

Madbury Zoning Ordinances

additional time is required for further study of the situation, but in no case shall the time exceed sixty (60) days following the hearing on that appeal.

Article XVI Amendments

This Ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is published in the Warrant calling for the meeting, pursuant to the provisions, NH RSA 675:6, as amended.

Article XVII Penalty

Any violation of this Ordinance may be punishable asset forth in NH RSA 676:17 and as amended. A civil fine of not more than \$100.00 for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the municipality that he is in violation of any ordinance or regulation, whichever date is earlier.

Article XVIII Saving Clause

If any court of competent authority shall hold any section, clause, provision, portion, or phrase of this Ordinance invalid or unconstitutional, such holding shall not affect, impair, or invalidate any other section, clause, provision, portion, or phrase of this Ordinance.

Article XIX When Effective

This Ordinance shall take effect upon its passage.

Article XX Repealed

Any and all zoning ordinances heretofore enacted by the Town of Madbury are hereby repealed.

Article XXI Flood Hazard Area Overlay District

Section 1. Title and Authority

- A. The title of this District shall be the Town of Madbury Flood Hazard Area Overlay District.
- B. This ordinance is adopted under the authority granted pursuant to RSA 674:16, Grant of Power, and RSA 674:21, Innovative Land Use Controls, and 674:56, Floodplain Ordinances. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Madbury Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

Madbury Zoning Ordinances

Section 2. Purpose

- A. The purpose of the Flood Hazard Area Overlay District is to protect the health and safety of residents by promoting the most appropriate use of land in Flood Hazard Areas, including:
 - 1. Uses which will result in no increase in base flood levels, flows, peaks or velocity.
 - 2. Uses which will not increase the potential for flood damage to the owner's property or that of others.
 - 3. Uses which will protect the benefits provided to the community by the floodplain.
 - 4. Uses which will result in no increase in erosion and/or sedimentation or other degradation of water quality.
 - 5. Uses which will not increase the risk to public safety, or to emergency personnel during flood events, or result in an increase in the cost of public services above costs incurred when not in a floodplain.

Section 3. District Boundaries

- A. The provisions of the Flood Hazard Area Overlay District shall apply to all lands designated as Special Flood Hazard Areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for Strafford County, NH" dated September 30, 2015, together with the following associated Flood Insurance Rate Map panel numbers for the Town of Madbury: 33017C0305E, 33017C0310E, 33017C0315E, 33017C0318E, 33017C0320E, and 33017C0340E, dated September 30, 2015, which are declared to be a part of this ordinance and are hereby incorporated by reference.
- B. Zone A where the base flood elevation is not available, the base flood elevation shall be at least two feet above the highest adjacent grade

Section 4. Administrative Provisions

- A. If any provision of this Ordinance differs or appears in conflict with any other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.
- B. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
- C. In accordance with RSA 676, the Floodplain Administrator shall enforce and administer the provisions of this Ordinance.
- D. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur, and flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside of a special flood hazard area or uses that are permitted within such areas will be free from flooding or flood damage.

Section 5. Floodplain Administrator Duties and Responsibilities.

- A. The Building Inspector or their designee is hereby appointed to administer and implement these regulations and is referred to herein as the "Floodplain Administrator."
- B. In Zone A the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site plan approvals).

~~C.~~

~~D.C.~~ _____ The duties and responsibilities of the Floodplain Administrator shall include, but

Madbury Zoning Ordinances

are not limited to:

1. Ensure that permits are obtained for proposed development in a special flood hazard area.
2. Review all permit applications for completeness and accuracy, and coordinate with the applicant for corrections or further documentation, as needed.
3. Interpret the special flood hazard area and floodway boundaries and determine whether a proposed development is located in a special flood hazard area, and if so, whether it is also located in a floodway.
4. Provide available flood zone and base flood elevation information pertinent to the proposed development.
5. Make the determination as to whether a structure will be substantially improved or has incurred substantial damage as defined in this Ordinance and enforce the provisions of this Ordinance for any structure determined to be substantially improved or substantially damaged.
6. Issue or deny a permit based on review of the permit application and any required accompanying documentation.
7. Ensure prior to any alteration or relocation of a watercourse that the required submittal and notification requirements in this Ordinance are met.
8. Review all required as-built documentation and other documentation submitted by the applicant for completeness and accuracy and verify that all permit conditions have been completed in compliance with this Ordinance.
9. Notify the applicant in writing of either compliance or non-compliance with the provisions of this Ordinance.
10. Ensure the administrative and enforcement procedures detailed in RSA 676 are followed for any violations of this Ordinance.
11. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the ~~town-Town~~ of Madbury within six months after such data and information becomes available if the analyses indicate changes in base flood elevations, ~~special-Special~~ Flood hazard-Hazard ~~area-Area~~ and/or floodway boundaries.
12. Maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations, including: local permit documents, flood zone and base flood elevation determinations, substantial improvement and damage determinations, variance and enforcement documentation, and as-built elevation and dry floodproofing data for structures subject to this Ordinance.
13. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, inspectors, or other community officials as needed.

Section 6. Permits

- A. All proposed development in the Flood Hazard Area Overlay District shall require a Building Permit and may require a Conditional Use Permit in accordance with Section 10 of this Article.
- B. The Building Inspector shall review all Building Permit applications for new construction, additions to existing structures, and substantial improvement to determine whether the proposed site is within the Flood Hazard Area Overlay District. If the site is determined to be within the Flood Hazard Area Overlay District, the Building Inspector shall review the application to ensure that the proposal is in compliance with all provisions of this ordinance.
- C. The Building Inspector shall not grant a Building Permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

Section 7. – Substantial Improvement and Damage Determinations

Madbury Zoning Ordinances

- A. For all development in a ~~special~~-~~Special flood~~-~~Flood hazard~~-~~Hazard area~~-~~Area~~ that proposes to improve an existing structure, including alterations, movement, enlargement, replacement, repair, additions, rehabilitations, renovations, repairs of damage from any origin (such as, but not limited to flood, fire, wind or snow) and any other improvement of or work on such structure including within its existing footprint, the Floodplain Administrator, in coordination with any other applicable community official(s), shall be responsible for the following:
1. Review description of proposed work submitted by the applicant.
 2. Use the community's current assessed value of the structure (excluding the land) to determine the market value of the structure prior to the start of the initial repair or improvement, or in the case of damage, the market value prior to the damage occurring. If the applicant disagrees with the use of the community's assessed value of the structure, the applicant is responsible for engaging a licensed property appraiser to submit a comparable property appraisal for the total market value of only the structure.
 3. Review cost estimates of the proposed work including donated or discounted materials and owner and volunteer labor submitted by the applicant. Determine if the costs are reasonable for the proposed work, or use other acceptable methods, such as those prepared by licensed contractors or professional construction cost estimators and from building valuation tables, to estimate the costs.
 4. Determine if the proposed work constitutes substantial improvement or repair of substantial damage as defined in this Ordinance.
 5. Notify the applicant in writing of the result of the substantial improvement or damage determination. If the determination is that the work constitutes substantial improvement or substantial damage, the written documentation shall state that full compliance with the provisions of this Ordinance is required.
 6. Repair, alteration, additions, rehabilitation, or other improvements of historic structures shall not be subject to the elevation and dry floodproofing requirements of this Ordinance if the proposed work will not affect the structure's designation as a historic structure. The documentation of a structure's continued eligibility and designation as a historic structure shall be required by the Floodplain Administrator in approving this exemption.

Section 8. Permitted Uses

- A. The following uses are permitted provided they are consistent with the purposes of this ordinance and do not involve the placement, expansion or construction of permanent structures or other materials that could impede floodwaters or become flood-carried debris:
1. Agricultural activities consistent with current best management practices as published by the New Hampshire Department of Agriculture.
 2. Forest Management consistent with current accepted best management practices as outlined in the Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire, Department of Resources and Economic Development, April 1996, as amended.
 3. Outdoor recreation, such as play areas, boating, hunting, fishing, trails for motorized or non- motorized use.
 4. Wildlife or fisheries management.
 5. Scientific research and educational activities.
 6. Home occupations in existing residences consistent with Article V-B Home Occupations of this Zoning Ordinance

Madbury Zoning Ordinances

7. Replacement water and sewer systems, including on-site systems, provided that the applicant shall provide the Building Inspector with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.
8. Substantial improvement not involving an addition.

Section 9. Prohibited Uses

The following uses are not permitted in this district.

~~A.~~ ~~New habitable buildings and~~

~~A-B.~~ ~~Critical facilities.~~

~~B-C.~~ Storage of construction or other materials which would impede flow of floodwaters.

~~C-D.~~ Filling.

~~D-E.~~ Grading that results in obstruction of flood flows or reduces flood storage capacity.

~~E-F.~~ Dumping.

~~F-G.~~ Wastewater or septage treatment facilities.

~~G-H.~~ Storage of floatable, or toxic, hazardous, or regulated substances. (Quantities typical for household use are permissible if stored 1 to 3 feet or more above base flood elevation.)

~~H-I.~~ Unsecured tanks.

~~I-J.~~ Junkyards.

~~J-K.~~ Landfills.

~~K-L.~~ Subdivision of land that would create a parcel that had no developable land outside the Flood Hazard area.

~~L-M.~~ ~~Permanent~~ water impoundments.

Section 10. Conditional Uses

- A. The following land uses are allowed in the Flood Hazard Overlay District, subject to the restrictions of the underlying district, if the Planning Board approves a Conditional Use Permit.
- B. The following uses may be permitted by Conditional Use Permit if the use is not in a floodway:
 1. Structures other than new habitable buildings and critical facilities.
 2. Addition to existing structures, including manufactured homes, and replacement of manufactured homes.
 3. Accessory structures to existing primary uses when it is not practicable to construct the accessory structure on a portion of the lot outside of the Flood Hazard Area Overlay District.
 4. One principal building on a preexisting lot of record with no developable land outside Flood Hazard Area Overlay District.
 5. New or expanded septic systems if no suitable location exists for the system on a portion of the lot outside of the Flood Hazard Area Overlay District.
 6. Construction, repair or maintenance of streets, roads, and other access ways, including driveways, footpaths and bridges, and utility right-of-way easements, including power lines and pipe lines, wastewater collection facilities and pump stations, if essential to the productive use of land adjacent to the Flood Hazard Area Overlay District.
 7. Undertaking of a use not otherwise permitted in the Flood Hazard Area Overlay District, if it

Formatted: Not Highlight

Commented [ED1]: I'm not sure it makes sense to add water impoundment as a prohibited use in the Flood Hazard Overlay District. Dams, etc. are always going to be in the floodplain. I also think that we need to tweak the language of the definition of water impoundment - a stormwater system may temporarily store water, but it's still a permeant feature in the landscape. So the distinction between whether constant or occasional water storage (may not be necessary). Maybe add "Water Impoundment" as a conditional use instead of prohibited?

Madbury Zoning Ordinances

can be shown that such proposed use does not involve the erection of structures or filling and is in accordance with all of the purposes of the District as listed in Section 2, and those of the underlying zoning district.

8. Detention basins that meet the definition listed in Env-Wq 1502.15, as amended, and other temporary water impoundments that temporarily store water:

i. The design of the water impoundment shall not result in any increase in flood levels within the community during the base flood discharge.

ii. The applicant must satisfactorily demonstrate that impervious area is minimized, and LID practices have been implemented on-site to the maximum extent practicable to reduce downstream drainage and flooding impacts from the site.

ii. ~~Water impoundments that do not fit the above definition but do not result in any adverse flood-related impacts as determined by expert review~~

9. ~~C. Water-dependent uses, such as docks, boathouses, and water powered projects.~~

Section 11. Procedures and Criteria for Conditional Use Permits

- A. Application for Conditional Use Permit shall be submitted to the Planning Board before such use is started, increased, or changed and shall be in accordance with the provisions of Article IV, Section 9 of this Ordinance.
- B. The Planning Board may grant a Conditional Use Permit if it determines, based on evidence provided by the applicant, that the use conforms to the standards provided in Sections 12 through 16 below and the purposes of the Flood Hazard Area Overlay District listed in Section 2 above.

Section 12. Construction Requirements

All new construction, additions, or substantial improvements located within the Flood Hazard Area Overlay District shall be:

- A. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
- B. Constructed with materials resistant to flood damage,
- C. Constructed by methods and practices that minimize flood damages,
- D. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are elevated at or above the base flood elevation.
 - 1. In Zone A where the base flood elevation is not available, the base flood elevation shall be at least two feet above the highest adjacent grade.
 - 2. In Zone AE, refer to the base flood elevation data provided in the community's Flood Insurance Study and accompanying FIRM.
- E. Constructed such that all driveways and/or all road access or streets be constructed with the driving surface at or above the base flood elevation in order to ensure safe ingress and egress during a 100-year flood for critical facilities.
 - 1. In Zone A where the base flood elevation is not available, the base flood elevation shall be at least two feet above the highest adjacent grade.
 - 2. In Zone AE, refer to the base flood elevation data provided in the community's Flood Insurance Study and accompanying FIRM.
 - 3. Driveways and/or all access or streets shall be:
 - i. Capable of accommodating emergency services vehicle,

Commented [ED2]: Similar to above, this needs a little clarification. If 'temporary' and permeant impoundments are going to be regulated differently they should have separate definitions in the definitions section. I would also suggest tweaking the terminology as I think the 'temporary vs permeant language could be confusing and interpreted differently by different readers.

Formatted: Line spacing: Exactly 12.45 pt

Commented [ED3]: This item can't fall under "B" because it would always be in a floodway. Same goes for water impoundments if they are added in as conditional uses.

Formatted: Normal, No bullets or numbering

Madbury Zoning Ordinances

ii Constructed with appropriate mechanisms for proper drainage during a flood event

iii Constructed to avoid impairments to water resources including but not limited to groundwater, aquifers, wellhead protection areas, and wet areas as defined by this ordinance.

iiii Constructed in a manner that best adheres to the Section 12E header with understanding that some length may be below base flood elevation if the connecting town road is below base flood elevation.

~~4. It is suggested that all new construction, additions, or substantial improvements shall be constructed such that all driveways and/or all road access or streets meet the requirements of Section 8D12D.~~

Section 13. Water Supply and Sewage Disposal Systems

- A. The following standards shall apply to all water supply, sanitary sewage, and on-site waste disposal systems located in a special flood hazard area:
- B. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
- C. New and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the systems and discharge from the system into flood waters; and
- D. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

Section 14. Certification of Floodproofing

- A. For all new, expanded, or substantially improved structures located in the Flood Hazard Area Overlay District, the applicant shall furnish the following information to the Building Inspector:
1. the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) and include whether or not such structures contain a basement.
 2. if the structure has been floodproofed, the as-built elevation (in relation to mean sea level) to which the structure was floodproofed.
 3. any certification of floodproofing.
- B. The Building Inspector shall maintain the aforementioned information for public inspection and shall furnish such information upon request.

Section 15. Watercourses

- A. In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Building Inspector, in addition to the copies required by the RSA 482-A: 3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Bureau and the Madbury Conservation Commission.
- B. The applicant shall submit to the Building Inspector certification provided by a registered professional engineer assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
- C. The Building Inspector shall obtain, review, and reasonably utilize any floodway data available from federal, state, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement:
1. No encroachments, including fill, new construction, additions, substantial improvements, and other development are allowed within the floodway that would result in any increase

Commented [ED4]: This needs to be modified as it conflicts with E(1) and (2). Either keep E(1) and E(2) or omit and use E(4) but replace the section reference.

Madbury Zoning Ordinances

in flood levels within the community during the base flood discharge. The volume of the loss of floodwater storage due to filling in the Special Flood Hazard Area shall be offset by providing an equal volume of flood storage by excavation or other compensatory measures at, or adjacent to, the development site.

Formatted: Highlight

- D. Until a Regulatory Floodway is designated along watercourses, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Section 16. Design and Development Standards

- A. In Zone A where the base flood elevation is not available, structures shall be elevated at least two feet above the highest adjacent grade.

Formatted: Not Highlight

- B. In Zone AE, refer to the base flood elevation data provided in the community's Flood Insurance Study and accompanying FIRM.

Commented [ED5]: Unhighlighted bc this isn't new.

- C. All new construction, additions, or substantial improvement of residential structures have the lowest floor (including basement) elevated ~~to at least~~ two feet above the base flood elevation or two feet above the highest adjacent grade if base flood elevation is not available.

Formatted: Not Highlight

- D. All new construction, replacements, additions, or substantial improvement of critical facilities shall have the lowest floor (including basement) elevated ~~to at least~~ three feet above the base flood elevation or three feet above the highest adjacent grade if base flood elevation is not available.

- A. All new construction, additions, or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the base flood elevation -and together with attendant utility and sanitary facilities, shall:
1. be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
 2. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 3. 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.
- B. Flood Hazard Areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot or more above the base flood elevation; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- C. All recreational vehicles placed on sites within Zone A and AE shall either:
1. be on the site for fewer than 180 consecutive days;
 2. 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,
 3. meet all standards of Section 8 of this ordinance and the elevation and anchoring requirements for "manufactured homes" in Section 13.B.3 of this section.
- D. For all new construction, additions, and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:
1. the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;
 2. the area is not a basement; and
 3. shall be designed to automatically equalize hydrostatic flood forces on exterior walls by

Madbury Zoning Ordinances

allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- i A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- ii The bottom of all openings shall be no higher than one foot above grade.
- iii Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

Section 17. Variances

- A. Any order, requirement, decision or determination of the Building Inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
- B. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I (b), the applicant shall have the burden of showing in addition to the usual variance standards under state law that:
 1. ~~the~~The variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;
 2. ~~if~~If the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result; and
 3. ~~T~~he variance is the minimum necessary, considering the flood hazard, to afford relief.
- C. The Zoning Board of Adjustment shall notify the applicant in writing that:
 1. ~~the~~The issuance of a variance to construct below the base flood level ~~will~~ may result in increased premium rates for flood insurance ~~up to amounts as high as \$25 for \$100 of insurance coverage; and~~
 2. ~~S~~uch construction below the base flood level increases risks to life and property.

Such notification shall be maintained by the Zoning Board of Adjustment with a record of all variance actions.

- D. The community shall:
 1. ~~M~~aintain a record of all variance actions, including their justification for their issuance; and
 2. ~~R~~eport such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

Section 18. Definitions

The following definitions shall apply only to this Flood Hazard Area Overlay District and shall not be affected by the provisions of any other ordinance of the Town of Madbury.

Addition: An expansion of a structure outside of the footprint of the original building.

Base Flood: The flood having a one percent possibility of being equaled or exceeded in any given year.

Base Flood Elevation: The water surface elevation having a one percent possibility of being equaled or exceeded in any given year.

Basement: Any area of a building having its floor subgrade on all sides.

Building - see "structure".

Critical Facilities: "Critical facilities" means facilities that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, and water supply and waste treatment facilities. Critical facilities include those buildings and structures defined as [Flood Design Class 4 \(ASCE 24-14\)](#).

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operation or storage of equipment or materials.

Commented [ED6]: Autumn pointed out that this may not be current.

Madbury Zoning Ordinances

FEMA: The Federal Emergency Management Agency.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters, or
2. the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Administrator has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

Floodplain or Flood-prone area: Any land area susceptible to being inundated by water from any source (see definition of "Flooding").

Flood proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

Floodway - see "Regulatory Floodway".

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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:
 - i by an approved state program as determined by the Secretary of the Interior, or
 - ii directly by the Secretary of the Interior in states without approved programs.

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 an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Low-Impact Development (LID): Low impact development is a site planning and design strategy intended to maintain or replicate predevelopment hydrology through the use of site planning, source control, and small-scale practices integrated throughout the site to prevent, infiltrate and manage runoff as close to its source as possible. Examples of LID strategies are pervious pavement, rain gardens, green roofs, bioretention basins and swales, filtration trenches, and other functionally similar BMPs located near the runoff source

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" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.

Madbury Zoning Ordinances

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: The National Geodetic Vertical Datum of 1929, North American Vertical Datum of 1988 or other to which base flood elevations shown on a community's Flood Insurance Rate Maps are referenced.

New construction means, for the purposes of determining insurance rates, structures for which the start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Recreational Vehicle is defined as:

1. built on a single chassis;
2. 400 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.

Regulatory floodway: The channel of a river 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.

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Special Flood Hazard Area: An area having special flood, mudflow or flood-related erosion hazards and shown on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM) Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. For the purpose of determining Community Rating System (CRS) premium discounts, all AR and A99 zones are treated as non-SFHAs.

Start of Construction: Includes substantial improvements, and means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, placement, 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 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 a 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 part of the main structure.

Structure: means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 40 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any combination of repairs, reconstruction, alteration, or improvements to a structure taking place over a five year period in which the cumulative cost equals

Madbury Zoning Ordinances

or exceeds forty percent of the market value of the structure. The market value of the structure should equal:

1. the appraised value prior to the start of the initial repair or improvement, or
2. in the case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures that have incurred repetitive loss or substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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 under Section 10 or Section 13.B.2 of this ordinance is presumed to be in violation until such time as that documentation is provided.

Water Impoundment: Means an artificial body of water confined within an enclosure that raises the water volume above its natural level. An impoundment may ~~be~~ permanently store water (e.g., dam, weir, levee, etc.) resulting in long-term waterbodies such as lakes, ponds, and lagoons, OR temporary store water (e.g., stormwater systems) resulting in short-term stored water which is then slowly released.

Water Surface Elevation: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum of 1988 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

Formatted: Not Highlight