FLOODPLAIN MANAGEMENT ORDINANCE

TOWN OF LANCASTER, NEW HAMPSHIRE

Approved March 10, 2020

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FLOODPLAIN MANAGEMENT ORDINANCE
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SECTION 1: STATUTORY AUTHORITY AND PURPOSE

A. This ordinance, adopted pursuant to the authority of RSA 674:16, RSA 674:17, and 674:56, shall be known as the Town of Lancaster Floodplain Management Ordinance ("Ordinance"). The regulations in this Ordinance shall overlay and supplement the regulations in the Town of Lancaster Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law.

B. The purpose of this Ordinance is to promote the public health, safety, and general welfare; minimize hazards to persons and property from flooding; to protect watercourses from encroachment; and to maintain the capability of floodplains to retain and carry off floodwaters.

SECTION 2: FINDINGS OF FACT AND APPLICABILITY

A. Certain areas of the Town of Lancaster are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, the Town of Lancaster has chosen to become a participating community in the National Flood Insurance Program (NFIP), and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as detailed in this Ordinance.

B. The following regulations in this Ordinance shall apply to all lands within the Town of Lancaster and designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study (FIS) for Coos County, NH" dated February 20, 2013 together with the associated Flood Insurance Rate Map (FIRM) panels 33007C0737D, 330077C0738D, 33007C0739D, 33007C0741D, 33007C0744D, 33007C0770D, 33007C0882D, 33007C0883D, 33007C0884D, 33007C0891D, 33007C0892D, 33007C0901D, 33007C0902D, 33007C0905D, 33007C0906D, 33007C0907D, 33007C0910D, 33007C0915D, 33007C0920D, 33007C0926D, and 33007C0930D dated February 20, 2013 and associated amendments and revisions, which are declared to be a part of this Ordinance and are hereby incorporated by reference.

C. This Ordinance establishes a permit system and review procedure for development in a special flood hazard area of the Town of Lancaster.

SECTION 3: ADMINISTRATIVE PROVISIONS

A. If any provision of this Ordinance differs or appears in conflict with any other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

B. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a

whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

C. In accordance with RSA 676, the Floodplain Administrator shall enforce and administer the provisions of this Ordinance.

D. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur, and flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside of a special flood hazard area or uses that are permitted within such areas will be free from flooding or flood damage.

SECTION 4: FLOODPLAIN ADMINISTRATOR DUTIES AND RESPONSIBILITIES

A. The Town Manager or their designee is hereby appointed to administer and implement these regulations and is referred to herein as the "Floodplain Administrator."

B. The duties and responsibilities of the Floodplain Administrator shall include, but are not limited to:

1. Ensure that permits are obtained for proposed development in a special flood hazard area.
2. Review all permit applications for completeness and accuracy, and coordinate with the applicant for corrections or further documentation, as needed.
3. Interpret the special flood hazard area and floodway boundaries and determine whether a proposed development is located in a special flood hazard area, and if so, whether it is also located in a floodway.
4. Provide available flood zone and base flood elevation information pertinent to the proposed development.
5. Make the determination as to whether a structure will be substantially improved or has incurred substantial damage as defined in this Ordinance and enforce the provisions of this Ordinance for any structure determined to be substantially improved or substantially damaged.
6. Issue or deny a permit based on review of the permit application and any required accompanying documentation.
7. Ensure prior to any alteration or relocation of a watercourse that the required submittal and notification requirements in this Ordinance are met.
8. Review all required as-built documentation and other documentation submitted by the applicant for completeness and accuracy and verify that all permit conditions have been completed in compliance with this Ordinance.
9. Notify the applicant in writing of either compliance or non-compliance with the provisions of this Ordinance.
10. Ensure the administrative and enforcement procedures detailed in RSA 676 are followed for any violations of this Ordinance.
11. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the Town of Lancaster, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations,

special flood hazard area and/or floodway boundaries.

12. Maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations, including: local permit documents, flood zone and base flood elevation determinations, substantial improvement and damage determinations, variance and enforcement documentation, and as-built elevation and dry floodproofing data for structures subject to this Ordinance.
13. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, inspectors, or other community officials as needed.

SECTION 5: FLOOD ZONE AND FLOODWAY DETERMINATIONS

A. The Floodplain Administrator shall determine whether any portion of a proposed development is located in a special flood hazard area and if so, whether it is also located in a floodway, using the effective FIRM. If the development is located wholly or partially in a special flood hazard area, the Floodplain Administrator shall determine the flood zone and the applicable requirements in the Ordinance that shall apply to the development.

B. Where it is unclear whether a site is in a special flood hazard area and/or in a floodway, the Floodplain Administrator may require additional information from the applicant to determine the development's location on the effective FIRM.

C. If any portion of a development including a structure and its attachments (e.g, deck posts, stairs) is located in multiple flood zones, the flood zone with the more restrictive requirements documented in this Ordinance shall apply.

D. Where a conflict exists between the floodplain limits illustrated on the FIRM and actual natural ground elevation, the base flood elevation(s) in relation to the actual natural ground elevation shall be the governing factor in locating the regulatory floodplain limits.

E. Within a riverine special flood hazard area designated as Zone A, the Floodplain Administrator shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources. If floodway data is available, the applicant shall meet the floodway requirements in Section 14 of this Ordinance.

SECTION 6: SUBSTANTIAL IMPROVEMENT AND DAMAGE DETERMINATIONS

A. For all development in a special flood hazard area that proposes to improve an existing structure, including alterations, movement, enlargement, replacement, repair, additions, rehabilitations, renovations, repairs of damage from any origin (such as, but not limited to flood, fire, wind or snow) and any other improvement of or work on such structure including within its existing footprint, the Floodplain Administrator, in coordination with any other applicable community official(s), shall be responsible for the following:

    1. Review description of proposed work submitted by the applicant.
    2. Use the community's current assessed value of the structure (excluding the land) to determine the market value of the structure prior to the start of the initial repair or

improvement, or in the case of damage, the market value prior to the damage occurring. If the applicant disagrees with the use of the community's assessed value of the structure, the applicant is responsible for engaging a licensed property appraiser to submit a comparable property appraisal for the total market value of only the structure.

3. Review cost estimates of the proposed work including donated or discounted materials and owner and volunteer labor submitted by the applicant. Determine if the costs are reasonable for the proposed work, or use other acceptable methods, such as those prepared by licensed contractors or professional construction cost estimators and from building valuation tables, to estimate the costs.
4. Determine if the proposed work constitutes substantial improvement or repair of substantial damage as defined in this Ordinance.
5. Notify the applicant in writing of the result of the substantial improvement or damage determination. If the determination is that the work constitutes substantial improvement or substantial damage, the written documentation shall state that full compliance with the provisions of this Ordinance is required.
6. Repair, alteration, additions, rehabilitation, or other improvements of historic structures shall not be subject to the elevation and dry floodproofing requirements of this Ordinance if the proposed work will not affect the structure's designation as a historic structure. The documentation of a structure's continued eligibility and designation as a historic structure shall be required by the Floodplain Administrator in approving this exemption.

SECTION 7: FLOODPLAIN PERMITTING REQUIREMENTS

A. All proposed development within a special flood hazard area shall require a permit from the Town of Lancaster, prior to the commencement of any development activities. Development, as defined in this Ordinance, includes both building and non-building activities.

B. To obtain a permit, the applicant shall first submit a completed application in writing on a form furnished by the Town of Lancaster, for that purpose. Every application shall include, but is not limited to:

1. The name, address and phone number of the applicant, owner, and contractor(s);
2. A map indicating the location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and waterbodies;
3. A description of the proposed development and the use or occupancy for which the proposed development is intended;
4. If the development involves proposed work on an existing structure, a description of the total costs of the proposed work including all materials and labor;
5. In a Zone A, for proposed developments either greater than 50 lots or greater than 5 acres, the base flood elevation(s) established for the area, including any data such as hydraulic and hydrologic analyses, used to determine the elevation(s);
6. Submittal of evidence that all necessary permits have been obtained from those Federal, State, or local government agencies from which prior approval is required; and
7. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of, this Ordinance.

C. The Floodplain Administrator shall review all permit applications for completeness and accuracy, and coordinate with the applicant for corrections or further documentation, as needed. If the proposed development will comply with this Ordinance, the Floodplain Administrator shall approve the application and issue a permit. If the proposed development will not comply with this Ordinance, the Floodplain Administrator shall deny the permit application and return to the applicant with a written explanation of denial.

D. Following completion of new construction of a structure or an existing structure that was substantially improved or replaced, or that incurred substantial damage, or the placement or substantial improvement of a manufactured home, the applicant shall submit the following to the Floodplain Administrator:

1. A completed and certified copy of an Elevation Certificate that includes the as-built elevation (in relation to mean sea level) of the lowest floor of the structure and whether or not the structure has a basement.
2. If a non-residential structure includes dry floodproofing, a completed and certified copy of the Floodproofing Certificate for Non-Residential Structures that includes the as-built elevation (in relation to mean sea level) to which the structure was dry floodproofed and certification of floodproofing.

E. The Floodplain Administrator shall review all required as-built documentation and other documentation submitted by the applicant for completeness and accuracy and verify that all permit conditions have been completed in compliance with this Ordinance.

The Floodplain Administrator shall either:

1. Issue a Certificate of Compliance to the applicant if it has been determined that full compliance with this Ordinance has been met; or
2. Notify the applicant in writing of any violation of this Ordinance and the actions required to bring the development into compliance with this Ordinance if it has been determined that full compliance with this Ordinance has not been met.

SECTION 8: FLOOD ELEVATION DETERMINATIONS

A. The Floodplain Administrator shall determine the flood elevation for a structure as applicable for each permit application in the following flood zones:

1. For Zone AE, the base flood elevation is determined from the data provided in the community's FIS and accompanying FIRM.
2. For Zone A with no base flood elevation shown in the FIS or on the FIRM:
   a. The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data available from any Federal, State or other source including data submitted to the community for development proposals (i.e. subdivisions, site plan approvals).
   b. Where a base flood elevation is not available or not known, the base flood elevation shall be determined to be at least 2 feet above the highest adjacent grade.

c. For a development either greater than 50 lots or greater than 5 acres, the applicant shall develop a base flood elevation for the site and provide it to the Floodplain Administrator with their permit application.

B. If a structure is affected by multiple base flood elevations, the highest base flood elevation shall apply.

SECTION 9: FLOODPLAIN DEVELOPMENT REQUIREMENTS

A. All development located in a special flood hazard area shall be:

1. Reasonably safe from flooding;
2. Designed and constructed with methods and practices that minimize flood damage;
3. Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement (including structures and above ground gas or liquid storage tanks);
4. Constructed with flood damage-resistant materials;
5. 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;
6. Adequately drained to reduce exposure to flood hazards;
7. Compliant with the applicable requirements of the State Building Code and the applicable standards in this Ordinance, whichever is more restrictive.

SECTION 10: STRUCTURE REQUIREMENTS

A. New construction of a residential structure, or an existing residential structure to be substantially improved or replaced, or that has incurred substantial damage, located in a special flood hazard area shall have the lowest floor elevated at least to one foot above the base flood elevation.

B. New construction of a non-residential structure, or an existing non-residential structure to be substantially improved or replaced, or that has incurred substantial damage, located in a special flood hazard area shall:

1. Have the lowest floor elevated at least to one foot above the base flood elevation; or
2. Together with attendant utility and sanitary facilities:
   a. Be floodproofed at least one foot above the base flood elevation so that below this elevation the structure is watertight with walls substantially impermeable to the passage of water;
   b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
   c. Be certified by a registered professional engineer or architect that the dry floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided to the Floodplain Administrator in the form of a completed and

signed Floodproofing Certificate for Non-Residential Structures.

C. A fully enclosed area for new construction of a structure, or an existing structure to be substantially improved or replaced, or that has incurred substantial damage located in a special flood hazard area that is below the lowest floor of a structure, below the base flood elevation, and therefore subject to flooding, shall meet the following requirements:

1. Be constructed with flood damage-resistant materials;
2. Be used solely for the parking of vehicles, building access, or storage;
3. Be constructed with the floor of the enclosed area at grade on at least one side of the structure; and
4. Be constructed with flood openings installed in the enclosure walls so that they are 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 be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
    a. A minimum of two flood openings on different sides of each enclosed area 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;
    b. The bottom of all flood openings shall be no higher on the enclosure wall than one foot above either the interior or exterior grade, whichever is higher; and
    c. Flood openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. A fully enclosed area that has a floor that is below grade on all sides, including below-grade crawlspaces and basements are prohibited for new structures, existing structures to be substantially improved or replaced, or that have incurred substantial damage located in a special flood hazard area.

SECTION 11: DETACHED ACCESSORY STRUCTURES

A. In a special flood hazard area, new construction or substantial improvement of a small, detached accessory structure of 500 square feet or less does not have to meet the elevation or non-residential dry floodproofing requirements as detailed in Section 10 of this Ordinance if the following wet floodproofing standards are met:

1. The structure has unfinished interiors and is not used for human habitation;
2. The structure is not located in the floodway;
3. The structure is not used for storage of hazardous materials;
4. The structure is wet floodproofed and designed to allow for the automatic entry and exit of flood water as detailed in Section 10 (C)(4);
5. The structure shall be firmly anchored to prevent flotation, collapse and lateral movement;
6. When possible, the structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than the primary structure; and

7. Service facilities such as electrical, mechanical and heating equipment shall be elevated or dry floodproofed to or above the base flood elevation.

SECTION 12: MANUFACTURED HOMES AND RECREATIONAL VEHICLES

A. A new manufactured home to be placed, or an existing manufactured home to be substantially improved or replaced, or that has incurred substantial damage, located in a special flood hazard area shall:

1. Have the lowest floor elevated at least to one foot above the base flood elevation;
2. Be on a permanent, reinforced foundation;
3. Be installed using methods and practices which minimize flood damage;
4. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring are authorized to include, but are not to be 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; and
5. Comply with the requirements of Section 10(C) of this Ordinance in cases where fully enclosed areas are present below an elevated manufactured home, including enclosures surrounded by rigid skirting or other material attached to the frame or foundation. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have flood openings.

B. A recreational vehicle located within a special flood hazard area shall meet one of the following requirements:

1. Be on a site for fewer than 180 consecutive days; or
2. Be fully licensed, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
3. Meet the requirements for “manufactured homes” as stated in Section 12(A) of this Ordinance.

SECTION 13: WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS

A. The following standards shall apply to all water supply, sanitary sewage, and on-site waste disposal systems located in a special flood hazard area:

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
2. New and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the systems and discharge from the system into flood waters; and
3. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

SECTION 14: FLOODWAY REQUIREMENTS

A. Within a floodway, for any development, including fill, new construction, substantial improvements and other development or land disturbing-activity the applicant must, prior to a permit being issued by the Floodplain Administrator, submit certification prepared by a registered professional engineer, along with supporting technical data and analyses, that demonstrates that such development will not cause any increase in the base flood elevation at any location in the community.

   If the analyses demonstrate that the proposed activities will result in any increase in the base flood elevation, the applicant must obtain a Conditional Letter of Map Revision (CLOMR) from FEMA prior to permit issuance by the Floodplain Administrator. The Floodplain Administrator reserves the right to deny a permit for the project if concerns about the development being reasonably safe from flooding remain following issuance of the CLOMR. If a permit is issued and the project completed, the applicant must also obtain a Letter of Map Revision (LOMR) from FEMA. CLOMR and LOMR submittal requirements and fees shall be the responsibility of the applicant.

SECTION 15: WATERCOURSE ALTERATIONS

A. Prior to a permit being issued by the Floodplain Administrator for any alteration or relocation of any riverine watercourse, the applicant shall:

   1. Notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Floodplain Administrator, in addition to the copies required by RSA 482-A: 3; and
   2. Submit to the Floodplain Administrator certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.

B. Prior to a permit being issued for any alteration or relocation of any riverine watercourse, the Floodplain Administrator shall notify adjacent communities and the State NFIP Coordinating Agency, and submit copies of such notification to FEMA's Federal Insurance Administrator.

SECTION 16: VARIANCES AND APPEALS

A. Any order, requirement, decision or determination of the Floodplain Administrator made under this Ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.

B. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I, the applicant shall have the burden of showing in addition to the variance standards under state law that:

   1. The variance will not result in increased flood heights of any magnitude, additional threats to public safety, fraud on or victimization of the public; or extraordinary public

expense;
2. The issuance of the variance will not conflict with other State, Federal or local laws or Ordinances;
3. If the requested variance is for activity within a floodway, no increase in flood levels during the base flood discharge will result; and
4. 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 elevation 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 elevation 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 their justification for their issuance; and
2. Report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

SECTION 17: DEFINITIONS

The following definitions shall apply only to this Floodplain Management Ordinance, and shall not be affected by the provisions of any other Ordinance.

Accessory Structure means a structure which is: 1) detached from and clearly incidental and subordinate to the principal use or structure on a lot, 2) located on the same lot as the principal structure or use, 3) clearly and customarily related to the principal structure or use, and 4) only used for vehicle parking, storage, or primarily building access. Examples include garages, garden and tool sheds, and playhouses.

Base Flood or 1 Percent Annual Chance Flood means the flood having a one-percent possibility of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) means the elevation of the base (one-percent annual chance) flood referenced to a specified vertical datum (National Geodetic Vertical Datum of 1929 or North American Vertical Datum of 1988).

Basement means any area of a structure having its floor subgrade (below ground-level) on all sides.

Building - see "Structure".

Conditional Letter of Map Revision (CLOMR) means FEMA's comment on a proposed project that would, upon construction, affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing floodway, base flood elevation, or the special flood hazard area. CLOMRs do not revise an effective FIRM since they do not reflect as-built conditions.

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

Elevation Certificate means a form developed by FEMA to collect surveyed elevations and other information about a building, which can be used for the purposes of compliance with a community's floodplain regulations, flood insurance rating, and Letters of Map Amendment applications.

Enclosed Area means an area created by a crawlspace or solid walls that fully enclose an area below an elevated building.

FEMA means the Federal Emergency Management Agency.

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

Flood Damage-Resistant Materials means any building product (material, component or system) capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. See FEMA "Technical Bulletin 2, Flood Damage-Resistant Materials Requirements."

Flood Insurance Rate Map (FIRM) means 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 community. The FIRM is a graphic representation of the data contained in the accompanying Flood Insurance Study.

Flood Insurance Study (FIS) means a compilation and presentation of flood risk data for specific watercourses, lakes, and coastal flood hazard areas within a community. The FIS report contains detailed flood elevation data in flood profiles and data tables.

Flood Opening means an opening in a foundation or enclosure wall that allows automatic entry and exit of floodwaters. See FEMA "Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures."

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

Floodplain Administrator means a person responsible for administering and implementing the community's local floodplain ordinance and ensuring that the community is complying with minimum NFIP standards and enforcing any locally imposed higher standards.

Floodproofed or Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

Floodproofing Certificate for Non-Residential Structures means the form developed by FEMA for use in the certification of non-residential dry floodproofing designs.

Floodproofing, Dry means making a structure watertight below the level that needs flood protection to prevent floodwaters from entering.

Floodproofing, Wet means permanent or contingent measures applied to a structure and/or its contents that prevent or provide resistance to damage from flooding by allowing flood waters to enter the structure.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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

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 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:
    (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.

Letter of Map Change means an official document issued by FEMA that revises or amends the flood hazard information shown on the FIRM without requiring the FIRM to be physically revised and/or re-published. Letters of Map Change can include Letters of Map Amendment, Letters of Map Revision, and Letters of Map Revision Based on Fill.

Letter of Map Revision (LOMR) means FEMA's modification to an effective FIRM, usually as

a result of physical changes to the flooding source and floodplain that result in the modification of the existing Regulatory floodway, base flood elevations, or special flood hazard area. LOMRs are a cost effective way to keep FIRMs up to date without republishing an entire map panel or panels. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM and/or FIS report.

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 an enclosure is built in compliance with the applicable non-elevation design requirements in 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" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.

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 the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other vertical datum to which base flood elevations shown on a community's FIRMs are referenced.

National Flood Insurance Program (NFIP) means the program created by the Congress of the United States in 1968 through the National Flood Insurance Act of 1968 (P.L. 90-448). The program enables property owners in participating communities to purchase insurance protection, administered by the government, against losses from flooding.

Natural Grade means the grade unaffected by construction techniques such as fill, landscaping or berming.

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 means a vehicle:

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 (less than 180 consecutive days) for recreational, camping, travel or seasonal use.

Special Flood Hazard Area (SFHA) means the land in the floodplain subject to a one-percent or greater possibility of flooding in any given year. The area is designated on the FIRM as Zones A, AO, A1-30, AE, or VE.

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.

State Building Code means the current codes adopted by the state of New Hampshire.

State NFIP Coordinating Agency means the agency of the state government (or other office designated by the Governor of the state or by state statute) that, at the request of the Federal Insurance Administrator, assists in the implementation of the National Flood Insurance Program (NFIP) in that state.

Structure means 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 means 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. The market value of the structure should equal the appraised value of the structure prior to the damage occurring.

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 either:

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

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.