

CHAPTER V. DEVELOPMENT REVIEW

Section 5.1 Coordination of Review

(A) **Subdivision Review.** Subdivision review under Chapter VI, where required, will precede site plan, conditional use or flood hazard area review. 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.

(B) **Site Plan & Conditional Use Review.** For development that requires both conditional use and site plan approval, the Board of Adjustment and the Planning Commissions will conduct joint hearings if practical. Otherwise, conditional use review by the Board of Adjustment under Section 5.4 will normally precede site plan review by the Planning Commission under Section 5.5.

(C) **Flood Hazard Area Review.** For development that requires both conditional use review under Section 5.4 and flood hazard area review under Section 5.6, the Board of Adjustment may combine conditional use, and flood hazard area review into one conditional use review process, as long as applicable notice, hearing, review standards and recording requirements under each are met. For development that requires both site plan review under Section 5.5, flood hazard area review, flood hazard area review shall precede site plan review, and the Planning Commission shall incorporate applicable conditions of flood hazard area review within site plan review.

Section 5.2 Development Review Application

(A) An applicant for site plan, conditional use and/or flood hazard area review must submit the appropriate application form, the required fee, and the information specified in Table 5.1. An application may not be considered complete until all necessary materials have been submitted.

(B) The Planning Commission or Board of Adjustment may waive one or more required application materials if they determine that such information is unnecessary for a comprehensive review of the application.

(C) In accordance with the Act [§4440(d)], the Commission or Board may request additional information as needed, including independent technical analyses to be paid for by the applicant, to determine conformance with these regulations.

Section 5.3 Reconsideration

An applicant or interested party may request that the Board of Adjustment or Planning Commission reconsider any decision issued under this chapter by reopening the hearing in accordance with Section 9.9(E). The Board or Commission may also reopen a hearing on their own motion.

Section 5.4 Conditional Use Review

(A) **Applicability.** Any use or structure requiring conditional use approval shall not be issued a zoning permit by the Zoning Administrator until the Board of Adjustment grants such approval in accordance with the Act [§4414(3)], and the following standards and procedures.

(B) **Review Process.** Upon determination that an application is complete, a public hearing will be warned in accordance with Section 9.9(C). In accordance with the Act [§4464(b)] and Section 9.9(E), the Board shall act to approve, approve with conditions, or disapprove on each matter of an application for conditional use review; and shall issue a written decision within 45 days of the date of the final public

hearing to include findings, conditions of approval, and provisions for appeal to Environmental Court. Failure to act within the 45 day period shall be deemed approval, effective on the 46th day.

(C) **General Standards.** In accordance with the Act [§4414(3)], the Board shall determine that the proposed conditional use shall not result in an undue adverse effect on any of the following:

- (1) **The capacity of existing or planned community facilities and services.** The Board shall consider the demand for community facilities and services that will result from the proposed development in relation to the existing and planned capacity of such services and facilities, and the adopted municipal capital budget and program currently in effect. The Board may request information or testimony from appropriate local officials to help evaluate potential project impacts on existing and proposed community facilities and services. Conditions may be imposed regarding the provision of services and facilities, and/or the timing and phasing of development in relation to anticipated municipal capital expenditures or improvements, to minimize any adverse impacts to community facilities and services.

TABLE 5.1 DEVELOPMENT REVIEW APPLICATION MATERIALS

Required Information (unless waived)	Site Plan Review	Conditional Use Review	Flood Hazard Area Review
1. Names, addresses of property owner(s) of record and persons preparing the application	Y	Y	Y
2. Names, addresses of the owner(s) of record of adjoining properties; proof of notification of hearing or stamped and addressed envelopes	Y	Y	Y
3. Project description [maximum one page summary]	Y	Y	Y
4. Site location map showing project location in relation to town roads, surface drainage and adjoining and facing parcels	Y	Y	Y
5. Legal deeds, decisions, and all recorded plats relative to the property/application	Y	Y	Y
6. Town data overlay map (provided by the town) with a sketch of the project footprint(s)	Y	Y	Y
7. Site plan, drawn to scale, prepared by a registered land surveyor, civil engineer, architect, landscape architect and/or other person(s) approved by the Board or Commission, showing as applicable:	Y	Y	Y
a. Date, scale, north arrow, title block, preparer information	Y	Y	Y
b. Legal property boundaries	Y	Y	Y
c. Zoning district boundaries (inc. designated flood hazard areas)	Y	Y	Y
d. Required setbacks and designated building envelope, if any	Y	Y	Y
e. Site features and vegetation in the vicinity of the project: prime agricultural soils, active agricultural areas, surface waters, wetlands, shorelines and associated setback and buffer areas, wildlife habitat areas, prominent ridgelines and hill tops, steep slopes (15% to 25%, 25%+); structures (e.g., buildings, walls, fence lines, signs), including known historic sites and structures; existing parking, loading and service areas, roads and driveways, utility corridors, water supply and wastewater system locations; rights-of-way and easements.	Y	Y	Y
f. Proposed structures (footprints); land use; roads, driveways, and pedestrian walkways; parking, loading and service areas; utility corridors; water supply and wastewater system locations; rights-of-way and easements	Y	Y	Y
g. Proposed site grading and drainage	Y	Y	Y
h. Proposed landscaping, screening, lighting and signage	Y	Y	
i. Channel, floodway and base elevations			Y
8. Photographs of the site	Y	Y	
9. Preliminary architectural elevations (for new structures, additions)	Y	Y	
10. Draft legal documents (e.g., proposed easements, improvement or maintenance agreements)	Y	Y	
11. Construction schedule, including the sequence and timing of proposed site development and related improvements	Y	Y	Y

12. The following information, as applicable for a particular use or zoning district, or as requested by the Board or Commission to determine conformance with these regulations:			
a. Landscaping plan (including landscaping material specifications)	Y	Y	
b. Lighting plan, including lighting fixture specifications and illumination (in foot candles)	Y	Y	
c. Shoreland management plan	Y	Y	
d. Stormwater management and erosion control plan	Y	Y	
e. Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)	Y	Y	
f. Environmental impact analysis (analysis of potential environmental impacts, proposed mitigation measures)	Y	Y	
g. Visual impact analysis (analysis of potential visual impacts, proposed mitigation measures)	Y	Y	
h. FEMA Elevation Certificate			Y
i. FEMA Floodproofing Certificate [nonresidential buildings]			Y
j. Hydraulic analysis [for development located within the floodway]			Y
k. Description of any proposed watercourse alterations or relocations			Y
l. Report prepared for submission to the Vermont Department of Environmental Conservation in accordance with state agency referral requirements under Section 9.3.			Y
m. State project review sheet or equivalent that identifies required state permits and approvals			Y

- (2) **Character of the area affected.** The Board shall consider the design, location, scale, and intensity of the proposed development in relation to the character of adjoining and other properties likely to be affected by the proposed use. Conditions may be imposed as appropriate to ensure that the proposed development is compatible with the character of the area, as defined by zoning district purpose statements, and specifically stated policies and standards of the municipal plan. Conditions may be imposed as necessary to eliminate or mitigate adverse impacts, including but not limited to conditions on the design, scale, intensity or operation of the proposed use.
- (3) **Traffic on roads and highways in the vicinity.** The Board shall consider the potential impact of traffic generated by the proposed development on the capacity, safety, efficiency, and maintenance of roads, highways, intersections, and bridges in the vicinity. A traffic impact assessment may be required. Conditions may be imposed as necessary to ensure that a proposed development will not result in unsafe conditions for pedestrians or motorists, including but not limited to physical improvements on or off site, or the use of accepted traffic management strategies.
- (4) **Bylaws in effect.** The Board shall determine whether the proposed development conforms to other municipal bylaws and ordinances currently in effect, including but not limited to road, water or wastewater ordinances. The Board shall not approve a proposed development that does not meet the requirements of other bylaws and ordinances in effect at the time of application.
- (5) **The use of renewable energy resources.** The Board will consider whether the proposed development will interfere with the sustainable use of renewable energy resources by either diminishing their future availability on the subject parcel, or by interfering with neighboring property owners' access to such resources (e.g., for solar or wind power). Conditions may be imposed as appropriate to ensure access to and the long-term availability of renewable energy resources.
- (D) **Specific Review Standards.** In addition to general standards under subsection 5.4(C), the Board may also consider the following and impose conditions as appropriate to reduce or mitigate the adverse impacts of a proposed development:

- (1) **Conformance with the Town Plan.** Whether applications conform to policies and objectives of the *Charlotte Town Plan*, and do not adversely affect 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) **Additional Restrictions.** All conditional uses shall comply with the dimensional, density, siting and associated standards for the district(s) in which the use or development is located, including overlay districts, however 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 Board shall consider whether the proposed development will meet applicable performance standards under Section 3.12, and may impose conditions on the installation, operation, storage or maintenance of devices or materials necessary to meet these standards. In determining appropriate performance standards, the Board may consult with state officials, and consider accepted industry standards. In addition, the Board may limit hours of operation so that the use shall be consistent with the character of the area. Evening or night operations shall be permitted only if noise levels, lighting and traffic will not unreasonably interfere with surrounding uses.

Section 5.5 Site Plan Review

(A) **Applicability.** In accordance with the Act [§4416], site plan review by the Planning Commission is required for all development except for agriculture, forestry, single and two family dwellings and associated accessory uses and structures (unless otherwise specified in these regulations), and subdivisions (unless a specific use is being proposed in association with a proposed subdivision and the specific use is not exempt from Site Plan Review), and except for development that is specifically exempted from these regulations under Section 9.2.

(B) **Purpose.** Site plan review is intended to ensure that site layout and design is safe, functional, and of a scale that is compatible with its setting and context, and consistent with these regulations.

(C) **Sketch Plan Review.** An applicant for site plan review shall submit a Sketch Plan Review application prior to the submission of an application for site plan review to discuss the project and to identify any additional application materials required to determine conformance with site plan review criteria under Subsection (D) unless deemed unnecessary by the Town Planner if proposed project or amendment is very minor. Any request to waive application requirements under Section 5.2(B) should be submitted at this meeting. Following Sketch Plan Review, the Commission will submit a letter to the applicant listing the Commission's suggestions for the project.

(D) **Review Process.** Following the submission of a complete application, the Planning Commission shall hold a public hearing, warned in accordance with Section 9.9(C), to receive public comment on the site design and layout of a particular proposal. In accordance with the Act [§4464] and Section 9.9(E), the Planning Commission shall act to approve, approve with conditions, or deny an application for site plan approval within 45 days of the final adjournment of the public hearing. Failure to act within the 45 day period shall be deemed approval, effective the 46th day. The decision of the Planning Commission shall be issued in writing, in accordance with Section 9.9(E), to include procedures for appeal to the Environmental Court under Section 9.6, and shall be recorded in accordance with Section 9.9(F).

(E) **Standards.** In reviewing a site plan, the Commission may consider and impose appropriate safeguards and conditions with respect to the following standards and conditions.

- (1) **Site Features.** Site layout and design shall incorporate and protect significant site features, including but not limited to: existing vegetation, prime agricultural soils and active agricultural areas; surface waters, wetlands, shorelines and associated buffer areas; special natural areas and

wildlife habitat; prominent ridgelines, hilltops, and areas with slopes 15% or greater; and historic sites and structures, including stone walls and fences. Conditions may be imposed as appropriate with regard to site clearing and preparation, the siting of structures and associated improvements, and the establishment of increased setbacks and/or buffers to incorporate or protect existing site features. In addition:

- (a) The development plan shall fit the topographic, soil and vegetation characteristics of the site.
- (b) Existing natural drainage patterns shall be preserved wherever possible; no clearing or grading shall take place within shoreland, surface water and wetland setback areas in accordance with Chapter II and Section 3.15.
- (c) Structures shall be located to avoid areas of steep slope, highly visible ridgelines or hilltops, special natural areas and significant wildlife habitat areas.

Historic features on the site, including historic sites and structures, shall, to the extent feasible, be preserved and incorporated into site design and layout, and the visual context of a historic structure shall be maintained. Continued use, or the adaptive reuse of an historic structure is encouraged in accordance with Section 4.3.

- (2) **Site Layout & Design.** The Commission shall ensure that the size, scale, arrangement and appearance of the proposed development are in keeping and harmonious with its surroundings, and that the development will not have an undue adverse aesthetic impact on site features or the surrounding area. Conditions may be imposed as appropriate to ensure that development is compatible with its setting and context. Accordingly:
 - (a) The Planning Commission may require increased setback distances from property lines or public rights-of-way in relation to the height, scale, massing or density of development, and landscaping or screening to mitigate the visual impacts of development, in accordance with Subsection (6).
 - (b) Structures should be architecturally and visually compatible with historic structures on the site and in the vicinity of the development.
 - (c) Building should be oriented parallel to the road unless otherwise approved by the Planning Commission in relation to site conditions, or to allow for solar orientation.
 - (d) The Planning Commission will require the submittal of a visual impact analysis for utility scale projects and may also require for smaller projects where adverse aesthetic impacts are in question. The visual analysis will address views from sensitive viewing areas or within the region as a whole; and will explain measures taken by the developer to mitigate impacts of the project. Particular efforts should be made to prevent a project from becoming the focal point of scenic views.
- (3) **Access.** Provision shall be made for adequate and safe vehicle and pedestrian access to and from the site in accordance with the requirements of Section 3.2. Additionally, the Commission may:
 - (a) limit vehicular access to the property to a side or secondary road;
 - (b) require shared access between adjoining properties and/or uses on the remainder of the parcel;

- (c) require the dedication of an easement or right-of-way extending to the parcel boundary, which allows for future vehicular and/or pedestrian access to an adjoining parcel;
 - (d) require the reduction, consolidation or elimination of non-complying accesses or curb cuts;
 - (e) require relocation of an existing or proposed access in relation to topography, site conditions, or to improve safety and sight visibility.
 - (f) require pedestrian paths, walkways or trails that connect to public paths, walkways, adjoining parcels, or the town trail system.
- (4) **Parking, Loading, & Service Areas.** On-site parking, loading and service areas shall be provided in accordance with the requirements of Section 3.11. Conditions may be imposed with regard to the extent, location, landscaping, screening, paving, curbing and/or sharing of parking, loading and service areas as appropriate to ensure site safety, function and attractiveness, and to avoid or minimize adverse off-site impacts. Accordingly:
- (a) Shared parking between multiple uses on the site and/or adjoining properties may be required where appropriate; common parking areas to serve multiple properties are encouraged.
 - (b) Parking, loading and service areas, to the extent feasible, shall be located to the side or rear of buildings. Parking is prohibited within front yard setback areas unless there is no alternative location on the lot.
 - (c) Relocation or redesign of existing parking areas may be required to meet all applicable requirements of these regulations.
 - (d) Surfaces of parking, loading and service areas shall be non-white crushed stone wherever feasible.
 - (e) Provision shall be made for adequate and safe on-site vehicular and non-vehicular circulation in relation to the intended use and the location of buildings and parking areas. Accordingly, a safe and attractive pedestrian environment shall be provided as appropriate to the use. In the West and East Charlotte Village Districts, the Village Commercial Districts, and the Commercial/Light Industrial District, pedestrian paths, sidewalks and trails to nearby residential areas may be required.
- (5) **Landscaping & Screening.** Site plans shall incorporate landscaping and screening which preserves and incorporates existing vegetation, is suited to existing site conditions, enhances development and features unique to the site, integrates the development and site with surrounding properties, and/or serves to buffer or screen incompatible or unsightly development from neighboring properties or public rights-of-way. Accordingly:
- (a) In determining the amount and type of plantings to be required, at minimum the following shall be considered: local terrain, drainage, soil, weather and light conditions; the use of landscaping within the context of the overall site development plan, including vegetation to be preserved on site; the need for additional screening or buffering to mitigate adverse impacts to natural and scenic features, public rights-of-way and adjoining properties and uses.
 - (b) Landscaping may be required to be installed and maintained adjacent to parking, loading and outdoor storage areas, where they abut adjacent properties or public roads. Landscaping may also be required within Route 7 front setback areas.
 - (c) Landscaping and screening may be required in appropriate locations on the site as necessary to physically or visually separate and buffer incompatible land uses or densities of development, or

to screen incompatible or unsightly development from public rights-of-way and neighboring properties and uses.

- (d) Landscaping shall take the form of shade trees, deciduous shrubs, evergreens, well kept grasses, wildflowers, and groundcover. Invasive, non-native species are to be avoided. [Refer to *Landscape Plants for Vermont*, University of Vermont Extension Service, 2002.]
 - (e) Street trees, to include a mix of salt and drought tolerant species, may be required along public rights-of-way.
 - (f) The Commission also may require a three (3) year landscaping plan, and/or a bond or other surety acceptable to the Charlotte Selectboard, to ensure landscaping installation and maintenance.
- (6) **Stormwater Management & Erosion Control.** Stormwater management and erosion control shall be provided on-site in accordance with applicable standards under Section 7.8. In addition:
- (a) The site development plan shall integrate the topographic, soil and vegetation characteristics of the site to minimize site disturbance, including clearing and grading.
 - (b) The size and extent of impervious surface may be limited by the Planning Commission to minimize stormwater runoff and erosion from the site. Solar panels / arrays will be considered when calculating lot coverage. Stormwater management and erosion control plans may also be required for utility scale energy projects.
- (7) **Outdoor Lighting.** Information regarding the location, type and level of illumination of all outdoor lighting shall be provided. Such lighting shall be designed in conformance with the standards set forth in Section 3.9. In addition the Planning Commission may allow or require outdoor lighting, where deemed necessary, to illuminate intersections, parking areas, and pedestrian walkways.

Section 5.6 Flood Hazard Area Overlay District Review

(A) **Applicability.** Development on land located within the Flood Hazard Area Overlay District is limited to the improvement or expansion of an existing structure, and other uses listed in Table 2.10. All development within the flood hazard area overlay district, with the exception of allowed and permitted uses within the district as identified in Table 2.10, shall be subject to conditional use review by the Board of Adjustment under Section 5.4, and the following flood hazard area regulations. Conditional uses within the Flood Hazard Area Overlay District, which would otherwise not be subject to conditional use review, are not required to meet conditional use standards under Subsections 5.4(C) and (D). Conditional uses within the underlying district are subject to both conditional use and flood hazard area standards, as well as the standards of the underlying zoning district.

(B) **Application Requirements.** In addition to a development review application prepared in accordance with Section 5.2, an applicant for conditional use review within the flood hazard area overlay district shall submit 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.

(C) **Additional Notice & Referral Requirements.** In addition to public hearing notice requirements for conditional use review under Subsection 5.4(B), 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 in accordance with the Act [§4424(2)(D)] and Section 9.9. 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. State recommendations shall be incorporated as applicable in municipal findings and decisions.
- (2) Adjacent communities and the Vermont Department of Environmental Conservation shall be notified at least 15 days prior to issuing a 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.

(D) **Flood Hazard Overlay District Standards.** The Board of Adjustment may impose specific conditions or require project modifications for development within the Flood Hazard Area Overlay District.

- (1) In reviewing applications for development within the Flood Hazard Area Overlay District, the Zoning Board of Adjustment shall consider the following:
 - a. the danger to life and property due to increased flood heights or velocities caused by encroachments;
 - b. the danger that materials may be swept onto other lands downstream or to the injury of others;
 - c. the ability of proposed water supply and sanitization systems to prevent disease, contamination and unsanitary conditions under conditions of flooding;
 - d. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on individual owners or residents;
 - e. the importance of the services provided by the proposed facility to the community;
 - f. the necessity to the facility of a waterfront location;
 - g. the availability of alternative locations not subject to flooding for the proposed use;
 - h. the safety of vehicular and emergency access to the property in times of flood;
 - i. the expected heights, velocity, duration, rate of rise, and sediment transport of flood waters expected at the site;
 - j. the costs of providing governmental and public facilities and services during and after a flood event;
 - k. other such factors as are relevant to the purpose of these regulations
- (2) In Zones A, 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. This determination does not apply to lands affected by Lake Champlain elevations.

- (3) Development or any encroachment within floodways is prohibited unless a registered professional engineer performs a hydrologic and hydraulic analyses in accordance with standard engineering practice and certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood, and will not increase any risk to surrounding properties, facilities, or structures from erosion or flooding. Public utilities may be placed underground within floodway areas, and the analysis may be waived, where a registered professional engineer certifies that there will be no change in grade, and the utilities will be adequately protected from scour.
- (4) All development in the Special Flood Hazard Areas (SFHA) shall be designed to (a) be reasonably safe from flooding; (b) minimize flood damage to the proposed development and to public facilities and utilities; and (c) to provide adequate drainage to reduce exposure to flood hazards; and (d) located so as to minimize conflicts with changes in stream channel location over time and the need to intervene with such changes.
- (5) All development, including improvements or expansions to existing 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.
- (6) The flood and sediment transport carrying capacity within any altered or relocated portion of a watercourse shall be maintained, and any alteration or relocation shall not result in any decrease in stream stability.
- (7) Replacement manufactured homes shall be elevated such that the top of the fill (the pad) under the lowest flow (i.e., the entire manufactured home) is 1 foot or more above the base flood elevation, to be documented in as-built condition through submission of a FEMA Elevation Certificate.
- (8) The lowest floor, including basement, of all buildings that are to be substantially improved (as defined in Chapter X) shall be at least one foot above the base flood elevation, to be documented in as-built condition through submission of a FEMA Elevation Certificate.
- (9) Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of Subsection (D)(8).
- (10) Existing buildings to be substantially improved for nonresidential purposes shall either (a) meet the requirements of Subsection (D)(8), or (b) be designed so that the lowest floor, including the basement and any attendant utility and sanitary facilities, be designed so that two feet above the the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and structural components have 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. Flood-proofing measures, as constructed, shall be documented through the submission of a FEMA Floodproofing Certificate.

- (11) Fully enclosed areas below grade on all sides (including below grade crawl spaces and basements) are prohibited. All substantial improvements with fully enclosed areas that are above grade, below the lowest floor, below BFE and subject to flooding shall be:
- a. Used only for parking, storage of nonhazardous materials, or building access, and such a condition shall be clearly stated on any permits; and
 - b. 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 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 may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (12) Recreational vehicles shall either (a) be on the site for fewer than 180 consecutive days, (b) be fully licensed and ready for highway use (on its wheels, attached by quick disconnect utilities and security devices, with no permanently attached additions), or (c) meet all elevation and anchoring requirements for manufactured (mobile) homes under Subsection (7) above.
- (13) Culverts may require a stream alteration permit from the state.
- (E) **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.
- (F) **Variances.** In addition to the standards for granting variances set forth in Section 9.7(A), requests for variances within the Flood Hazard Area Overlay District must also comply with the standards set forth in Section 9.7(C).
- (G) **Recording Requirements.** See Sections 9.9(F)(1) and 9.9(F)(2).