Town of Gorham
Planning Board Meeting
March 26, 2024

ITEM 2 – <u>Public Hearing – Land Use and Development Code Amendment</u> – Floodplain – proposed amendment to the Land Use and Development Code to remain in compliance with the National Flood Insurance Program.

INDEX OF PACKET ENCLOSURES

AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Town Council Meeting	Order # 24-26	February 6, 2024
Planning Board - Meeting Discussion		March 4, 2024
Planning Board – Public Hearing		March 26, 2024
PLBD OC - Workshop		

Memo completed by: Carol Eyerman, Town Planner

1. Overview

Town staff recently received email notification from Janet Parker, CFM, Maine Floodplain Management Program with draft of amendments to our Floodplain Management Ordinance. The Floodplain maps have been under review for at least a decade. Those mapping questions have been resolved for Cumberland County.

Ms. Parker stated that "the town should have recently received a notice from FEMA setting the effective date of June 20, 2024, for the new Flood Insurance Rate Maps in Cumberland County. **It is critical that the community adopt an updated Floodplain Management Ordinance prior to June 20th, or the community will be suspended from the National Flood Insurance Program (NFIP) on June 21st.** Suspension from the NFIP will have immediate effects, particularly for those with flood insurance policies in effect. Policies cannot be renewed, and new policies cannot be written if the community is suspended."

The State model ordinance was updated in 2019, 2022 and 2023. With that knowledge and the attached draft ordinance language that includes all the model ordinance changes from 2019 to 2023 for our review, Ms. Parker's recommendation is that the town repeal and replace the current ordinance with the attached ordinance. However, staff has prepared this underlined and struck-out version for the Board review of required amendments.

Note: Chapter 2 also contains floodplain regulations. My recommendation is that we remove most of the current language and point people to this new ordinance.

2. Floodplain Management Ordinance Amendments

CHAPTER 5: FLOODPLAIN MANAGEMENT

SECTION 5-1 – PURPOSE AND ESTABLISHMENT

SECTION 5-2 - PERMIT REQUIRED

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CHAPTER 5 - FLOODPLAIN MANAGEMENT

SECTION 5-1 – PURPOSE AND ESTABLISHMENT

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

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

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

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

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

The areas of special flood hazard, Zones A ~~and A1-30~~ and AE, for the Town of Gorham, Cumberland County, Maine ~~are~~ identified by the Federal Emergency Management Agency in a

report entitled "Flood Insurance Study ~~- Town of Gorham, Maine~~, Cumberland County, Maine" dated ~~April 15, 1981~~June 20, 2024 with accompanying "Flood Insurance Rate Map" dated June 20, 2024~~October 15, 1981 and "Flood Boundary and Floodway Map" dated October 15, 1981~~, as amended, ~~which~~ are hereby adopted by reference and declared to be a part of this Ordinance.

SECTION 5-2 - PERMIT REQUIRED

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

No "new construction" (as defined in Section5-13) or new placement of any "structure," including "manufactured home," nor new sewage disposal system shall be permitted in an area of special flood hazard.
Before any construction or other development (as defined in Section 13), including the placement of manufactured homes, ~~activities involving existing structures or other "development"~~ begins within any areas of special flood hazard established in Section 5-1, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other ~~building~~ permits which may be required pursuant to the codes and ordinances of the Town of Gorham, Maine.

SECTION 5-3 - 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 and phone number of the applicant; owner, and contractor;

B. An address and a map indicating the location of the construction site ~~within the Town~~;

C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, ~~storage or extraction areas,~~ and the lot dimensions ~~of the lot~~;

D. A statement of the intended use of the structure and/or development;

E. A statement of the cost of the development including all materials and labor;

F. A statement as to the type of ~~replacement~~ sewage system proposed and a copy of a Subsurface Wastewater Application (HHE-200 form);

G. Specification of dimensions of ~~any existing~~ the proposed structure and any proposed ~~improvement~~ development;

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

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or to a locally established datum in Zone A only, of the:

1. Base flood at the proposed site of all substantially improved structures, which is determined:

a. In Zones AE~~A1-30~~, from data contained in the "Flood Insurance Study - Cumberland County, Maine~~Town of Gorham, Maine~~," as described in Section 5-1; 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 the site of the proposed building~~;

(1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Section 6.M. and 8.D.; or,

(2) in the absence of all data described in Section 3.H.1.b.(1), information to demonstrate that the structure shall meet the elevation requirement in Section 6.H.2.b., Section 6.I.2.a. or b., or Section 6.J.2.b.

2. Highest and lowest grades on the site adjacent to the walls of ~~any substantially improved~~ proposed building;

3. Lowest floor (as defined in Section5-13), including basement, ~~of any substantially improved structures~~; and whether or not such structures contain a basement; and

4. lowest machinery and equipment servicing the building; and

~~4.~~5. level, in the case of non-residential structures only, to which any ~~substantially improved~~ structure will be flood proofed.

I. ~~I.~~ A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Section 6; ~~of all substantially improved structures;~~

J. A written certification by:

1. a Professional Land Surveyor that the grade elevations shown on the application are accurate; and,

2. a Professional Land Surveyor, registered professional engineer or architect that the base flood elevation shown on the application is accurate.

~~Either an Elevation Certificate (FEMA Form 81-31, 08/99, as amended) completed by a Professional Land Surveyor, registered professional engineer or architect; or, for non-residential structures to be flood proofed, a Flood proofing Certificate (FEMA Form 81-65, 02/97, as amended) completed by a registered professional engineer or architect. These Certificates verify that the elevations shown on the application are accurate;~~

K. The following ~~C~~certifications as required in Section 5-6 by a registered professional engineer or architect ~~that~~:

~~1. Flood proofing methods for any non-residential structures will meet the flood proofing criteria of Section 5-3.H.4.; Section 5-6.G.; and other applicable standards in Section 5-6;2. Engineered hydraulic openings in foundation walls will meet the standards of Section 5-6.L.3.;3. Bridges will meet the standards of Section 5-6.M.; 4. Containment walls will meet the standards of Section 5-6.N.;~~

1. a Floodproofing Certificate (FEMA Form FF-206-FY-22-153, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Section 6.I.; and other applicable standards in Section 6;

2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Section 6.N.2.a.;

3. a certified statement that bridges will meet the standards of Section 6.O.;

4. a certified statement that containment walls will meet the standards of Section 6.P.

L. A description of the extent to which any water course will be altered or relocated, ~~or flood waters displaced or impeded~~, as a result of the proposed development; and,

M. A statement of construction plans describing in detail how each applicable development standard in Section 5-6 will be met.

SECTION 5-4 - APPLICATION AND INDEPENDENT CONSULTING FEES

A non-refundable application fee in such amount(s) and for such purpose(s) as the Town Council may from time to time establish by Council order shall be paid to the Code Enforcement Officer and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged to the applicant if the Code Enforcement Officer, Planning Board or Board of Appeals needs the assistance of an independent professional engineer or other expert. If the Town determines that an independent consultation is necessary, the applicant shall

establish, before the Town retains any such consultant, an escrow account with an original deposit in such amount(s) and for such purpose(s) as the Town Council may from time to time establish by Council order. Such account shall be administered, and funds expended and/or refunded, pursuant to Chapter 2, Section 2-9 of this Code.

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

SECTION 5-5 - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

A. Review all applications for the Flood Hazard Development Permit to assure that proposed development sites are reasonably safe from flooding and to determine that all pertinent requirements of Section 5-6 (Development Standards) have, or will be, met;

B. Utilize, in the review of all Flood Hazard Development Permit applications, the base flood and floodway data contained in the "Flood Insurance Study - Cumberland County, Town of Gorham, Maine," as described in Section 5-1. In special flood hazard areas where base flood elevation and floodway 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 technical sources, including information obtained pursuant to Section 5-3, paragraph H. 1.b.; Section 5-6, paragraph K; and Section 5-8, paragraph D, in order to administer Section 5-6 of this Chapter; and when the community establishes a base flood elevation in a Zone A by methods outlined in Section 3.H.1.b.(1), the community shall submit that data to the Maine Floodplain Management Program

C. Interpret the location of boundaries of special flood hazard areas shown on the maps described in Section 5-1 of this Chapter;

D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 13434;

E. Notify adjacent municipalities, the Maine Department of Environmental Protection, and the Maine Floodplain Management Program ~~in the Maine State Planning Office~~ prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;

F. If the application satisfies the requirements of this Ordinance, approve the issuance ~~Issue~~ one of the following Flood Hazard Development Permits based on the type of development:

1. ~~Issue a~~ 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 a second Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built," for verifying compliance with the elevation requirements of Section 5-6, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,~~

At that time the applicant shall provide the Code Enforcement Officer with an "under construction" Elevation Certificate completed by a Professional Land Surveyor based on the Part I permit construction for verifying compliance with the elevation requirements of Article VI, paragraphs H., I., or J. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

2. ~~Issue A~~a Flood Hazard Development Permit for Flood proofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the flood proofing standards of Section 5-6. G.1.a.,b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,

3. ~~Issue a~~ A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure~~.~~. Minor development also includes, but is not limited to: accessory structures as provided for in Section 5-6.J., mining, dredging, ~~filling~~filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-

structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.

G. Maintain, as a permanent record, copies of all Flood Hazard development Permit~~s~~ Applications, corresponding Permits issued and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Section 5-9 of this chapter, and copies of Elevation Certificates, Flood proofing Certificates and Certificates of Compliance and certifications of design standards required under the provisions of Sections 3, 6, and 7 ~~required under the provisions of Section 5-7~~ of this Chapter.

SECTION 5-6 - DEVELOPMENT STANDARDS

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

A. No "new construction" (as defined in Section 5-13) or new placement of any "structure," including "manufactured home," nor new sewage disposal system shall be permitted in an area of special flood hazard.

B. All development shall:

1. Be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse, or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. Use construction materials that are resistant to flood damage;

3. Use construction methods and practices that will minimize flood damage; and,

4. Use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located ~~so as to~~to prevent water from entering or accumulating within the components during flooding conditions ~~of flooding~~.

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

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

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

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

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

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

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

3. If the hydrologic and hydraulic analysis performed indicates a change to the base flood elevation, zone, and/or the flood hazard boundary line, the applicant may submit a Conditional Letter of Map Revision (C-LOMR) request to the Federal Emergency Management Agency for assurance that the as-built project will result in a change to the Flood Insurance Rate Map. Once the development is completed, a request for a Letter of Map Revision (LOMR) shall be initiated.

4. If the hydrologic and hydraulic analysis performed show a change to the base flood elevation, zone, and/or the flood hazard boundary line, as soon as practicable, but no later than 6 months after the completion of the project, the applicant shall submit the technical data to FEMA in the form of a Letter of Map Revision request.

H. Residential - Substantial improvement of any residential structure located within:

1. Zones AE~~1-30~~, shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.

2. ~~2.~~ Zone A shall have the lowest floor (including basement) elevated:
   a. to at least one (1) foot above the base flood elevation utilizing information obtained pursuant to Section 5-3, paragraph H.1.b (1).; Section 5-5, paragraph B; or Section 5-8, paragraph D.; or,.
   b. in the absence of all data described in Article VI.H.2.a., to at least two feet above the highest adjacent grade to the structure.

I ~~G~~. Non Residential - Substantial improvement of any non-residential structure located within:

1. Zones AE~~1-30~~, shall have the lowest floor (including basement) elevated to at least one (1) foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:

   a. Be flood proofed to at least one (1) 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 floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ~~sub~~section~~.~~.
   Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Section 5- 3.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
   ~~Such certification shall meet the requirements of Section 5-3. K. and include a record of the elevation above mean sea level to which the structure is flood proofed and shall be provided with the application for a Flood Hazard Development Permit.,~~

J ~~2.~~ Zone A shall have the lowest floor (including basement) elevated:
to at least one (1) foot above the base flood elevation utilizing information obtained pursuant to Section 5-3, paragraph H.1 b (1); Section 5-5, paragraph B; or Section 5-8, paragraph D.

   a. ~~Together with attendant utility and sanitary facilities meet the flood proofing standards of Section 5-6.G.I.~~

   b. in the absence of all data described in Section 6.I.2.a., to at least two (2) feet above the highest adjacent grade to the structure; or,

c. together with attendant utility and sanitary facilities meet the floodproofing standards of Section 6. I.1.a., b., and c.

K. ~~H.~~ Manufactured Homes - Substantial improvement of manufactured homes located within:

1. Zones AE ~~Al 30~~, shall:

a. Be elevated ~~on~~ such that the lowest floor (including basement) of the manufactured home is at least one (1) foot above the base flood elevation; and,

b. Be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,

c. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement~~.~~. Methods of anchoring may include, but are not limited to:

1) Over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than fifty (50) feet long require one additional tie per side); or by,

2) Frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less
than fifty (50) feet long require four additional ties per side).

3) All components of the anchoring system described in Section 5-6, paragraph H. l. c. 1) & 2) shall be capable of carrying a force of 4,800 pounds.

2. Zone A shall:

a. Be elevated on a permanent foundation, as described in Section 5-6.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one (1) foot above the base flood elevation utilizing information obtained pursuant to Section 5-3.H.1.b.(1); Section 5-5.B; or Section 5-8.D.; and

~~b.~~ in the absence of all data as described in Section 6. I.J.2.a., to at least two feet above the highest adjacent grade to the structure; and,

c. Meet the anchoring requirements of Section 5-6.J~~H~~.1.c.

L. ~~I~~. Recreational Vehicles - Recreational Vehicles located within:

1. Zones ~~A1-30~~A and AE 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. Be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Section 5-6.J.1.

M. ~~J.~~ Accessory Structures - Substantial improvement of ~~A~~ accessory Structures, as defined in Section 5-13, ~~located within Zones A1-30 and A~~, shall be exempt from the elevation criteria required in Section 5-6.~~F. & G~~H& I. above, if all other requirements of Section 5-6 and all the following requirements are met.

Accessory Structures located in Zones A and AE,~~shall~~:

~~1.~~ meet the requirements of Section 6.A.1. through 4., as applicable
~~Be 500 square feet or less and have a value less than $3000;~~
2. be limited in size to a one-story two car garage;

3. ~~2.~~ Have unfinished interiors and not be used for human habitation;~~3~~4. ~~.~~ Have hydraulic openings, as specified in Section 5-6. L.3 N 2?., in at least two different walls of the accessory structure; 5.~~4.~~ Be located outside the floodway; 6.~~5.~~ When possible, be constructed and placed on the building site ~~so as to~~to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and~~,~~7.~~6.~~ Have only ground fault interrupt electrical outlets~~.~~. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

N. ~~K~~.Floodways:

1. In Zones ~~A1-30~~AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted ~~in riverine areas for which~~ within a regulatory floodway which is designated on the community's Flood Insurance Rate Map ~~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 Town during the occurrence of the base flood discharge.

2. In Zones ~~A1-30~~A and AE, riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development, shall not be permitted in the floodway as determined in Section 6 .M.3. unless a technical evaluation certified by a registered professional engineer is provided, demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

   a. Will not increase the water surface elevation of the base flood more than one (1) foot at any point within the Town; and,

   b. Is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping. ~~Chapter 5 entitled "Hydraulic Analyses," Flood Insurance Study - Guidelines and Specifications for Study Contractors, (FEMA 37/September 1995, as amended).~~

3. In Zone A and AE riverine areas, for which no regulatory floodway is designated, the regulatory floodway is considered 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, substantial improvement, and other development, shall not be permitted in the floodway unless a technical evaluation certified by a registered professional engineer is provided meeting the requirements of Section 5-6, paragraph K.2.~~

~~L~~ O. Hydraulic Openings/Flood Vents - ~~Enclosed Below the Lowest Floor~~ - Substantial improvement of any structure in Zones ~~A1-30~~, ~~and~~ A and AE that meets the development standards of Section 5-6, including the elevation requirements of Section 5-6, paragraphs ~~F, G~~, or H, I or J and is elevated on posts, columns, piers, piles, "~~stilts~~," or crawl spaces ~~less than three feet in height~~, may be enclosed below the base flood elevation requirements provided that all the following criteria are met or exceeded:

1. ~~Walls, with the exception of crawl spaces less than three feet in height, shall not be part of the structural support of the building; and,~~
2. Enclosed areas are not "basements" as defined in Section 5-13; and,

3. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either:

a. Be engineered and certified by a registered professional engineer or architect: or,

b. Meet or exceed the following minimal criteria:

1) A minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area:

2) The bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,

3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means: and,

4) The enclosed area shall not be used for human habitation; and

5) The enclosed area may be used for building maintenance, access, parking vehicles or storing of articles and equipment used for maintenance of the building.

P. ~~M~~. Bridges - New construction or substantial improvement of any bridge in Zones ~~A1-30 and~~ A and AE shall be designed such that:

1. When possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one (1) foot above the base flood elevation; and

2. A registered professional engineer shall certify that:

a. The structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Section 5-6. K M.; and

b. The foundation and superstructure attached thereto are designed to resist flotation, ~~collapse~~collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

Q. ~~N~~. Containment Walls - Substantial improvement of any containment wall located within:

1. Zones ~~A1-30 and~~ A and AE shall:

a. Have the containment wall elevated to at least one (1) foot above the base flood elevation;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection~~.~~. Such certification shall meet the requirements of Section 5-3.~~K and include a record of the elevation above mean sea level to which the structure is flood proofed and shall be provided with the application for a Flood Hazard Development Permit.~~

R. ~~O~~. Wharves, Piers and Docks - Substantial improvement of wharves, piers, and docks are permitted in Zones ~~A1-30 and~~ A and AE, in and over water ~~and seaward of the mean high tide~~ if the following requirements are met:

1. Wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and

~~2. For commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.~~ SECTION 5-7 - CERTIFICATE OF COMPL~~I~~ANCE

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

A. For new construction or substantial improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, an elevation certificate completed by a professional land surveyor~~, registered professional engineer, or architect,~~ for compliance with Section 5-6, paragraphs F, G, or H.

B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.

C. Within ten (10) working days, the Code Enforcement Officer shall:

1. Review the elevation certificate and the applicant's written notification; and,

2. Upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

SECTION 5-8 - 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 five (5) or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

A. All such proposals are consistent with the need to minimize flood damage.

B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

C. Adequate drainage is provided ~~so as to~~to reduce exposure to flood hazards.

D. All proposals include base flood elevations, flood boundaries and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Section 5-6 of this ordinance~~,~~. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described~~,~~. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

SECTION 5-9 - APPEALS AND VARIANCES

The Board of Appeals of the Town of Gorham may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.~~from determinations of the Code Enforcement Officer in the administration of the provisions of this chapter consistent with state law and the following criteria:~~

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 for new construction of any structure, manufactured home, or sewage disposal system, as distinguished from substantially improved structures and manufactured homes or replacement sewage disposal systems.

B. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

C. 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 and ordinances; and,

3. A showing that the existence of the variance will not cause a conflict with other state, federal, or local laws or ordinances; and,

4. A determination that failure to grant the variance would result in "undue hardship," which in this 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.

: D. Variances shall only be issued upon a determination that the variance is the ~~minimal~~ minimum necessary, considering the flood hazard, to offered relief and the Board of Appeals may impose such conditions to a variance as it deems necessary.

E. Variances may be issued ~~by the Town~~ for substantial improvements or other development for the conduct of a functionally dependent use, provided that:

a. Other criteria of Section 5-9 A through C. and Section 5-6.M~~K~~. 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.

F. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:

1. The development meets the criteria of Section 5-9, paragraphs A. through D. above; and,

2. The proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

G. Variances may be issued for substantial improvement of Agricultural Structures being used for the conduct of agricultural uses provided that:

1. the development meets the criteria of Section 9 .A. through C.; and,

2. the development meets the criteria of Section 6.M. and Section 6.N.

H. Appeal Procedure for Administrative and Variance Appeals Any applicant who meets the criteria of this Section, paragraphs A through H~~F~~, shall be notified by the Board of Appeals in writing over the signature of the Chair~~man~~ of the Board of Appeals that:

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.

2. Upon being notified of an appeal, the Code Enforcement Officer, or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the documents constituting the record of the decision appealed from.

3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.

4. The person filing the appeal shall have the burden of proof.

5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing and shall issue a written decision on all appeals.

6. The Board of Appeals shall submit to the Code Enforcement Officer a report of 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.

7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

~~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; Construction below the base flood level increases risks to life and property; and,The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, that the applicant assumes those risks and agrees to indemnify and defend the Town of Gorham, its officers, agents, and employees against any claims filed against it that are related to the applicant's decision to use land located in a floodplain, and that the applicant individually releases the Town of Gorham, its officers, agents, and employees from any claims the applicant may have against the Town that are related to the use of land located in a floodplain.The Board of Appeals shall submit to the Code Enforcement Officer a report of 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.~~

SECTION 5-10 - ENFORCEMENT AND PENALTIES

A. It shall be the duty of the Code Enforcement Officer to enforce the Provisions of this Chapter pursuant to 30-A MRSA §4452.

B. The penalties contained in 30-A MRSA §4452 shall apply to any violation of this Chapter.

C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, ~~shall~~ may submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance~~.~~. The valid declaration shall consist of:

1. The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

2. A clear and unequivocal declaration that the property is in violation of a cited state or local law, regulation, or ordinance;

3. A clear statement that the public body making the declaration has authority to do so and a citation to that authority;

4. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,

5. A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

SECTION 5-11 - VALIDITY AND SEVERABILITY

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

SECTION 5-12 - CONFLICT WITH OTHER ORDINANCES

This Chapter 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 Chapter imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Chapter shall control.

SECTION 5-13 - DEFINITIONS APPLICABLE TO CHAPTER

Unless specifically defined below, words and phrases used in this Chapter shall have the same meaning as they have at common law and to give this Chapter 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. These definitions are to be applied to this Chapter only and do not define words or phrases used elsewhere in this Code unless specific reference is made elsewhere to this Section.

"Accessory Structure" - ~~means~~ a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.~~small detached structure that is incidental and subordinate to the principal structure.~~

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

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

~~"Area of Shallow Flooding" - means a designated AO and AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.~~

"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 Section 5-1 of this Chapter.

"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.

"Building" - see "Structure."

"Certificate of compliance" - a document signed by the Code Enforcement Officer stating that a ~~development~~ structure is in compliance with all ~~of~~ the provisions of this Chapter,

"Code Enforcement Officer" - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances~~any person responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.~~

"Development" - ~~means~~, for purpose of this Chapter, any man made change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; 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 ~~Al-30, or~~ A or AE to have the top of the elevated floor, elevated above the ground level by means of pilings, columns, posts, piers, or ~~"~~"~~stilts;~~"" shear wall; and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to one (1) foot above the magnitude of the base flood. In the case of Zones ~~Al-30, or~~ A or AE, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls less than three feet in height with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Section 6.N.~~.~~

"Elevation Certificate" - An official form (FEMA Form FF-206-FY-22-152, as amended~~FEMA Form 81-31, 08/99, as amended~~) that (i) is used to verify compliance with the floodplain management regulations of the National Flood insurance Program~~., and, (ii) is required as a condition for purchasing flood insurance.~~

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

"Flood" or "Flooding" – ~~means~~ a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters.

b. The unusual and rapid accumulation or runoff of surface waters from any source.

c. 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 unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.

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

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

"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 definition of “Flood” or "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~~water, and sanitary facilities, ~~structures~~structures, and their contents.

"Floodway" - see "Regulatory Floodway."

"Floodway Encroachment Lines" - ~~mean~~ 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.

"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 the Interior in states without approved programs.

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

"Lowest Floor" - ~~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 of Section 5-6 of this Chapter.

"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 purposes of this Chapter, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

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

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

"Minor Development" - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Section 5-6.LJ., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

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

"New Construction" - means structures, including accessory buildings, or development for which the "start of construction" commenced on or after the effective date of this Chapter the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.. New construction is distinguished from substantial improvement or replacement of existing development.
North American Vertical Datum (NAVD) - the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon the vertical data used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth’s crust, glacial rebound and subsidence, and the increasing use of satellite technology.

"100-Year Flood" - see "Base Flood."

Recreational Vehicle - a vehicle which is:

a. built on a single chassis;

b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;

c. designed to be self-propelled or permanently towable by a motor vehicle; and,

d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" -

a. the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, and,
b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

~~(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 Zone A 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 ~~original~~ construction repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement ~~or placement~~ 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; not does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

"Structure" - ~~means~~, for the purposes of this Chapter, a walled and roofed building. A gas orliquid 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 before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement" - ~~means~~ any repair, reconstruction, addition or improvement of a structure, the ~~value~~ cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. For purposes of this definition "substantial improvement" is considered to occur at the first alteration of any wall, ceiling, floor, or structural part of the building, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(1) any project for improvement of a structure to correct existing violations of ~~to comply with existing~~ 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~~are solely necessary~~ to assure safe living conditions or

(2) Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals~~any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places~~.

"Variance" - ~~means~~ a grant of relief by the Town from the terms of a floodplain management regulation ~~this Chapter~~.

"Violation" - ~~means~~ the failure of a structure or ~~other~~ development to fully comply with this Chapter.

SECTION 5-14 - ABROGATION

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

SECTION 5-15 - WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes, but does not imply total flood protection. ~~and~~ It is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood height may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the Town of Gorham or by any officer or employee thereof for any flood damage that ~~result~~results from reliance on this Chapter or any administrative decision lawfully made thereunder.

Land Use and Development Code Amendment: Floodplain Management

PROPOSED MOTIONS:

Move to send the proposed amendment to the Land Use and Development Code to implement the Affordable Housing Density Bonus Overlay District to the (Ordinance Committee for review or Comprehensive Plan Implementation Committee for review and recommendations).

OR

Move to send the proposed amendment to the Land Use and Development Code to implement the Affordable Housing Density Bonus Overlay District to the Town Council with a recommendation for adoption.