

ARTICLE XVIII: FLOODPLAIN AND WATERCOURSE OVERLAY DISTRICT

1800 Statutory authorization and purpose.

1800.1 The provisions of this Article regulating areas of special flood hazard are adopted to effect the purposes of V.S.A. Chapter 32 in accordance with the provisions of 24 V.S.A., Section 4424. These regulations shall apply ~~for~~ development, as defined at 1870.4 below, in all areas in the Town of Shelburne identified as areas of special flood hazard on the National Flood Insurance Program (NFIP) maps.

1800.2 It is the goal of this Article to minimize adverse impacts of development upon the sensitive natural areas adjacent to Shelburne's various watercourses and to minimize public and private loss caused by periodic flooding conditions. More specifically, this Article seeks to preserve water quality, prevent pollution, avoid erosion, and protect the ecology of stream beds and lands adjacent to watercourses.

It is the further purpose of this Article to promote the public health, safety and general welfare, to prevent increases in flooding caused by the uncontrolled development of lands in areas of special flood hazard, and to minimize losses due to floods by:

- a. Restricting or prohibiting use and development that is dangerous to health, safety or property in times of flood or which causes excessive increase in flood heights or velocities.
- b. Requiring that structures and uses vulnerable to flood, including public facilities that serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
- c. Protecting individuals from the acquisition of property that is unsuited for their intended purposes because of flood hazards.

1805 Permit Required.

A permit is required from the Administrative Officer (AO) for all development in all areas defined in Section 1810 below. Development that requires conditional use approval, non-conforming use approval, or a variance from the Development Review Board (DRB) under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the ZA. Any permit issued will require that all other necessary permits

from State or Federal Agencies have been received before work may begin.

1810 Overlay District Boundaries.

1810.1 ~~District Boundaries.~~ The Floodplain and Watercourse Overlay District shall consist of the following areas, which are shown as the Floodplain and Watercourse Overlay District on the Shelburne Zoning Overlay District Map.

- a. All areas in Shelburne designated as ~~"Areas of~~ Special Flood Hazard. "Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations. The location of the boundary shall be determined by the Administrative Officer (AO). If the applicant disagrees with the determination made by the AO, a Letter of Map Amendment from FEMA shall constitute proof. Shelburne's Federal Insurance Administration Flood Insurance Rate Map (FIRM).
- b. All land within ~~twenty-five (25)~~ thirty-seven (37) feet of ~~Areas of the~~ Special Flood Hazard Area.
- c. All land within 100 feet of the centerline of the LaPlatte River, McCabe's Brook and the south branch of Munroe Brook, plus all land within 50 feet of the centerline of the north branch of Munroe Brook and other Munroe Brook tributaries.
- d. The area comprising the channels of all watercourses described in paragraphs b and c above.

1810.2 Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations. In Special Flood Hazard Areas where base flood elevations and/or floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies. Where BFE data are utilized in Zone A, the Town will receive and maintain records of the lowest floor and flood proofing elevations for new and substantially improved construction. In Zones AE, AH, and A1 – A30 where base flood elevations and/or floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated

encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

1810.2—~~3~~ 3 These regulations shall apply to the Special Flood Hazard Areas and identified buffer areas in the Town of Shelburne, Vermont as described above in sections 1810.1.a-1810.1.d. These hazard areas overlay any other existing zoning districts and the regulations herein are the minimum standards that must be met before meeting the additional standards applicable in the underlying district. The provision of this Article shall supersede, in the geographic areas described above, the provisions applicable to the relevant underlying zone.

1810.3—~~4~~ 4 The Zoning Administrative Officer shall determine the boundaries of ~~any designated area of a special flood hazard~~this overlay district by scaling distances on the applicable Shelburne Federal Insurance Administration Flood Insurance Rate Map (FIRM) or other officially adopted Floodplain map or by using digital versions of those maps by utilizing a geographic information system (GIS). On receipt of any application for a zoning permit, the Zoning Administrative Officer shall determine whether the proposed development is located within the areas of special flood hazard- or other portions of the overlay district, using the best available information such as certification by a professional engineer, or site review by the State Department of Water Resources. Appeals with respect to a boundary interpretation shall be made by filing a written notice with the Secretary of the Development Review Board within fifteen (15) days of the Zoning Administrative Officer's decision. If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the floodway, the location of the boundary shall be determined by the Administrative Officer (AO). If the applicant disagrees with the determination made by the AO, a Letter of Map Amendment from FEMA shall constitute proof.

1810.4 The Zoning Administrative Officer shall maintain a record of the elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all substantial improvements of structures, and whether or not such structures contain a basement, as well as the elevation, in relation to mean sea level, to which such structures have been flood proofed.

1815 Enforcement, Precedence of Regulations, and Validity and Severability.

- 1815.1 The regulation of activities within areas of Special Flood Hazard or floodways shall be enforced under the municipal zoning bylaw in accordance with 10 VSA § 1974a, § 4451, and § 4452. A copy of the notice of violation will be mailed the State NFIP Coordinator..
- 1815.2 If any appeals have been resolved, but the violation remains, the AO shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.
- 1815.3 Violations of the Accepted Agricultural Practices shall be enforced under this Section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. Section 4812.
- 1815.4 The provisions of these flood hazard regulations shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this flood hazard regulation imposes a greater restriction the provisions here shall take precedence.
- 1815.5 If any portion of this bylaw is held unconstitutional or invalid by a competent court, the remainder of this bylaw shall not be affected.

1816 Supplemental Application Materials.

All applications under this section shall contain a Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the AO and attached to the permit before work can begin

1820 Permitted Uses. The following uses are permitted in the Floodplain and Watercourse Overlay District. Any use not expressly permitted is prohibited, except for qualifying nonconformities as provided in Section 1830 and Conditional Uses as provided in Section 1825.

- 1820.1 Farming, agriculture, dairying, orchards, nurseries, woodlots and

forestry, truck gardening, horticulture, including livestock and poultry raising but specifically not including commercial slaughter of animals or poultry, and keeping of cattle, horses or other domesticated farm animals, provided that no such use includes any new building or structure.

1820.2 Recreational uses such as picnic grounds, swimming areas (beaches), parks, natural areas, hunting and fishing areas, hiking ~~and riding~~ trails, fish hatcheries, provided that no such use includes any new building or structure.

1820.3 Carry-in (Seasonal) docks not otherwise exempt from these regulations.

1820.4 Stairs (outdoor stairs) not otherwise exempt from these regulations.

1820.5 Lakeshore decks not otherwise exempt from these regulations.

1825 Conditional Uses. Conditional use review and approval by the DRB, is required prior to the issuance of a permit by the Administrative Officer for the following types of development, which also must conform with the regulatory standards applicable to Non-conformities, as set forth in section 1830 below. .

1825.1 Improvements to existing roads.

1825.2 Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing.

1825.3 Permanent docks not otherwise exempt from these regulations.

1825.4 Carry-in (Seasonal) docks not otherwise exempt from these regulations, when other docks are present on the lot.

1825.5 Lakeshore erosion control structures.

1830 Nonconformities.

- 1830.1 Nonconforming uses and nonconforming structures may be continued, but not expanded, provided the requirements set forth below are met.
- a. Said uses and structures may not be expanded, with the area occupied by the uses being measured on a total volume basis considering the exterior dimensions of any structure subject to these regulations. Said uses and structures may be otherwise altered, restored, repaired, ~~enlarged~~ or changed only upon receipt of conditional use approval from the Development Review Board according to the criteria and procedures set forth in Section 1910 of these regulations and in compliance with the requirements set forth in Section 1920.
 - b. Nonconforming uses and nonconforming structures located within all areas designated as “Areas of Special Flood Hazard” on Shelburne’s Federal Insurance Administration Flood Insurance Rate Map (FIRM) and all lands within twenty-five (25) feet of “Areas of Special Flood Hazard” may be altered, restored, repaired, ~~enlarged~~ or changed, but not expanded, upon:
 1. Approval under 1830.1.a, above, and
 2. Development Review Board approval following consideration of the criteria enumerated in Sections 1830.2, 1830.3, 1830.4, and 1830.5 below.
- 1830.2 Any application filed under Section 1830.1.b of this Bylaw shall include:
- a. The elevation in relation to mean sea level, of the lowest habitable floor, including basement, of all substantial improvement of structure.
 - b. Where flood proofing is used in lieu of elevation, the elevation, in relation to mean sea level, to which any structure or substantial improvement has been flood proofed.
 - c. Certification from a registered professional engineer or architect that the flood proofed structure meets the flood proofing criteria of Section 1830.5 of these regulations.
 - d. A description of the extent to which any water course will be altered or relocated as a result of the proposed development.

If deemed necessary for determining the suitability of a particular site for the proposed development, the Development Review Board

may require the following information:

1. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel and cross-sectional areas to be occupied by the proposed development.
2. A profile showing the slope of the bottom of the channel or flow line of the stream.
3. Specifications for building construction and materials in relation to proposed flood proofing.

1830.3 In reviewing any application filed pursuant to Section 1830.1.b of this Bylaw-, the Development Review Board shall:

- a. In areas designated as unnumbered A zones on the FIRM, obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source as criteria for approval of all substantial improvements and other development under this Section.
- b. Notify adjacent communities and the Stream Alteration Engineer and National Flood Insurance Program Coordinator at the Vermont Agency of Natural Resources prior to approval of an alteration or relocation of a water course and submit copies of such notifications to the Federal Insurance Administration.
- c. Transmit one copy of the information required by Section 1830.2 to the Vermont Water Quality Division in accordance with 24 V.S.A., Section 4424(D)(i).
- d. Consider the evaluation of the Vermont Agency of Natural Resources and determine that the proposed use will conform to the development standards of Section 1830.4.
- e. In accordance with 24 V.S.A., Section 4424(D)(i), not issue a permit for the development of any land in the Special Flood Hazard Area~~in any area designated as a floodplain by the Vermont Agency of Natural Resources~~ prior to the expiration of the period of thirty (30) days following the submission of a report to the Vermont Agency of Natural Resources under subparagraph c., above. The DRB will consider comments from ANR.

1830.4 In addition to the criteria and standards set forth in Section 1910, the Development Review Board, when reviewing an application pursuant to 1830.1 b shall consider:

- a. The danger to life and property due to flooding or erosion damage.
- b. The danger that materials may be swept onto other lands or downstream to the injury of others.
- c. The proposed water supply and sanitation systems and the ability

of those systems to prevent disease, contamination and unsanitary conditions under conditions of flooding.

- d. The susceptibility of the proposed development to flood damage and the effect of such damage on individual owners.
- e. The necessity to the project of a waterfront location.
- f. The availability to the applicant of alternative locations not subject to flooding.
- g. The safety of access by ordinary and emergency vehicles to the property in times of flood.
- h. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action expected at the site.
- i. The cost of providing governmental and public facilities during and after flooding.

1830.5 As a condition of approval of any application reviewed pursuant to 1830.1 b, the Development Review Board shall specifically require that:

- a. All substantial improvement of any residential structure have the first floor and basement floor elevated to ~~or at least one foot~~ above the base flood elevation.
- b. All substantial improvement of nonresidential structures have the lowest floor, including basement, elevated to ~~or at least one foot~~ above the base level elevation, or have be flood proofed below the base flood level in accordance with subsection e. of this Section.
- ~~e.~~ The lowest floor, including basement, and attendant utility and sanitary facilities of all substantial improvement be flood proofed to at least two feet above below the base flood elevation ~~be flood proofed~~ so that the structure is watertight with walls ~~substantially~~ impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- ~~ed.~~ Structures be (1) designed and anchored to resist flotation, collapse, or lateral movement of the structure during the occurrence of the base flood; (2) be constructed with materials resistant to flood damage; (3) be constructed by methods and practices that minimize flood damage, and (4) be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities, that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- ~~ed.~~ Any encroachment, including fill, substantial improvement, or other development, be prohibited that will result in any increase in flood levels within the regulatory floodway during the occurrence of the base flood discharge. Further, encroachments or

- development above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a registered professional engineer, certifying that the proposed development will: a) Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood; and b) Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding. Public utilities may be placed underground, and the analyses may be waived, where a registered professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.
- fe. The flood carrying capacity within any portion of an altered or relocated water course be maintained.
- gf. All gas and electrical equipment, circuits, and appliances be located and constructed to minimize or eliminate flood damage.
- hg. All new and replacement water supply systems be designed so as to minimize or prevent the infiltration of flood waters into the system.
- ih. All new and replacement sanitary sewage systems be designed to minimize or prevent infiltration of flood waters into the systems and discharges from the systems into flood waters.
- ji. All replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base 100 year flood elevation.
- kj. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited. Fully enclosed areas that are above grade, below the lowest floor, below BFE and subject to flooding, shall a. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and, b. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.~~All substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: 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 shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.~~

- ~~h.~~ All development in fringe areas shall be designed (1) to minimize flood damage to the proposed development and to public facilities and utilities, and (2) to provide adequate drainage to reduce exposure to flood hazards.
- ~~i.~~ On-site waste disposal systems be located to avoid impairment to them or contamination from them during flooding.
- ~~j.~~ All necessary permits be obtained from those governmental agencies from which approval is required by Federal or State law.
- ~~k.~~ Recreational vehicles on sites within special flood hazard areas shall be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use.
- ~~l.~~ Development will be reasonably safe from flooding.

1840 Variances.

- 1840.1 Variances ~~shall may~~ be granted in writing by the Development Review Board only in accordance with all the criteria in provisions of 24 V.S.A., Sections 4469, 4424(E), -and 44 CFR Section 60.6, after a warned public hearing. upon a determination that during the base flood discharge the Any variance issued in the Special Flood Hazard Area will not ~~result in~~ increased flood heights, levels in the designated regulatory floodway, threats to public safety, extraordinary public expense, or create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- 1840.2 Any variance issued in the Special Flood Hazard Area will also ~~The Development Review Board shall notify~~ inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood level ~~will result in~~ increases risk to life and property and will result in increased -premiums rates for flood insurance ~~commensurate with the resulting increase in risk~~ up to amounts as high as \$25.00 for \$100.00 of insurance coverage, ~~and will result in increased risks to life and property.~~
- 1840.3 The Development Review Board shall maintain a record of all variance actions, including ~~justification for their issuance and report such variances issued to the Federal Insurance Administrator upon request~~ copies of notifications provided pursuant to Section 1840.2.

1850 Watercourse channel alteration. Except as allowed by and in conformance with Section 2020.1 of these bylaws, there shall be no diversion of watercourses, and no alteration of stream banks or stream beds. No land use, land development, or other activity conducted on land adjacent to areas designated in Section 1810.1 shall be conducted in such a way as to result in soil erosion, effluent discharge, artificial surface water runoff, or any other discharges into the bodies of water described in Section 1810.1 above.

1860 Scope of regulations. This Article does not imply that land outside the areas of special flood hazard or land uses permitted within such districts will be free from flooding or flood damage. These regulations shall not create liability on the part of the Town of Shelburne or any Town official or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

1870 Definitions. Definitions contained in the Vermont Planning and Development Act and the current NFIP definitions shall be applicable throughout this Article unless specifically defined below.

1870.1 Area of special flood hazard - The land in the flood plain within a community subject to a one percent or greater chance of flooding in a given year. The area includes all A zone designations on the FIRM. It does not include zone B and C.

1870.2 Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.

1870.3 Base Flood Elevation- The elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

1870.4 Development- For the purposes of this article, any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

1870.5 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 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 before the effective date of the initial floodplain management regulations adopted by a community.

1870.6 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 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).

1870.3—7 FIRM - An official map of a community, on which the Federal Insurance Administrator has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

1870.4—8 Floodway, Regulatory in the Town of Shelburne- 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 at any point.

1870.9 Flood Insurance Rate Map. See FIRM

1870.10 Flood Insurance Study- an examination, evaluation and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

1870.5—11 Flood proofed or flood proofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

1870.12 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

historical 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: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

1870.13 Lowest floor - For the purposes of this article, the lowest floor of the lowest enclosed area, including basement, except an unfinished or flood resistant enclosure usable solely for building access or storage, in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

1870.14 Manufactured home (or Mobile home) - For the purposes of this article, a structure, transportable in one 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 "manufactured home" does not include a "recreational vehicle."

1870.15 Manufactured home park or subdivision - For the purposes of this article, a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

1870.16 New construction - For the purposes of this article, means structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

1870.17 New manufactured home park or subdivision - For the purposes of this article, 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 the effective date of the floodplain management regulations adopted by a community.

1870.18 Recreational Vehicle – For the purposes of this article means a

vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be selfpropelled 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.

1870.19 Special Flood Hazard Area – See “Area of special flood hazard”.

1870.20 Start of construction - For purposes of floodplain management, the “start of construction” (which determines the effective map or bylaw that regulated development in the Special Flood Hazard Area) includes substantial improvement, 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 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, 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 a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

1870.21 Structure - For the purposes of this article, a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

1870.22 Substantial damage - For the purposes of this article, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

1870.6—23 Substantial improvement - For the purposes of this article, ~~Any repair,~~ reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw,

the cost of which, ~~over three years, or over a the period of a common plan of development, cumulatively~~ equals or exceeds 50 percent of the market value of the structure ~~either, (a) before the “start of construction” of the improvement. This term includes or repair is started, or (b) if the structures which have incurred “substantial has been damage, regardless of the actual repair work performed, d, and is being restored, before the damage occurred.~~ The term does not, however, include either (1) any project for improvement of a structure ~~correct existing violations of to comply with existing~~ State or local health, sanitary, or safety code specifications which ~~have been identified by the local code enforcement official and which~~ are ~~solely the minimum~~ necessary to assure safe living conditions or (2) any alteration of a ~~“historic structure,” structure listed on the National Register of Historic Places or a State Inventory of historic sites provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”~~;

1870.24 Violation - the failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.