



City of Caribou, Maine

*Municipal Building
25 High Street
Caribou, ME 04736
Telephone (207) 493-3324
Fax (207) 498-3954
www.cariboumaine.org*

**AGENDA
Caribou Planning Board
Regular Meeting
Wednesday, December 2, 2015 at 5:30 p.m.
Caribou City Council Chambers**

- I. Call Meeting to Order
- II. Minutes of the November 4, 2015 meeting 2
- III. New Business
 - a. Zoning Change Request 3-6
 - b. Site Design Review 7-18
 - c. Day Care Ordinance 19-22
- IV. Old Business
 - a. Chapter 13 Re-write 23-34
- V. Other Business
- VI. Adjournment



City of Caribou, Maine

Caribou Planning Board Meeting Minutes Wednesday, November 4, 2015 @ 5:30 pm City Council Chambers

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25 High Street
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In Attendance: Phil Cyr, Bob White, Matthew Hunter, Todd Pelletier, Michele Smith, Evan Graves and Philip McDonough III

Members Absent: None

Others in Attendance: Austin Bless –City Manager, Code Enforcement Officer

- I. **Call Meeting to Order** - The meeting was called to order at 5:30 pm.
- II. **Minutes of the October 7, 2015 Meeting** –Pelletier moved to accept the minutes as presented; seconded by Graves; Vote was unanimous.
- III. **New Business**
 - a. Day Care Ordinance – Discussion held on removing language about locating near potentially hazardous land use, changing complaints to non-compliance, and other minor changes. Motion by White to hold a hearing on the proposed ordinance at the next meeting. Seconded by Hunter. Vote was unanimous.
- IV. **Old Business** –
 - a. **Chapter 13 Re-write** – The Board reviewed Section 13-500 Shoreland Zoning.

After review and discussion, the Board agreed to not make any changes to this ordinance.
- V. **Other Business** –

Bless asked on a home occupation and whether it needs Planning Board review or not. Consensus was Home Occupations are approved by the Code Enforcement Officer.

Asked on possible rezoning of property located at Map 30, Lot 126. The Planning Board will look at an application if it comes in.
- VI. **Adjournment** – Hunter moved to adjourn the meeting at 6:09 pm; seconded by McDonough. Vote was unanimous.

Respectfully Submitted,

Robert White
Planning Board Secretary

RW/ab



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Chairman and Planning Board Members
From: Austin Bleess, City Manager
Date: December 2, 2015
Re: Zoning Change Request

We have received a request to change the zoning of Map 32, Lot 175 from the C-2 Zone to an R-1 Zone. The property is owned by three siblings. Connie Heald, one of the siblings, will be here tonight to represent the family.

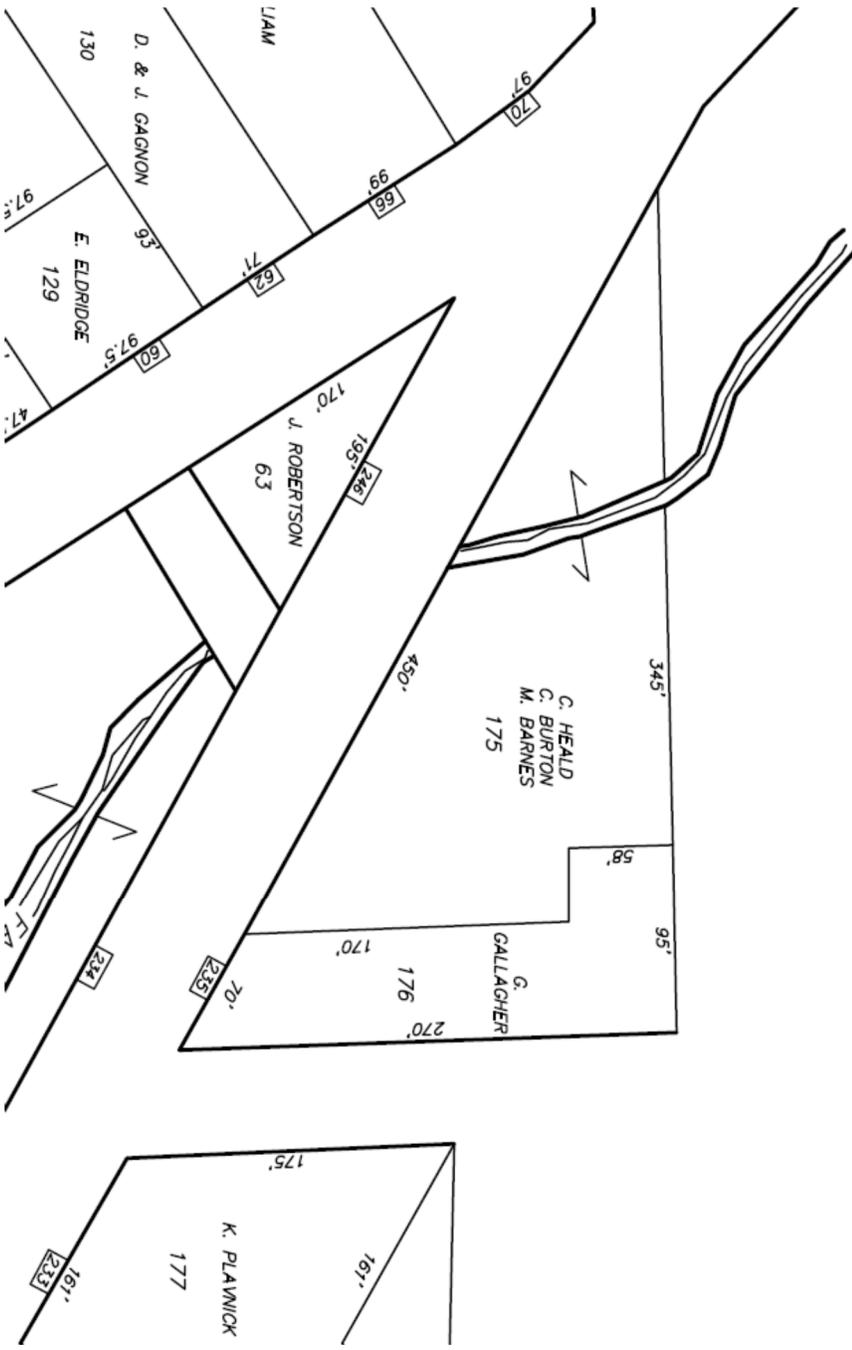
When the last zoning map was created the lot in question was zoned as residential. In 2009 the property owners requested the Planning Board to re-zone the property from Residential to Commercial as they felt it would offer a better chance for the property to sell if it was zoned commercial. The Planning Board recommended the change to the Council in the summer of 2009 and it was changed at that time.

Since then they have not been able to sell the property. Now they are asking for the zoning to be changed back to R-1. If the change is approved their plan is to build a home on the lot. The lot does meet the minimum standards to accommodate a home in the R-1 district. The lot already borders the R-1 District, so this is not a spot zoning request.

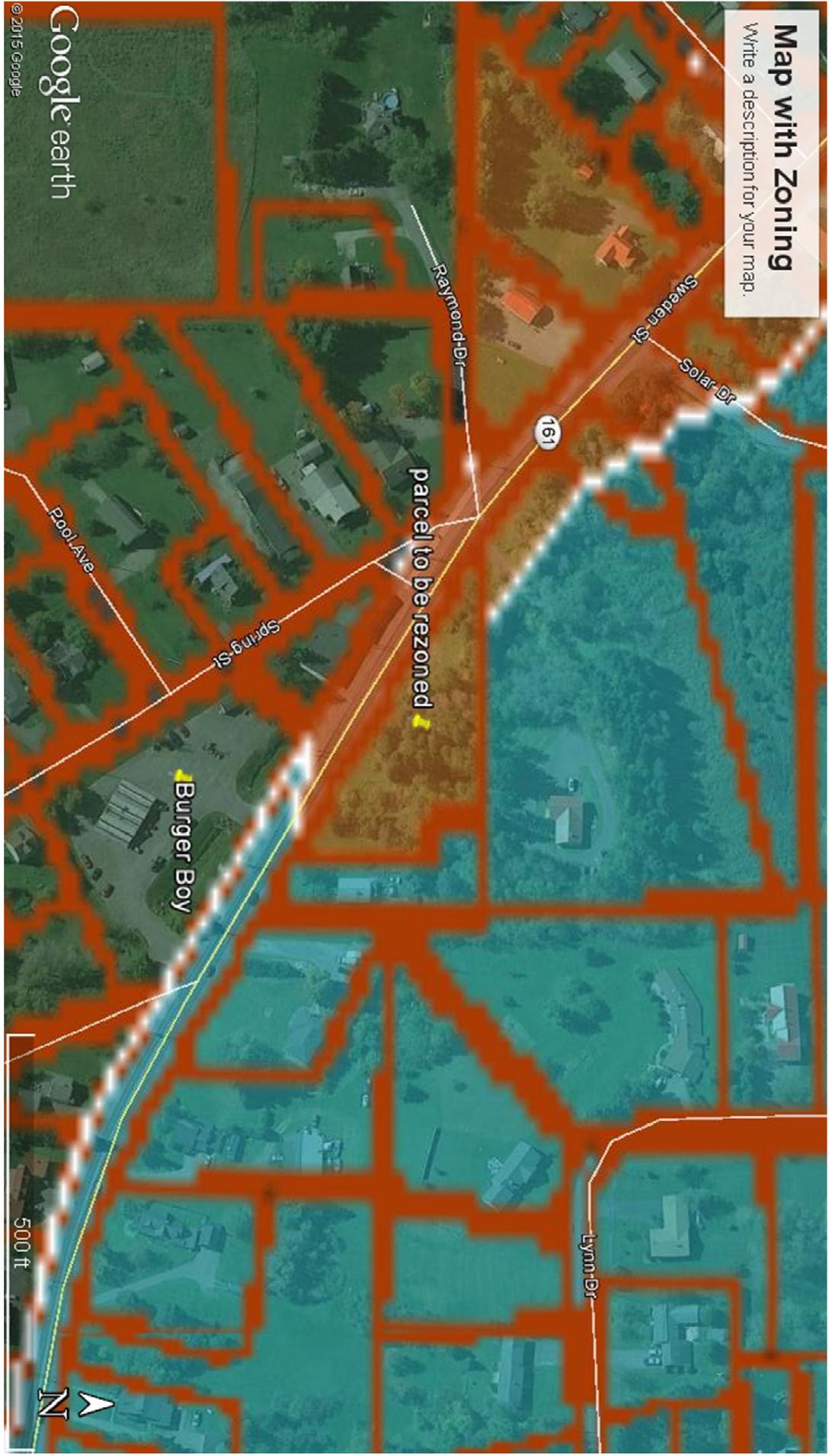
On the following pages are two maps. The first is the Tax Map showing the dimensions. The second is a

We need to hold a public hearing on this topic, which has been advertised as required with notices going to those that live within 500 feet as well.

The Planning Board may make a recommendation to the Council, who would have to give their approval to the request.



Map with Zoning
Write a description for your map.



November 10, 2015

I am writing to request that the planning board add an agenda item to the meeting scheduled for December 2, 2015. My siblings and I own a piece of property on Sweden Street that is currently zoned as Commercial 2. We would like to request that this piece of property be zoned as residential.

My siblings are willing to sell me their portion of ownership and it is the intent of my husband and me to relocate to Caribou and we desire to place a modular home on that property.

Your response to this matter will be greatly appreciated. I am enclosing contact information for myself and my siblings. The property in question is located on Map 32 Lot 175.

If you would like us in attendance at that meeting to answer any questions you may have please let me know.

Thank you,



Connie Heald

1102 Perham Rd

Perham, Maine 04766 Tel. (207) 455-8281

Carolyn Burton (Sister)

31 Burton Woods Rd

Belgrade, Maine Tel. (207) 465-7012

Mark Barnes (Brother)

19 Johnson Rd

Standish, Maine Cell (207) 831-1117



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Chairman and Planning Board Members
From: Austin Bleess, City Manager
Date: December 2, 2015
Re: Site Design Review

Brick House Realty, owner of 46 Sweden Street (Map 31 Lot 65) where the THC Clinic is located, is looking to add an apartment on the second story of the building. Currently they have one apartment on the second floor, and the first floor is commercial space.

The property is located in the C-1 Zone. According to our ordinance “Accessory and incidental residential dwelling units may be developed on the floors other than the first floor (street level) with Site Design Review and Planning Board approval.” As part of this they are required to provide off street parking to the tenants. They have a signed agreement from Gary St. Peter, owner of Napolis, to rent them 4 spaces in his parking lot by the restaurant. So they do meet that requirement.

As this will simply create 2 apartments where there used to be 1, staff do not have a lot of concerns about this other than the off street parking.

On the following pages is a copy of the application, the design plans, and the Final Site Design Review criteria. Full copies of the plans are available at City Hall and will be at the meeting as well.



46 Sweden St
Write a description for your map.

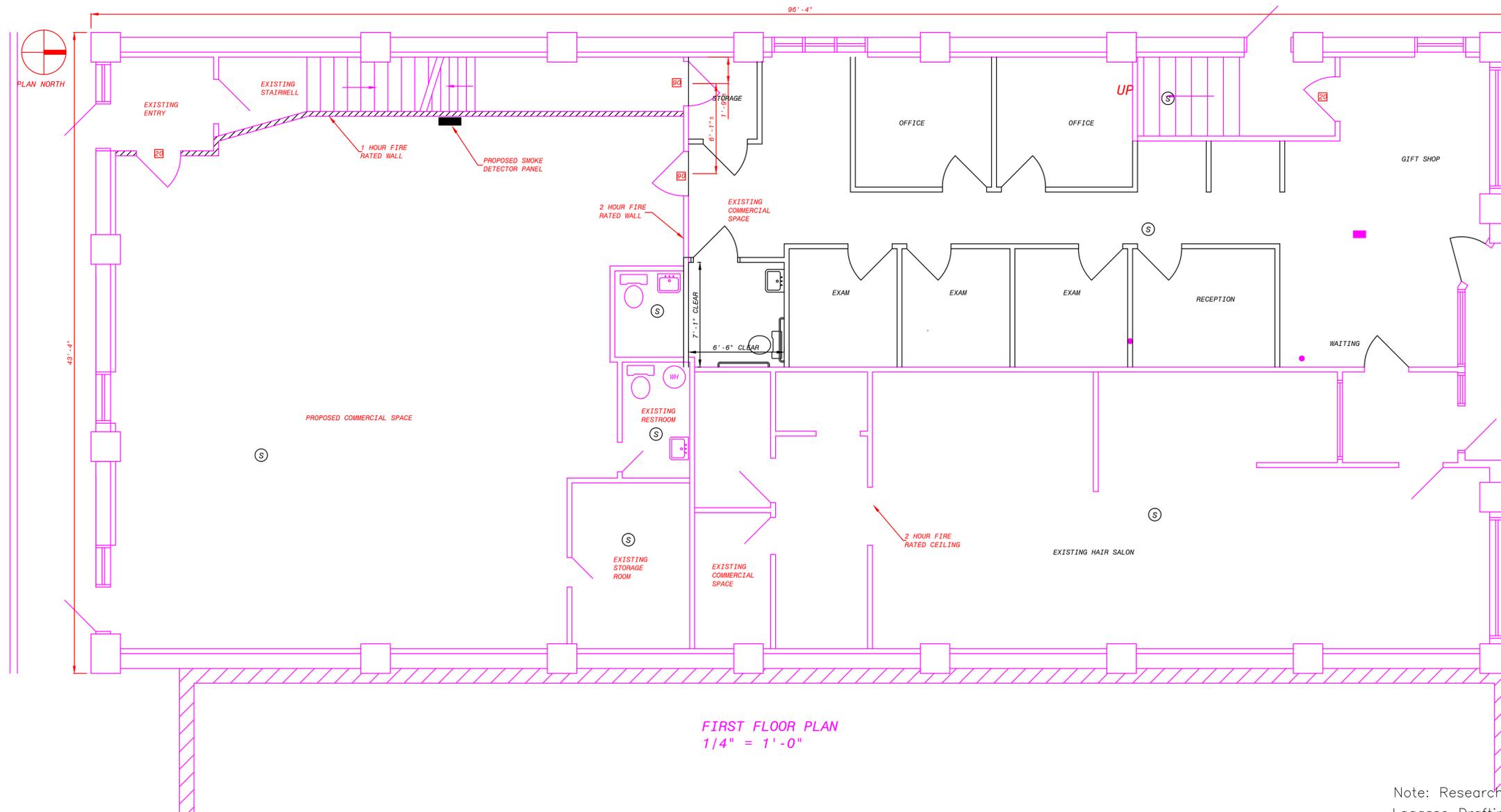
Legend

-  46 Sweden St
-  Feature 1



Grove St
300 ft

Google earth
©2015 Google



FIRST FLOOR PLAN
1/4" = 1'-0"

Note: Research, design, and plan by
Lagasse Drafting Services Inc.
Review by Bridgham Engineering

Job Number: 4990
Drawing File: 4990
Coordinate File:
Field Book:
Drawn By: JEFF LAGASSE

Client: BRICK HOUSE REALTY, INC
49 MAIN ST. APT. 10C
CARBOU, ME 04736
Owner: WILLIAM ORTIZ
49 MAIN ST. APT. 10C
CARBOU, ME 04736

Fire Marshall Plan

Brick House Realty Inc.
46 Sweden Street
Caribou, Maine 04736

December 2, 2015

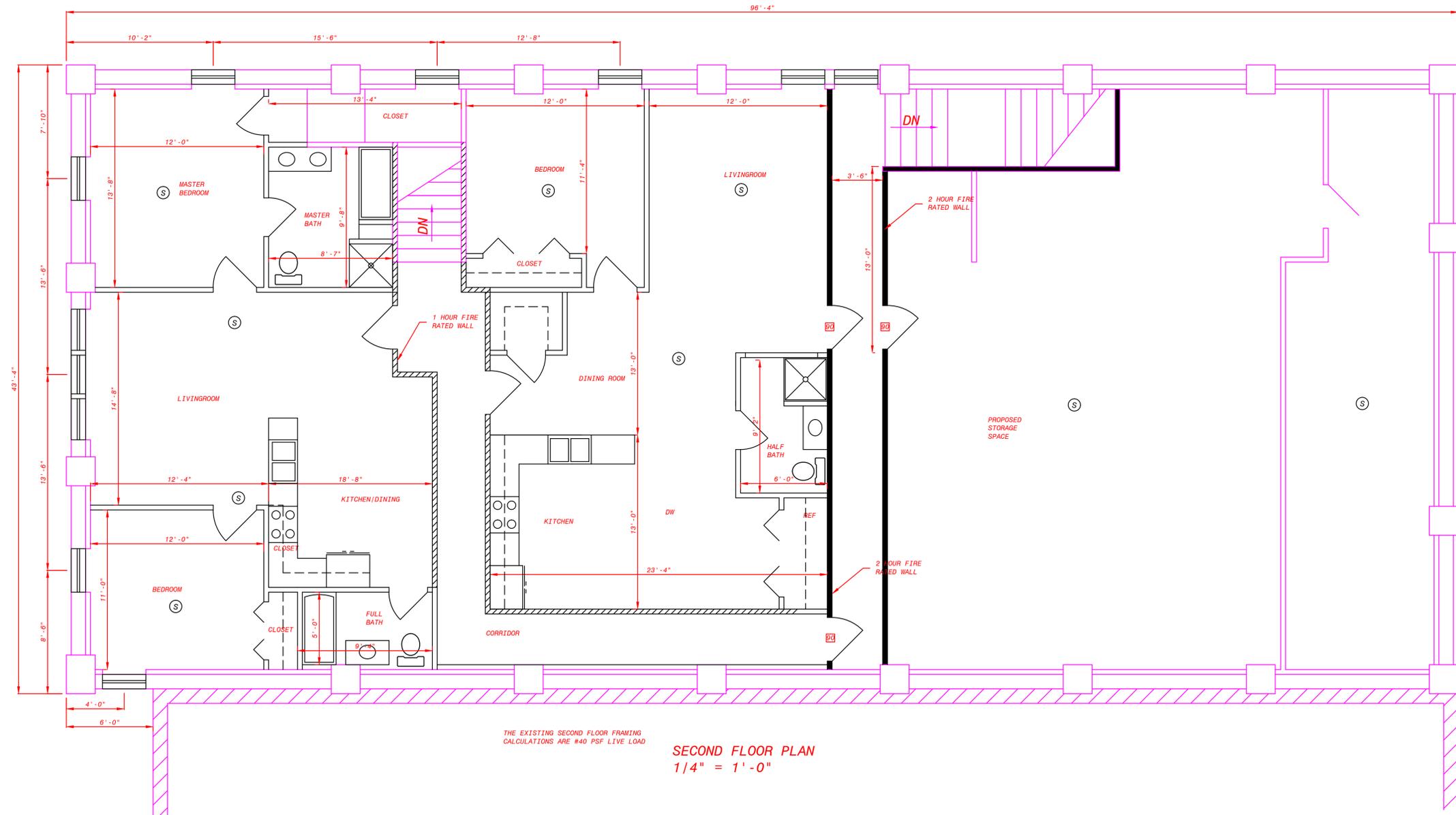
BRIDGHAM ENGINEERING AND LAND SURVEYING, INC.
P.O. BOX 4146 PRESQUE ISLE, MAINE 04769-4146 (207) 769-8791
E-Mail: bridgham@mfj.net

1 HOUR FIRE RATED WALL
 PROPOSED 5/8" GYPSUM BOARD TYPE X
 EXISTING STUD WALL
 PROPOSED 5/8" GYPSUM BOARD TYPE X

2 HOUR FIRE RATED WALL
 PROPOSED 2 LAYERS 5/8" GYPSUM BOARD TYPE X
 EXISTING STUD WALL
 PROPOSED 2 LAYERS 5/8" GYPSUM BOARD TYPE X

90 MIN. FIRE RATED DOOR AND FRAME ASSEMBLY FOR A 2 HR WALL

20 MIN. FIRE RATED DOOR AND FRAME ASSEMBLY FOR A 1 HR WALL



SECOND FLOOR PLAN
 1/4" = 1'-0"

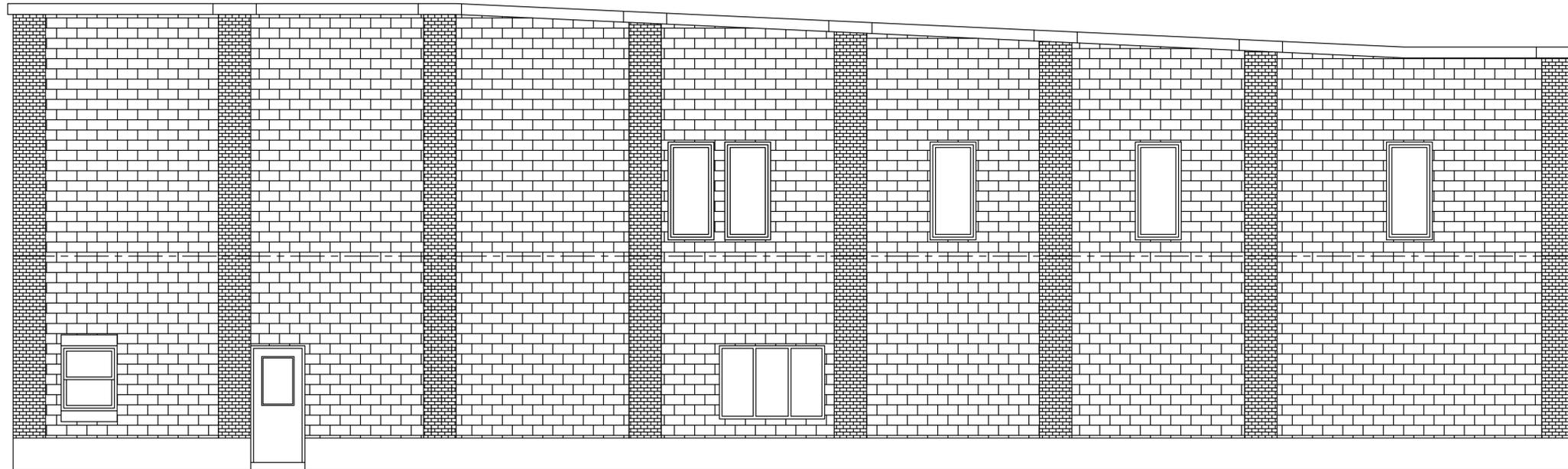
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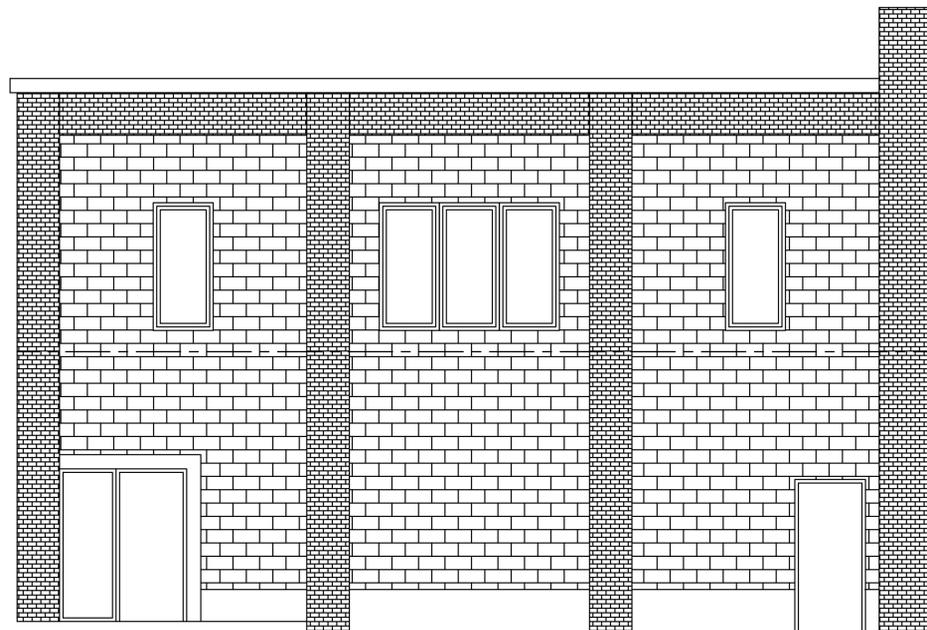
Note: Research, design, and plan by
 Lagasse Drafting Services Inc.
 Review by Bridgham Engineering

Fire Marshall Plan

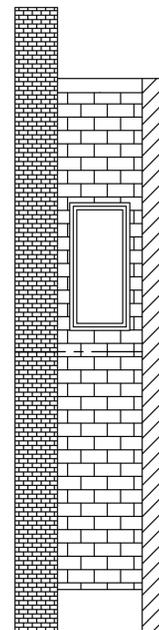
Brick House Realty Inc.
 46 Sweden Street
 Caribou, Maine 04736



WEST ELEVATION
1/4" = 1'-0"



SOUTH ELEVATION
1/4" = 1'-0"



EAST ELEVATION
1/4" = 1'-0"

Note: Research, design, and plan by
Lagasse Drafting Services Inc.
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Job Number: 4990
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Client: BRICK HOUSE REALTY INC
49 MAIN ST. APT 10C
CARBOU, ME 04736
Owner: WILLIAM ORTIZ
49 MAIN ST. APT 10C
CARBOU, ME 04736

Fire Marshall Plan

Brick House Realty Inc.
46 Sweden Street
Caribou, Maine 04736



Site Design Application

Planning & Code Enforcement
City of Caribou
25 High St.
Caribou, Maine 04736

(207) 493-3324 option 3
citymanager@cariboumaine.org

Note to Applicant: Complete this application and return it with the required documents. In addition, the required fee must be returned along with this completed application. Make checks payable to: "City of Caribou", in the amount of \$90.00 plus \$10.00 per 2000 square feet of total gross floor area for commercial, industrial or other non residential applications.

Please print or type all information

Name of Property Owner / Developer: Dr. William Ortiz/Carolyn Mae You-Ortiz

Development Name: Brick House Realty Inc.

Location of Property (Street Locations): 46 Sweden Street

City of Caribou Tax Map: 31 Lot: 65 Zone: C-1

Site Design Review Application - City of Caribou, Maine

Site Design approval will not be considered complete until the Planning Board has determined it has all of the necessary information to review the proposal and render a decision. You are advised to meet with the Code Enforcement Officer prior to completing the application as it may not be necessary to comply with all of the items shown on the form. The review of your application shall consist of at least (2) two presentations to the Planning Board and possibly additional presentations until all required information has been provided. A "Performance Bond" may be required prior to approval of this project.

Person and address to which all correspondence regarding this application should be sent to:

Carolyn Mae yoe-Ortiz
Dr William Ortiz

Phone: 1-413-887-8622

46 Sweden St.

Caribou, ME 04736

E-mail: wmortizmd@yahoo.com

If applicant is a corporation, check if licensed in Maine Yes No
(Attach copy of Secretary of State Registration)

Name of Land Surveyor, Engineer, Architect or other Design Professionals. (attach list if needed)

Bridgman Engineering

Phone: 769-8791

Legasse Drafting

Phone: 493-1494

What legal interest does the applicant have in property to be developed (ownership, owner's representative, option, purchase & sales contract, etc?)

(Attach supportive legal documentation)

Aroostook County Registry Deeds: Book # 1739 Page # 168 (attach copy of deed)

What interest does the applicant have in any abutting property? None

Is any portion of the property within 250 feet of the normal high water line of a lake, pond, river, or wetland or within 75 feet of any stream? Yes No

Is any portion of the property within a Flood Hazard Zone? Yes No

Total area or acreage of parcel: 4175 sf Total area or acreage to be developed: 4175 sf

Has this land been part of subdivision in the past five years? Yes No

Identify existing use(s) of land (farmland, woodlot, residential, etc.) Commercial - First Floor
1 Apartment - second Floor

Indicate any restrictive covenants to be placed in the deed: N/A

(Attach list if needed)

Does the applicant propose to dedicate any recreation area, or common lands? Yes No

Recreation area(s) Estimated Area & Description: N/A

Common land(s) Estimated Area & Description: N/A

Anticipated start date for construction: month / year 01 / 16 Completion: 03 / 16

Does any portion of the proposal cross or abut an adjoining municipal line? Yes No

Does this development require extension of public services? Yes No

Roads: _____ Storm Drainage: _____ Sidewalks: _____ Sewer Lines: _____ Other: _____

Estimated cost for infrastructure improvements: \$ 10,000.00

Water Supply: Private Well: Public Water Supply:

Sewerage Disposal: Private SSWD: Public Sewer:

Estimated sewerage disposal gallons per day: (_____ / day)

Does the building require plan review by the State Fire Marshal Office? Yes No
(Attach Barrier free and Construction Permits from SFMO)

Have the plans been reviewed & approved by the Caribou Fire Chief? Yes No

Does the building have an automatic sprinkler system? Yes No

Does the building have an automatic fire detection system? Yes No

Will the development require a hydrant or dry hydrant fire pond? Yes No

1. The Planning Board shall review applications first as a Concept Plan. Concept Plan Review is intended to insure the proposed plan is in conformance with the Caribou Comprehensive Plan and all City Ordinances. The completed application and concept plans shall be delivered to the Code Enforcement Office no less than 21 days prior to the first day of the next month. The Chairman of the Planning Board shall determine the schedule and agenda of the next meeting when the application and plans will receive Concept Plan Review. At a minimum, Concept Plan applications shall include the following:

1. Name and address of the owner of record and applicant (if different).

2. ✓ Name of the proposed development and location.
3. CEO Names and addresses of all property owners within 500 feet of the property.
4. ✓ A copy of the deed to the property, option to purchase the property, or other documentation to demonstrate right, title, or interest in the property on the part of the applicant.
5. ✓ Names and addresses of all consultants working on the project.
6. ✓ 1 complete set of plans, 24" X 36" & 10 complete sets of plans, 11" X 17"
Plans to be included:
Boundary Survey
Storm Water Management
Erosion and Sediment Control
Finish Grading Plan
Site Improvement Detail
Building Elevations and Structural Plans
7. **Plans to show the following elements for review:**
 - ✓ a. Graphic scale and north arrow.
 - ✓ b. Location and dimensions of any existing or proposed easements and copies of existing covenants or deed restrictions.
 - ✓ c. Name, registration number, and seal of the land surveyor, architect, engineer, and/or similar professional who prepared the Plan.
 - ✓ d. All property boundaries, land area, and zoning designations of the site, regardless of whether all or part is being developed at this time.
 - ✓ e. Size, shape, and location of existing and proposed buildings on the site including dimensions of the buildings and setbacks from property lines.
 - ✓ f. Access for Emergency Vehicles, location and layout design of vehicular parking, circulation areas, loading areas, and walkways including curb cuts, driveways, parking space and vehicle turn around areas.
 - ✓ g. Location and names of streets and rights-of-way within 200' and adjacent to the proposed development.
 - ✓ h. Proposed finish grades and graphic arrows indicating the direction of storm water runoff.
 - ✓ i. Conceptual treatment of on and off site storm water management facilities.
 - ✓ j. Location and sizes of existing and proposed sewer and water services including connections.
 - ✓ k. Conceptual treatment of landscaping buffers, screens, and plantings.
 - ✓ l. Location of outdoor storage areas, fences, signage and accessory structures.
 - ✓ m. Context map illustrating the area surrounding the site which will be affected by the proposal including all streets, sidewalks, intersections, storm water

drainage ways, sanitary sewer lines and pump stations, nearby properties and buildings, zoning Districts, and geographic features such as, but not limited to, wetlands, natural features, historic sites, flood plains, significant scenic areas, and significant wildlife habitats as provided in the Comprehensive Plan.

✓

- n. All proposed signage and exterior lighting including the location, size and wording of all signs, type of exterior lights, radius of light, manufacturer's specifications sheet, and the ground level intensity in foot-candles of all exterior lights.

Following approval of the Concept Plan Review, the Planning Board may by majority vote schedule the Site Design Application for Final Plan Review. Final Plan Review must be at least 30 days following Concept Plan Approval. If additional information is required by the Planning Board following the Concept Plan Review, a complete set of revised plans shall be provided for final review and approval. If additional information or a change of information is required, the revised plans shall be delivered to the Code Enforcement Office at least 21 days prior to the next scheduled meeting.

Final Site Design Plan Review shall require three (3) 24" X 36" sets of plans for Board Signatures.

If the Planning Board determines that third party review will be necessary to make a sound decision, the applicant will be responsible for any fees incurred for the third party review.

During the Final Site Design Review the Chairman or designee shall determine that all of the elements of review 7-a., through 7-n. above have been addressed. The chair may then call for a motion.

If the Final Plan is approved by the Planning Board, no work may commence for a period of 30 days following the date of approval.

Final Site Design Plans shall provide an area designated for all seven Planning Board members' signatures.

Applicant Signature:

To the best of my knowledge, all of the information submitted in this application is true and correct.

Signature of Applicant:



Date: 11-17-15

Final Site Design Review Criteria by Planning Board

Date: December 2, 2015

	<u>YES</u>	<u>NO</u>	<u>N/A</u>
A. Conformance with Comprehensive Plan	<u>X</u>	<u></u>	<u></u>
B. Traffic	<u>X</u>	<u></u>	<u></u>
C. Site Access	<u>X</u>	<u></u>	<u></u>
D. Parking and Vehicle Circulation	<u>X</u>	<u></u>	<u></u>
E. Pedestrian Circulation	<u></u>	<u></u>	<u>X</u>
F. Site Conditions	<u>X</u>	<u></u>	<u></u>
G. Open Space	<u></u>	<u></u>	<u>X</u>
H. Sanitary Sewage	<u>X</u>	<u></u>	<u></u>
I. Water	<u>X</u>	<u></u>	<u></u>
J. Emergency Vehicle Access	<u>X</u>	<u></u>	<u></u>
K. Waste Disposal	<u>X</u>	<u></u>	<u></u>
L. Buffering	<u></u>	<u></u>	<u>X</u>
M. Natural Areas	<u></u>	<u></u>	<u>X</u>
N. Exterior Lighting	<u></u>	<u></u>	<u>X</u>
O. Stormwater Management	<u></u>	<u></u>	<u>X</u>
P. Erosion & Sediment Control	<u></u>	<u></u>	<u>X</u>
Q. Buildings	<u></u>	<u></u>	<u>X</u>
R. Existing Landscaping	<u></u>	<u></u>	<u>X</u>
S. Infrastructure	<u></u>	<u></u>	<u>X</u>
T. Advertising Features	<u></u>	<u></u>	<u>X</u>
U. Design relationship to Site and Surrounding Properties	<u></u>	<u></u>	<u>X</u>
V. Scenic Vistas and Areas	<u></u>	<u></u>	<u>X</u>
W. Utilities	<u></u>	<u></u>	<u>X</u>
X. Mineral Exploration	<u></u>	<u></u>	<u>X</u>
Y. General Requirements (P. 859)	<u></u>	<u></u>	<u>X</u>
Z. Phosphorus Export	<u></u>	<u></u>	<u>X</u>



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Chairman and Planning Board Members
From: Austin Bleess, City Manager
Date: December 2, 2015
Re: Day Care Ordinance

Last month the Board looked at the ordinance and is looking to make several potential changes to the Day Care Ordinance. This ordinance is on the following pages.

The Planning Board needs to hold a public hearing on the ordinance. The board may then make changes to it or simply send it to the City Council with a recommendation for approval.

Councilor _____ introduced the following ordinance:

Ordinance No. __, 2015 Series
City of Caribou
County of Aroostook
State of Maine

**AN ORDINANCE AMENDING CHAPTER 13 LAND USE ORDINANCES SECTION 760
DAYCARE FACILITIES**

Short Title: An ordinance modifying the requirements for daycare facilities.

The City Council of the City of Caribou, County of Aroostook, State of Maine, pursuant to the requirements of the City of Caribou Charter, Section 2.11 (1) does ordain the following:

Section 1: Chapter 13 Section 760 **Daycare Facilities** of the Caribou City Code is amended as follows:

Sec. 13-760 Daycare Facilities.

As of ~~January 11, 2012~~ passage of this ordinance, newly established Daycare Facilities shall only be allowed in the R1, R2, R3, RC-2, C1 and C2 residential and commercial zones following ~~Planning Board~~ Code Enforcement Officer review and approval. All Daycare Facilities licensed by the State of Maine and operating prior to the adoption of this ordinance, ~~January 11, 2012~~ passage of this ordinance, are considered Previously Existing and exempt from the requirements of this ordinance. Any previously existing Daycare Facility that discontinues operations for a period of one (1) year that requests to reopen as a Daycare Facility must meet the current Daycare Facility requirements of this ordinance.

Daycare Facilities must provide the City of Caribou a copy of the yearly State of Maine License for the daycare, annual update contact information for the operators and employees. Daycare facilities must give written notice to the Code Enforcement officer who shall share the information with local police and fire departments as to the scope of their operation, including the number of children, location of sleeping areas, days and hours of operation.

- Licensing:
 - The facility must have an approved and current valid DHHS License, and supply a copy to the City every year.
 - The facility must provide a copy of the State Fire Marshall's inspection and approval report.
 - The facility must provide a copy of the Maine Department of Health & Human Services inspection and report.

- Inspection:

- The operation of a daycare facility will allow appropriate representative of the municipality to enter the property to inspect such use for compliance with the requirements of the City ordinance.
 - ~~○ All homes must comply with all building, plumbing, life safety, fire safety, and health codes.~~
 - The lot size, building size, set back and lot coverage shall conform to the standards of the zoning distance in which it is located unless such structure is a legal nonconforming structure.
 - ~~○ No portion of the daycare facility shall be located within a 300 foot distance from any potentially hazardous land use, or activity which could pose threat to the safety of the children, staff or other occupancy of the facility.~~
 - All proposed facilities must be physically inspected for zoning compliance prior to issuance of a Certificate of Occupancy.
- Complaints:
 - If a complaint is received concerning a daycare facility, the code enforcement officer will investigate. If the complaint has merit, the code enforcement officer may revoke or suspend the permit.
- Outdoor Play Area:
 - An outdoor play area, as required by the State, shall be provided for daycare facilities and not be located in the front yard; they must be located in the side and/or rear yards only.
 - The front yard is the area between the front property line and front wall of the structure, including the front wall projection line extending to the side property.
 - ~~○ Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.~~
 - ~~○ The facility shall provide a minimum of seventy five (75) square feet of outdoor play per child.~~
 - ~~○ Outside play areas must be protected by a fence at least four (4) feet in height.~~
- ~~● On Site Loading/Unloading Area:~~
 - ~~○ An adequate on-site loading/unloading area has to be provided which can be easily accessed from the daycare facility without crossing any driveways or streets. These areas may be counted toward the required parking.~~
- ~~● Police/Fire Department Notification:~~
 - ~~○ Daycare facilities must give written notice to local police and fire departments as to the scope of their operation, including the number of children, location of sleeping areas, days and hours of operation.~~
- ~~● Site Plan:~~
 - ~~○ All daycare facilities shall submit a detailed site plan for review and approval by the Code Enforcement Officer before the facility goes into operation.~~

- ~~○ Site plan must show existing or proposed structures and improvements, including landscaping, play areas, parking areas, and the location of structures and improvements on adjunct properties.~~

Historical Note: Section 13-760 was adopted December 12, 2011 and revised

_____.

This ordinance, being introduced on _____ and a public hearing being held on _____ was duly passed by the City Council of the City of Caribou, Maine, this _____ day of _____.

Gary Aiken, Mayor

David Martin, Councilor

Shane McDougall, Councilor

Tiffany Stewart, Councilor

Philip J. McDonough II, Councilor

Jody Smith, Councilor

Joan Theriault, Councilor

Attest:

Jayne R. Farrin, City Clerk



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Chairman and Planning Board Members
From: Austin Bleess, City Manager
Date: December 2, 2015
Re: Chapter 13 Re-Write

This month we are looking at the Flood Hazard Regulations. This ordinance is similar to the Shoreland Zoning ordinance in that it is based off of a fairly standard ordinance. It is based off the requirements of the National Flood Insurance Act of 1969.

The flood map that is referenced is dated August 1, 1980 and that is still the most current flood map that FEMA uses for our area. Anyone that would like to view the flood maps may do so online at <https://msc.fema.gov/portal>.

As this is a fairly standard ordinance I am not putting forth any changes. However, I will mention two things the Planning Board may want to discuss.

The permit fee for an application under this ordinance is \$10. While we do not do many of these, increasing the permit fee may be something the Board would like to consider.

The definitions listed in this ordinance may be better suited in the definitions section of our ordinance. The same comment may go for the Shoreland Zoning Ordinance. I don't believe it is a big issue one way or another, but for the ease and simplicity of looking of definitions and having them all be in one place that may be something to consider.

This is a fairly simple and straight forward ordinance before us tonight.

Sec. 13-600

Flood Hazard Area Regulations.

Sec. 13-601 Establishment.

The City of Caribou, Maine elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town having a special flood hazard be identified by the Federal Emergency Management Agency (FEMA) and the 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 City of Caribou, Maine.

The areas of special flood hazard, Zones A and A1-30, identified by FEMA in a report entitled "Flood Insurance Study-City of Caribou, Maine, Aroostook County, "dated February, 1980 with accompanying "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" dated August 1, 1980 is hereby adopted by reference and declared to be a part of this Ordinance.

Sec. 13-602 Permit Required.

Before any construction or other development (as defined in 13-614), including the placement of manufactured homes, begins within any areas of special flood hazard established in 13-602, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the City of Caribou, Maine.

Sec. 13-603 Application for Permit

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name and address of the applicant;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimension;
- D. A statement of the intended use of the structure;
- E. A statement as to the type of sewage system proposed;
- F. Specification of dimensions of the proposed structure;
- G. The elevation in relation to the National Geodetic Vertical Datum (NGVD) 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 Zones A1-30 from data contained in the "Flood Insurance Study-City of Caribou, Maine," as described in 13-602; or,
 - B: in Zone A, to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through a site of the proposed building;
 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; and,
 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- H. A description of a base flood elevation reference point established on the site of all new or substantially improved structures;

- I. A written certification by a registered land surveyor that the elevations shown on the application are accurate;
- J. Certification by a registered professional engineer or architect that flood proofing methods for any non-residential structures will meet the flood proofing criteria of 13-604. G.4;13-607. G; and other applicable standards in 13-607.
- K. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- L. A statement of construction plans describing in detail how each applicable development standard in 13-607 will be met.

Sec. 13-604 Application Fee and Expert's Fee.

A non-refundable application fee of \$10.00 shall be paid to the City 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 and/or the Board of Appeals needs the assistance of a professional engineer or other experts. 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 of the Code Enforcement Officer may appeal that decision to the Board of Appeals.

Sec. 13-605 Review of Flood Hazard Development Permit Applications.

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed building sites are reasonably safe from flooding and to determine that all pertinent requirements of 13-607 (Development Standards) have, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications, the base flood data contained in the "Flood Insurance Study-City of Caribou, Maine," as described in 13-602. In special flood hazard areas where base flood elevation data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other sources, including information obtained pursuant to 13-604. G1b; 13-607. J; and 13-609. D, in order to administer 13-607 of this Ordinance;
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in 13-602 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 and state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course;
- F. Issue 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 application for Part II of the Flood Hazard Development Permit and shall include an Elevation Certificate completed by a registered Maine surveyor for compliance with the elevation requirements of 13-607, paragraphs F, G, and H. Following review of the application, which review 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; and,
- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permits issued and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of 13-610 of

the Ordinance, and copies of Elevation Certificates and Certificates of Compliance required under the provisions of 13-608 of this Ordinance.

Sec. 13-606 Development Standards.

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

- A. New construction or substantial improvement of any structure shall:
 1. be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure 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. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- C. 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 shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. All development shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of any watercourse.
- F. New construction or substantial improvement of any residential structure located within:
 1. Zones A1-30 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 to at least one foot above the base flood elevation utilizing information obtained pursuant to 13-604. G.1.b., 13-606. B; or 13-609. D.
- G. New construction or substantial improvement of any non-residential structure located within:
 1. Zones A1-30 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 flood proofed to at least one foot above the base flood level so that below that elevation the structure is watertight with walls substantially impermeable to 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 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 13-604. J. and shall include a record of the elevation above mean sea level of the lowest floor including basement.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to 13-604. G.1.b.; 13-606. B; or 13-609. D.
- H. New or substantially improved manufactured homes located within:
 1. Zones A1-30 shall:

- a. be elevated on a permanent foundation so that the lowest floor is at least one foot above the base flood elevation; and,
 - b. 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 (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 (homes less than 50 feet long require four additional ties per side).
 - (3) all components of the anchoring system described in 13-607. H.1 shall be capable of carrying a force of 4800 pounds.
 - 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to 13-604. G.1.b; 13-606. B.; or 13-609. D.
- I. Recreational Vehicles located within:
- 1. Zones A1-30 shall either:
 - a. Be on the site for fewer than 180 consecutive days,
 - 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. Meet the permit requirements of elevation and anchoring requirements for “manufactured home” in 13-607. H. a&b.
- J. Floodways
- 1. In Zones A1-30 encroachments, including fill, new construction, substantial improvement, substantial improvement, and other development shall not be permitted in riverine areas, for which a regulatory floodway is designated on the community’s “Flood Boundary and Floodway 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 A1-30, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted 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 will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - 3. In Zone A riverine areas, in which 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, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided meeting the requirements of 13-607, paragraph J.2.
- K. New construction or substantial improvement of any structure in Zones A1-30 and A that meets the development standards of 13-607, including the elevation requirements of 13-607, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, “stilts”, or crawlspaces may be enclosed the elevation requirements provided all the following criteria are met or exceeded:
- 1. Enclosed areas are not “basements” as defined in 13-614; and,
 - 2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either:
 - a. be 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 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; and,
3. The enclosed area shall not be used for human habitation; and,
 4. The enclosed area may be used for building maintenance, access, parking vehicles, or storing of articles and equipment used for maintenance of the building.

Sec. 13-607 Certificate of Compliance.

No land in a special flood hazard area shall be occupied or used and not 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. The applicant shall submit an Elevation Certificate completed by:
 1. a registered Maine surveyor for compliance with 13-607, paragraphs F, G, H, or K; and,
 2. a registered professional engineer or architect, in the case of flood proofed non-residential structures, for compliance with 130607. G; and,
- B. The application for a Certificate of Compliance shall be submitted by the applicant in writing along with a completed Elevation Certificate to the Code Enforcement Officer.
- C. The Code Enforcement Officer shall review the application within 10 working days of receipt of the application and shall issue a Certificate of Compliance, provided the building conforms with the provisions of this Ordinance.

Sec. 13-608 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 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 elevation and, in a riverine floodplain, floodway data.
- E. Any proposed development plan shall include a statement that the developer will require that structures on lots in the development be constructed in accordance with 13-607 or this ordinance and that such requirements will be included in any deed, lease 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. That statement 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 stated on any map, plat or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

Sec. 13-609 Appeals and Variances.

The Board of Appeals of the City of Caribou, Maine, may, upon written application of an aggrieved party, hear and decide appeals from determinations of the Code Enforcement Officer in the administration 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 existence 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 is in this subsection 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 or 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.
- D. Variances may be issued by a community for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 - 1. other criteria of 13-910 and 13-607.J. 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 by a community for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places, without regard to the procedures set forth in 13-910, paragraphs A through D.
- F. Any applicant who meets the criteria of 13-910, paragraphs A through E 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;
 - 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 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.
- G. The Board of Appeals shall submit to the Code Enforcement Officer a report to all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

Sec. 13-610 Enforcement and Penalties.

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to 30A MRSA § 4452.
- B. The penalties contained in 30A 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, shall 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, or ordinance;
 3. a 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 1969, as amended.

Sec. 13-611 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.

Sec. 13-612 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.

Sec. 13-613 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.

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

Area of Special Flood Hazard: Means 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 13-602 of this Ordinance.

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

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

Breakaway Wall: Means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

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: Any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

Development: Means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements 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, public or private sewage disposal systems or water supply facilities.

Elevated Building: Means a non-basement building:

- (i) built, in the case of a building in Zones A1-30 and A, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or “stilts”, and
- (ii) 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 A1-30 and A, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls less than three feet in height with openings sufficient to facilitate the unimpeded movement of flood waters.

Elevation Certificate: An official form (FEMA Form 81-31, 05/93, as amended) that:

- (i) is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- (ii) is required for purchasing flood insurance.

Flood or Flooding: Means:

- (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: Means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM): Means an official map of a community, on which the Administrator of the Federal Insurance Administration 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: Means any land area susceptible to being inundated by water from any source (see flooding).

Floodplain Management: Means 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: Means 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.

Flood proofing: Means 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: Means the lines marking the limits of floodways on federal, state and local floodplain maps.

Freeboard: Means 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.

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Functionally Dependent Use: Means 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: Means 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 Interior in states without approved programs.

Locally Established Datum: Means, 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) 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: Means 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 13-607 of this ordinance.

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

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

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

100-year flood: See Base Flood.

Recreational Vehicle: Means a vehicle which is:

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

Regulatory Floodway:

- (i) means 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 one foot, and
- (ii) in riverine areas 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: Means 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: Means 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, whether or not that alteration affects the external dimensions of the building.

Structure: Means, 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: Means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Means 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 their:

- (1) 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
- (2) Any alteration of historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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

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

Sec. 13-614 Abrogation.

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1969 (P.L. 90-488, as amended).