

**Public Hearing Notice**

Notice is hereby given, in accordance with the provisions of Section 5 of Chapter 40A of the Massachusetts General Laws and Title 17, Chapter 17.56, Sections 17.56.010 – 17.56.030 of the Revised Ordinances of the City of Revere, that (a) the Revere City Council will conduct a public hearing on Monday, May 20, 2024 at 6:00PM in the City Councillor Joseph A. DelGrosso City Council Chamber of Revere City Hall, 281 Broadway, Revere, Massachusetts 02151, and (b) the Revere Planning Board will conduct a public hearing on Tuesday, May 21, 2024 at 5:30PM in the City Councillor Joseph A. DelGrosso City Council Chamber of Revere City Hall, 281 Broadway, Revere, Massachusetts 02151, relative to the following proposed amendment to the Revised Ordinances of the City of Revere:

**AN ORDINANCE FURTHER AMENDING THE FLOODPLAIN OVERLAY DISTRICT ORDINANCE OF THE CITY OF REVERE**

*Be it ordained by the City of Revere, MA as follows:*

**Section 1.** Title 17, Chapter 17.46 of the Revised Ordinances of the City of Revere is hereby amended by deleting the language in this section in its entirety and replacing it with the following new language:

**FLOODPLAIN OVERLAY DISTRICT REGULATIONS**

**Sections:**

- 17.46.001 Statement of Purpose**
- 17.46.010 Floodplain District**
- 17.46.020 Community Floodplain Administrator**
- 17.46.030 Permit Requirements in the Floodplain Overlay District**
- 17.46.040 Floodway Encroachment**
- 17.46.050 Unnumbered A Zones**
- 17.46.060 AO and AH Zones Drainage Requirements**
- 17.46.070 Subdivision Proposals**
- 17.46.080 Base Flood Elevation Data for Subdivision Proposals**
- 17.46.090 Recreational Vehicles**
- 17.46.100 Protection of Dunes**
- 17.46.110 Watercourse Alterations in Riverine Areas**
- 17.46.120 Requirements for Submittal of New Technical Data**
- 17.46.130 Variances to Building Code Floodplain Standards**
- 17.46.140 Variances to Local Zoning Ordinances**
- 17.46.150 Abrogation and Greater Restriction**
- 17.46.160 Disclaimer of Liability**
- 17.46.170 Severability**
- 17.46.180 Definitions**

#### **17.46.001 Statement of Purpose.**

The purpose of the Floodplain Overlay District is to:

- A. Ensure public safety through reducing the threats to life and personal injury;
- B. Eliminate new hazards to emergency response officials;
- C. Prevent the occurrence of of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- D. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- E. Eliminate cost associated with the response and cleanup of flooding conditions;
- F. Reduce damage to public and private property resulting from flooding waters.

#### **17.46.010 Floodplain District**

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the City of Revere designated as Zone A, AE, AH, AO, A99, V, or VE on the Suffolk County Flood Insurance Rate Map (FIRM) dated July 3, 2024 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Suffolk County Flood Insurance Study (FIS) report dated July 3, 2024. The FIRM and FIS report are incorporated herein by reference and are on file with the City Clerk, Planning Board, Building Commissioner, and Conservation Commission.

#### **17.46.020 Community Floodplain Administrator**

The City of Revere hereby designates the position of City Planner to be the official floodplain administrator for the City of Revere.

#### **17.46.030 Permit Requirements in the Floodplain Overlay District**

The City of Revere requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

The City's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits and must demonstrate that all necessary permits have been acquired.

#### **17.46.040 Floodway Encroachment**

In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE along watercourses that have a regulatory floodway designated on the City's FIRM or Flood Boundary & Floodway Map encroachments are prohibited including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

#### **17.46.050 Unnumbered A Zones**

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

#### **17.46.060 AO and AH Zones Drainage Requirements**

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

#### **17.46.070 Subdivision Proposals**

All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

- (a) Such proposals minimize flood damage.
- (b) Public utilities and facilities are located and constructed so as to minimize flood damage.
- (c) Adequate drainage is provided.

#### **17.46.080 Base flood Elevation Data for Subdivision Proposals**

When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

#### **17.46.090 Recreational Vehicles**

In A, A1-30, AH, AO, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

#### **17.46.100 Protection of Dunes**

Alteration of sand dunes is prohibited when the alteration would increase potential flood damage.

#### **17.46.110 Watercourse Alterations in Riverine Areas**

In a riverine situation, the City of Revere Floodplain Administrator shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream

- Bordering States, if affected
- NFIP Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, 8<sup>th</sup> Floor, Boston, MA 02114
- NFIP Program Specialist  
Federal Emergency Management Agency, Region 1  
99 High Street, 6<sup>th</sup> Floor, Boston, MA 02110

#### **17.46.120 Requirements for Submittal of New Technical Data**

If the City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

- NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, 8<sup>th</sup> Floor, Boston, MA 02114
- NFIP Program Specialist  
Federal Emergency Management Agency, Region 1  
99 High Street, 6<sup>th</sup> Floor, Boston, MA, 02110

#### **17.46.130 Variances to Building Code Floodplain Standards**

The City will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance and will maintain this record in the community's files.

The City shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks of life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

#### **17.46.140 Variances to Local Zoning Ordinances**

A variance from these floodplain ordinances must meet the requirements set out by State law and may only be granted if: 1) Good and sufficient cause and exceptional nonfinancial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

#### **17.46.150 Abrogation and Greater Restriction**

The floodplain management regulations found in the Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances, or codes.

#### **17.46.160 Disclaimer of Liability**

The degree of flood protection required by this ordinance is considered reasonable but does not imply total flood protection.

#### **17.46.170 Severability**

If any section, provision, or portion of this ordinance is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

#### **17.46.180 Definitions**

**DEVELOPMENT** means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving excavation or drilling operations or storage of equipment or materials.

**FLOOD BOUNDARY AND FLOODWAY MAP** means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway.

**FLOOD HAZARD BOUNDARY MAP (FHBM)**. An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

**FLOODWAY**. The channel of the river, creek 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 the designated height.

**FUNCTIONALLY DEPENDENT USE** means a use 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, but does not include long-term storage or related manufacturing facilities.

**HIGHEST ADJACENT GRADE** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE** means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified for preliminarily determined by the Secretary of the Interior as to 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;

- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified as either:
  - (1) By an approved state program as determined by the Secretary of the Interior or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**NEW CONSTRUCTION.** Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement.

**RECREATIONAL VEHICLE** means a vehicle which is:

- (a) Built on a single chassis;
- (b) 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 temporary living quarters for recreational, camping, travel, or seasonal use.

**REGULATORY FLOODWAY** – see **FLOODWAY**.

**SPECIAL FLOOD HAZARD AREA.** The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, Ao, AH, V, VO, VE, or V1-30.

**START OF CONSTRUCTION.** The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. 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, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**SUBSTANTIAL REPAIR OF A FOUNDATION.** When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation

measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA 9<sup>th</sup> Edition Building Code]

VARIANCE means a grant of relief by a community from the terms of flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

### **DEFINITIONS OF FLOOD ZONES:**

ZONE A means an area of special flood hazard without water surface elevations determined.

ZONE A1-30 and ZONE AE means area of special flood hazard with water surface elevations determined.

ZONE AH means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined.

ZONE AO means area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet (Velocity flow may be evident; such flooding is characterized by ponding or sheet flow)

ZONE A99 means area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined)

Zone B, C, AND X means areas of minimal or moderate flood hazards or areas of future conditions flood hazard. (Zone X replaces Zones B and C on new and revised maps)

ZONE V means area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area)

ZONE V1-30 and ZONE VE means area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area)

Pursuant to Mass. Gen. Law Chapter 43, Section 23, in as much as the full text of the proposed zoning ordinance (**CZ-24-04**) exceeds eight pages in length, the full text of the aforementioned zoning ordinance amendment is available online at [www.revere.org/departments/city-clerk](http://www.revere.org/departments/city-clerk), and on file and available for public inspection in the office of the City Clerk, Revere City Hall, Revere, Massachusetts, Monday through Thursday from 8:00AM to 5:00PM and on Friday

8:00AM-12:00PM. Proponent/opponent testimony will be accepted in writing on or before May 14, 2024. Testimony can be submitted via email to [amelnik@revere.org](mailto:amelnik@revere.org).

Attest:  
Ashley E. Melnik  
City Clerk

Attest:  
Megan Simmons-Herling  
Planning Board, Chair

Revere Journal  
Send invoice to: [amelnik@revere.org](mailto:amelnik@revere.org)  
4/24/2024  
5/01/2024