

Comparison between Current and Proposed Wilmington Flood Hazard Regulations (4/23/18)

The table below lays out the primary differences between the current Wilmington Flood Hazard regulation and the Proposed Wilmington Flood Hazard regulation. The list highlights what is new in the updated regulation, and/or what major differences exist between the two documents, and is based on what the current regulation contains. This comparison is not exhaustive. It is meant only to aid in discussing the overall differences between the regulations.

Section	Current Flood Hazard District Regulation	Proposed Flood and Fluvial Erosion Hazard Regulation
1. Statutory Authorization and Effect, Purpose, Precedence, Severability and Disclaimer of Liability	Similar	Similar
2. Lands to Which these Regulations Apply	SFHA only	Includes the River Corridor; Includes an Interpretation section for uncertainty concerns; describes the SFHA zones; describes process for requesting map changes
3. Administration	Contains application and review procedures for permitted activities and conditional use and variance	Contains designation of Floodplain Administrator; Lists duties and responsibilities of floodplain administrator; describes public notice requirements; appeals procedure; permit validity; changes post-permit; start of construction
4. Permit Application Guidelines	No guidelines on application, other than using application from town. Brief procedures on DRB handling anything other than permitted uses. There are some conditional use application requirements. DRB review procedures are listed.	Application requirements and determinations that ZA should be able to make from application materials are clearly listed.
5. Development in Regulated Flood Hazard Areas	Short permitted use section and all other is conditional use. Nothing is listed out in the bylaw other than 3 permitted activities.	Permitted, prohibited, conditional use review, and exempted activities are all listed. There is also a table for clarity. Nonconforming structures are addressed, as are small stream setbacks.
6. Technical Provisions	No freeboard; new manufactured homes are	Information not contained in current bylaw includes:

Section	Current Flood Hazard District Regulation	Proposed Flood and Fluvial Erosion Hazard Regulation
6. Technical Provisions (cont'd)	allowed; enclosed area below the lowest floor is allowed; RVs can be anchored and made “permanent”, no max for accessory structures; historic structures not addressed.	enclosed area below the lowest floor is prohibited; two-foot freeboard; RVs do not have option of being elevated and anchored; accessory structures have max of 500 square feet; historic structures section provides guidance; variance requirements for manufactured homes; fill requirements; anchoring requirements; flood-proofing standards; specifics for floodway, RC development, and alteration of watercourse.
7. Enforcement and Penalties	Similar	Similar
8. Waivers	Not included	Included and allows for reduction in dimensional requirements in the bylaw based on specific criteria.
9. Variances	Variance criteria listed	Included
10. Definitions	Definition not included in proposed regulation: riverine	New definitions include: accessory structure, base flood discharge, basement, building, channel, channel width, community, critical facilities, designated center, fill, floodplain or flood-prone area, fluvial erosion, functional dependent use, highest adjacent grade, identified floodplain area, LOMA, minor repair, nonconforming structure, nonconforming use, nonconformity, non-residential, non-substantial improvement, person, post-FIRM structure, pre-FIRM structure, repetitive loss, regulated flood hazard areas, river corridor, setback, small streams, SFHA, subdivision, top of bank, variance