

**Table 2.10
Flood Hazard Area Overlay District (FHO)**

A. **Purpose.** The Flood Hazard Area Overlay District includes areas subject to a one percent or greater chance of flooding in any given year (i.e., 100-year floodplains) as depicted on the most recent National Flood Insurance Program maps issued by the Federal Insurance Administration for the Town of Waitsfield. The purpose of this district is to promote the public health safety and welfare; to prevent increases in flooding caused by the uncontrolled development of lands in areas of special flood hazard; and to minimize losses due to floods.

<p>B. <u>Permitted Uses:</u></p> <ol style="list-style-type: none"> 1. Accessory Use (to a permitted use) 2. Agriculture 3. Home Child Care 4. Forestry 5. Home Occupation 	<p>C. <u>Conditional Uses:</u></p> <ol style="list-style-type: none"> 1. All other permitted uses as specified for the underlying zoning district. Such uses shall be subject only to conditional use review standards specific to flood hazard areas under Section 5.03. 2. All conditional uses as specified for the underlying zoning district. Such uses shall be subject to all conditional use review standards, including those specific to flood hazard areas under subsection 5.03(F).
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D. **Dimensional Standards:**

All applicable standards of the underlying district shall apply.

E. **Other Flood Hazard District Standards:**

1. Development within designated areas of special flood hazard shall be subject to the provisions of Section 5.03, as well as any applicable requirements of the underlying zoning district. Where this overlay district imposes more restrictive standards on the construction or use of structures or land, the standards under this overlay district shall apply. See also state notification requirements under Section 6.01.
2. Uses permitted within the Flood Hazard Area Overlay which are not subject to flood hazard area review include agriculture and forestry, unimproved open space, and those uses generally permitted within existing single family dwellings (i.e., child care and group homes as defined, and home occupations). All other uses and structures, including but not limited to new or expanded single family dwellings, shall be subject to conditional use review under the provisions of Section 5.03, as well as all other applicable municipal and state regulations.

F. **Warning and Disclaimer:**

District designation does not imply that lands outside of designated flood hazard areas, or land uses permitted within designated flood hazard areas, will be free from flooding or flood damages. District designation and the administration of associated standards shall not create liability on the part of the municipality, or any official or employee thereof, for any damages that result from the application of this bylaw or any decision lawfully made thereunder.