

CHAPTER 120 FLOODPLAIN MANAGEMENT REGULATIONS

Section 120-010 Purpose and Objectives

The purpose and objectives of this section of these regulations is to promote the health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development, which may increase erosion or flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
6. To protect human life and health;
7. To minimize expenditure of public money for costly flood control projects;
8. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
9. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
10. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
11. To insure that potential homebuyers are notified that property is in a flood area.

Section 120-020 General Provisions

1. These regulations shall apply to all special flood hazard areas within the jurisdiction of the Town of New Milford. The special flood hazard areas identified by the Federal Emergency Management Agency in its flood insurance

study dated June 4, 1987 with accompanying flood insurance rate maps and floodway maps and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of these regulations. The Zoning Enforcement Officer is hereby appointed to administer and implement the provisions of this regulation.

2. In any area of special flood hazard, no structure shall be constructed or substantially improved, nor shall the development of any land be made, until a plan for the proposed construction or improvement or land development, meeting the requirements of the floodplain management regulations, has been approved by the Zoning Commission.

Section 120-030 Definitions

Unless specifically defined below, words or phrases used in the floodplain management regulations shall be interpreted so as to give them the meaning they have in other parts of the zoning regulations or, where not otherwise defined, the meaning they have in common usage.

Area of Special Flood Hazard: The land in the floodplain subject to a one-percent (1%) or greater chance of flooding in any given year. The area is designated as either zone A or AE on the Flood Insurance Rate Map (FIRM).

Base Flood: The flood having a one-percent (1%) chance of being equaled or exceeded in any given year.

Development: Any man-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 located within the area of the special flood hazard.

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

Flood Insurance Rate Map (FIRM): An official map of a community, on which the federal insurance administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

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 (1) foot.

Lowest Floor: The lowest floor of the lowest enclosed area, including basement.

Manufactured Home: 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”.

Mean Sea Level: For purposes of the National Flood Insurance program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

Recreational Vehicle: A vehicle that is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the longest horizontal projections;
- 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 temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction: 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 a 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 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, whether or not that alteration affects the external dimensions of the building.

Structure: means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. “Structure” for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the

actual repair work performed. 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” provided that the alteration will not preclude the structure’s continued designation as a “Historic Structure”.

Water Surface Elevation: The height, in relation to the national Geodetic Vertical Datum (NGVD) of 1929, of floods of various magnitudes and frequencies in the flood plains of coastal or river line areas.

Section 120-040 Application Procedures

1. Application for approval of a plan to construct or substantially improve any structure or for the development of any land located in any area of special flood hazard shall be submitted to the Zoning Commission and shall include the following:
 - a. Six (6) prints of a site plan or map drawn to scale by a professional engineer or surveyor licensed by the State of Connecticut showing:
 1. The shape, dimensions and elevation of the lot.
 2. The size and location of all existing and proposed structures, development areas, underground utilities, drainage facilities and land uses.
 3. Elevations in relation to mean sea level of the lowest floor, including basement, of all proposed structures.
 4. Elevation in relation to mean sea level to which any existing structure has been or any proposed structure will be flood proofed.
 5. Existing and proposed grades.
 6. The limits of the area of special flood hazard.
(Effective: March 7, 1985)
 - b. Certification by a professional engineer or architect licensed by the State of Connecticut that the flood proofing methods proposed for any nonresidential construction meet the criteria of Chapter 120.
 - c. A description of the extent to which any watercourse will be altered or relocated as a result of proposed construction or development.
 - d. Such other information as required by the Zoning Commission to determine compliance with the Floodplain Management Regulations.
2. When base flood elevation data is not available to the Zoning Commission in the

Flood Insurance Study (namely, zone A as shown on the Flood Insurance Rate Map), the Commission shall obtain, review and reasonably utilize any base flood elevation data available from Federal, State or other source (and may require the applicant to provide same, in order to administer the Floodplain Management Regulations.)

3. The Zoning Commission shall approve, disapprove or approve with modifications the proposed plan. One (1) copy of the approved plan, with the approval noted thereon, shall be attached to the zoning permit and provided to the Building Inspector. No building permit will be issued except in conformance with the approved plan.

Section 120-050 Provisions for Flood Hazard Reductions

No plan for the construction or substantial improvement of any structure nor for the development of any land located in any area of special flood hazard shall be approved by the Zoning Commission, unless the plan complies with the following standards:

1. All new construction and/or substantial improvements shall be constructed:
 - a. With materials resistant to flood damage; and
 - b. Utilizing methods and practices that minimize flood damage.
 - c. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.
2. 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.
3. In any portion of a watercourse, which is altered or relocated the flood carrying capacity shall be maintained.
4. In all special flood hazard areas, where base flood elevation data has been provided the following provisions shall apply in addition to all the general standards contained above:
 - a. Residential construction: New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
 - b. Manufactured homes: Shall be placed on a permanent, adequately anchored foundation so that the lowest floor of the structure is elevated to or above the base flood elevation. The structure shall be securely anchored to the foundation system to resist flotation, collapse and lateral movement.

- c. Recreational vehicles: Recreational vehicles placed on sites within the special flood hazard area shall be on site for fewer than 180 consecutive days and be fully ready for highway use. A recreational vehicle is ready for highway use if it is on wheels, or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- d. Non-residential construction: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities be designed so that below the base flood level 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 effects of buoyancy. Where a non-residential structure is intended to be made watertight below the base flood level a registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Such certification shall be provided to the Zoning Enforcement Officer.

5. Utilities:

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- b. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters.
- c. All new and replacement on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

6. Floodway:

- a. Floodways are located within special flood hazard areas as identified in the New Milford Flood Insurance Study prepared by the Federal Emergency Management Agency and delineated on floodway and flood insurance maps.
- b. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and have erosion potential, no encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall result in no increase in flood levels during occurrence of the base flood discharge.

Section 120-060 Enforcement Provisions

1. Prior to the issuance of any zoning permit under the provisions of Chapter 180 of the Zoning Regulations, the Zoning Enforcement Officer shall determine that the requirements of the Floodplain Management Regulations have been satisfied.
2. Whenever a plan for the construction or substantial improvement of any structure has been approved by the Zoning Commission and a zoning permit issued, the Zoning Enforcement Officer shall:
 - a. Obtain and record the actual As-Built elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures and whether or not the structure contains a basement. *(Effective: June 26, 1987)*
 - b. For all new substantially improved flood proofed structures verify and record the actual As-Built elevation (in relation to mean sea level); and maintain the flood proofing certification as required in Chapter 175.
 - c. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If building site is flood prone, require applicant to meet requirements of these floodplain regulations.
 - d. Advise permittee that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with the building permit.
 - e. Notify adjacent communities and the Department of Environmental Protection, Inland Water Resources Management Chapter prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - f. Assure that maintenance is provided with the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Section 120-070 Miscellaneous Provisions

1. In the interpretation and application of the Floodplain Management Regulations, all provisions shall be considered as minimum requirements and shall be construed so as to preserve and maintain the purpose and intent hereof.
2. The degree of flood protection required by the Floodplain Management Regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not impose liability on the part of the Town of New Milford or the Zoning Commission or any officer or employee thereof.

3. Nothing in these regulations shall obviate any requirement for the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, the State of Connecticut or any political subdivision thereof. The obtaining of such assents, permits or licenses is solely the responsibility of the applicant. (*Effective: June 26, 1987; Amended Effective: November 18, 1996*)