ORDINANCE
STANDISH TOWN COUNCIL

TITLE: February 13, 2024
ORDER NUMBER: 19-24 SUBMITTED BY: Deakin

TITLE: AMENDMENTS TO THE STANDISH TOWN CODE, CHAPTER 146, FLOODPLAIN MANAGEMENT

The Town of Standish hereby ordains that Chapter 146, "Floodplain Management," of the "Code of the Town of Standish" be and hereby is amended as follows (additions are underlined; deletions are ~~struck out~~):

CHAPTER 146 – FLOODPLAIN MANAGEMENT

§ 146-1. Purpose and establishment.

F. The areas of special flood hazard, Zones A and ~~A1-30~~AE, for the Town of Standish, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - ~~Standish, Maine," dated November 19, 1980~~Cumberland County, Maine" dated June 20, 2024, with accompanying "Flood Insurance Rate Map," dated ~~October 16, 1984,~~June 20, 2024, as amended ~~and "Flood Boundary and Floodway Map," dated October 16, 1984,~~ are hereby adopted by reference and declared to be a part of this chapter.

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§ 146-2. 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.

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§ 146-3. Application for permit.

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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 new or substantially improved structures, which is determined:
      (a) In Zone ~~A1-30~~AE from data contained in the "Flood Insurance Study - ~~Town of Standish, Maine~~Cumberland County Maine," as described in § 146-1; or
      (b) In Zone A:
         [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 ~~§ 146-6K~~§ 146-6M and § 146-8D; or

[2] In the absence of all data described in § 146-3H(1)(b)[1], information to demonstrate that the structure shall meet the elevation requirement in ~~§ 146-6F(2)(b), 146-6G(2)(a) or (b), or § 146-6H(2)(b)~~§ 146-6H(2)(b), 146-6I(2)(a) or (b), or § 146-6J(2)(b).

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(3) Lowest floor, including basement; and whether or not such structures contain a basement; ~~and~~

(4) Lowest machinery and equipment servicing the building; and

(45) Level, in the case of nonresidential structures only, to which the structure will be floodproofed.

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J. A written certification by:

(1) a professional land surveyor~~, registered professional engineer or architect,~~ that the ~~base flood elevation and~~ 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.

K. The following certifications as required in § 146-6 by a registered professional engineer or architect:

(1) A floodproofing certificate (~~FEMA Form 81-65~~ FEMA Form FF-206-FY-22-153, as amended), to verify that the floodproofing methods for any nonresidential structures will meet the floodproofing criteria of ~~§ 146-6G~~§ 146-6I; and other applicable standards in § 146-6;

(2) A hydraulic openings certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of ~~§ 146-6L(2)(a)~~ § 146-6N(2)(a);

(3) A certified statement that bridges will meet the standards of ~~§ 146-6M~~§ 146-6O;

(4) A certified statement that containment walls will meet the standards of ~~§ 146-6N~~§ 146-6P.

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§ 146-5. Review standards for flood hazard development permit applications.

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B. Utilize, in the review of all flood hazard development permit applications:

(1) The base flood and floodway data contained in the "Flood Insurance Study - ~~Town of Standish, Maine~~Cumberland County, Maine," as described in § 146-1;

(2) 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 §§ 146-3H(1)(b)[1], ~~146-6K~~146-6M, and 146-8D, in order to administer § 146-6 of this chapter; and

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F. If the application satisfies the requirements of this chapter, approve the issuance of one of the

following flood hazard development permits based on the type of development:

(1) A two-part flood hazard development permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time, the applicant shall provide the Code Enforcement Officer with an "under construction" elevation certificate completed by a professional land surveyor~~, registered professional engineer or architect~~ based on the Part I permit construction, for verifying compliance with the elevation requirements of ~~§ 146-6F, G, or H~~§ 146-6H, 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) A flood hazard development permit for floodproofing of nonresidential structures that are new construction or substantially improved nonresidential structures that are not being elevated but that meet the floodproofing standards of ~~§ 146-6G(1)(a), (b), and (c)~~§ 146-6I(1). The application for this permit shall include a floodproofing certificate signed by a registered professional engineer or architect; or

(3) 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 ~~§ 146-6J~~§ 146-6L, 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 nonstructural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

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§ 146-6. Development standards.

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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 Zone 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) If the Professional Engineer determines;

a. 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. 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.

~~F~~H. Residential. New construction or substantial improvement of any residential structure located within:

(1) ~~Zones A1-30~~ Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.

(2) Zone A shall have the lowest floor (including basement) elevated:

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(b) In the absence of all data described in ~~§ 146-6F(2)(a)~~§ 146-6H(2)(a), to at least two feet above the highest adjacent grade to the structure.

~~G~~I. Nonresidential. New construction or substantial improvement of any nonresidential structure located within:

(1) ~~Zones A1-30~~Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:

• • •

(2) Zone A shall have the lowest floor (including basement) elevated:

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(b) In the absence of all data described in ~~§ 146-6G(2)(a)~~§ 146-6I(2)(a), to at least two feet above the highest adjacent grade to the structure; or

(c) Together with attendant utility and sanitary facilities meet the floodproofing standards of ~~§ 146-6G(1)~~§ 146-6I(1)(a), (b), and (c).

~~H~~J. Manufactured homes. New or substantially improved manufactured homes located within:

(1) ~~Zones A1-30~~ Zone AE shall:

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(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:

[3] All components of the anchoring system described in ~~§ 146-6H(1)(c)~~§ 146-6J(1)(c) [1] and [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 ~~§ 146-6H(1)(b)~~§ 146-6J(1)(b), such that the lowest floor (including basement) of the manufactured home is at least one

foot above the base flood elevation utilizing information obtained pursuant to § 146-3H(1)(b)[1], 146-5B, or 146-8D; or

(b) In the absence of all data as described in ~~§ 146-6H(2)(a)~~§ 146-6J(2)(a), to at least two feet above the highest adjacent grade to the structure; and

(c) Meet the anchoring requirements of ~~§ 146-6H(1)(c)~~§ 146-6J(1)(c).

~~I~~K. Recreational vehicles. Recreational vehicles located within:

(1) Zones A and ~~A1-30~~AE shall either:

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(c) Be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in ~~§ 146-6H(1)~~§ 146-6J(1)(c).

~~J~~L. Accessory structures. Accessory structures, as defined in § 146-13, located within Zones A and ~~A1-30~~AE, shall be exempt from the elevation criteria required in ~~§ 146-6F and G~~ § 146-6H and I above, if all other requirements of § 146-6 and all the following requirements are met. Accessory structures shall:

(1) Have unfinished interiors and not be used for human habitation;

(2) Have hydraulic openings, as specified in ~~§ 146-6L(2)~~§ 146-6N(2), in at least two different walls of the accessory structure;

(3) Be located outside the floodway;

(4) When possible, 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 is the primary structure; ~~and~~

(5) 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.

(6) Meet the requirements of § 146-6A(1) through (4), as applicable; and

(7) Be limited in size to a one-story two car garage.

~~K~~M. Floodways.

(1) In ~~Zone A1-30~~ Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's ~~Flood Boundary and Floodway Map~~Flood Insurance Rate Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) In Zones A and ~~A1-30~~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 ~~§ 146-6K(3)~~§ 146-6M(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:

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(3) In Zones A and ~~A1-30~~AE riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other watercourse and the adjacent land areas to a distance of 1/2 the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

~~L~~N. ~~Enclosed areas below the lowest floor~~Hydraulic Openings/Flood Vents. New construction or substantial improvement of any structure in Zones A and ~~A1-30~~AE, that meets the development standards of § 146-6, including the elevation requirements of ~~§ 146-6F, G, or H~~§ 146-6H, I, or J, and is elevated on posts, columns, piers, piles, or crawl spaces may be enclosed below the base flood elevation requirements, provided all the following criteria are met or exceeded:

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

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(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 ~~§ 146-6K~~§ 146-6M; and

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~~N~~P. Containment walls. New construction or substantial improvement of any containment wall located within:
(1) Zones A and ~~A1-30~~AE shall:

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~~O~~Q. Wharves, piers and docks. New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A and ~~A1-30~~AE, in and over water and shall comply with all applicable local, state, and federal regulations. ~~seaward of 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.~~

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§ 146-7. Certificate of compliance.

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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 ~~§ 146-6F, G, or H~~§ 146-6F, G, or H.

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§ 146-9. Appeals and variances.

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D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use, provided that:
(1) Other criteria of § 146-9A through C and ~~§ 146-6K~~§ 146-6M are met; and

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E. 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 § 146-9, Subsections ~~A through D~~A through C, above; and

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F. Variances may be issued for new construction and substantial improvement of Agricultural Structures being used for the conduct of agricultural uses provided that:
1. the development meets the criteria of § 146-9A through C; and,
2. the development meets the criteria of § 146-6M and N.

~~F~~G. Any applicant who meets the criteria of § 146-9, Subsections ~~A through E~~A through C and § 146-9 D, E, or F, shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

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~~G~~H. Appeal procedure for administrative and variance appeals.

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§ 146-11 Validity and Severability.

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§ 146-13. Definitions.

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ACCESSORY STRUCTURE ~~A small detached structure that is incidental and subordinate to the principal structure.~~ 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.

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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.

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BASE FLOOD The flood having a ~~100%~~ one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

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CONTAINMENT WALL A wall surrounding all sides of an above ground tank to contain any spills or leaks.

DEVELOPMENT Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials.

ELEVATED BUILDING

A. A nonbasement building.
   (1) Built, in the case of a building in Zones A or ~~A1-30~~AE, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, posts, piers, or shear walls; and
   (2) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.
B. In the case of Zones A or ~~A1-30~~AE, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in ~~§ 146-6L~~§ 146-6N.

ELEVATION CERTIFICATE An official form (~~FEMA Form 81-31~~FEMA Form FF-206-FY-22-152, as amended) that~~:~~ is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program.

~~A. Is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and~~

~~B. Is required for purchasing flood insurance~~.

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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.

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LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built

so as to render the structure in violation of the applicable non-elevation design requirements described in ~~§ 146-6L~~§ 146-6N of this chapter.

MINOR DEVELOPMENT 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 ~~§ 146-6J~~§146-6L, 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 nonstructural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

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§ 146-14 ~~Repealer~~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).

§ 146-15. Disclaimer of liability.
The degree of flood protection required by the Chapter is considered reasonable but does not imply total flood protection.

§ 146-16. Effective date of certain amendments.
The amendments to this Chapter evidenced by Order 19-24, when enacted, shall become effective on June 20, 2024.

APPROVED _____ DISAPPROVED_____

ROLL CALL	YEA	NAY	ABSTAIN
DEAKIN			
GABA			
GARDNER			
LECLERC			
MACRI			
POMERLEAU			
WATSON			

CLERK/SECRETARY _____

COUNCIL CHAIR _____

Proposed Timeline:
Introduction: 2/13/2024, amended-146-1 (F) - shown below
First reading: 3/6/2024
Planning Board Public Hearing –3/4/2024
Public Hearing: 4/9/2024

Moved by Leclerc seconded by Gaba to amend the Floodplain Management Ordinance by adding the words "as amended" as recommended by the Town Planner. (Unanimous)

F. The areas of special flood hazard, Zones A and ~~A1-30~~AE, for the Town of Standish, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - ~~Standish, Maine," dated November 19, 1980~~Cumberland County, Maine" dated June 20, 2024, with accompanying "Flood Insurance Rate Map," dated ~~October 16, 1984,~~June 20, 2024, as amended ~~and "Flood Boundary and Floodway Map," dated October 16, 1984,~~ are hereby adopted by reference and declared to be a part of this chapter.