

# Flood Hazard Area Regulations

## Summary of Review Procedures

### Permits Required

Flood permits are required for all development within the special flood hazard areas as defined in the Town of Windsor Flood Hazard Overlay District within the Zoning Regulations. Certain developments that are subject to conditional use review, subdivision and variance requests must get approval by the Development Review Board before the Zoning Administrator (ZA) can issue the flood permit.

For the purposes of these regulations, *development* is defined as “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.”

### Permitted Use Review

1. Applicant *may* meet with the ZA before completing an application
2. Applicant submits an application to the ZA
3. ZA verifies if the project appears to be within the special flood hazard area
4. ZA determines if the application is complete (i.e. Does it contain all elements required under Section 5.6(G) of the Flood Hazard Area Regulations?)
5. ZA submits a complete copy of the application to the VT DEC for review and comments (Permit can be issued only after receipt of DEC comments or expiration of 30 days of the date the application was mailed to DEC.)
6. ZA takes action within 30 days after receipt of a complete application:
  - a) Issues a flood permit if the project strictly conforms to all requirements of the Flood Hazard Area Regulations
  - b) Denies the application if the project does not conform to flood regulations
7. Within 3 days:
  - a) Provide permit to the Listers;
  - b) Post the permit in at least 1 public place until the appeals process expires
  - c) Post a notice of permit within view of the public right-of-way adjacent to the property
8. Interested persons may appeal within 15 days
9. Permit is not effective until after the appeals period has passed
10. Within 30 days after the permit is issued, the ZA provides a copy of the permit to the Town Clerk to be recorded; and file the permit in the land use records

**Permitted Use Review** – for those land uses within special flood hazard areas that require a flood permit issued by the ZA under administrative review, including:

- Non-substantial improvements (under 50% of market value)
- All other development in floodway fringe, such as:
  - On-site septic or water supply systems
  - At-grade parking for existing buildings (in floodplain)
  - Recreational vehicles

## **Flood Hazard Area Regulations** ***Summary of Review Procedures***

### **Conditional Use Review**

1. Applicant may meet with the ZA or DRB before completing an application
2. Applicant submits an application to the ZA
3. ZA verifies if the project appears to be within the special flood hazard area
4. ZA determines if the application is complete (i.e. Does it contain all elements required under Section 5.6(G) of the Flood Hazard Area Regulations?)
5. ZA refers application to the DRB  
  
(Send a copy to the State per #7 below at the same time.)
6. Public hearing notice 15 days before the hearing
  - a) Ad in newspaper of record
  - b) Post notice in 3 or more public places, including within view from public ROW nearest to project site
  - c) Written notification to applicant, abutters & interested persons
7. ZA submits a complete copy of the application to the VT DEC for review and comments (*Permit can be issued only after receipt of DEC comments or expiration of 30 days of the date the application was mailed to DEC.*)
8. DRB public hearing
9. DRB makes a decision in writing within 45 days of adjourning the public hearing;  
  
Send copies of written decision to the applicant and all interested persons
10. ZA issues a flood permit
11. Within 3 days after issuing the permit:
  - a) Provide permit to the Listers;
  - b) Post the permit in at least 1 public place until the appeals process expires
12. Interested persons may appeal to Environmental Court within 30 days of the written decision
13. Within 30 days after the permit is issued, the ZA provides a copy of the permit to the Town Clerk to be recorded; and file the permit in the land use records

**Conditional Use Review** – for those land uses that require conditional use review by the DRB before a flood permit can be issued, including the following uses:

- New structures (including mobile homes)
- Substantial improvements to existing structures (50% + of structure market value)
- Subdivisions (5 acres+ or 50 units+)
- All development in a floodway (e.g. grading, fill, channel management, excavating, paving, storage of materials/equipment)
- Variance requests