

Draft Referendum Questions for Annual Town Meeting

Question #1: “Shall portions of an ordinance entitled “Proposed Zoning Ordinance Amendments to Comply with New State Housing Law” be enacted?

Question #2: Shall portions of an ordinance entitled “Proposed Zoning Ordinance Amendments” be enacted as set forth in the proposed ordinance in Section 3.1: Definition, Solar Energy System?

Question #3: Shall an Ordinance entitled “Floodplain Management Ordinance” be enacted?

TOWN OF NORTH BERWICK
PROPOSED ZONING ORDINANCE AMENDMENTS
TO COMPLY WITH NEW STATE HOUSING LAW

I. The Town of North Berwick Zoning Ordinance is proposed to be amended by adding the words shown in underline and removing the words shown in strikethrough, as follows:

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...		

ARTICLE 1 - GENERAL

1.2. Purposes

- ...
- i. To reduce the adverse off-site impact of development thereby increasing the cost of municipal facilities, maintenance and improvement; ~~and~~
 - j. To affirmatively further the purposes of the Federal Fair Housing Act, 42 U.S.C. ch. 45, as amended, and the Maine Human Rights Act to achieve the applicable statewide or regional housing production goal established by the Maine Department of Economic and Community Development; and
 - k. To accomplish the above objectives with the least possible regulation.

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1.4 NON-CONFORMANCE

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1.4.3. General

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- f. The construction of an accessory dwelling unit (ADU) in accordance with Section 5.2.20 does not constitute an expansion, enlargement, change of use, or unlawful continuance of a non-conforming use or a nonconforming structure.

1.5.2 Effective Date; Date of Applicability

- a. **Effective date of Ordinance and Ordinance Amendments; Date of Applicability of Ordinance Amendments:** This Ordinance shall be known as the "Zoning Ordinance of North Berwick Maine" adopted and effective by vote of the Town meeting on 11 March 1978 and subsequent amendments adopted pursuant to this ordinance. The Shoreland Zoning Sections of this Ordinance shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. Notwithstanding 1 M.R.S.A. § 302, the date of applicability of amendments to this Ordinance adopted and effective by vote of the Town meeting on April 13, 2024, shall be July 1, 2024.

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ARTICLE 2 – ESTABLISHMENT OF DISTRICTS

2.1 Zoning Districts

...

- ~~h.~~ Village C Overlay District
- ~~ih.~~ Residential District 1
- ~~ji.~~ Residential District 2
- ~~kj.~~ Farm and Forest District
- ~~lk.~~ Commercial II District
- ~~ml.~~ Industrial District
- ~~nm.~~ Limited Commercial District
- ~~on.~~ Aquifer Protection Zone A
- ~~po.~~ Aquifer Protection Zone B

2.2 Location of Districts

Districts are located and bounded as shown on an Official Zoning Map entitled "Zoning Map of North Berwick, Maine", dated July 1, 2024~~April 2001~~, and any other official zoning maps and overlays showing zoning boundaries. One copy of each official zoning map shall be signed by the Town Clerk and Planning Board Chair and filed in the Office of the Town Clerk. The Official Map shall be signed by the Town Clerk and Chairman of the Planning Board at the time of adoption or amendment and filed in the Town Clerk's Office. Additional copies of official zoning maps and overlays may be seen in the Selectmen's office.

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ARTICLE 3 – CONSTRUCTION OF LANGUAGE AND DEFINITIONS

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3.2 Definitions

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Accessory dwelling unit (ADU): A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same lot.

~~**Affordable Housing:** Means decent, safe and sanitary dwellings, apartments or other living accommodations for low income and moderate income households. The Maine State Housing Office of Community Development in consultation with the Maine State Housing Office shall define "affordable housing" by rule. Affordable housing includes, but is not limited to:~~

- ~~a. Government assisted housing;~~
- ~~b. Housing for low income moderate income families;~~
- ~~c. Manufactured housing;~~
- ~~d. Multifamily housing; and~~
- ~~e. Group and Foster Care facilities.~~

Affordable housing development: (1) For rental housing, a development in which a household whose income does not exceed 80% of the area median income can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs; and (2) for owned housing, a development in which a household whose income does not exceed 120% of the area median income can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs. For purposes of this definition, "housing costs" means: (a) for a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and (b) for an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

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Area median income: The midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing and Urban Development ("HUD"). For purposes of this definition, "region" is the HUD-designated metropolitan area that includes the Town of Buxton.

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Base density: The maximum number of dwelling units allowed on a lot not used for affordable housing development based on the applicable minimum lot area in the zoning district where the lot is located.

...

Centrally managed water system: A water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, *Rules Relating to Drinking Water*. This water system may be privately owned.

...

Certificate of occupancy: The municipal approval for occupancy granted pursuant to 25 M.R.S. § 2357-A or the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103.

...

Comparable sewer system: Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

...

Designated growth area: Any area within the Village A, Village B, Village Center, Commercial, Commercial II and Residential I zoning districts.

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Home Occupation: an occupation which is carried on in a dwelling unit or structure accessory to a dwelling unit, other than an accessory dwelling unit (ADU), that is clearly incidental and secondary to the use of the dwelling for residential purposes and which does not change the character thereof. Home occupations may include the selling of products raised or produced on the premises. This shall not permit the reselling of goods and products purchased or obtained elsewhere. Home occupations may be conducted from a single office which provides professional services located within the home.

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~~**In-Law:** One or more persons who are related by blood or marriage.~~

In-Law Accessory Apartment: An apartment contained in or attached to a single-family dwelling or accessory structure that was permitted pursuant to the requirements of this zoning ordinance prior to July 1, 2024 ~~which meets the standards of Article 5.2.20.~~

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Potable: Safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82, Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants.

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ARTICLE 4 – DISTRICT REQUIREMENTS

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4.1.8 –Village C. Overlay District Reserved

Purpose

- a. ~~To support the opportunities to purchase safe and sanitary housing by North Berwick households who earn 80% or less of the median household income in Town such as, but not limited to, local school teachers and Town employees;~~
- b. ~~To require that houses built and sold as affordable will remain so for at least 30 years under appropriate deed restrictions;~~

~~e. To require that the siting and appearance of affordable houses will be similar to other houses in the area, thus supporting the long term property values of the neighborhood.~~

4.2 GENERAL REQUIREMENTS

The following requirements shall apply to all districts:

- a. **Principal Building/Use:** If more than one principal building/use is constructed on a single parcel of land, all dimensional requirements shall be met separately for each principal building/use.

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LAND USES

KEY: NO = Not permitted YES = Permitted (Code Enforcement Officer Building Permit Required) NA = Not Applicable CU = Conditional Use Permit Required
CEO = Code Enforcement Officer Conditional Use Permit Required (see Section 6.86.9 for details of Planning Board and CEO reviews)

Village Center	Village A,B	Resrce protect	Shorel'd Lim.Res	Shorel'd Stream	Shorel'd General	Residen Dists.	Farm/ Forest	Commc'l Dist.	Commc'l II	Indust. Dist.
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RESIDENTIAL											
Single family dwelling	YES	YES	NO	CEO	NO	CU	YES(1)	YES(1)	CU	YES	NO
Two family dwelling	YES	YES	NO	CU	NO	CU	YES(1)	YES(1)	CU	YES	NO
Affordable 1 & 2 family dwellings(4)	NO	CU(3)	NO	NO	NO	NO	NO	NO	CU	CU	NO
<u>Affordable housing development</u>	<u>CU</u>	<u>CU</u>	<u>NO</u>	<u>CU</u>	<u>NO</u>	<u>CU</u>	<u>CU(1)</u>	<u>CU(1)</u>	<u>CU</u>	<u>CU</u>	<u>NO</u>
Multi family dwelling (4)	YES(4)	CU(4)	NO	CU	NO	CU(4)	CU(1)	CU(1)	CU	CU	NO
In Law Accessory Apartment	CU	CU	NO	CU	CU	CU	CU	CU	CU	CU	NO
<u>Accessory dwelling unit (ADU)</u>	<u>YES</u>	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>NO</u>

...

- (1) Residential subdivisions proposed to be located on open fields or pastures (whether or not they are actively used), shall be laid out according to the clustering approach described in sections 5.2.5 and 5.2.13 below.
- (2) Residential district 1 only
- ~~(3) Village C overlay district only. See table 4.3 for dimensional requirements and Article 5.2.16 Affordable Housing Standards.~~
- ~~(4) Nothing herein prevents affordable housing from being built outside the Village C overlay district that are not subject to the requirements of Article 5.2.16.~~

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Structures accessory to permitted uses, <u>other than ADUs</u>	YES	YES	CEO	YES	CEO	CEO	YES	YES	YES	YES	YES
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Table 4.3 DIMENSIONAL REQUIREMENTS

Lots in all districts shall meet or exceed the following minimum requirements. (Additional area may be required by other provisions of this ordinance.)

~~Strikethrough to be removed~~
Underline to be added

	see notes all zones	Resrc prot. distr. (i)	ShrInd limit. resid. dist.	ShrInd Gen. devel.	ShrInd stream prot.	Comm II & Industrial	Resid. distr. 1	Resid. distr. 2	Farm & Forest	Vill. Ctr. & Comm'l	Vill. A distr.	Vill. B distr.	Vill. C overlay	*Aquifer Protection Zone A&B
Minimum lot size (sq.ft.) without public water & sewer	j, p	a,o,r	60,000 o,r, *	40,000 o,r,s,	60,000 o,r, *	40,000 k	40,000 k	80,000	160,000 *	20,000 k, m	20,000 k	30,000 k	20,000 k, m	4 Acres (174,240)
" With public water & <u>public sewer</u>	p	o, r	o, r	o,r,s	o, r					10,000 k, m			10,000 k, m	und. distr.
<u>Affordable Housing Dev. lot size per unit (5.2.16)</u> <u>without public water and public sewer</u>						<u>16,000</u> <u>(Comm II)</u>	<u>16,000</u>			<u>8,000</u>	<u>8,000</u>	<u>12,000</u>		
<u>Affordable Housing Dev. lot size per unit (5.2.16)</u> <u>With public water and public sewer</u>										<u>4,000</u>				
Minimum road frontage (feet)	b,e		200	100	100	100	150	200	300	25	100	125	und. distr.	300
Minimum shore frontage (feet)	b	q	200(q)	200(q)	200(q)	200	200	200	300	200	200	200	200	und. distr.
Minimum yard dimensions (feet) Front setback	c		50	50	50	50/30 (1)	50	80	100	10	35	50	50	und. distr.
Side setback	l		25	20	20	100/20 (d,g,2 Indus)	35	60	75	0 (d)	20 (g)	25 (g)	und. distr.	und. distr.
Rear setback			25	25	25	20(d,g)	50	60	75	10 (d)	25 (g)	30 (g)	und. distr.	und. distr.
Rear setback when abutting a Residential Use Only applies to Commercial and Industrial Uses			30	30	30	100(g)	60	75	100	10	30	35	25	und. distr.
Shoreland setback from normal high water	t		100	75(n)	100	200	100	100	100	75		100	100	und. distr.
Maximum lot coverage Residential for structures	h		10%	70%	25%	25%	10%	5%	5%	80%	25%	25%	30%	und. distr.
" Non-residential for structures	h		10%	70%	40%	50%	20%	10%	10%	80%	40%	40%(l)	35%	und. distr.
Max. building <u>building</u> height (feet)			35	35	35	35	35	35	35	35	35	35	35	35
Max. floor to area ratio (FAR)										240%				

(1) 50/30 = 50 feet from abutting residential lot
30 feet from abutting non-residential lot

(2) 100/20 = 100 feet from abutting residential district
20 feet from abutting non-residential district

* See Aquifer Protection District Requirements

ARTICLE 5 – PERFORMANCE STANDARDS

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5.1.17. Sanitation and Potable Water Standards. The standards in this Section 5.1.14 apply to all dwelling units (including affordable housing development units) and accessory dwelling units. Prior to the issuance of a certificate of occupancy, the permit holder must provide written verification to the Code Enforcement Officer that the unit is connected to adequate water and wastewater services, as follows:

- a. If a unit is connected to a public, special district, or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system.
- b. If a unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S.A. § 4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 22 M.R.S.A. § 42.
- c. If a unit is connected to a public, special district, or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit.
- d. If a unit is connected to a well, proof of access to potable water, including the following standards:
 - i. The well shall be sited and constructed to prevent infiltration of surface water and contamination from subsurface waste water disposal systems and other known sources of potential contamination.
 - ii. Site design shall allow for placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal in compliance with 10-144 C.M.R. Ch. 241, the Maine Subsurface Waste Water Disposal Rules.
 - iii. Proposed activities involving sources of potential contamination, including junkyards, automobile graveyards, gas stations, and bulk storage of petroleum products, must be located at least 300 feet from existing private and public water supplies.
 - iv. For subdivisions and commercial, industrial and other non-residential development, the applicant shall demonstrate that there is sufficient healthful water supply to serve the needs of the project.
 - v. When a project is to be served by a public water system, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water.

- vi. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

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5.2.8 Animal Husbandry

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- b. Structures of pens for housing or containing the animals (such as chicken coops, barns, byres, stables, or dog-runs) shall be located not less than five-hundred (500) feet from the nearest residence~~neetial~~ dwelling unit, including the nearest accessory dwelling unit (ADU), existing at the time of permit issuance (other than the dwelling on the same lot).

5.2.16 Affordable Housing Development Standards (~~Village C Overlay District~~)

~~A single family unit in the Village C Overlay District and Commercial District shall be deemed affordable if all the following standards are met:~~

- ~~a. The total cost for the dwelling unit does not exceed 28% of the income of a household earning 80% of the median household income in North Berwick. Total housing cost shall be defined as the mortgage payment for the dwelling unit based upon 90% of the dwelling's value, the housing insurance, and property taxes;~~
- ~~b. The deed for the property states that for 30 years from the date of the initial purchase of the property as an affordable housing property, the property shall not be sold by any owner for more than an affordable cost as defined in Article 5.2.16.a.~~
- ~~c. The determination of an affordable price for a property shall be determined by the Planning Board based upon the latest available data from the U.S. Census, a department of State of Maine government, and or the Southern Maine Regional Planning Commission;~~
- ~~d. Before plans for affordable dwelling units are approved by the Planning Board or Code Enforcement Officer, the Town attorney shall review and approve in writing the deed(s) for each property assuring that the standards of Article 5.2.15 are met. The cost for Town attorney review shall be born by the applicant in all cases regardless of approval or disapproval.~~
- ~~e. These affordable homes are intended primarily for owner occupancy, however, if rented, the rent shall be limited to no more than the same maximum monthly cost as stated in 5.2.16 paragraph (a).~~
- ~~f. The siting and appearance of affordable housing will be similar to other houses in the area.~~

A. Affordable housing density bonus. An affordable housing development that complies with this Section 5.2.16 is eligible for a dwelling unit density bonus of 2.5 times the base density that is otherwise allowed on the lot proposed for affordable housing development. If fractional results occur when calculating the density bonus, the maximum number of allowed units shall be rounded down to the nearest whole number.

B. Location. An affordable housing development must be (i) located in a zoning district that allows multi-family dwellings and (ii) located in a designated growth area or served by a public, special district, or other centrally managed water system and a public, special district, or other comparable sewer system.

C. Long-term affordability.

1. More than half of the total dwelling units in the affordable housing development must be designated as affordable rental units or affordable homeownership units.

2. Prior to the issuance of a certificate of occupancy for a structure to be used for an affordable housing development, the owner of the affordable housing development must execute a restrictive covenant recorded in the York County Registry of Deeds and enforceable by a third party acceptable to the municipality, to ensure that for at least thirty (30) years after completion of construction occupancy of all units designated affordable in the development will remain limited to households at or below 80% (for rental housing) or 120% (for owned housing) of the local area median income at the time of initial occupancy. The restrictive covenant must run with the land and encumber the affordable housing development, be binding upon the developer (for rental housing) or the unit owners (for owned housing) and their successors and assigns, and inure to the benefit of and be enforceable by the Town of North Berwick and a third party acceptable to the municipality.

D. Water and wastewater.

1. The sanitation and potable water standards in Section 5.1.17 shall apply to each unit within an affordable housing development.

2. The developer of an affordable housing development must make adequate provision for the long-term maintenance, repair, and improvement of any (i) individual private septic system, (ii) comparable sewer systems, (iii) individual private wells, and (iv) public water systems proposed to serve the units within the affordable housing development, including a process of collection and enforcement to obtain capital improvement funds from the developer (for rental housing) or the unit owners (for owned housing).

E. Parking. Notwithstanding any provision of this zoning ordinance to the contrary, no more than two (2) off-street parking motor vehicle spaces shall be required for every three (3) units within an affordable housing development. If fractional results occur, the number of motor vehicle parking spaces shall be rounded down to the nearest whole number.

F. Nothing in this Section 5.2.16 exempts an affordable housing development from any other requirements of this zoning ordinance, including without limitation, any frontage, setback, subdivision or shoreland zoning requirements.

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5.2.20 ~~In-Law~~ Accessory Dwelling Unit (ADU) ~~Apartment~~ Standards.

An ~~apartment~~ accessory dwelling unit (ADU) meeting the following standards ~~shall be considered to be part of a single-family dwelling and shall not be considered to be a dwelling unit in terms of~~ for purposes of (i) applying the space and bulk minimum lot size, minimum road frontage, and minimum lot coverage standards contained in Table 4.3; (ii) counting the number of dwelling units when applying the driveway, private drive or way, or private road definitions in Section 3.2; (iii) counting the number of dwelling units when applying the subdivision definition in Section 3.2; (iv) issuing building permits pursuant to the growth management provisions of Section 6.3; or (v) calculating the maximum net residential density allowable in planned unit developments pursuant to Section 5.2.5. ~~In-Law Accessory Apartments shall be permitted in those Districts where single-family dwelling is an allowed use. Apartments ADUs not meeting these requirements shall be considered to be separate dwelling units and shall meet the use and bulk standards contained in Table 4.3.~~

1. ~~The initial use of the apartment is for the care of in-laws. The apartment can continue to be utilized by the property owner after the care of the in-law has ceased provided all other requirements of this section are met.~~ ADUs are allowed with a permit in the zoning districts so designated in Table 4.2.
2. ~~The apartment shall be accessory to the use of the premises as a single-family dwelling and only one apartment shall be created accessory to the single-family dwelling. No more than one (1) ADU shall be permitted on any lot containing one (1) or more single-family dwelling units, except that no ADU shall be permitted on a lot developed with an in-law accessory apartment.~~
3. ~~The apartment ADU may be constructed shall be created within or attached to a single-family dwelling or accessory structure, or a separate accessory structure on the lot.~~
4. ~~Provisions for one (1) additional parking space shall be made in conformance with article 5.~~ If the ADU is within or attached to a single-family dwelling unit or an accessory structure, the ADU must meet the applicable minimum yard dimensions (front, side, and rear setbacks) contained in Table 4.3. If the ADU is a separate accessory structure or attached to an accessory structure, the ADU must meet the minimum setback requirements for accessory structures set forth in Section 4.2.b.
5. ~~The habitable area of the apartment~~ floor area of the ADU shall not exceed 650 square feet and shall not be less than 190 square feet. The ADU shall not contain more than one bedroom and shall not have an occupancy that exceeds two persons.
6. The sanitation and potable water standards in Section 5.1.17 shall apply to the ADU. ~~One of the units must be occupied by the property owner.~~
7. Notwithstanding any provision of this zoning ordinance to the contrary, the ADU is not subject to additional motor vehicle parking requirements beyond those applicable to the single-family dwelling units on the lot.

8. Nothing in this Section 5.2.20 exempts an ADU from any other requirements of this zoning ordinance, including without limitation, any shoreland zoning requirements.

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ARTICLE 6 – ADMINISTRATION

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6.3. Growth Management Permit Required

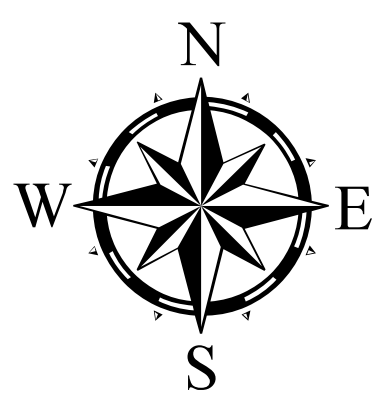
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6.3.9. Specific Limitations on Growth Management Permits – Subdivisions; Apartment Buildings.

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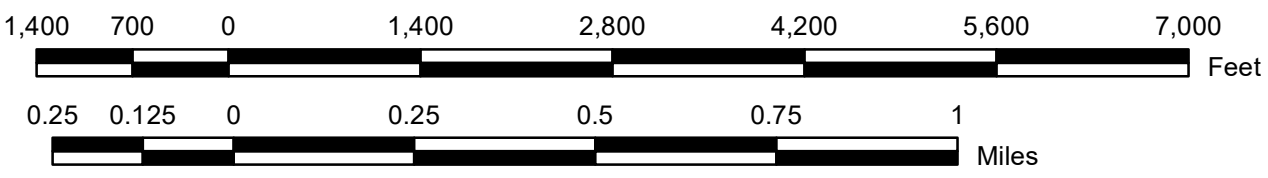
- c. Subdivisions in Designated Growth Areas: No more than 12 growth management permits, or the number of growth management permits equal to no more than 60% of the total number of lots within a single subdivision, whichever number is greater, shall be issued for dwelling units within a single subdivision during each fiscal year in the Designated Growth Areas; Village A, Village B, Village Center, ~~Village C Overlay~~, Residential I, and Residential II Zoning Districts of the Town. Additional permits for such subdivision may be issued in succeeding years in accordance with section 6.3.7.

II. The Zoning Map of North Berwick, Maine, dated April 2001, is proposed to be repealed and replaced with the Zoning Map of North Berwick, Maine, dated July 1, 2024. The proposed map removes the Village C Overlay District. A copy of the proposed map is available from the Town Clerk.



ZONING MAP
OF
NORTH BERWICK
MAINE

SCALE: 1" = 1400'



	MINIMUM SIZE SQ. FEET	MINIMUM FRONTAGE FEET
VILLAGE A	20,000	100
VILLAGE B	30,000	125
VILLAGE C OVERLAY	20,000	100
10,000*		
INDUSTRIAL	40,000	100
RESIDENTIAL I	40,000	150
RESIDENTIAL II	80,000	200
FARM AND FOREST	160,000	300
SHORELAND LIMITED RESIDENTIAL OVERLAY	60,000	200
AQUIFER PROTECTION ZONE A - OVERLAY	60,000	200
AQUIFER PROTECTION ZONE B - OVERLAY	60,000	200
VILLAGE CENTER OVERLAY	20,000	25
10,000*		
COMMERCIAL	20,000	25
COMMERCIAL II	40,000	100

* WITH PUBLIC WATER AND SEWER SERVICES

LEGEND

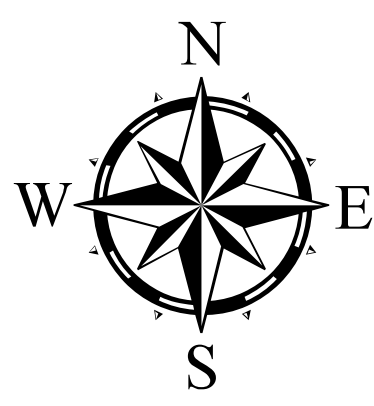
PROPERTY LINE	ROAD
COMMON OWNERSHIP	SECONDARY ROAD
WATER	CLASS VI ROAD
WETLAND	DISCONTINUED ROAD
EASEMENT	PRIVATE ROAD
UTILITY EASEMENT	RIGHT OF WAY
TOWN LINE	TRAIL

CURRENT

THIS MAP WAS COMPILED FROM EXISTING AVAILABLE PROPERTY MAPS,
LAND USE MAPS AND USGS MAPS. IT IS A PLANNING TOOL ONLY.
IT IS NOT TO BE USED FOR PROPERTY CONVEYANCE OR AS A BASIS
FOR LEGAL TORT. THE INFORMATION SHOWN SHOULD NOT BE A
SUBSTITUTE FOR ACTUAL FIELD INVESTIGATION.

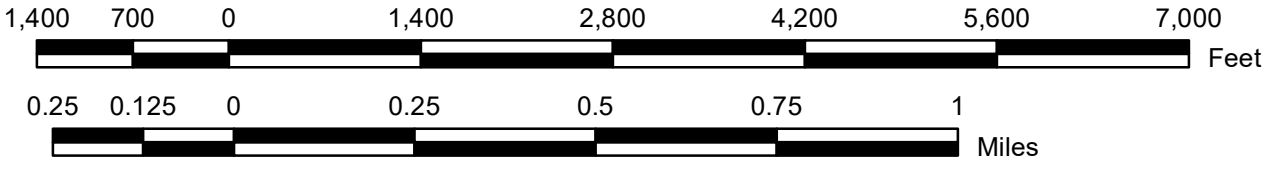
PROPERTY LINES CURRENT TO APRIL, 2022

OFFICIAL LANDUSE DISTRICT MAP ADOPTED: _____	
TOWN CLERK _____	DATE _____
CHAIRMAN, BOARD OF SELECTMEN _____	DATE _____
BOARD OF SELECTMEN _____	DATE _____
CODE ENFORCEMENT OFFICER _____	DATE _____
CHAIRMAN, BOARD OF APPEALS _____	DATE _____
CHAIRMAN, PLANNING BOARD _____	DATE _____
PLANNING BOARD _____	DATE _____
PLANNING BOARD _____	DATE _____
PLANNING BOARD _____	DATE _____
PLANNING BOARD _____	DATE _____



ZONING MAP
OF
NORTH BERWICK
MAINE

SCALE: 1" = 1400'



	MINIMUM SIZE SQ. FEET	MINIMUM FRONTAGE FEET
VILLAGE A	20,000	100
VILLAGE B	30,000	125
INDUSTRIAL	40,000	100
RESIDENTIAL I	40,000	150
RESIDENTIAL II	80,000	200
FARM AND FOREST	160,000	300
SHORELAND LIMITED RESIDENTIAL OVERLAY	60,000	200
AQUIFER PROTECTION ZONE A - OVERLAY	60,000	200
AQUIFER PROTECTION ZONE B - OVERLAY	60,000	200
VILLAGE CENTER OVERLAY	20,000	25
COMMERCIAL	20,000*	25
COMMERCIAL II	40,000	100

* WITH PUBLIC WATER AND SEWER SERVICES

LEGEND

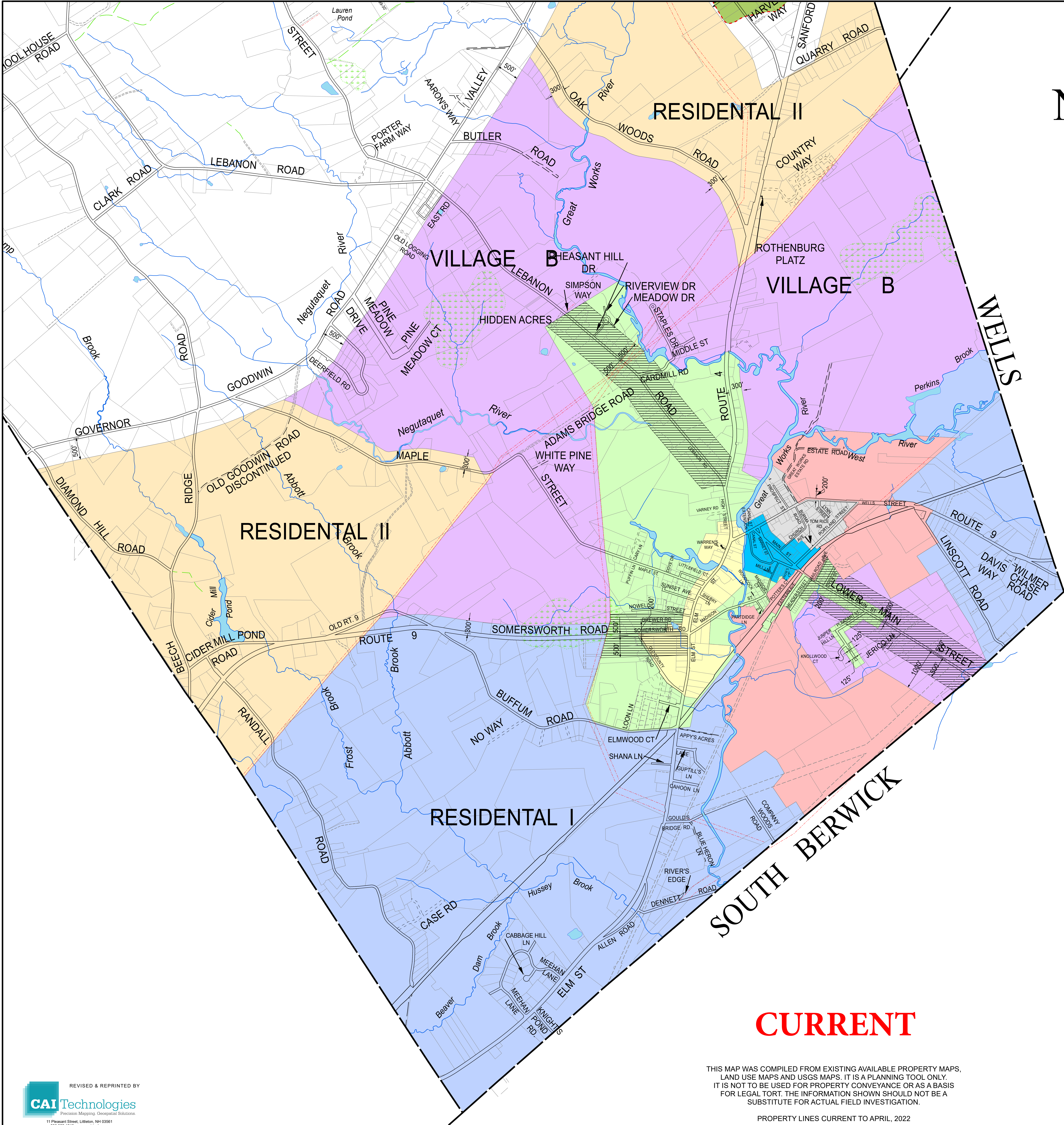
PROPERTY LINE	ROAD
COMMON OWNERSHIP	SECONDARY ROAD
WATER	CLASS VI ROAD
WETLAND	DISCONTINUED ROAD
EASEMENT	PRIVATE ROAD
UTILITY EASEMENT	RIGHT OF WAY
TOWN LINE	TRAIL

PROPOSED

THIS MAP WAS COMPILED FROM EXISTING AVAILABLE PROPERTY MAPS,
LAND USE MAPS AND USGS MAPS. IT IS A PLANNING TOOL ONLY.
IT IS NOT TO BE USED FOR PROPERTY CONVEYANCE OR AS A BASIS
FOR LEGAL TORT. THE INFORMATION SHOWN SHOULD NOT BE A
SUBSTITUTE FOR ACTUAL FIELD INVESTIGATION.

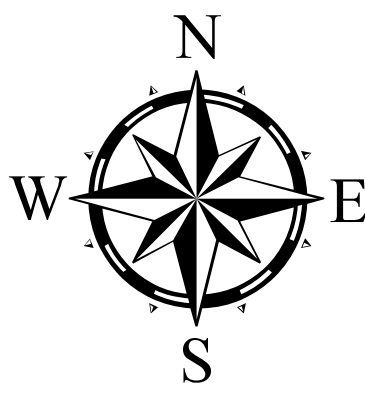
PROPERTY LINES CURRENT TO APRIL, 2023

OFFICIAL LANDUSE DISTRICT MAP ADOPTED: _____	
TOWN CLERK _____	DATE _____
CHAIRMAN, BOARD OF SELECTMEN _____	DATE _____
BOARD OF SELECTMEN _____	DATE _____
CODE ENFORCEMENT OFFICER _____	DATE _____
CHAIRMAN, BOARD OF APPEALS _____	DATE _____
CHAIRMAN, PLANNING BOARD _____	DATE _____
PLANNING BOARD _____	DATE _____
PLANNING BOARD _____	DATE _____
PLANNING BOARD _____	DATE _____
PLANNING BOARD _____	DATE _____



VILLAGE ZONING MAP
OF
NORTH BERWICK
MAINE

SCALE: 1" = 800'



OFFICIAL LANDUSE DISTRICT MAP
ADOPTED: _____

TOWN CLERK	_____	DATE	_____
CHAIRMAN, BOARD OF SELECTMEN	_____	DATE	_____
BOARD OF SELECTMEN	_____	DATE	_____
CODE ENFORCEMENT OFFICER	_____	DATE	_____
CHAIRMAN, BOARD OF APPEALS	_____	DATE	_____
CHAIRMAN, PLANNING BOARD	_____	DATE	_____
PLANNING BOARD	_____	DATE	_____
PLANNING BOARD	_____	DATE	_____
PLANNING BOARD	_____	DATE	_____
PLANNING BOARD	_____	DATE	_____

	MINIMUM SIZE SQ. FEET	MINIMUM FRONTAGE FEET
VILLAGE A	20,000	100
VILLAGE B	30,000	125
VILLAGE C OVERLAY	20,000 10,000*	100
INDUSTRIAL	40,000	100
RESIDENTIAL I	40,000	150
RESIDENTIAL II	80,000	200
FARM AND FOREST	160,000	300
SHORELAND LIMITED RESIDENTIAL OVERLAY	60,000	200
AQUIFER PROTECTION ZONE A - OVERLAY	60,000	200
AQUIFER PROTECTION ZONE B - OVERLAY	60,000	200
VILLAGE CENTER OVERLAY	20,000 10,000*	25 25
COMMERCIAL	20,000	25
COMMERCIAL II	40,000	100

* WITH PUBLIC WATER AND SEWER SERVICES

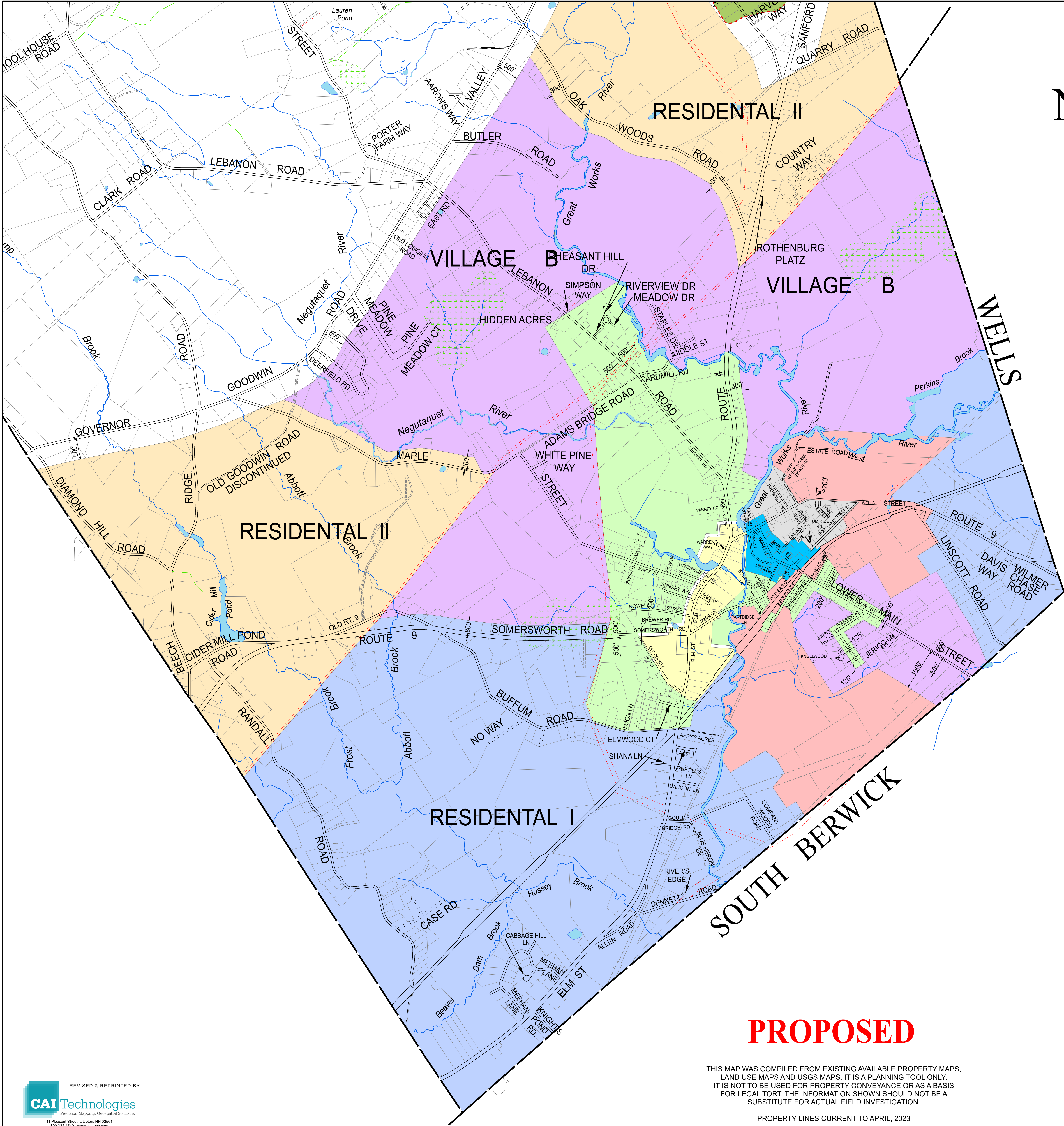
LEGEND

PROPERTY LINE	ROAD
COMMON OWNERSHIP	SECONDARY ROAD
WATER	CLASS VI ROAD
WETLAND	DISCONTINUED ROAD
EASEMENT	PRIVATE ROAD
UTILITY EASEMENT	RIGHT OF WAY
TOWN LINE	TRAIL

CURRENT

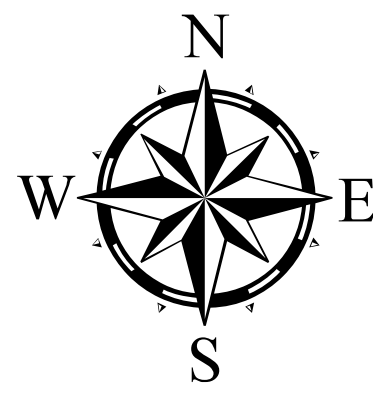
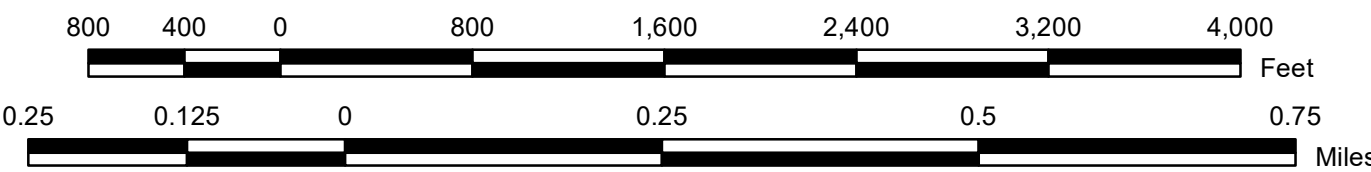
THIS MAP WAS COMPILED FROM EXISTING AVAILABLE PROPERTY MAPS,
LAND USE MAPS AND USGS MAPS. IT IS A PLANNING TOOL ONLY.
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PROPERTY LINES CURRENT TO APRIL, 2022



VILLAGE ZONING MAP
OF
NORTH BERWICK
MAINE

SCALE: 1" = 800'



OFFICIAL LANDUSE DISTRICT MAP
ADOPTED: _____

TOWN CLERK	DATE
CHAIRMAN, BOARD OF SELECTMEN	DATE
BOARD OF SELECTMEN	DATE
CODE ENFORCEMENT OFFICER	DATE
CHAIRMAN, BOARD OF APPEALS	DATE
CHAIRMAN, PLANNING BOARD	DATE
PLANNING BOARD	DATE
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COMMERCIAL	10,000*	25
COMMERCIAL II	20,000	25
	40,000	100

* WITH PUBLIC WATER AND SEWER SERVICES

LEGEND

PROPERTY LINE	ROAD
COMMON OWNERSHIP	SECONDARY ROAD
WATER	CLASS VI ROAD
WETLAND	DISCONTINUED ROAD
EASEMENT	PRIVATE ROAD
UTILITY EASEMENT	RIGHT OF WAY
TOWN LINE	TRAIL

PROPOSED

THIS MAP WAS COMPILED FROM EXISTING AVAILABLE PROPERTY MAPS, LAND USE MAPS AND USGS MAPS. IT IS A PLANNING TOOL ONLY. IT IS NOT TO BE USED FOR PROPERTY CONVEYANCE OR AS A BASIS FOR LEGAL TORT. THE INFORMATION SHOWN SHOULD NOT BE A SUBSTITUTE FOR ACTUAL FIELD INVESTIGATION.

PROPERTY LINES CURRENT TO APRIL, 2023

PROPOSED ZONING AMENDMENTS - “ARTICLE 3.1 DEFINITION - SOLAR ENERGY SYSTEM”

Currently Reads:

Solar Energy System: A solar collection system used to capture, convert, and supply electrical energy or thermal power, and consisting of one (1) or more freestanding, ground, roof, or wall mounted, solar arrays or modules, or solar related equipment, intended to reduce consumption of utility and/or fuel-generated power.

- a. **Residential Solar System (RSS)** - Intended for residential uses where the power generated is utilized only for the single-family residential property upon which is it sited.
- b. **Commercial Solar System (CSS)** - Intended for a multifamily dwelling, multifamily dwelling above the ground floor of a mixed use development, mobile home park, convalescent, rest, or nursing home, residential care or congregate care facility, institutional use, recreational use, commercial or industrial use, or rural use, a CSS may be up to twenty thousand (20,000) square feet in surface area with a rated nameplate capacity of up to two-hundred-fifty (250) kilowatts (kW) The Planning Board may waive the size limits for surface area and nameplate capacity if the applicant demonstrates to the Board's satisfaction that the additional surface area and/or nameplate capacity is needed to meet the energy requirements for intended onsite use.
- c. **Utility Solar System (USS)** - Intended for off-site utility grid use, a USS is larger than twenty-thousand (20,000) square feet in surface area with no limit on the rated nameplate capacity.

Proposed to Read:

Solar Energy System: A solar collection system used to capture, convert, and supply electrical energy or thermal power, and consisting of one (1) or more freestanding, ground, roof, or wall mounted, solar arrays or modules, or solar related equipment, intended to reduce consumption of utility and/or fuel-generated power.

- a. **Residential Solar System (RSS)** - Intended for residential uses where the power generated is utilized only for the single-family residential property upon which is it sited.
- b. **Commercial Solar System (CSS)** - Intended for a multifamily dwelling, multifamily dwelling above the ground floor of a mixed use development, mobile home park, convalescent, rest, or nursing home, residential care or congregate care facility, institutional use, recreational use, commercial or industrial use, **a collaboration of 2-10 single family dwellings,** or rural use **located within the boundaries of North Berwick,** a CSS may be up to twenty thousand (20,000) square feet in surface area with a rated nameplate capacity of up to two-hundred-fifty (250) kilowatts (kW) The

Planning Board may waive the size limits for surface area, **up to 1 acre total**, and nameplate capacity if the applicant demonstrates to the Board's satisfaction that the additional surface area and/or nameplate capacity is needed to meet the energy requirements for intended onsite use.

- c. **Utility Solar System (USS)** - Intended for off-site utility grid use, a USS is larger than twenty-thousand (20,000) square feet in surface area with no limit on the rated nameplate capacity.

Intent: To clarify that a Commercial Solar System is for use of properties located within the boundaries of North Berwick and to add to the list of acceptable uses a collaborative of 2-10 single family dwellings to be consistent with the Maine PUC rules and regulations. This amendment also limits Commercial Solar Energy Systems to no more than 1 acre of surface area with Planning Board review and approval.

FLOODPLAIN MANAGEMENT ORDINANCE

FOR THE

TOWN OF NORTH BERWICK, MAINE

ENACTED: _____
Date

EFFECTIVE: _____
Date

CERTIFIED BY: _____
Signature

CERTIFIED BY: _____
Print Name

Title

Affix Seal

DRAFT January 2024

FLOODPLAIN MANAGEMENT ORDINANCE

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ARTICLE I - PURPOSE AND ESTABLISHMENT

Certain areas of the Town of North Berwick, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of North Berwick, Maine has chosen to become a participating community in the National Flood Insurance Program and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the Town of North Berwick, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The Town of North Berwick has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of North Berwick having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of North Berwick, Maine.

The areas of special flood hazard, Zones A and AE, for the Town of North Berwick, York County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – York County, Maine," dated July 17, 2024, with accompanying "Flood Insurance Rate Map" dated July 17, 2024, are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

The Code Enforcement Officer shall be designated as the local Floodplain Administrator. The Floodplain Administrator shall have the authority to implement the commitment made to administer and enforce the requirements for participation in the National Flood Insurance Program.

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Planning Board. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of North Berwick, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Planning Board and shall include:

- A. The name, address, and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;

- C. A site plan showing locations of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.2. apply only to new construction and substantial improvements.]

- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum in Zone A only, of the:
 - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zone AE from data contained in the "Flood Insurance Study - York County, Maine," as described in Article I; or,
 - b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Article VI.M. and VIII.D.; or,
 - (2) in the absence of all data described in Article III.H.1.b.(1), information to demonstrate that the structure shall meet the elevation requirement in Article VI.H.2.b., Article VI.I.2.a. or b., or Article VI.J.2.b.
 - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 - 3. lowest floor, including basement; and whether or not such structures contain a basement;
 - 4. lowest machinery and equipment servicing the building; and,
 - 5. level, in the case of non-residential structures only, to which the structure will be floodproofed.
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by:
 - 1. a Professional Land Surveyor that the grade elevations shown on the application are accurate; and,
 - 2. a Professional Land Surveyor, registered professional engineer or architect that the base flood elevation shown on the application is accurate.

- K. The following certifications as required in Article VI by a registered professional engineer or architect:
1. a Floodproofing Certificate (FEMA Form FF-206-FY-22-153, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article VI.I.; and other applicable standards in Article VI;
 2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.N.2.a.;
 3. a certified statement that bridges will meet the standards of Article VI.O.;
 4. a certified statement that containment walls will meet the standards of Article VI.P.
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$50.00 shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer, Planning Board, and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Planning Board shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 1. the base flood and floodway data contained in the "Flood Insurance Study - York County, Maine," as described in Article I;
 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Planning Board shall obtain, review, and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.(1); Article VI.M.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,

3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b.(1), the community shall submit that data to the Maine Floodplain Management Program.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
 - D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
 - E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
 - F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
 1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an “under construction” Elevation Certificate completed by a Professional Land Surveyor based on the Part I permit construction for verifying compliance with the elevation requirements of Article VI, paragraphs H., I., or J. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
 2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.I.1. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
 3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes but is not limited to: accessory structures as provided for in Article VI.L., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.
 - G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance, and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

All developments in areas of special flood hazard shall meet the following applicable standards:

A. All Development - All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse, or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. use construction materials that are resistant to flood damage;
3. use construction methods and practices that will minimize flood damage; and,
4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities, that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

B. Water Supply - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

C. Sanitary Sewage Systems - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

D. On Site Waste Disposal Systems - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. Watercourse Carrying Capacity - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

F. Utilities - New construction or substantial improvement of any structure (including manufactured homes) located within Zones A and AE, shall have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least one foot above the base flood elevation.

G. Physical Changes to the Natural Landscape - Certain development projects, including but not limited to, retaining walls, sea walls, levees, berms, and rip rap, can cause physical changes that affect flooding conditions.

1. All development projects in Zone AE that cause physical changes to the natural landscape shall be reviewed by a Professional Engineer to determine whether or not the project changes the base flood elevation, zone, and/or the flood hazard boundary line.
2.
 - a. If the Professional Engineer determines, through the use of engineering judgement, that the project would not necessitate a Letter of Map Revision (LOMR), a certified statement shall be provided.

- b. If the Professional Engineer determines that the project may cause a change, a hydrologic and hydraulic analysis that meets current FEMA standards shall be performed.
- 3. If the hydrologic and hydraulic analysis performed indicates a change to the base flood elevation, zone, and/or the flood hazard boundary line, the applicant may submit a Conditional Letter of Map Revision (C-LOMR) request to the Federal Emergency Management Agency for assurance that the as-built project will result in a change to the Flood Insurance Rate Map. Once the development is completed, a request for a Letter of Map Revision (LOMR) shall be initiated.
- 4. If the hydrologic and hydraulic analysis performed show a change to the base flood elevation, zone, and/or the flood hazard boundary line, as soon as practicable, but no later than 6 months after the completion of the project, the applicant shall submit the technical data to FEMA in the form of a Letter of Map Revision request.

H. Residential - New construction or substantial improvement of any residential structure located within:

- 1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
- 2. Zone A shall have the lowest floor (including basement) elevated:
 - a. to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article VIII.D.; or,
 - b. in the absence of all data described in Article VI.H.2.a., to at least two feet above the highest adjacent grade to the structure.

I. Non-Residential - New construction or substantial improvement of any non-residential structure located within:

- 1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
- 2. Zone A shall have the lowest floor (including basement) elevated:

- a. to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; Article VIII.D.; or,
- b. in the absence of all data described in Article VI.I.2.a., to at least two feet above the highest adjacent grade to the structure; or,
- c. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.I.1.a., b., and c.

J. Manufactured Homes - New or substantially improved manufactured homes located within:

1. Zone AE shall:

- a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
- b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
- c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
 - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
 - (3) All components of the anchoring system described in Article VI.J.1.c.(1) & (2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

- a. be elevated on a permanent foundation, as described in Article VI.J.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; Article VIII.D.; or,
- b. in the absence of all data as described in Article VI.J.2.a., to at least two feet above the highest adjacent grade to the structure; and,
- c. meet the anchoring requirements of Article VI.J.1.c.

K. Recreational Vehicles - Recreational Vehicles located within:

1. Zones A and AE shall either:

- a. be on the site for fewer than 90 consecutive days or 120 total days in a calendar year; and,

- b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
- c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.J.1.

L. Accessory Structures - New construction or substantial improvement of Accessory Structures, as defined in Article XIII, shall be exempt from the elevation criteria required in Article VI.H. & I. above, if all other requirements of Article VI and all the following requirements are met.

1. Accessory Structures located in Zones A and AE shall:

- a. meet the requirements of Article VI.A.1. through 4., as applicable;
- b. be limited in size to a one-story two car garage;
- c. have unfinished interiors and not be used for human habitation;
- d. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and, when possible, outside the Special Flood Hazard Area.
- e. be located outside the floodway;
- f. when possible, be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
- g. have hydraulic openings, as specified in Article VI.N.2., in at least two different walls of the accessory structure.

M. Floodways -

- 1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 2. In Zones A and AE riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.M.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

c. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.

3. In Zones A and AE riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

N. **Hydraulic Openings/Flood Vents** - New construction or substantial improvement of any structure in Zones A and AE that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs H., I., or J. and is elevated on posts, columns, piers, piles, or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article XIII;
2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
3. The enclosed area shall not be used for human habitation; and,
4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

O. **Bridges** - New construction or substantial improvement of any bridge in Zones A and AE shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings or columns) is elevated to at least one foot above the base flood elevation; and,
2. a registered professional engineer shall certify that:
 - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.M.; and,
 - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all

structural components. Water loading values used shall be those associated with the base flood.

P. Containment Walls - New construction or substantial improvement of any containment wall located within:

1. Zones A and AE shall:

- a. have the containment wall elevated to at least one foot above the base flood elevation;
- b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
- c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

Q. Wharves, Piers, and Docks - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A and AE, in and over water, and shall comply with all applicable local, state, and federal regulations.

ARTICLE VII - CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer an Elevation Certificate completed by a Professional Land Surveyor for compliance with Article VI, paragraphs H., I., or J.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
 1. review the Elevation Certificate and the applicant's written notification; and,
 2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law, or local ordinances or regulations, and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE IX - APPEALS AND VARIANCES

The Board of Appeals of the Town of North Berwick may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - 1. a showing of good and sufficient cause; and,
 - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances; and,
 - 3. a showing that the issuance of the variance will not conflict with other state, federal, or local laws or ordinances; and,
 - 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,
 - d. that the hardship is not the result of action taken by the applicant or a prior owner.

- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 - 1. the criteria of Article IX.A. through C. and Article VI.M. are met; and,
 - 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
 - 1. the development meets the criteria of Article IX.A. through C.; and,
 - 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Variances may be issued for new construction and substantial improvement of Agricultural Structures being used for the conduct of agricultural uses provided that:
 - 1. the development meets the criteria of Article IX.A. through C.; and,
 - 2. the development meets the criteria of Article VI.M. and Article VI.N.
- G. Any applicant who meets the criteria of Article IX.A. through C. and Article IX.D., E., or F. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
 - 1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage; and,
 - 2. such construction below the base flood level increases risks to life and property; and,
 - 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks, and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- H. Appeal Procedure for Administrative and Variance Appeals
 - 1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.

2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the documents constituting the record of the decision appealed from.
3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Planning Board a report of all variance actions, including justification for the granting of the variance and an authorization for the Planning Board to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE X - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, may submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:
 1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
 3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
 4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
 5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

ARTICLE XIII - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

Accessory Structure - a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

Adjacent Grade - the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Agricultural Structure - structures that are used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

Area of Special Flood Hazard - the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

Base Flood - a flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement - any area of the building having its floor subgrade (below ground level) on all sides.

Building - see **Structure**.

Certificate of Compliance - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Code Enforcement Officer - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

Containment Wall - a wall surrounding all sides of an above ground tank to contain any spills or leaks.

Development - any man made change to improved or unimproved real estate. This includes, but is not limited to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials.

Elevated Building - a non-basement building that is:

- a. built, in the case of a building in Zones A or AE, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, posts, piers, or shear walls; and

- b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A or AE, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.N.

Elevation Certificate - an official form (FEMA Form FF-206-FY-22-152, as amended) that is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program.

Existing Manufactured Home Park or Subdivision - a manufactured home park or subdivision that was recorded in the deed registry prior to the adoption date of the community's first floodplain management regulations.

Flood or Flooding -

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

Flood Elevation Study - an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - see **Flood Elevation Study**.

Floodplain or Flood-prone Area - any land area susceptible to being inundated by water from any source (see **Flood or Flooding**).

Floodplain Management - the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations - zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and contents.

Floodway - see **Regulatory Floodway**.

Floodway Encroachment Lines - the lines marking the limits of floodways on federal, state, and local floodplain maps.

Freeboard - a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

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.

Historic Structure - any structure that is:

- a. 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;
- b. 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 of the Interior 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 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.

Locally Established Datum - for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.N. of this ordinance.

Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD), or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Minor Development - all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes but is not limited to: accessory structures as provided for in Article VI.L., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

National Geodetic Vertical Datum (NGVD) - the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and has been called "1929 Mean Sea Level (MSL)".

New Construction - structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

North American Vertical Datum (NAVD) - the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon the vertical data used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound and subsidence, and the increasing use of satellite technology.

100-year flood - see **Base Flood**.

Recreational Vehicle - a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and,
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

- a. the channel of a river or other water course 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, and,

- b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Riverine - relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area - see **Area of Special Flood Hazard**.

Start of Construction - the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. 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, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

Structure - for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Substantial Damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

Variance - a grant of relief by a community from the terms of a floodplain management regulation.

Violation - the failure of a structure or development to comply with a community's floodplain management regulations.

ARTICLE XIV - ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

ARTICLE XV - DISCLAIMER OF LIABILITY

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