

ARTICLE V. DEVELOPMENT REVIEW

Section 5.1 Applicability

(A) Development review procedures and related standards under this article apply only to development that requires approval of the Development Review Board prior to the issuance of a zoning permit, under one or more of the following review procedures:

- (1) **Site Plan Review.** Site plan review under Section 5.3, in accordance with the Act [§4416], shall apply only to “permitted uses” as listed in Article II, excluding single (one) and two family dwellings and associated accessory structures, specified home child care facilities under Section 4.8, signs, agriculture and forestry, and all other uses specifically exempted from these regulations under Section 9.2. Uses listed as a conditional use under Article II are not subject to site plan review *procedures*, however site plan review *standards* shall be applied through conditional use review under Section 5.4
- (2) **Conditional Use Review.** Conditional use review under Section 5.4, in accordance with the Act [§4414(3)] shall apply to all conditional uses as listed in Article II, or to other development as specified in these regulations.
- (3) **Flood Hazard Area Review.** Conditional use approval, including the application of flood hazard area development review standards under Section 5.5, is required for all listed “conditional uses” within the designated Flood Hazard Overlay District including, but not limited to, new structures in the Village District, and additions or improvements to existing buildings in all districts that are also within the Flood Hazard Area Overlay District. If a conditional use in the Flood Hazard Area Overlay district is a “permitted use” in an underlying zoning district, it shall be subject to review only under flood hazard area district standards in Section 5.5(D), and not other conditional use standards under Sections 5.4.

(B) **Coordination of Review.** Subdivision review under Article VI, where required, shall precede site plan, conditional use or flood hazard area review. For the review of development on a lot that has received subdivision approval, the Development Review Board shall incorporate all conditions of subdivision approval applicable to that lot. In the event that a condition of site plan, conditional use or flood hazard area approval is inconsistent with the conditions of subdivision approval, the more restrictive shall apply. A subdivision amendment may be required as appropriate. In accordance with the Act [§4462], development subject to both site plan or conditional use review and flood hazard review may be reviewed concurrently by the Board, as long as the application, notice, procedural and review requirements for each are met.

Section 5.2 Application Requirements

(A) An applicant for site plan, conditional use and/or flood hazard area review must submit to the Zoning Administrator, in addition to a zoning permit application under Section 9.3 and required fees, two (2) original and five (5) complete, reduced copies of a development review application that includes the information specified in Table 5.1. The Zoning Administrator shall refer any application requiring site plan, conditional use or flood hazard area approval to the Development Review Board for review and action. An application will not be considered complete by the Board until all necessary materials have been submitted.

(B) The Development Review Board may waive one or more required application materials if they determine that such information is unnecessary for a comprehensive review of the application. Such waivers will be granted at the time the application is deemed complete. The Board also may request additional information as needed, including independent technical analyses as provided for under Section 9.8(C), to determine conformance with these regulations.

5.1 DEVELOPMENT REVIEW APPLICATION MATERIALS			
Required Information (unless waived)	Site Plan Review	Conditional Use Review	Flood Hazard Area Review
Names, addresses of property owner(s) of record and persons preparing the application	✓	✓	✓
Names, addresses of the owner(s) of record of adjoining and facing properties; proof of notification of adjoining property owners	✓	✓	✓
Project description (summary, one page maximum)	✓	✓	✓
Site location map showing project location in relation to town roads, surface drainage and adjoining and facing parcels	✓	✓	✓
Copy of an approved subdivision plat showing the lot to be developed and any applicable development restrictions or conditions of subdivision approval (for lots within approved subdivisions)	✓	✓	✓
Statement of compliance with all applicable zoning district standards including overlay district and specific use standards	✓	✓	✓
Site plan, drawn to scale, prepared by a registered land surveyor, civil engineer, architect, landscape architect or other person(s) approved by the Board, showing as applicable:	✓	✓	✓
1. Date, scale, north arrow, title block, preparer information	✓	✓	✓
2. Legal property boundaries	✓	✓	✓
3. Zoning district boundaries (inc. designated flood hazard areas)	✓	✓	✓
4. Required setbacks and designated building envelope(s), if any	✓	✓	✓
5. Existing site features: topography, including 5ft. contours, steep slopes (15% to 25%) very steep slopes (>25%), prominent ridgelines and hill tops; land use/cover, including tree lines; surface waters, wetlands, shorelines, and associated setback and buffer areas; critical wildlife habitat areas; existing structures (e.g., buildings, walls, fence lines, signs); known historic sites and structures; parking, loading and service areas; roads and driveways; utility corridors; water supply and wastewater system locations; rights-of-way and easements.	✓	✓	✓
6. Proposed land uses and structures (footprints); accesses, driveways, and pedestrian walkways; parking, loading and service areas; utility corridors; water supply and wastewater system locations; rights-of-way and easements	✓	✓	✓
7. Proposed site grading and drainage	✓	✓	✓
8. Proposed landscaping, screening, outdoor lighting and signage	✓	✓	
9. Channel, floodway and base elevations			✓
Photographs of the site	✓	✓	
Traffic (trip) generation rates and circulation patterns	✓	✓	
Draft legal documents (e.g., proposed easements, improvement, development and/or maintenance agreements)	✓	✓	
Construction schedule, including the sequence and timing of proposed site development and related improvements	✓	✓	✓
The following information, as applicable for a particular use or zoning district, or as requested by the Board to determine conformance with these regulations:			
1. Landscaping plan (including landscaping material specifications)	✓	✓	
2. Outdoor lighting plan (including lighting fixture specifications)	✓	✓	
3. Open space management plan (for forest, farm land)	✓	✓	
4. Buffer management plan (for surface waters, wetlands)	✓	✓	
5. Stormwater management and erosion control plan	✓	✓	
6. Site reclamation plan (for earth extraction activities)		✓	
7. Traffic impact analysis		✓	
8. Community service/facility impact analysis		✓	
9. Environmental impact analysis (e.g., water quality, habitat)		✓	
10. Visual impact analysis		✓	
11. FEMA Elevation Certificate			✓
12. FEMA Floodproofing Certificate [nonresidential buildings]			✓
13. Hydraulic analysis [for development located within the floodway]			✓
14. Description of proposed watercourse alterations or relocations			✓

Section 5.3 Site Plan Review

(A) **Purpose.** Site plan review is intended to ensure that site layout and design are functional, safe, attractive, and consistent with the purpose and character of the district(s) in which the development is located. Standards specifically relate to the internal layout of the site, its physical design, and the functional integration of the site with adjoining properties, uses and infrastructure.

(B) **Review Process.** Within 30 days of the receipt of an application, the Development Review Board shall schedule a hearing at a regular or special board meeting to consider the application, to be warned in accordance with Section 9.8(D). The Board shall act to approve, approve with conditions, or disapprove an application for site plan review within 45 days of the date that the hearing is adjourned, and issue a written decision to include findings, conclusions, any conditions of approval, and provisions for appeal to Environmental Court, in accordance with the Act [§4464(b)] and Sections 9.5 and 9.8(F). Failure to act on the application within the 45 day period shall be deemed approval effective on the 46th day.

(C) **General Standards.** The Development Review Board may consider and impose appropriate safeguards, modifications and conditions relative to the following standards:

(1) **Site Features.** Site layout and design, to the extent feasible, shall incorporate and/or protect significant site features identified from the town plan or through site investigation, including but not limited to: areas of steep or very steep slope; surface waters, wetlands, and associated buffers designated in accordance with Section 3.17; flood hazard areas; delineated source protection areas (Section 3.15); critical wildlife habitat areas and travel corridors; scenic resources including prominent hillsides and ridgelines; and historic sites and structures, including buildings, cellar holes, stonewalls and fences. The Board may require the following to ensure the protection of natural and cultural features found on the site:

- (a) increased setback distances and/or undisturbed buffer areas,
- (b) permanent protection of such areas as designated open space,
- (c) the designation of building envelopes to limit the extent of site clearing and disturbed areas within the vicinity of identified resources, and/or
- (d) the preparation and implementation of management plans for protected resources.

(2) **Site Layout & Design.** The location and orientation of structures, and supporting infrastructure on the site shall be compatible with their proposed setting and context, as determined for zoning district objectives, existing site conditions and features, adjoining or facing structures in the vicinity, and other applicable provisions of these regulations, including density, setback, height and buffering requirements. To ensure that development is designed in a manner that is consistent with the existing and desired character of the district within which it is located, the following general standards shall apply as specified for particular districts:

- (a) **Village (V), Resort Village (RV) & Resort Residential (RR) Districts.** Within the V, RV, and RR Districts site design and layout shall reinforce a traditional, compact village settlement pattern characterized by pedestrian scale and orientation, traditional densities and setbacks, well defined streetscapes, sidewalks or paths to facilitate pedestrian circulation, and a well-defined edge to the built environment. Buildings shall be oriented and scaled in relation to adjoining structures to establish well defined streetscapes and/or central greens.
- (b) **Rural I (RI) & Rural II (RII) Districts.** Site design and layout within the RI and RII Districts shall reinforce the rural character and traditional working landscape of these districts, characterized by wooded hillsides, open fields, and a visual and functional relationship of structures to the surrounding landscape. Buildings shall be sited to minimize, to the extent feasible, encroachments on open fields and prominent ridgelines or hilltops, and be oriented and

designed in a manner that is compatible with the residential character and scale of existing development within these districts.

- (c) **Forest (FOR) & Conservation (CON) Districts.** Development within the FOR and CON Districts shall ensure the preservation of natural resources and environmentally sensitive areas, including steep slopes, wetlands, surface waters, wildlife habitat and scenic resources including prominent hillsides and ridgelines. In approving development within these districts the Board may require the designation of a building envelope in accordance with Subsection (C)(1).
- (3) **Vehicular Access.** Vehicular access and intersections with roads shall meet all applicable town and state design standards, including those set forth in Section 3.2. Such access shall not result in any hazard to vehicles, pedestrians or bicyclists on the site or on adjoining roads, sidewalks and pathways. In addition, to ensure safety and manage access in a manner that maintains road capacity the Board, in consultation with the Bolton Fire Chief and Road Foreman or, for projects on Route 2, the Vermont Agency of Transportation, may:
- (a) limit the number and size of curb cuts in accordance with Section 3.2;
 - (b) in instances involving pre-existing curb cuts not in compliance with these standards, require the reduction, consolidation or elimination of non-complying curb cuts;
 - (c) for parcels having direct access to more than one road, limit access to a side street or secondary (less traveled) road;
 - (d) require shared access between adjoining properties with compatible uses, to be installed immediately if similar provision has been made on a contiguous parcel, or to be contingent upon the future development of a contiguous parcel(s); or
 - (e) require access and driveway redesign as required to allow for emergency vehicle access.
- (4) **Parking, Loading & Service Areas.** On-site parking, loading and service areas shall be provided in accordance with the requirements of Section 3.11, and the following, with particular attention given to pedestrian and vehicular safety:
- (a) Parking areas shall be located to the rear or side of the principal building(s), unless otherwise permitted by the Board due to site conditions which would prevent the reasonable use of the property or result in unsafe traffic conditions.
 - (b) Parking areas shall be landscaped to avoid large, uninterrupted paved areas in accordance with Section 3.11, and screened to minimize their visibility from public rights-of-way and neighboring properties.
 - (c) Shared parking and/or driveway connections to parking areas on adjacent properties, or provisions for future shared parking or driveway connections, shall be required where feasible. In the event that such connections allow for shared parking between properties, overall parking requirements may be reduced pursuant to Section 3.11.
 - (d) Loading and service areas shall be provided on-site in accordance with Section 3.11, and shall be adequate to meet the anticipated needs of the use in a manner that does not interfere with parking, internal circulation, and landscaping. Such areas shall be located, landscaped, and/or screened to minimize their visibility from public rights-of-way and neighboring properties.
 - (e) The outdoor storage or display of goods, supplies, vehicles, equipment, machinery or other materials is prohibited unless specifically approved by the Board, in accordance with Section 3.10 or as otherwise allowed for a specific use. Secured, covered and screened areas shall be provided for the collection and on-site storage of trash and recyclables generated by the proposed development.

- (5) **Site Circulation.** Provision shall be made for adequate and safe on-site vehicular and pedestrian circulation, with consideration given to the intended use of the property and the location of accesses, buildings, parking areas, and existing facilities on-site and on adjoining properties. Clearly marked travel lanes, pedestrian crossings, and pedestrian paths or sidewalks connecting buildings, parking areas, and adjoining properties are encouraged, and may be required by the Board as appropriate to ensure vehicular and pedestrian safety and convenience. In the event that the Town has adopted a sidewalk plan, the Board may require sidewalks or pedestrian paths that are consistent with that plan.
- (6) **Landscaping & Screening.** Landscaping shall be designed to enhance the overall appearance of the site, to integrate new development into its natural and historic surroundings, and to maintain or establish physical and visual compatibility with neighboring properties. Landscaping is required in front and side yards, adjacent to parking areas, and where rear yards abut residential properties or public roads, and shall be designed in accordance with the following, unless waived by the Board upon finding that, due to specific site conditions, the particular requirement is unnecessary to meet the purposes of this section:
- (a) Existing vegetation shall be preserved and incorporated in site design, especially trees that are determined to be of special horticultural or landscape value.
 - (b) The use of native species is recommended and may be required to avoid the introduction and spread of nuisance or exotic species.
 - (c) Shade and street trees shall be a minimum of 2.5" caliper (trunk diameter), measured at a height of five (5) feet, or, in the case of coniferous trees, be a minimum of eight (8) feet in height.
 - (d) Deciduous and coniferous shade trees should be placed in available yard areas, especially in front and side yards and parking areas.
 - (e) Shade trees should be placed to interrupt the facades of buildings, break-up expanses of parking, visually reduce the scale and bulk of large buildings, integrate the site with the surrounding landscape and to enhance environmental quality (e.g., wildlife habitat, soil stabilization, storm water retention, air quality, energy conservation).
 - (f) Street trees, to include a variety of deciduous, salt resistant, shade trees, should be planted to establish a canopy effect along public roads and highways. In the event that the Town has developed a street tree plan for a district or road segment, the Board may require tree plantings that are consistent with that plan.
 - (g) Landscaping beds should enhance the general appearance of the site, define planting strips and buffer areas, and reduce the amount of grass lawn area. Such beds are not to be considered a substitute for tree plantings or other open space requirements.
 - (h) A three (3)-year maintenance plan for all proposed landscaping shall be prepared; bonding or other surety may be required by the Board to ensure installation and maintenance in accordance with Section 9.8(F).
- (7) **Outdoor Lighting.** Outdoor lighting installations shall meet the requirements of Section 3.9. The Board may require the submission of an outdoor lighting plan, prepared by a qualified engineer or lighting expert, for projects determined by the Board to pose a potential for significant off-site impact due to the number, location and/or intensity of proposed lighting fixtures.
- (8) **Stormwater Management & Erosion Control.** Stormwater management and erosion control shall be designed, installed and maintained accordance with best management practices accepted by the state, as appropriate for the proposed drainage area, type and density of development and lot coverage. In addition:
- (a) All stormwater management systems shall be designed to: incorporate natural drainage systems to the extent feasible and minimize the need for system maintenance; maximize on-site infiltration and treatment, and minimize surface runoff; accommodate existing and anticipated runoff, including anticipated flows from storm events, and total runoff generated at build-out;

provide well designed storage areas and stormwater treatment to manage runoff and protect water quality; and to avoid flooding or damage to adjoining properties and downstream drainage facilities.

- (b) The Board may require the submission of stormwater management and/or erosion control plans, prepared by a licensed professional, for all phases of development. Such plans shall incorporate accepted management practices as recommended by the state in the most recent editions of the *Vermont Stormwater Management Manual* and the *Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites*.
- (c) The applicant shall demonstrate that existing downstream drainage facilities will be able to accommodate any additional runoff from the site. If increased runoff exceeds the capacity of downstream drainage, storage or treatment facilities, the Board may require that the applicant delay construction until such capacity exists, or install off-site improvements as needed to increase downstream capacity.
- (d) The Board may also require project phasing to minimize the extent of soil disturbance and erosion during each phase of site development.

Section 5.4 Conditional Use Review

(A) **Purpose.** Conditional use review is intended to ensure compliance with standards addressing the potential impacts of development on adjoining properties, the neighborhood and/or zoning district in which the development is located, and the community at large. Typically, land uses are subject to conditional use review because their scale, intensity and potential for off-site impacts warrant more careful scrutiny by the Development Review Board. Standards and conditions relate to the identification, avoidance and/or mitigation of potential impacts. In order to expedite the local review process, conditional uses are not subject to site plan review under Section 5.3; however, site plan review criteria are incorporated here by reference for consideration under conditional use review.

(B) **Review Process.** Upon determination that an application for conditional use review is complete, the Development Review Board shall schedule a public hearing of the Development Review Board, warned in accordance with Section 9.8(D). The Board shall act to approve, approve with conditions, or disapprove an application for conditional use review within 45 days of the date that the hearing is adjourned, and issue a written decision to include findings, conclusions, any conditions of approval, and provisions for appeal to Environmental Court, in accordance with the Act [§4464(b)] and Section 9.8(F). Failure to act on the application within the 45-day period shall be deemed approval effective on the 46th day.

(C) **General Standards.** Conditional use approval shall be granted by the Development Review Board upon finding that the proposed development shall not result in an undue adverse effect on any of the following:

- (1) **The capacity of existing or planned community services or facilities.** The Board shall consider the demand for community services and facilities resulting from the proposed development in relation to the available capacity of such services and facilities. Available capacity may be determined in part through consultation with other municipal and/or state officials having jurisdiction over affected services and facilities, and consideration of any duly adopted capital budget and program in effect. Conditions may be imposed as appropriate to ensure that the demand for community facilities or services does not exceed existing or anticipated available capacity.

- (2) **The character of the area affected.** The Board shall consider the location, scale, type, density and intensity of use associated with the proposed development in relation to the character of the area likely to be affected, as defined by the Board based on applicable zoning district purposes and standards and specifically stated policies and standards of the *Bolton Town Plan*. Conditions may be imposed as appropriate to ensure project compatibility with the character of the area affected.
 - (3) **Traffic on roads and highways in the vicinity.** The Board shall consider the projected impact of traffic resulting from the proposed development on the capacity, safety, efficiency and use of affected public roads, bridges, and intersections. The Board will rely on accepted transportation standards in evaluating traffic impacts, and shall not approve a project that would result in the creation of unsafe conditions for pedestrians or motorists, or unacceptable levels of service for local roads, highways and intersections, unless such conditions or levels of service can be mitigated by the applicant through physical improvements to the road network and/or traffic management strategies.
 - (4) **Bylaws in effect.** The Board shall consider whether the proposed development complies with all municipal bylaws and ordinances in effect at the time of application, including other applicable provisions of these regulations. No development shall be approved in violation of existing municipal bylaws and ordinances. Conditions may be imposed or incorporated as appropriate to ensure compliance with municipal bylaws and ordinances; or to ensure that necessary municipal and state permits including, but not limited to access, water supply and wastewater disposal permits, are obtained prior to the issuance of a zoning permit.
 - (5) **The utilization of renewable energy resources.** The Board shall consider whether the proposed development will interfere with the sustainable use of renewable energy resources, including access to, direct use or future availability of such resources. Conditions may be imposed as appropriate to ensure long-term access, use and availability of such resources.
- (D) **Site Plan Review Standards.** In addition to the general standards set forth in Subsection (C) above, the Development Review Board shall also apply all applicable site plan review standards set forth in Section 5.3(C). Compliance with such standards shall be a requirement of conditional use approval.
- (E) **Specific Standards.** In addition to general standards under subsection 5.4(C) and site plan review standards under 5.4(D), the Board also may consider the following standards and impose conditions as appropriate to reduce or mitigate the adverse impacts of a proposed development:
- (1) **Conformance with the Town Plan.** Applications for conditional use approval shall conform to specific policies and objectives of the *Bolton Town Plan*, as most recently amended after the effective date of these regulations, and shall not have an undue adverse effect on significant natural, cultural or scenic features identified in the town plan, including natural areas, wildlife habitat, productive forests and farmland, surface waters, wetlands, water supplies and aquifers, historic sites, and scenic views or vistas in the vicinity of the proposed development.
 - (2) **Zoning District & Use Standards.** All conditional uses shall comply with dimensional, density and associated standards for the district(s) in which the use or development is located as specified in Article II, except as modified for planned residential or planned unit developments, or as otherwise required for a specific use. The Board may require increased setbacks and buffers, or reduced lot coverage or densities of development to avoid or mitigate adverse impacts to adjoining properties or significant natural, cultural or scenic features in the vicinity of the site.
 - (3) **Performance Standards.** The proposed use shall comply with all performance standards set forth in Section 3.12. In determining compliance, the Board may consult with state officials and consider accepted industry standards. To ensure compliance, the Board may require documentation that a

proposed use, process and/or operation of proposed equipment will comply with applicable performance standards; and/or may reasonably limit hours of operation as a condition of approval.

- (4) **Legal Documentation.** The Board may require documentation and assurances that all required improvements, associated rights-of-way and easements, and other common lands or facilities will be installed and adequately maintained either by the applicant, an owners association, or through other legal means acceptable to the Board, in accordance with Section 9.8(F).

Section 5.5 Flood Hazard Review

(A) **Purpose.** The purposes of the Flood Hazard Area Overlay District and associated requirements under this section, are to:

- (1) protect public health, safety, and welfare within designated flood hazard areas by preventing or minimizing hazards to life and property due to flooding, in accordance with the Act [4424], and
- (2) to ensure that private property owners within designated flood hazard areas are eligible for flood insurance under the federal National Flood Insurance Program (NFIP).

(B) **Applicability.** All development within the Flood Hazard Area Overlay District [FHO], with the exception of permitted uses within the district as identified in Table 2.8, shall be subject to conditional use review by the Development Review Board under Section 5.4, and the following flood hazard area regulations. Permitted uses within the underlying district, which would otherwise not be subject to conditional use review, are not required to meet conditional use standards under Subsections 5.4(C) through (E). Conditional uses within the underlying district are subject to both conditional use and flood hazard area requirements.

(C) **Review Process.** Applications shall be reviewed in accordance with the procedures for conditional use review under Section 5.4(B).

(D) **Application Requirements.** In addition to a development review application prepared in accordance with Table 5.1, an applicant for conditional use review within the flood hazard area overlay district shall submit to the Zoning Administrator the following:

- (1) the location on the site plan, and elevations of all roads, water supply and wastewater facilities in relation to the channel, floodway, and base flood elevations;
- (2) a completed FEMA “Elevation Certificate” prepared by a registered surveyor, engineer, architect or other state official who is authorized by the state to certify building elevation information;
- (3) where floodproofing is proposed (as allowed for nonresidential buildings), a completed FEMA “floodproofing certificate” prepared by a registered professional engineer or architect who is authorized by the state to certify floodproofing design and construction;
- (4) a hydraulic analysis for development located within the floodway; and
- (5) a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

(E) **Additional Notice & Referral Requirements.** In addition to public hearing notice requirements for conditional use review under Subsection 5.3, the following shall also apply:

- (1) Prior to issuing a permit, a copy of the application shall be submitted to the Flood Plain Management Section of the Vermont Department of Environmental Conservation. A permit may be issued only following the receipt of comments from the Department, or the expiration of 30 days from the date of application, whichever is sooner.
 - (2) Adjacent communities and the Vermont Department of Environmental Conservation shall be notified at least 15 days prior to issuing ant permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the Federal Insurance Administration.
- (F) **Flood Hazard Overlay District Standards.** The Development Review Board may impose specific conditions or require project modifications for development within the Flood Hazard Area Overlay District in accordance with the following standards:
- (1) Development within floodways is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are specifically prohibited within the floodway.
 - (2) All development shall be designed to (a) minimize flood damage to the proposed development and to public facilities and utilities; and (b) to provide adequate drainage to reduce exposure to flood hazards.
 - (3) Structures shall be (a) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood, (b) be constructed with materials resistant to flood damage, (c) be constructed by methods and practices that minimize flood damage, and (d) 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.
 - (4) The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
 - (5) New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate the infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - (6) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 - (7) New and 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 flood elevation.
 - (8) The lowest floor, including basement, of all new buildings, except for accessory buildings under Section (9), shall be at or above the base flood elevation.
 - (9) Accessory buildings that represent a minimal investment may be built below the base flood elevation provided that the building (a) shall not be used for human habitation, (b) shall be designed to have low flood damage potential, (c) shall be constructed and placed on the building site so as to offer minimal resistance to the flow of floodwaters, (d) shall be firmly anchored to prevent flotation which may result in damage to other structures, and (e) shall have elevated or floodproofed service facilities such as electrical or heating equipment.

- (10) Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of Subsection (8).
- (11) Existing buildings to be substantially improved for nonresidential purposes shall either (a) meet the requirements of Subsection (8), or (b) be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be floodproofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
- (12) All new construction and 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 floodwaters. 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 cover coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (13) Recreational vehicles shall either (1) be on the site for fewer than 180 consecutive days, (2) be fully licensed and ready for highway use, or (3) meet the standards of Subsection (7) for manufactured homes.
- (G) **Other permits.** Proposed development within the flood hazard area overlay district shall also be reviewed to assure that all necessary permits have been received from federal or state agencies from which approval is required under federal or state law.
- (H) **Variances.** In addition to the standards for granting variances set forth in Section 9.6(A), requests for variances within the Flood Hazard Area Overlay District must also comply with the standards set forth in Section 9.6(C).
- (I) **Zoning Administrator Duties.** In addition to other permit recording requirements under Section 9.8(G)(1), the Zoning Administrator shall, in accordance with Section 9.8(F)(2), also maintain a record of:
- (1) all permits issued for development in areas of special flood hazard,
 - (2) the elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings,
 - (3) the elevation, in relation to mean sea, level, to which buildings have been floodproofed,
 - (4) all elevation and floodproofing certifications required under this regulation, and
 - (5) all variance actions, including justification for their issuance.