

ORDINANCE #1744
ADOPTED 4/17/2017
PUBLISHED 4/19/2017

**AN ORDINANCE AMENDING THE NORWICH CODE OF ORDINANCES BY
REPEALING THE SECTION ENTITLED FLOOD RELATED TERMS IN ITS ENTIRETY
AND ADOPTING A NEW SECTION - FLOOD RELATED TERMS -**

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that the section entitled Flood Related Terms of the Norwich Zoning Ordinances, a copy of which is attached hereto as Exhibit A, be and hereby is repealed in its entirety and

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH that the following provision set out as Exhibit B be and hereby are adopted to consist of the new section entitled Flood Related Terms of the Norwich Zoning Ordinances.

This ordinance shall take effect on June 1, 2017.

EXHIBIT A

FLOOD RELATED TERMS

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.

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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.

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

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters.
- The unusual and rapid accumulation or runoff of surface waters from any source.
- Mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.

The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual or unforeseeable event which results in flooding as defined in (a)(1) of this section.

Flood insurance rate map (FIRM) means an official map of a community, on which are delineated both the special hazard areas and the risk premium zones applicable to the community.

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.

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.

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.

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.

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

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~~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 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.~~

~~Mean sea level means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (MAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.~~

~~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 section 2.7 of these regulations.~~

~~Regulatory 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 water surface elevation more than a designated height.~~

~~Riverine means relating to, formed by or resembling a river (including tributaries), stream, brook, etc.~~

~~Special flood hazard area (SFHA) means the land in the floodplain within a community subject to a one 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.~~

~~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.~~

~~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.~~

Footcandle – see *LIGHTING RELATED TERMS*

Front lot – see *LOT RELATED TERMS*

Full Cutoff or Fully-Shielded Fixture – see *LIGHTING RELATED TERMS*

Furniture store – see *SALES RELATED TERMS*

EXHIBIT B

FLOOD RELATED TERMS

Base Flood is the flood having a one (1) percent chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

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.

Basement is any area of the building having its floor subgrade (below ground level) on all sides.

Cost, as related to substantial improvements, means 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.

Development is any man-made change to improved or unimproved real estate, including but not limited to the 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.

Existing Manufactured Home Park or Subdivision is 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, 1978, the effective date of the floodplain management regulations adopted by the community.

Expansion to an Existing Manufactured Home Park or Subdivision is 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 is 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), is a space that is, but is 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.

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Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters.
- The unusual and rapid accumulation or runoff of surface waters from any source.
- Mudslides (i.e., mudflows) which are proximately caused by flooding as defined above and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined above.

Flood insurance rate map (FIRM) means an official map of a community, on which are delineated both the special hazard areas and the risk premium zones applicable to the community.

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.

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.

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 (1.0) foot. For the purposes of these regulations, the term "Regulatory Floodway" is synonymous in meaning with the term "Floodway".

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.

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.

Lowest Floor is the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, 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, provided that such an area meets the design requirements specified in Section 3.4.7.6 of this regulation.

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Manufactured Home is a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision is a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

Market value means that the market value of the structure shall be determined by the property's tax assessment, minus land value; or, an independent appraisal by a professional appraiser.

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 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 section 3.7 of these regulations.

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, 1978, the effective date of the floodplain management regulation adopted by the community.

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.

Riverine means relating to, formed by or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard area (SFHA) means the land in the floodplain within a community subject to a one-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.

Start of Construction means, 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, rehabilitation, addition placement, substantial improvement or other improvement was within one hundred and eighty (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 the 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 erections 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

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of the main structure. For a 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 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.

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.

Substantial improvement means any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place during a two (2) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that 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".

Variance means 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.

Water Surface Elevation is 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.

Footcandle – see *LIGHTING RELATED TERMS*

Front lot – see *LOT RELATED TERMS*

Full Cutoff or Fully-Shielded Fixture – see *LIGHTING RELATED TERMS*

Furniture store – see *SALES RELATED TERMS*

Garden apartment – see *HOUSING RELATED TERMS*

Glare – see *LIGHTING RELATED TERMS*

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.

High-rise apartment – see *HOUSING RELATED TERMS*

Home Garden – see *FARM RELATED TERMS*