

CITY OF QUINCY
IN COUNCIL

ORDER NO. 2025-027

ORDERED:

March 3, 2025

BE IT ORDAINED by the City Council that Chapter 375, Section 8.0, Special Districts, of the Ordinance of the City of Quincy, as amended, is further amended as follows:

By deleting Section 8.1 in its entirety and by substituting therein the following Section 8.1:

SECTION 8.0 Special Districts

8.1. Floodplain Overlay District (FPOD).

8.1.1. Purpose. The purposes of the Floodplain Overlay District (FPOD) are:

1. Ensure public safety through reducing the threats to life and personal injury.
2. Eliminate new hazards to emergency response officials.
3. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding.
4. 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.
5. Eliminate costs associated with the response and cleanup of flooding conditions.
6. Reduce damage to public and private property resulting from flooding waters.

8.1.2. Location. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated in Quincy on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program, dated July 8, 2025 or the latest ones. The flood zones A, AE, AH, AO, A1-30, A99, V, V1-30, VE on these maps indicate the 1% chance regulatory floodplain. 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 Norfolk County

Flood Insurance Study (FIS) report dated in Quincy on the Norfolk County or the latest ones. The effective FIRM and FIS report are incorporated herein by reference and are on file with the City Clerk, Planning Board, Building Official, Conservation Commission and Public Works Official.

8.1.3. Overlay district. The FPOD shall be considered as overlying other districts. Any uses permitted in the portions of the districts so overlaid shall be permitted subject to all the provisions of this Section 8.1.

1. The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.
2. The degree of flood protection required by this ordinance is considered reasonable but does not imply total flood protection.
3. 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.

8.1.4. Duties of Building Commissioner. In order to ensure the proper administration of the Floodplain Overlay District, the Building Commissioner shall:

1. Review proposed development to assure that all necessary permits have been or are in the process of being obtained from those governmental agencies from which approval is required by state or federal law.
2. Obtain and maintain records of the elevation to which any structure has been flood proofed; the flood proofing certificates required under said district; and whether or not the structure has a basement.

The City of Quincy hereby designates the position of Building Commissioner to be the official floodplain administrator for the City.

8.1.5. Use regulations. The City of Quincy requires 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, storage facilities or mining, and any other development that might increase flooding or adversely impact flood risks to other properties.

In the FPOD, no new building or structure shall be erected, constructed, altered, enlarged or moved without a Permit. No dumping, filling or earth transfer or relocation shall be permitted.

Quincy's permit review process includes the use of a checklist of 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.

8.1.6. Coastal high hazard areas. In the FPOD, some areas are designated as coastal high hazard areas (Zone V). Since these areas are extremely hazardous due to high velocity waters from tidal surges and hurricane wash, all new construction shall be located landward of the reach of the mean high tide.

8.1.7. Floodway.

1. 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.
2. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Quincy's FIRM, 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 would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

8.1.8. National Flood Insurance Program. The City of Quincy shall participate in the National Flood Insurance Program and its community rating system annually and shall adopt any further ordinances necessary to implement this program.

8.1.9. Special permit.

In the FPOD, the Board of Appeals, (or, in the case of the QCD-10 or QCD-15 Districts, the Planning Board) may grant a special permit for any use or structure allowed in the underlying district, subject to the following; provided, however, that Urban Renewal Uses are exempt from this requirement:

1. The request has been referred to the Planning Board, the Health Commissioner, the City Engineer and the Conservation Commission and reported upon by all, or 35 days shall have elapsed following such referral without receipt of such reports.
2. The proposed use will not be detrimental to the public health, safety and welfare.
3. The proposed use and/or structure will be built in accordance with the 100-year flood elevation as defined by the Department of Housing and Urban Development, Federal Insurance Rate Map (FIRM) and Federal Insurance Study (FIS) for the City of Quincy.
4. The proposed use will comply in all respects to the provisions of the underlying district or districts within which the land is located.

8.1.10. Variances.

Variances to State Building Code 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 to life and property.

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

Variance to Floodplain Ordinance Standards. A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial 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.

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

1. Such proposals minimize flood damage.
2. Public utilities and facilities are located and constructed so as to minimize flood damage.
3. Adequate drainage is provided.

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

8.1.13. 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 a federal, state, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A 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.

8.1.14. 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.

8.1.15. Recreational vehicles. In A, AO, A1-30, AH, 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.

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

8.1.17. Watercourse alterations or relocations in riverine areas.

In a riverine situation, the Building Commissioner shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream.
- Bordering States, if affected.
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation

- NFIP Program Specialist
Federal Emergency Management Agency, Region I

8.1.18. Requirement to submit 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 six months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.)

Notification shall be submitted to:

FEMA Region I Risk Analysis
Branch Chief

And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation

8.1.19. Definitions.

DEVELOPMENT — 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. [US Code of Federal Regulations, Title 44, Part 59]

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 a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE — A use which 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. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE — Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as 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;
3. 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
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

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. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE — A vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

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. [Base Code, Chapter 2, Section 202]

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. [Base Code, Chapter 2, Section 202]

STRUCTURE — 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. [US Code of Federal Regulations, Title 44, Part 59]

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. Applications determined by the building official to constitute 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 in 9th Edition BC]

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


VIOLATION — 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 § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

PASSED TO BE ORDAINED: May 5, 2025

ATTEST: 

CLERK OF COUNCIL

APPROVED: May 6, 2025



MAYOR

YEAS Ash, Cain, Campbell, Devine, DiBona, Harris, Liang, McCarthy, Minton
NAYS Ash, Cain, Campbell, Devine, DiBona, Harris, Liang, McCarthy, Minton