



2020 MA State Model Floodplain Bylaw Questions & Answers for Local Officials

DCR Flood Hazard Management Program

The Model-

Table of Contents

- ▶ Section 1. Introduction
- ▶ Section 2. **Required** Local Bylaws
- ▶ Section 3. **Required** Definitions
- ▶ Section 4. Explanations



2012 model bylaws

- ▶ Stated local purpose for flood-resistant standards
- ▶ Use of FEMA maps and supporting studies
- ▶ Requirement to submit new technical data and notice of watercourse alterations or relocations in riverine areas
- ▶ Subdivision proposals
- ▶ Base flood elevation data for subdivision proposals
- ▶ Unnumbered A Zones
- ▶ Floodway encroachment regulations
- ▶ AO and AH zones drainage requirements
- ▶ For coastal communities, protection of dunes

2021 International Code Appendix G: Flood Resistant Construction

- ▶ Appendix G is intended to provide the additional floodplain management and administrative requirements of the National Flood Insurance Program (NFIP) that are not included in the code. Communities that adopt the International Building Code® and Appendix G will meet the minimum requirements of NFIP as set forth in Title 44 of the Code of Federal Regulations.

2020 additional bylaws: administrative

- ▶ Abrogation and greater restriction section
- ▶ Disclaimer of liability
- ▶ Severability section
- ▶ Designation of community Floodplain Administrator (FPA)
- ▶ Variances to building code floodplain standards
- ▶ Variances to local Zoning Bylaws (related to community NFIP compliance)
- ▶ Permits required for all proposed development in Floodplain Overlay District
- ▶ Assure that all necessary permits are obtained
- ▶ Recreational vehicles

Abrogation and greater restriction section

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

Disclaimer of liability

The degree of flood protection required by this bylaw [ordinance] is considered reasonable but does not imply total flood protection.

Severability section

If any section, provision or portion of this bylaw [ordinance] is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

Designation of community Floodplain Administrator (FPA)

The Town/City of _____ hereby
designates the position of
_____ to be the official
floodplain administrator for the Town/City.

Variations to building code floodplain standards

The Town/City will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance and will maintain this record in the community's files.

The Town/City shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

Variations to local Zoning Bylaws related to community compliance with the NFIP

A variance from these floodplain bylaws must meet the requirements set out by State law and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

Permits are required for all proposed development in the Floodplain Overlay District

The Town/City of _____ requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

Assure that all necessary permits are obtained

The town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits and must submit a list demonstrating that all necessary permits have been acquired.

Recreational vehicles

In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.



Questions?

Required Definitions

- ▶ Development
- ▶ Flood map types
- ▶ Floodway
- ▶ Functionally dependent use
- ▶ Highest adjacent grade
- ▶ Historic structure
- ▶ New construction
- ▶ Recreational vehicle
- ▶ Special flood hazard area
- ▶ Start of construction
- ▶ Structure
- ▶ Substantial repair of a foundation
- ▶ Variance
- ▶ Violation

The background features a complex, abstract design of overlapping, semi-transparent green polygons in various shades, ranging from light lime to dark forest green. The shapes are primarily triangular and quadrilateral, creating a sense of depth and movement. The overall composition is modern and clean.

Questions?

Higher Standards

Freeboard

An additional amount of height above the Base Flood Elevation used as a factor of safety (e.g., 2 feet above the Base Flood) in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations.

Higher Standards

Community Maps

Expanded flood hazard area adopted by the municipality that consider forward-looking or observed current extent flood data, as long as the extent exceeds the existing FEMA floodplain maps.

Higher Standards

Cumulative Substantial Improvement

Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure **taking place during [insert period of time selected by the community]** the cost of which equals or exceeds fifty percent of the market value of the structure before the work is started.

Higher Standards


Compensatory Storage

Using a higher ratio of flood storage than required in the Wetlands Protection Act that would result in potentially lowering future flood heights in an area

Higher Standards

Prohibiting Development

Prohibiting certain forms of development in the flood hazard area, e.g. no new residential construction



Final
thoughts/
questions?

We're here to help

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