

Approved by Planning Commission 4/10/12.

Approved by Selectboard on 8/6/12.

New language shown in *italics*, existing language to be deleted shown with ~~strikeout~~

SECTION 3.1: Compliance with Bylaws

3.1.1 The application of these regulations is subject to the provisions of 24 VSA *Chapter 117*.

3.1.8 In accordance with Section 4495, 24 VSA, nothing contained in this bylaw shall restrict accepted agricultural or farming practices, or accepted silvicultural practices, including the construction of farm structures as such practices are defined by the Commissioner of Agriculture, Food and Markets or the Commissioner of Forests, Parks and Recreation, respectively. A person shall notify the Zoning Administrator of the intent to build a farm structure at least 30 days prior to commencement of construction, and shall abide by setbacks approved by the Commissioner of Agriculture, Food and Markets. *In the Special Flood Hazard Area, only farm structures that are recognized by the Secretary of Agriculture, Food and Markets as being compliant with accepted agricultural practices do not require a permit.*

Section 8.1 Permits

8.1.1 Before any land development, including; the division of a parcel of land, the site preparation, construction, reconstruction, conversion, structural alteration, relocation, enlargement, razing or removal of any building or other structure, any mining, excavation or landfill, and any change of use of any building or other structure, or any extension of the use of the land is performed, a permit shall be obtained from the Zoning Administrator. *A permit is required for all development in the Special Flood Hazard Area.*

Section 8.9 Validity

If any section or provisions of this ~~ordinance~~ Bylaw is adjudged to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the Bylaw as a whole, or of any part thereof, other than the part so adjudicated.

Section 8.4 Violations and Penalties

This bylaw shall be enforced under the municipal zoning bylaw in accordance with 24 VSA Section 1974a, 4451 and 4452. A copy of the Notice of Violation shall be mailed to the State National Flood Insurance Program Coordinator when the violation concerns Section 7.15 Flood Hazard Area Regulations.

To replace existing flood language in full in sections 7.2.2 – 7.2.2.10 of the Town of Shaftsbury Zoning Bylaw 2/11/08.

SECTION 7.15: FLOOD HAZARD AREA REGULATIONS

Purpose: In addition to the purpose of the zoning district(s) underlying the Flood Hazard Area, the purpose of this regulation is to protect the public health, safety, persons, and property against

the hazards of flood water inundation, and for the protection of the community against the costs which may be incurred when unsuitable development occurs in swamps, marshes, along water courses, or in areas subject to flooding.

7.15.1 Flood Hazard Area Maps

These regulations shall apply in all areas in the Town of Shaftsbury identified as areas of special flood hazard in and on the most current flood insurance studies and maps published by the Federal Emergency Management Agency which are hereby adopted by reference and declared to be part of these regulations. The location of the boundary shall be determined by the Zoning Administrator. If the boundary cannot be accurately determined or if an applicant disagrees with the determination made by the Zoning Administrator, the applicant may seek a Letter of Map Amendment from FEMA; a Letter of Map Amendment from FEMA shall constitute proof of the correct location of the boundary.

7.15.2 Base Flood Elevations and Floodway Limits

Where available (i.e., Zone A1 – A30, AE, and AH), the base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.

In 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.

7.15.3 Review Procedure and Development Standards

Review Procedure: Except as provided for in Section 7.15.12 all land development, including the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure (including prefabricated units or manufactured homes), or of any mining, excavation, or land fill, and any change in the use of land in the Flood Hazard Area may be permitted only by the Development Review Board as a conditional use, in accordance with the procedures of Section 3.5 of this Bylaw. A permit is required for all development in the Special Flood Hazard Area.

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.

Upon receipt of a complete application for a substantial improvement or a new construction, the Zoning Administrator shall transmit one copy of the application and supporting information to the State National Flood Insurance Program Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. Section 4424. A permit may be issued only following receipt of comments from the Department or the expiration of 30 days from the date the application was mailed to the Department, whichever is sooner.

Adjacent communities and the State NFIP Coordinator shall be notified at least 15 days prior to issuing any permit for the alteration or relocation of a watercourse, and copies of such notification shall be submitted to the Federal Insurance Administrator.

Proposed development shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal and State law before work on the project can commence.

Development Standards: In addition to the district requirements, the Development Review Board shall determine that all development in the flood zone(s) is:

- a. Reasonably safe from flooding.
- b. Designed and anchored to prevent flotation, collapse, or lateral movement of the structure.
- c. Constructed of materials and utility equipment that are resistant to flood damage.
- d. Constructed using methods and practices that will minimize flood damage.
- e. Consistent with the need to minimize flood damage.
- f. Designed so that public utilities and facilities, such as sewer, gas, electrical, and water systems, are located, elevated, and constructed to minimize or eliminate flood damage. Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems. Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. Construction shall insure that electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities are designed and/or located so as to prevent water from entering or accumulating within components during conditions of flooding.
- g. Designed so that adequate drainage is provided so as to reduce exposure to

flood hazards.

- h.. Base flood elevation and floodway data identified in Section 7.15.2 shall be used to ensure that the lowest floor (including basement) of residential buildings is elevated to be one foot or more above the base flood elevation and the floodway be kept free of obstructions.
- i.. The lowest floor (including basement) of any substantially improved non-residential buildings and other structures, shall be elevated or flood proofed to at least one foot above the 100 year flood level, or be designed to be watertight with the walls substantially impermeable to at least two feet above the base flood elevation 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 flood proofed 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.

Structures to be substantially improved in Zone A, A1-30, AE, and AH shall be located such a that the lowest floor is at least one foot above base flood elevation; this must be documented in as-built condition with a FEMA Elevation Certificate.

- j. Enclosures 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 base flood elevation, and subject to flooding, shall
 - i. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits, and
 - ii. 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 shall be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- k. Storage of materials or equipment may be permitted if not subject to damage by floodwater, and are firmly anchored or secured to prevent flotation.
- l. Fill may be permitted in the flood hazard area only when it can be demonstrated that flood flows will not be obstructed or diverted.
- m. New and replacement or substantially improved manufactured homes shall be

elevated on a suitable support such that the top of supporting structure under the entire manufactured home is at least one foot above the base flood elevation.

- n. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
- o. Recreational Vehicles placed on sites within Zones A1 – A30, AH and AE shall be fully licensed and ready for highway use.
- p. In the Floodway encroachments or development above grade and below the elevation of the floodway 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 not:
 - i. Result in any increase in flood levels (0.00 feet) during the occurrence of the base flood; and
 - ii. Increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
- q. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

7.15.4 Burden of Proof

In reviewing the proposed land development, the burden of proof shall be on the applicant.

7.15.5 Prohibited Uses

1. New residential or non-residential structures (including the placement of manufactured homes);
2. Storage or junk yards;
3. New fill except as necessary to elevate structures above the base flood elevation;
4. Accessory structures in the floodway;
5. Critical facilities are prohibited in all areas affected by mapped flood hazards; and,
6. All development not exempted, permitted, or conditionally permitted.
7. Storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials. This includes storage containers of gasoline, fuel oil, oxygen, acetylene, LP gas and other similar products.

All structures, other than those existing on the effective date of this Bylaw and those specifically identified in Sections 7.15.6 ~~(a-i)~~ and 7.15.7 ~~(b-e)~~, are prohibited.

7.15.6 Uses Permitted in Flood Hazard Areas Without Conditional Use Review

The following uses are permitted in flood hazard areas, provided that they do not reduce the flood carrying capacity of the stream. A permit may be issued for these uses by the Zoning Administrator without conditional use approval by the Development Review Board.

Any state and federal permits applicable to the subject activity must be submitted as part of the zoning permit application; alternatively, a Project Review Sheet from the Department of Environmental Conservation – identifying all required state and federal permits – may be filed as an attachment to the permit application. Proposed development shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal and State law before work on the project can commence.

1. Non-substantial improvements;
2. Accessory structures;
3. Building utilities;
4. At-grade parking for existing buildings;
5. Recreational vehicles;
6. Replacement septic and water supply systems.

7.15.7 Conditional Uses in Flood Hazard Areas

The following uses are conditionally permitted in flood hazard areas, subject to the requirements of this section and all other applicable sections of the zoning Bylaw. Any state and federal permits applicable to the subject activity must be submitted as part of the zoning permit application.

1. Substantial improvement, elevation, relocation, or flood proofing of existing non-residential structures. In the case of flood proofing, the applicant shall present a FEMA certificate of flood proofing;
2. Replacement storage tanks for existing structures;
3. Improvements to existing structures in the floodway;
4. Grading, excavation; or the creation of a pond;
5. Improvements to existing roads;
6. Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;
7. Public utilities

7.15.8 Expansion of Existing Buildings in the Floodway

No existing building in the floodway may be enlarged to create a greater encroachment on the floodway.

7.15.9 Application Requirements

Applications shall include, in addition to any other requirements of this Bylaw, plans

drawn to scale, showing the nature, location, dimensions, and elevations of the lot, plat, or parcel, existing and proposed structures, fill and storage of materials, flood proofing measures, and the relationship of the above to the location of the channel, flood hazard area, and base flood elevations.

7.15.10 Precedent of Law

The provisions of these flood hazard bylaws 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.

7.15.11 Administration and Enforcement

- A. This bylaw shall be enforced under the municipal zoning bylaw in accordance with 24 VSA sections 1974a, 4451 and 4452. A copy of the notice of violation will be mailed to the State National Flood Insurance Program Coordinator.
- B. If any appeals have been resolved, but the violation remains, the ZA 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.
- C. 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 VSA Section 4812.

The provisions of this regulation shall be administered and enforced as provided for in Section 8 of this Bylaw. The Zoning Administrator shall maintain a record of:

1. All permits issued in areas covered by this bylaw;
2. An Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, substantially improved, or flood proofed buildings in the Special Flood Hazard Area;
3. All flood proofing and other certifications required under this regulation; and,
4. All decisions of the DRB (including variances and violations) and all supporting findings of fact, conclusions and conditions.

7.15.12.1 Variances

Variances may be granted in writing by the DRB only in accordance with all the criteria in 24 V.S.A. § 4469, § 4424 (E), and 44 CFR Section 60.6.

Any variance issued in the Special Flood Hazard Area shall not increase flood heights, and shall 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 elevation increases risk to life and property and may result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

7.15.13 Disclaimer

These regulations shall not be construed to imply that areas outside of the flood hazard areas, or land uses permitted hereunder, within such flood hazard areas, will be free from flooding or flood damage. No permit issued hereunder, or development permitted in accordance herewith, shall create any liability on the part of the Town of Shaftsbury, or any officer, agent, or employee thereof.

7.15.14 Definitions

The National Flood Insurance Program definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations.

Definitions to be added to Appendix A

“Accepted Agricultural Practices (AAP)” are the base level of management required for all farms in Vermont as defined by the Secretary of Agriculture, Food and Markets in accordance with *Chapter 215: 6 V.S.A. § 4810*. Procedures for the construction of farm structures are described in 4.07.

“Accessory Structure” means a structure which is: 1) detached from and clearly incidental and subordinate to the principal use of or structure on a lot, 2) located on the same lot as the principal structure or use, and 3) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, and playhouses.

“Area of Special Flood Hazard” is synonymous in meaning with the phrase “special flood hazard area” for the purposes of these regulations.

“Base Flood” means the flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the “100-year flood”).

“Base Flood Elevation” (BFE) is 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.

“BFE” see Base Flood Elevation

“Channel” means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

“Channel width” (or bankfull width) is the width of a stream channel when flowing at a bankfull discharge. The bankfull discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.

“Common plan of development” is where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

“Critical facilities” - include police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station

“Development” means 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.

“Fill” means any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

“FIRM” see Flood Insurance Rate Map

“Flood” means (a) a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

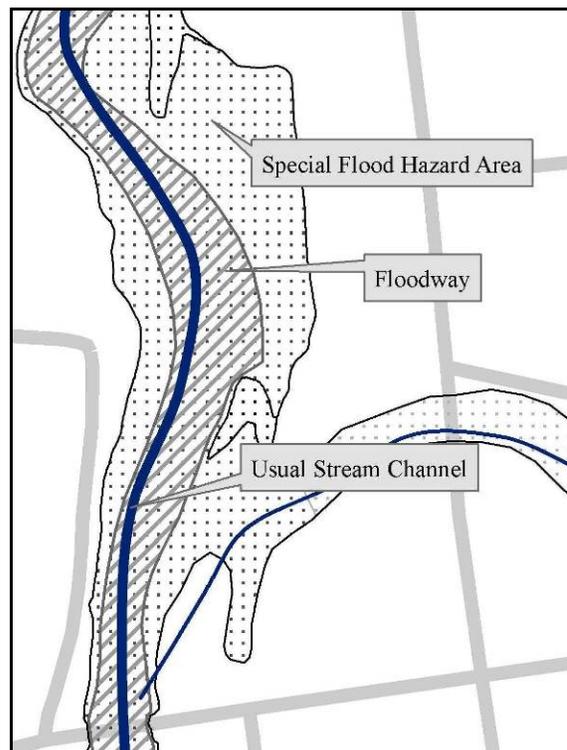
“Flood Insurance Rate Map” (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

“Flood Insurance Study” means 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.

“Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source (see definition of “flood”).

“Flood proofing” means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“Floodway” means 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. Please note that Special Flood Hazard Areas and floodways may be shown on a separate map panels.

“Floodway, Regulatory in Town of Shaftsbury” means 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.

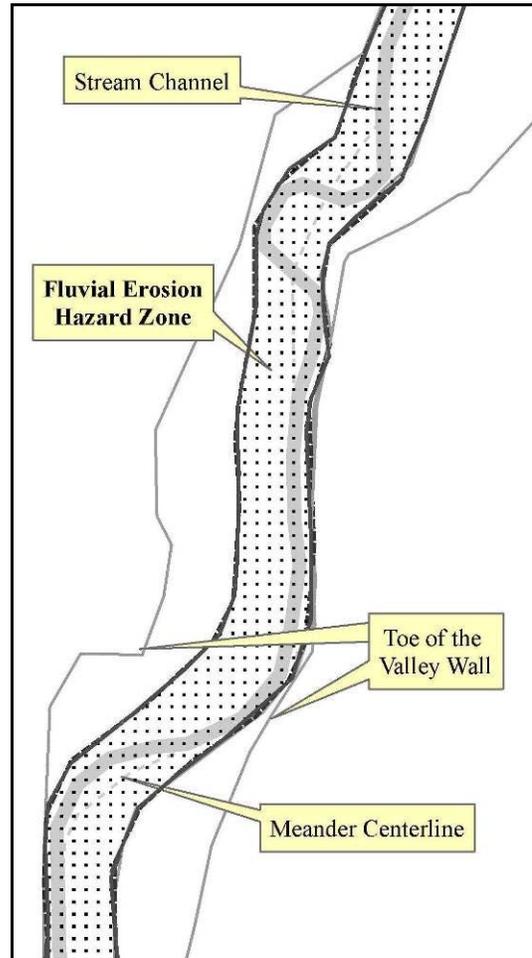
“Fluvial Erosion” is erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a flood event causes a rapid adjustment of the stream channel size and/or location.

“Fluvial Erosion Hazard Zone” includes the stream and adjacent lands necessary to accommodate the slope and plan form requirements of a geomorphically stable channel, and is subject to fluvial erosion as defined by the Vermont Agency of Natural Resources and delineated on the current Fluvial Erosion Hazard Zone Map.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

“Historic structure” means 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.

“Letter of Map Amendment (LOMA)” is a letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a licensed engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.



“Lowest floor” means the lowest floor of the lowest enclosed area, including basement, except an unfinished or flood resistant enclosure, usable solely for parking of vehicles, 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.

“Manufactured home (or Mobile home)” means 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”.

“New construction” for regulation under this bylaw, 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.

“Nonconforming structure” means a structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the Zoning Administrator. Structures that were in violation of the flood hazard regulations at the time of their creation, and remain so, remain violations and are not nonconforming structures.

“Nonconforming use” means use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the Zoning Administrator.

“Nonconformity” means a nonconforming use, structure, lot, or parcel.

“Non-residential” includes, but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

“Recreational vehicle” 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 self-propelled 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.

“Special Flood Hazard Area” is the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. For purposes of these regulations, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area”. This area is usually labeled Zone A, AE, AO, AH, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov Base flood elevations have not been determined in Zone A where the

flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

“Start of construction” for purposes of floodplain management, determines the effective map or bylaw that regulated development in the Special Flood Hazard Area. The “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 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.

“Structure” means, for regulatory purposes under this bylaw, a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

“Substantial damage” means 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.

“Substantial improvement” means any 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 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: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

“Top of Bank” means that vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.

“Violation” means 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.