: A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of these regulations. Such certification shall be required by the Local Administrator.

F. Further Information: The Local Administrator may require the applicant to provide further maps, drawings, surveys and similar information to insure compliance with these regulations.

IV. DEVELOPMENT REGULATIONS

The following regulations apply within Zone AE and unnumbered Zone A.

A. CONSTRUCTION IN SPECIAL FLOOD HAZARD AREAS: New construction or substantial improvement of any residential or non-residential structure shall have the lowest floor elevated one foot or more above the Base Flood Elevation.

B. BUILDING STANDARDS: Within Zones AE and in unnumbered A Zones, the following standards must be met prior to issuing permits for any proposed construction or development.

1. Anchoring: All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. Construction Materials & Methods: All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and shall use methods and practices that minimize flooding and flood damage.
3. Utilities: All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood water into the systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into floodwaters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. 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.
4. Areas Below the Lowest Floor: For all new construction and substantial improvements, fully enclosed areas below the lowest floor are usable solely for the parking of vehicles, building access or storage other than basements and shall

be designed to allow automatic entry and exit of flood waters to equalize hydrostatic flood forces on exterior walls. Electrical, plumbing, HVAC ductwork, machinery and other utility equipment or connections are prohibited below the Base Flood Elevation. Designs for meeting this requirement must either be certified by a professional engineer or architect or must meet or exceed the following minimum criteria:

Provide 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.

The bottom of all openings shall be no higher than one foot above grade; and

Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

C. FLOODWAY STANDARDS, EQUAL CONVEYANCE AND COMPENSATORY STORAGE

1. In A Zones where Base Flood Elevations have been determined, but before a floodway is designated, no new construction, substantial improvements or other development (including fill) will be permitted which would increase Base flood Elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
2. Within the floodway, as designated on the Flood Insurance Rate Map, all encroachments, including fill, new construction, substantial improvements to existing structures and other development are prohibited unless the applicant provides a certification with supporting technical data by a registered professional engineer that demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any (0.00) increase in flood levels or hazards during the occurrence of the 100-year flood.
3. 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 a 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 as to cause an increase in flood stage or flood velocity.

4. 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 at each elevation, up to and including the 100-year floor elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestrained hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

D. PORTION OF STRUCTURE IN FLOOD ZONE: If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the 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.

E. STRUCTURES IN TWO FLOOD ZONES: 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 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).

F. NO STRUCTURES ENTIRELY OR PARTIALLY OVER WATER: New construction, substantial improvements and repair to structures that have substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

G. RECONSTRUCTION: Structures which do not meet the requirements of this Section IV, may not be rebuilt in kind, but must be made to conform to all the requirements of this regulation.

H. STANDARDS FOR PLACEMENT OF FILL IN THE SPECIAL FLOOD HAZARD AREA: The following standards apply to all fill activities in the special flood hazard area:

A) Fill material, upon which structures will be constructed or placed, must be compacted to maximum dry density obtainable with the Standard Proctor Test

method according to the ASTM Standard D-698 or an acceptable equivalent method. Fill soils must be fine-grained soils of low permeability, such as those classified as CH, CL, SC, or ML according to ASTM Standard D-2487, Classification of Soils for Engineering Purposes.

B) Fill slopes shall not be steeper than one foot vertical to two feet horizontal.

C) Adequate protection against erosion and scour is provided for fill slopes. When expected velocities during the occurrence of the base flood of five feet per second armoring with stone or rock protection shall be provided. When expected velocities during the base flood are five feet per second or less, protection shall be provided by covering them with vegetative cover.

D) Fill shall be composed of clean granular or earthen material. Fill material must be homogeneous and isotropic. The soil must be all of one material and the engineering properties must be the same in all directions.

I. ALTERATION OF WATERCOURSE: The applicant shall demonstrate that the flood-carrying capacity of the modified watercourse shall not be diminished. The applicant shall notify and gain appropriate approval from the Weston Conservation Commission, adjacent communities, the Connecticut Department of Environmental Protection, Inland Water Resources Division, the Army Corps of Engineers and the Federal Emergency Management Agency (FEMA) prior to approval of any alteration or relocation of any such watercourse by the Local Administrator.

J. HAZARDOUS MATERIALS: Toxic chemicals and hazardous materials, as defined in any federal or State of Connecticut statute, rule or regulations which are administered by the Environmental Protection Agency or Department of Environmental Protection shall not be stored in a special flood hazard area below the Base Flood Elevation.

K. ABOVEGROUND STORAGE TANKS: Aboveground storage tanks (oil, propane, etc.) which are located outside or inside the structure must either be elevated above the Base Flood Elevation (BFE) on a concrete pad, or be structurally anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE and have a screw fill cap that does not allow for the infiltration of fill water.

L. MANUFACTURED HOMES AND RECREATIONAL VEHICLES: Manufactured homes (as defined in Section VI) are prohibited from being placed in a special flood hazard area throughout the Town of Weston. This includes manufactured homes 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. Recreational vehicles in special flood hazard areas shall be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use. 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.

V. ADMINISTRATION

A. AUTHORITY AND RESPONSIBILITY: The Local Administrator, or its agent, is authorized to review and approve permit applications to insure that sites are reasonably protected from flooding, and to require that all other required State or Federal permits are obtained and that copies of such permits be provided and maintained on file with the Flood Zone Development Permit. The Local Administrator may delegate its authority to review and approve permit applications to its agent pursuant to such terms and conditions that the Local Administrator may promulgate from time to time. (Amended 2/17/11)

B. FILES: The Local Administrator shall obtain and maintain on file all data provided with permit applications and as-built lowest floor elevations for all new construction or substantially improved structures in the special flood hazard area. These files shall be available for public inspection and shall include base flood and elevations data required by these regulations.

C. APPEALS AND VARIANCES: Appeals from decisions of the Local Administrator, or its agent, and requests for variances from the Flood Plain Management Regulations shall be heard and decided by the Zoning Board of Appeals of the Town of Weston. In reviewing variance applications or appeals, the Zoning Board of Appeals shall examine the hardships based upon the following criteria:

1. a showing of good and sufficient cause,
2. a determination that failure to grant the variance would result in exceptional hardship; and
3. a determination that the granting of a variance will not result in increased flood heights, additional threats to the public safety, extraordinary public expense or create nuisances.

Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

The Local Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) in its biennial report.

D. FIELD INSPECTIONS: The Local Administrator shall make provisions for field inspections in cases where it is necessary to decide a conflict between flood maps and conditions in the field. Such decisions may be made without a public hearing.

E. AMENDMENTS: These regulations may be amended, changed or repealed in accordance with Chapters 124 and 126 of the Connecticut General Statutes.

F. ADJACENT MUNICIPALITIES: Where development in a special flood hazard area may have an impact on an adjacent municipality, the Local Administrator shall notify the adjacent municipality and request comments on the Flood Zone Development Permit application.

G. WARNING AND DISCLAIMER OF LIABILITY: 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 Weston or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The Town of Weston, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Weston.

H. SEVERABILITY: If any section, subsection, paragraph, sentence, clause or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation, which shall remain in full force and effect; and to this end the provisions of this regulation are hereby declared to be severable.

I. ABROGATION AND GREATER RESTRICTIONS: This regulation is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this regulation and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

J. INTERPRETATION: In the interpretation and application of this regulation, all provisions shall be: 1) considered as minimum requirements; 2) liberally construed in favor of the governing body; and 3) deemed neither to limit nor repeal any other powers granted under state statutes.

K. ENFORCEMENT: Enforcement of these floodplain regulations, including penalties for violation, is subject to regulation through the Town of Weston's Zoning Regulations, Article IV.

VI. DEFINITIONS

Base Flood: The flood (100-year storm) which has a one percent or greater chance of occurring in any given year.

Base Flood Elevation (BFE): The elevation of the crest of the base flood (100-year flood). The height in relation to mean sea level (NAVD of 1988) expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Basement: That portion of a building having its floor subgrade, (below ground level) on all sides.

Building: See definition for “Structure.”

Cost: 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.

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 construction of facilities for servicing the lots on which the manufactured homes 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 the effective date, December 4, 1978, of the floodplain management ordinance 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 manufactured 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).

Development: Any man-made change to improved or unimproved real estate including but not limited to the construction of buildings or structure; the construction of additions, alterations or substantial improvements to buildings or structures; mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment; the storage, deposition or extraction of materials; and the installation, repair or removal of public sewage disposal systems or water supply facilities located in special flood hazard areas.

Federal Emergency Management Agency (FEMA): The federal agency that administers the National Flood Insurance Program (NFIP).

Finished Living Space: As related to fully enclosed areas below the Base Flood Elevation (BFE), a space that is, but not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.) has sheetrock walls that may or may not be painted or wallpapered and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normal dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters or mudflow from any source.

Flood Insurance Rate Maps (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.

Floodplain, 100-Year: All land area, including structures thereon, which is subject to one percent chance of flooding in any given year.

Floodway: 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 one foot.

Floodway Fringe: The area in the special flood hazard area that does not include the floodway.

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 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.

Local Administrator: The Weston Planning and Zoning Commission is the Local Administrator of Weston's Flood Plain Management Regulations.

Lowest Floor: The lowest floor is the floor of the lowest enclosed area including the basement. An unfinished enclosure or enclosure resistant to flood damage, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor. Such areas, however, must be designed in accordance with Section IV.B.4 of these regulations.

Manufactured Home: 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, including recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer.

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.

Market Value: The market value of the structure shall be determined by the property's tax assessment, minus land value, prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which 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 the effective date, December 4, 1978, of the floodplain management regulation adopted by the community.

Mean Sea Level: 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 Weston's Flood Insurance Rate Map (FIRM) are referenced.

New Construction: Structures for which the "start of construction" commenced on or after December 4, 1978, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.

Profile: Drawing showing vertical sections of the flood hazard zone including Base Flood Elevations measured from mean sea level.

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 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.

Special Flood Hazard Area (a/k/a Special Flood Hazard Zone): The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. Areas of special flood hazard area 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. Areas of special flood hazard include, but are not necessarily limited to, the land shows as Zones A and AE on a FIRM.

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within six months of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns or any work beyond the state 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, footing, 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 substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: A walled and roofed building, including gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial Improvement: Means any combination of repairs, reconstruction, rehabilitation, alterations, addition or other improvement of a structure (taking place within a 10-year period), the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. For 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 correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living

conditions or (2) any alteration of a “historic structure,” provided that the alteration will not preclude the structure's continued designation as a “historic structure.”

Substantial Damage: Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Variance: 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: 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 that documentation is provided.

Water Surface Elevation: The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) or floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.