

CITY OF LACONIA

In the Year of our Lord two thousand and fourteen

AN ORDINANCE AMENDING CHAPTER 235, ZONING

The City of Laconia ordains:

That the ordinances of the City of Laconia, as amended, be and are further amended in Chapter 235 (strikethrough indicates deletions, bolding indicates additions):

Amend §235-18 as follows:

Definitions:

FLOOD BOUNDARY AND FLOODWAY MAP – The official map of the City of Laconia on which FEMA has delineated the “Regulatory Floodway.” This map should not be used to determine the correct flood hazard zone or base flood elevation. The Flood Insurance Rate Map (FIRM) will be used to make determinations of flood hazard zones and base flood elevations.

FLOOD INSURANCE RATE MAP (FIRM) – The official map incorporated with this ordinance on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the City of Laconia.

FLOOD INSURANCE STUDY (FIS) – An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

Historic Structure – Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the 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 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 certified either:
 - (i) by an approved state program as determined by the Secretary of the Interior; or
 - (ii) directly by the Secretary of the Interior in states without approved programs.

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

Recreational Vehicle – is defined as:

- 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.

Special Flood Hazard Area – The land in the floodplain within the City of Laconia subject to a one-percent or greater possibility of flooding in any given year. The area is designated on the FIRM as Zones A and A1-30.

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

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

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

Substantial Improvement – Any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value should equal:

- a. the appraised value prior to the start of the initial repair or improvement, or
- b. in the case of damage, the value of the structure prior to the damage occurring.

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

Violation – The failure of a structure or other development to be fully compliant with the community’s flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required under Section 235-18(B)(4), Section 235-18(B)(7)(b)(2)(c), or Section 235-18(B)(6)(c) and (d) of this ordinance is presumed to be in violation until such time as that documentation is provided.

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. This definition is for purposes of application of the Floodplain District provisions.

FLOODPLAIN OR FLOOD-PRONE AREA - Any land area susceptible to being inundated by water from any source. This definition is for purposes of application of the Floodplain District provisions.

FLOOD-PROOFING - Any combination of structural and nonstructural 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 their contents. This definition is for purposes of application of the Floodplain District provisions.

FLOODWAY, REGULATORY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. These areas are designated as floodways on the Flood Boundary and Floodway Maps. This definition is for purposes of application of the Floodplain District provisions.

- A. The Floodplain District shall consist of all lands designated as special flood hazard areas by the Federal Emergency Management Agency in its Flood Insurance Study for the City of Laconia, N.H., together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway Maps of the City of Laconia, dated August 1980, which are declared to be a part of this chapter.
- B. The following regulations shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency in its Flood Insurance Study for the City of Laconia, N.H., together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway Maps of the City of Laconia, dated August 1980, which are declared to be a part of this chapter.
 - (1) All proposed development in any special flood hazard areas shall require a permit.
 - (2) The Director of Planning and Community Development or his or her designee shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. **(note: the following was moved to definition section)** ~~A substantial improvement is any combination of repairs, reconstruction, alterations or improvements to a structure in which the cumulative cost equals or exceeds 50% of the market value of the structure. A substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration effects the external dimensions of the structure. The term "substantial improvement" does not include any improvement of a structure that is necessary for compliance with existing health, sanitary or safety codes which are solely necessary to assure safe living conditions, or alters a structure listed on the National Register of Historic Places. The market value of the structure shall be the appraised value of the structure prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring. If a proposed building site is in a flood-prone area~~ **special flood hazard area**, all new construction and substantial improvements shall be: **[Amended 8-14-2000 by Ord. No. 07.2000.07]**
 - (a) 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.

- (b) Constructed with materials resistant to flood damage.
 - (c) Constructed by methods and practices that minimize flood damages.
 - (d) Constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (3) Where new and replacement water and sewer systems (including on-site systems) are proposed in ~~flood-prone areas~~ a **special flood hazard area**, the applicant shall provide the Director of Planning and Community Development or his or her designee with assurance that new and replacement sanitary sewage ~~these~~ systems will be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding. **[Amended 8-14-2000 by Ord. No. 07.2000.07]**
- (4) The Director of Planning and Community Development or his or her designee shall maintain for public inspection and furnish upon request any certification of flood-proofing and the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and include whether or not such structures contain a basement. If the structure has been flood-proofed, the as-built elevation (in relation to mean sea level) to which the structure was flood-proofed is required. This information must be furnished by the applicant. **[Amended 8-14-2000 by Ord. No. 07.2000.07]**
- (5) The Director of Planning and Community Development or his or her designee shall review proposed developments to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334. It shall be the responsibility of the applicant to certify these assurances to the Director of Planning and Community Development or his or her designee. **[Amended 8-14-2000 by Ord. No. 07.2000.07]**
- (6) Development involving watercourses.
- (a) In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands ~~Board~~ **Bureau** of the New Hampshire Environmental Services Department and submit copies of such notification to the Director of Planning and Community Development or his or her designee **in addition to the copies required by RSA 482-A:3**. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Director of Planning and Community Development or his or her designee **including notice of all scheduled hearings before the Wetlands Bureau**. **[Amended 8-14-2000 by Ord. No. 07.2000.07]**
 - (b) Within the altered or relocated portion of any watercourse, the applicant shall submit

to the Director of Planning and Community Development or his or her designee certification provided by a registered professional engineer assuring that the flood-carrying capacity of the watercourse has been maintained. **[Amended 8-14-2000 by Ord. No. 07.2000.07]**

- (c) Along watercourses that have a designated regulatory floodway, no encroachments, including fill, new construction, substantial improvements and other development, are allowed within the designated regulatory floodway ~~that would result in any increase in flood levels within the community during the base flood discharge~~ **unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge.** ~~In Zone A, the Director of Planning and Community Development or his or her designee shall obtain, review and reasonably utilize any floodway data available from a federal, state or other source as criteria for requiring that development meet the floodway requirements of this section.~~ **[Amended 8-14-2000 by Ord. No. 07.2000.07]**

- (d) ~~Along watercourses that have not had a regulatory floodway designated~~ **Until a Regulatory Floodway is designated along watercourses**, no new construction, substantial improvements or other development (including fill) shall be permitted within Zones AI-30 ~~and AE~~ on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

- (e) **The Director of Planning and Community Development or his or her designee shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development locate in Zone A meet the following floodway requirement: "No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the flood discharge."**

(7) Determination of one-hundred-year-flood elevation.

- (a) In special flood hazard areas, the Director of Planning and Community Development or his or her designee shall determine the one-hundred-year-flood elevation in the following order of precedence, according to the data available: **[Amended 8-14-2000 by Ord. No. 07.2000.07]**

[1] In Zones AI - 30, ~~AI, AE, V-3 and VE,~~ refer to the elevation **data** provided in the ~~communities~~ **community's** Flood Insurance Study and accompanying FIRM ~~or FIRM.~~

[2] In unnumbered A Zones, the Director of Planning and Community Development or

his or her designee shall obtain, review and reasonably utilize any one-hundred-year-flood-elevation data available from federal, state, development proposals submitted to the community (for example, subdivisions, site approvals, etc.) or other source.

[3] In Zone AO, the one-hundred-year-flood elevation is determined by adding the elevation of the highest adjacent grade to the depth number specified on the FIRM or, if no depth number is specified on the FIRM, at least two feet.

(b) The Director of Planning and Community Development's or his or her designee's one-hundred-year-flood-elevation determination will be used as criteria for requiring in Zones AI - 30, AE, AH, AO and A that: **[Amended 8-14-2000 by Ord. No. 07.2000.07]**

[1] All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the one-hundred-year-flood level.

[2] All new construction and substantial improvements of nonresidential structures have the lowest floor (including basement) elevated to or above the one-hundred-year-flood level or, together with attendant utility and sanitary facilities, shall:

[a] Be flood-proofed so that below the one-hundred-year-flood elevation the structure is watertight with walls substantially impermeable to the passage of water.

[b] Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

[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.

[3] All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level and be securely anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

[4] For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted, provided that the enclosed areas meet the following requirements: the enclosed area is unfinished or flood-resistant, usable solely for parking of vehicles, building access or storage; the area is not a basement; and the area 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 be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed

area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

- [5] Proposed structures to be located on slopes in special flood hazard areas, Zones AH and AD, shall include adequate drainage paths to guide floodwaters around and away from the proposed structures.
- [6] All recreational vehicles placed on sites within Zones A and A1-30 shall either:
 - i. be on the site for fewer than 180 consecutive days;
 - ii. be fully licensed and ready for highway use; or
 - iii. meet all standards of Section 235-18(B)(1) of this ordinance and the elevation and anchoring requirements for “manufactured homes” in Section 235-18(B)(7)(b)(3) of this ordinance.

Note: 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.

(8) Variances and Appeals:

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

[2] such construction below the base flood level increases risks to life and property.
Such notification shall be maintained with a record of all variance actions.

(d) The community shall:

- [1] Maintain a record of all variance actions, including the justification for their issuance, and
- [2] Report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

D. Severability: The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.

This ordinance amendment shall take effect upon its passage.

 2/24/14
Edward Engler, Mayor

Passed and approved this 24th day of February, 2014.


Mary A. Reynolds, City Clerk

A TRUE COPY ATTEST

City Clerk
Laconia, New Hampshire
Date 2-28-14