



## City of Beverly Floodplain Development Permit General Information

**Permit Required:** As required by the Federal Emergency Management Agency (FEMA) Code of Federal Regulations, National Flood Insurance Program, (NFIP) 44 CFR Part 60.3(a)(1), **no work of any kind may begin in the Special Flood Hazard Area (SFHA) until a Floodplain Development Permit is issued.** The permit shall be for all structures and for all development, including fill and other activities, as set forth in the Floodplain Overlay District Ordinance.

Examples of such activities include but are not limited to new construction, reconstruction, rebuilding, placement of manufactured homes, placement of small outbuildings, fences, walls, clearing of trees and other vegetation, placement of driveway culverts or bridges, long term storage of equipment and materials or any manmade change to improved or unimproved real estate such as dredging, drilling, excavation, filling, grading, logging, mining, or paving.

The floodplain development permit requirement is intended to allow the City to monitor activities located in the SFHA to ensure the following:

- Base flood elevations do not significantly change as a result of development
- Buildings in floodways and floodplains are constructed and maintained properly
- Substantially damaged/improved buildings are brought into compliance with current floodplain regulations.

If you are proposing a development of any kind in a floodplain, you **MUST** submit Section I of the Floodplain Development Permit Application to the city's Floodplain Administrator (FPA). Depending upon the type of development you are proposing, additional forms ***may*** be required. If it is, the FPA will request the additional information from the Applicant.

For example, all new buildings in a Special Flood Hazard Area require an Elevation Certificate to document that the lowest floor of the building is elevated to a certain height relative to the anticipated flood crest of the "base flood" event. The Elevation Certificate and other forms are available on the city's website, but should only be completed if they are required by the FPA for the proposed development.

***The Applicant should understand that a Floodplain Development Permit (FDP) is a SEPARATE Process from the Building Permit application process. The FDP is a prerequisite for application to the Building Department for all development in the Special Flood Hazard Area.***

**Application for Permit:** In accordance with the City of Beverly Floodplain Overlay District Ordinance, all applications shall include the following:

- A narrative that describes the extent to which any water course will be altered or relocated as a result of the proposed development. Note that no encroachments may be proposed within a designated floodway (see Section 3 8-31.A.3 .a.). In a riverine situation where alteration or relocation of a watercourse is proposed, the applicant shall notify by certified mail, return receipt requested, all adjacent

## City of Beverly - Floodplain Development Permit – General information

communities, the NFIP State Coordinator for the MA Department of Conservation and Recreation and the NFIP Program Specialist for the Federal Emergency Management Agency Region 1. Proof of notification shall be submitted with the floodplain development permit application.

- Plans, in duplicate, drawn to scale showing the nature, location, dimensions, and elevations of the area in question with detail of existing or proposed structures, fills, and drainage facilities shall be included with the floodplain development permit application. Specifically, the following information is required on the plan:
  - Certification by a registered professional engineer that any construction, improvements, or development meet the requirements of the rules and regulations stipulated in 44 CFR 60.3 (known as the Federal Emergency Management Agency's National Flood Insurance program, and known more specifically as Flood Plain Management Criteria for Flood-Prone Areas).
  - In Zone A where flood base elevation data is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by a registered professional engineer for its reasonable utilization toward meeting the requirements of the floodplain overlay district ordinance.

In addition, the following should be included:

- Scale and North arrow.
- The location of the property with reference to river and stream channels, floodplain and floodway, and the location of permanent or temporary reference marks
- Base flood elevations
- Location of property lines
- Required setbacks and easements
- Fill and excavation details
- Storage of materials
- Elevation (in relation to mean sea level) of the bottom floor of all structures (including basements or crawl spaces)
- Topographic inspection, such as contour lines or spot elevations
- Streets
- Engineering details and description of the extent to which any watercourse will be altered or relocated as a result of proposed development
- If applicable, elevation (in relation to mean sea level) to which any structure will be flood proofed and certification by a registered professional engineer that flood proofing methods for any structure meet the flood proofing criteria established in the Floodplain Ordinance
- Extent of foundation walls and footings below finished grade

## City of Beverly - Floodplain Development Permit – General information

- Size and location of all flood openings/vents
- Elevations of all mechanical, electrical, plumbing, and ducting
- For structures, an Elevation Certificate based on construction drawings from a registered engineer or licensed surveyor. A finished construction Elevation Certificate will be required upon completion of the structure before the Certificate of Compliance is issued.
- Copies of environmental permits from federal or state agencies, if applicable, and evidence of notification of the adjacent communities and FEMA of any alteration or relocation of watercourses.
- In V zones, the line of the mean high tide and Zone V/Zone A boundary; if there is more than one Zone on the lot, the BFE and boundary locations should be depicted on the plans.
- The boundary of the 100 year Floodplain area on the property. The location, dimensions and elevations of any existing and proposed structures, water bodies, adjacent roads, lot dimensions, and proposed development
- The locations of any fill placement and or excavations within the 100 year floodplain or floodway boundary.
- Development plans, drawn to scale, and specifications including where applicable: details for anchoring structures, proposed elevation of lowest floor (including basement), types of water-resistant materials used below the first floor, details of floodproofing of utilities located below the first floor and details of enclosures below the first floor
- Subdivision or other developments. If project exceeds 10 lots or 5 acres, whichever is less, applicant must provide 100-year flood elevations if they are not otherwise available.
- Plans showing extent of watercourse relocation and/or landform alterations.
- For structures, demonstrate compliance with the State Building Code
- Any additional information required by the Floodplain Administrator.

**Review:** Upon receipt of a completed Floodplain Development Permit Application the Floodplain Administrator shall review the application and grant or deny the requested development permit, in accordance with the provisions of the Floodplain Ordinance and current FEMA NFIP rules and regulations.

**Notice To Applicant, Issuance Of Permit:** After a decision has been rendered, the Floodplain Administrator shall return one copy of the application and decision, including any special permit conditions that apply, after having marked such copy either as approved or denied and attested to the same by signing such copy. One copy of the completed application, decision and special conditions shall be retained by the Floodplain Administrator. The Floodplain Administrator shall issue a placard to be posted in a conspicuous place on the affected property, and the placard shall remain posted until a Certificate of Compliance is issued, attesting to the fact that the use or alteration is in compliance with the provisions of the Floodplain Ordinance.

## City of Beverly - Floodplain Development Permit – General information

**Certificate of Compliance:** The development may not be used or occupied until a Certificate of Compliance is issued. By signing and submitting the application the Applicant gives consent to the Floodplain Administrator or a designee to make reasonable inspections prior to the issuance of a Certificate of Compliance. Once the Compliance Certificate has been issued, the process has been completed.

**Non-Conversion Agreement:** Residential structures with enclosed areas below the Base Flood Elevation will require a Non-Conversion Agreement to be signed and recorded before the Certificate of Compliance is issued.

**Expiration and Revocation of Floodplain Development Permit:** A Floodplain Development Permit shall be subject to expiration and/or revocation by the Floodplain Administrator under the following circumstances:

- If a change of ownership of the affected property occurs following the issuance of a permit and prior to issuance of a Certificate of Compliance, the new owner(s) shall submit an application within 15 days of the date of ownership change. If a new application is not submitted within the 15 days, all work must cease immediately. Upon change of ownership, the new owner does not submit an application within 15 days of the change of ownership.
- The owner deviates from the original application in any way other than change of ownership.
- Work has not started within 180 days of permit approval or if work is suspended for 180 days. (Extensions may be granted by the Floodplain Administrator but must be obtained within one year of the date of issue.)

**Appeals:** Any person aggrieved by a decision of the Floodplain Administrator in the grant or denial of a Floodplain Development Permit may appeal such decision to the Zoning Board of Appeals by filing a notice of appeal stating the nature of the appeal within thirty (30) days of the return of the Floodplain Administrator's decision to the Applicant.