

ARTICLE I. IN GENERAL

Sec. 7-1. Statutory authorization.

The Legislature of the state has in the general statutes delegated the responsibility to local government units, to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; therefore, the board of selectmen does ordain the following in this chapter.

Sec. 7-2. Finding of fact.

- (a) The flood hazard areas of the town are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

Sec. 7-3. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditures of public money for costly flood control projects;
- (3) To minimize the need to rescue and relief efforts associated with flooding, generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the second use and development of areas of special flood

hazard so as to minimize future flood blight areas;

- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Sec. 7-4. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter it's most reasonable application.

Appeal means a request for a review of the building inspector's interpretation of any provision of this chapter or a request for a variance.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A1, A4, A6, A8, A11, A12, A13, A17, and A18, on the town's flood insurance rate map.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) means the elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Building means a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving excavation or drilling operations

or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Exiting Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 12, 1978, the effective date of the floodplain management ordinance adopted by the community.

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.)

Federal Emergency Management Agency (FEMA) is the federal agency that administers the National Flood Insurance Program (NFIP).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map (FIRM) means the official map on which the federal emergency management agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study means the official report provided by the Federal Emergency Management Agency that included flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood.

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 a foot.

Functionally Dependent Use or Facility means a use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) 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.
- (3) Individually listed on the Connecticut inventory of historic places, provided such has been approved by the Secretary of the Interior.
- (4) Individually listed on the town inventory of historic places, provided that the town's historic preservation program has been duly certified by the state, or if the town program is not so certified, the structure may be listed directly by the Secretary of the Interior.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, buildings access or storage, in an area other than a basement area is not considered a building's lowest floor.

Manufactured home park or subdivision means a parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

Manufactured home means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles and similar

transportable structures placed on a site for 180 days or longer.

Market Value means the market value of the structure as determined by the cost approach to value method prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

Mean Sea Level (MSL) means the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

New construction means a structure for which the "start of construction" commenced on or after July 12, 1978, the effective date (not the revision date) of the ordinance from which this chapter derives, and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after July 12, 1978, the effective date of the floodplain management regulation adopted by the community.

Recreational Vehicle means a vehicle which is: (a) built on a single chassis; (b) four hundred (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.

Start of construction includes substantial improvement, and means the date the building permit was issued provided the actual start of construction repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or 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 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 a walled and roofed building that is principally aboveground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of its market value before the damage occurred.

Substantial improvement means any combination of reconstruction, rehabilitation, repairs, addition or other improvement to a structure, taking place over a one year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure as determined by the cost approach to value either (1) before the start of construction or (2) before the damage occurred, where the structure has sustained substantial damage. Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either:

- (1) Any project for improvement of a structure required to correct existing violations of any state or local health, sanitary or safety code requirements which have been identified by the appropriate code enforcement official and which are the minimum 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.

Variance means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

Violation means a failure of a structure or other development to be fully compliant with the community's floodplain management Ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is resumed to be in violation until such time as that documentation is provided.

Water Surface Elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Sec. 7-5. Methods of reducing flood losses.

In order to accomplish its purpose, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;
- (4) Controlling filling, grading, dredging and other developments which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards on other areas.

Sec. 7-6. Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the town.

Sec. 7-7. Basis for Establishing the Areas of Special Flood Hazard:

The areas of special flood hazard within the

Town of Seymour are identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated September 29, 2010, accompanying Flood Insurance Rate Maps (FIRM), dated December 17, 2010, and other supporting data applicable to the Town of Seymour, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this ordinance. Since mapping is legally adopted by reference into this ordinance it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFE's provided on the Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFE's published in the FIS for a specific location. A copy of this report is on file in the office of the Town Clerk.

Sec. 7-8. Compliance.

No structure or land within an area designated as a special flood hazard shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations.

Sec. 7-9. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this chapter and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 7-10. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally constructed in favor of the governing body;
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 7-11. Warning and disclaimer of liability.

The degree of flood protection required by this chapter 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 increase by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully thereunder.

Sec. 7-12. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect; and to this end the provisions of this ordinance are hereby declared to be severable.

ARTICLE II. ADMINISTRATION*

Sec. 7-21. Designation of building inspector as local administrator.

The building inspector is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

Sec. 7-22. Duties and responsibilities of the building inspector.

The duties of the building inspector shall include, but not limited to:

- (1) *Permit review by the building inspector:*
 - a. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
 - b. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
 - c. Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area

of special flood hazard. For purposes of this chapter, "adversely affects" means that the cumulative effect of proposed development when combined with all other past existing and anticipated development that increases the water surface elevation of the base flood more than one foot at any point, above the level as shown on the flood insurance rate map (FIRM).

- (2) *Use of other base flood data.* When base flood elevation and floodway data has not been provided in accordance with section 7-7, the building inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer sections 7-42 and 7-43 hereof.
- (3) *Information to be outlined and maintained by the building inspector:*
 - a. Obtain and record the actual elevation in relation to mean sea level of the lowest habitable floor, including basement of all new or substantially improved structures;
 - b. For all new or substantially improved flood proofed structures, verify and record the actual elevation in relation to mean sea level, and maintain the flood proofing is effective and maintain the flood proofing certifications required in section 7-42;
 - c. Maintain for public inspection all records pertaining to the provisions of this chapter.
- (4) *Alteration of watercourses;*
 - a. Notify adjacent communities and the state department of environmental protection prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - b. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.
- (5) *Interpretation of FIRM boundaries.* Make interpretations, where needed, as to the

exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretations as provided in section 7-24.

Sec. 7-23. Development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in section 7-7. Application for a development permit shall be made on forms furnished by the building inspector and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

(1) Elevation in relation to mean sea level, of the lowest floor (including) of all basement structures;

(2) Elevation in relation to mean sea level to which any structure has been flood proofed;

(3) Certification by a professional engineer licensed in the state, that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in section 7-42;

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Sec. 7-24. Appeals procedure.

- (a) The flood and erosion control board, as established by the town, shall hear and decide appeals from the requirements of this chapter.
- (b) The flood and erosion control board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the building inspector in the enforcement or administration of this chapter.
- (c) Those aggrieved by the decision of the flood and erosion control board or any aggrieved taxpayer, may appeal such decision to the Supreme Court, as provided in the general statutes.

(d) In passing upon such applications, the board shall consider all technical evaluations, all relevant factors, standards specified on other sections of this chapter, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its content to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location, where applicable;

(6) The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use of the comprehensive plan and floodplain management program for that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,

(11) The costs of providing governmental services during and after flood conditions, including

maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

Sec. 7-25. Variance procedure.

The flood and erosion control board established by the town shall hear and decide variance from the requirements of this chapter as follows:

- (1) variance may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in section 7-24 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increase.
- (2) Upon consideration of the factors of section 7-4 (d) and the purpose of this chapter, the flood and erosion control board may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter.
- (3) Variances may be issued for the repair of historic structures upon a determination that:
 - (a) The proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and
 - (b) The variance is the minimum necessary to preserve the historic character and design of the structure.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base discharge would result.

- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship to the applicant; and a determination that the granting of a variance will not result in increased flood heights, additional threats to the public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 7-24, or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increase risk resulting from the reduced lowest flood elevation.

Sec. 7-26. Building inspector to maintain record of appeals; report variance.

The building inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency.

Sec. 7-27. Enforcement and Penalties.

Enforcement of this ordinance and penalties established hereunder shall be governed by Sections 16 and 20 of the zoning regulations and Section 8 of the land subdivision regulations.

ARTICLE III. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 7-41. General standards.

In all areas of special flood hazards the following standard are required:

- (1) *Anchoring.* All 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.

(2) *Construction materials and methods.* All new construction and substantial improvements shall be constructed with materials resistant to flood damage, and by methods and practices that minimize flood damage.

(3) *Utilities:*

a. Electrical, heating, ventilation, plumbing, air conditioning equipments, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

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

(4) *Manufactured homes.* In all areas of special flood hazards, no manufactured homes shall be placed, nor shall any substantial improvement to an existing manufactured home or mobile home park be permitted, nor shall any expansion of any manufactured home park be permitted. This includes manufactured homes placed or substantially improved outside of a manufactured home park or subdivision, or in a new manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood. Recreational vehicles placed on sites within all areas of special flood hazard shall be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(5) *Aboveground Storage Tanks.* Aboveground storage tanks (oil, propane,

etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

(6) *Portion of Structure in Flood Zone.* If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

(7) *No Structure Entirely or Partially Over Water.* New construction, substantial improvements and repair to structures that have sustained damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

Sec. 7-42. Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in sections 7-7 and 7-22 of this ordinance, Section 16 of the Zoning Regulations of the Town of Seymour, and Section 8.0 of the Subdivision Regulations of the Town of Seymour, the following provisions are required:

(1) *Residential construction:* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevations;

(2) *Nonresidential 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, shall be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water; have structural components capable of resisting

hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect licensed by the state 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 flood proofing specifications for type A and type B constructions contained in "Flood proofing Regulations" the Office, Chief of Engineers, U.S. Army, Washington D.C. June 1972 relative to the water tight performance standards of this section. Such certification shall be provided to the building inspector as set forth in section 7-23.

(3) Enclosed areas below the base flood elevation: In all new construction and substantial improvements to existing structures, fully enclosed areas below the base flood elevation shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of flood waters. Such areas shall be useable solely for parking of vehicles, building access or limited storage and shall be designed to preclude finished living space. Plumbing and other utility connections are prohibited below the base flood elevations. 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. A minimum of two openings having a net area of not less than one square inch for every square foot of enclosed areas subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

Sec. 7-43. Floodways.

The following restrictions shall apply to all land and water areas within any floodway designated on the Flood Insurance Rate Map, Town of Seymour:

(1) In a zone where base flood elevations have been determined, but before a floodway is designated, no new constructions, substantial improved, or

other development (including fill) shall be permitted which will increase base flood elevations more than one foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

(2) Should data be requested and/or provided, the town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one foot at any point along the watercourse.

(3) Located within areas of special flood hazard established in section 7-7 are areas designated as floodways. 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 full, new construction, substantial improvements or other development shall be permitted unless certification with supporting technical data is provided by a licensed professional engineer demonstrating that such encroachment shall not result in any (0.00 fee) increase in flood levels during the occurrence of the base flood discharge.

(4) Any encroachment permitted under subsections (1) and (3) above shall meet all of the flood hazard reduction standards of this chapter.

Sec. 7-44. Compensatory Storage.

The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water

body. Compensatory storage can be provided off-site if approved by the municipality.

Sec. 7-45. Equal conveyance.

Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.