

CHANGES TO ZONING ORDINANCE
PUBLIC HEARING 12/15/11

PAGE 4

2.4.8 Lakefront Residential: The intent of this District is to provide appropriate uses of the Lots that directly abut on the lakefront of Lake Winnepesaukee, Mirror Lake, Dan Hole Pond, and Lower Beech Pond, **to the rear boundary line of the lot or** to a maximum depth of six hundred feet (600'), measured from the legal full elevation of the water body, **whichever is less.**

PAGE 6

2.6 TABLE OF USES

All uses are permitted by district. Please refer to the Tuftonboro Site Plan Review Regulations regarding the application of any permitted use to a tax lot.

PAGE 7

All uses are permitted by district. Please refer to the Tuftonboro Site Plan Review Regulations regarding the application of any permitted use to a tax lot.

E. INSTITUTIONAL USES	LDR	MDR	LKR	NHB	OSF	ISC	WTC
1. Educational Facilities, nursery through secondary schools.	P	P	X	P	X	X	
2. Day care facilities for not more than 20 children.	S	P	P	P	S	X	

PAGE 8

F. COMMERCIAL USES	LDR	MDR	LKR	NHB	OSF	ISC	WTC
1. Retail sales and consumer services (not including motor vehicle or Mobile Home sales) located in a Building(s) not exceeding 5000 s.f. of gross floor area per Lot.	X	X	X	P	X	X	
8. Motor vehicle dealership, body shop, paint shop not exceeding 5000 s.f. of gross floor area per Lot.	X	X	X	S	X	X	
9. Veterinary hospital/kennel.	S	S	X	S	S	X	
10. Commercial docking for boats; marinas, and boat Repair yards (on Lake Winnepesaukee only)	S	S	S	S	X	S	
11. Marinas and boat repair yards	S	S	S	S	X	S	
12. Telecommunications Facilities							
New Tower Construction	P	P	X	X	X	X	X
Collocation on existing tower	P	P	X	X	X	X	X
Collocation in/on exist. Structure	P	P	X	P	P	X	X
13. Storage Buildings	S	S	S	S	S	X	X

CHANGES TO ZONING ORDINANCE
PUBLIC HEARING 12/15/11

XIII. FLOODPLAIN DEVELOPMENT ORDINANCE

PAGES 30, 31, 32

13.2 DEFINITION OF TERMS

The following definitions shall apply only to this Floodplain Development Ordinance and shall not be affected by the provisions of any other ordinance of the Town of Tuftonboro.

- 13.2.1 “Area of Special Flood Hazard”** is the land in the floodplain within the Town 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 AE.
- 13.2.2 “Base Flood”** means the flood having a one percent possibility of being equaled or exceeded in any given year.
- 13.2.3 “Basement”** means any area of a building having its floor subgrade on all sides.
- 13.2.4 “Building”**: see “structure”.
- 13.2.5 “Development”** means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operation **or storage of equipment and materials.**
- 13.2.6 “FEMA”** means the Federal Emergency Management Agency.
- 13.2.7 “Flood”** or **“Flooding”** means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source.
- 13.2.8 “Flood Elevation Study”** means an examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood related erosion hazards.
- 13.2.9 “Flood Insurance Rate Map”** (FIRM) means an 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 Town of Tuftonboro.
- 13.2.10 “Flood Insurance Study”**: see “Flood Elevation Study”.
- 13.2.11 “Floodplain”** or **“Floodprone area”** means any land area susceptible to being inundated by water from any source (see definition of “Flooding”).
- 13.2.12 “Flood proofing”** means any combination of structural and non-structural addition, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

13.2.13 “Floodway”: see “Regulatory Floodway”.

13.2.14 “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 and port facilities that are necessary for the loading/unloading of cargo or passengers and ship building/repair facilities, but does not include long term storage or related manufacturing facilities.

13.2.15 “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

13.2.16 “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:
 - 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.

13.2.17 “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 not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

13.2.18 “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 days. **This includes manufactured homes located in a manufactured home park or subdivision.**

13.2.19 “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.

13.2.20 “Mean Sea Level” means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

13.2.21 “New Construction” means for the purposes

13.2.22 “**100 Year Flood**”: see “Base Flood”.

13.2.23 “**Recreational Vehicle**” is defined as a vehicle that is:

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

13.2.24 “**Regulatory 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**.

13.2.25 “**Special Flood Hazard Area**” means an area having flood, mudslide, and/or flood related erosion hazards, and shown on FIRM as zones A and AE. (See: “Area of Special Flood Hazard”).

13.2.26 “**Structure**” means 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.

13.2.27 “**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 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.

13.2.28 “**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.

13.2.29 “**Substantial Improvement**” means 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 of the structure should equal: (1) the appraised value prior to the start of the initial repair or improvement, or (2) 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 which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of 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”.

13.2.30 “Violation” means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations. A structure of other development without the elevation certificate, other certifications, or other evidence of compliance required under Article 1.10.5, Article 4.10.8(2)(b), Article 4.10.7(3)(4) of this ordinance is presumed to be in violation until such time as that documentation is provided.

13.2.31 “Water Surface Elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

Page 34

13.8 ALTERATION OR RELOCATION OF A WATERCOURSE

In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Environmental Services Department and submit copies of such notification to the Codes Enforcement Officer, 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 Codes Enforcement Officer, including notice of all scheduled hearings before the Wetlands Bureau.

The applicant shall submit to the Codes Enforcement Officer, certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.

The Codes Enforcement Officer shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located 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 base flood discharge.”

~~Along watercourses that have not had~~ **Until** a Regulatory Floodway **is** designated **along watercourses** or determined by a federal, State or other source; no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all 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.

13.9 SPECIAL FLOOD HAZARD AREAS

- A.** In special flood hazard areas the Codes Enforcement Officer shall determine the 100 year flood elevation in the following order of precedence according to the data available:
 - 1.** In zone AE, refer to the elevation data provided in the community’s flood Insurance Study and accompanying FIRM.

2. In ~~un-numbered~~ A zones the Codes Enforcement Officer shall review and reasonably utilize any 100 year flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals).

B. The Codes Enforcement Officer's 100 year flood elevation determination will be used as criteria for requiring in zones A and AE that:

1. All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100 year flood elevation;
2. That all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level; or together with attendant utility and sanitary facilities, shall:
 - a. be floodproofed so that below the 100 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; and
 - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;
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 floatation, 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. All recreational vehicles placed on sites within Zones 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; or
 - c. meet all standards of Section 60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" in Paragraph (c)(6) of Section 60.3. **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 not permanently attached additions.**