

ZONING ORDINANCE

MARCH 2012

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LIMERICK ZONING ORDINANCE

An Ordinance to promote the health, safety and general welfare of the community by regulating and restricting the use and construction of buildings and premises in the Town of Limerick, Maine.

Article I – Preamble

**In pursuance of the authority conferred by Title 30, M.R.S.A., S 4962
And Title 30 M.R.S.A., S 1917, for the purpose of promoting the health, safety, and general welfare, as well as efficiency and economy in the process of development of the incorporated Town of Limerick, Maine, by securing safety from fire, panic and other dangers, providing areas between buildings and various rights of way, by preserving the amenities now attached to our town, the promotion of good civic design and arrangements, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements, and by other means, now therefore the following ordinance is hereby enacted the voters of the Town of Limerick, Maine in official meeting convened.**

Article II – Definitions

For the purpose of this ordinance terms are defined as provided in this section.

Section I.

“Junkyard”: Junkyard means a yard, field or other area used to store:

a. Discard, worn-out or junked plumbing, heating supplies, household appliances and furniture:

b. Discarded scrap, and junked lumber:

c. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron steel and other scrap ferrous or non ferrous material.

Base Station: The primary sending and receiving site in a Communication Towers.

Communication Towers. As used in this ordinance shall mean a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free-standing, guyed, or on a building.

Conditional Use: a use permitted only after review and approval by the Planning Board. A conditional use is use that would not be appropriate without restriction, but which, if controlled under the provision of the Ordinance, would promote the purpose of this Ordinance.

Domestic Animal Services: Establishments primarily engaged in providing care services, including but not limited to training and grooming (cleaning, maintaining, or clipping the appearance) of domestic animals that do not require housing or boarding of such animals.

Dwelling: a fixed structure containing one or more dwelling units.

Dwelling unit: a room or group of rooms designed and equipped exclusively for use as living quarters for one family, including provisions for living, sleeping, cooking, bathing and eating. The term shall include mobile homes but shall not include trailers or recreational vehicles.

Frontage: shall mean the length of the lot bordering on the public right-of-way, or in the case of land fronting on public waters, shall mean the length in a straight line measured along the extreme boundaries adjacent to such public water at mean high water level.

Front Yards: A space extending for the full width of a lot between the extreme front line of a building and the nearest side of the right-of-way.

General Business Offices: A place of business that provides administrative, professional, or clerical services, that may also include limited incidental sales.

Government/Municipal Facilities: Any facility, including but not limited to buildings, property, recreation areas, police protection, fire protection, libraries, and municipal offices which are owned, leased or otherwise operated or funded by a governmental body.

Grand fathered: A nonconforming use, structure or lot which was legally in existence when the ordinance took effect but does not conform to one or more requirements of a new ordinance.

Hammerhead Turns: A gravel or paved area built entirely outside of the right of way a minimum of fourteen feet by fifty feet (14' x 50') with fifteen feet (15') radii for the purpose of vehicular maneuvering.

Home Occupation:

A home occupation or profession is defined as activity customarily carried on within a dwelling unit or accessory structure and clearly incidental to the use of the dwelling unit for accessory structure and clearly incidental to the use of the dwelling unit for residential purposes. Examples may include, yet, are not limited: hair-dressing, millinery, laundering, preserving and home-cooking, or the office of a doctor, dentist, lawyer, musician, teacher, architect, real estate broker, computer programmer, or member of any recognized profession or similar uses. It shall also include an occupation or trade carried on or away from the premises and not requiring outside storage of an inventory, stock in trade, or other equipment. This definition does not apply to farming and agriculture. A structure, use, or activity not otherwise permitted within a district by this ordinance shall not be permitted as home occupation.

- 1.) Except for signs as permitted by this Ordinance, there shall be no external evidence of the occupation.
- 2.) At least one member of the family occupying the premises must be engaged in the occupation.
- 3.) There shall be no more than four employees engaged in the occupation, excluding family members.
- 4.) The home occupation may utilize:
 - A. Not more than twenty percent (20%) of the dwelling unit floor area, provided that for the purposes of this calculation, unfinished basement and attic spaces are not included.
 - B. Unfinished attic and basement spaces.
 - C. One accessory structure. The floor area utilized in the accessory structure shall not exceed fifty percent (50%) of the total floor area of the dwelling unit as previously calculated,
- 5.) Retail or other sales of merchandise produced or manufactured on the premises shall be considered a home occupation.
- 6.) Except for residential requirements, parking for a home occupation shall not exceed ten spaces.
- 7.) Shall not have a significant detrimental effect on the use and peaceful enjoyment of adjacent or nearby property as a result of noise, vibrations, fumes, odor, dust, light glare, or other cause.

Home produce and products: means and includes everything of an agricultural nature grown, produced, conditioned or otherwise carried on the property of the resident, also such articles as are manufactured or altered by members of the household of the bona fide resident of any property.

Housing for the elderly: housing constructed or adapted specifically for occupancy by elderly persons.

Junk: means any old metals, old bottles, cotton or woolen mill waste, unfinished cloth, unfinished cotton or woolen mill yarns, old paper products, old rubber products, two or more unregistered motor vehicles, and other second hand articles the accumulation of which is detrimental or injurious to the neighborhood.

Manufactured housing: means a structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. For purposes of this Ordinance, 2 types of manufactured housing are included. They are:

- (1) Those units constructed after June 15, 1976, commonly called “newer Mobile homes”, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundations, when connected to their required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein; except that the term shall include any structure which meets all the requirements of this paragraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq; and
- (2) Those units commonly called “modular homes”, which the manufacturer certifies are constructed in compliance with the state’s Manufactured Housing Act and regulation, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

Mobile Classroom: A self-contained building transportable in one or more sections used for the purpose of providing educational instruction to students and which may or may not be attached to another building.

Mobile home: A structure, transportable in one or more sections which is ten (10) body feet or more in width and is thirty-two (32) body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning and electrical systems contained therein.

Mobile home pads, or pad: That concrete area in a park, which has been established for the placement of a home, appurtenant structures, or addition.

Mobile home park: A Parcel or adjoining parcels of land under single ownership, which has been planned and improved for the placement of ten (10) or more mobile homes. Minimum lot size will be one hundred (100) feet roadside by two hundred (200) feet depth.

Multifamily residential building: a building or portion thereof principally designed, adapted, or composed of not more than four dwelling units.

Nonconforming use: means a building, structure or use of land existing at the time enactment of this ordinance which does not conform to the regulations of this district in which it is situated.

Older mobile homes, trailers: are terms that may be used interchangeably, and mean any factory built home which fails to meet the definition of “manufactured housing” in paragraph 1 above and more specifically, it shall mean any mobile home constructed prior to June 15, 1976

Permanent Residents. A family shall be considered a permanent resident when it has occupied any building continuously as a residence for a period of six months or more.

Repeater: A small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas which are not able to receive adequate coverage directly from a Base Station.

Right of Way: means and includes all town, state and federal highways and the land on either side of same as covered by statutes to determine the width of rights of way, and the rights of way and public land reservations as designated on the official map of the town.

Seasonal Residence: buildings used for summer residence only: camps, cottages but on a structurally permanent basis and occupied less than 6 continuous months in any one 12 month period.

Tourist Home: shall mean any place consisting of a room, or group of rooms located on one premise where transient accommodations for sleeping or living purposes for not more than six persons are provided for a price.

Article III – General Provisions

- A. No junkyard or place for the storage of discarded machinery, vehicles or other scrap materials shall be maintained in any district, except that the Planning Board may issue conditional use permit for such facilities in the Residence, Farm and Forest District, and the Business / Industrial District , after assuring compliance with all of the provisions of the ordinance and with State of Maine laws regulating such facilities. The proprietor of any such facility shall apply for renewal of his conditional use permit every two years. Failure to comply with the provisions of this ordinance interpreted by the Planning Board shall be cause for revocation of the conditional use permit after public hearing on the non-compliance.**
- B. No owner or occupant of land in any District shall permit fire or other ruins to be left but shall remove the same within one year.**
- C. Any uses that may be obnoxious or injurious by reason of the production or emission of odor, dust, smoke, refuse matter, fumes noise vibrations, or similar conditions, or that are dangerous to the comfort, peace, enjoyment, health or safety of the community or lending to its disturbance or annoyance are prohibited.**
- D. Nothing in this ordinance shall be constructed to prevent the storage of agricultural equipment in any zone or for the shelter of riding horses for non-commercial recreational uses, provided that at least one-half acre of open space is available adjacent to the buildings.**
- E. Where no official map or subdivision control ordinance is in effect the following shall apply:**
 - 1. The owner of any plot of ground intended for development or subdivision into building lots shall file with the Board of Selectmen a plan or map of the proposed subdivision, and shall obtain the approval of the Board of Selectmen thereon before proceeding with the development or sale of lots in said subdivision.**
 - 2. It shall be the duty of the Board of Selectmen to inspect the site of such proposed subdivision and to require such roadway and other areas for common use as will eventually be acceptable to the Town for maintenance by the Town, and to approve the same when satisfied that such proposed plans are in harmony and conducive to the general welfare of the Town and the neighborhood, and not detrimental to existing property values, but in no sense shall this be deemed an acceptance by the town of the street or streets.**
 - 3. The purpose of this Article shall be to provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, or other public services, or necessitate excessive expenditure of Town funds for the supply of such services and to provide for the harmonious development of the municipality and its environs, and for the proper arrangement and coordination of**

streets within subdivisions in relation to other existing or planned streets.

- F. No permit for the erection of any building shall be issued unless there exists a street giving access to such proposed structure. Before such a permit shall be issued, such street shall have been suitably improved to the satisfaction of the Road Commissioner and the Planning Board in accordance with the applicable design and construction standards and specifications of the Town of Limerick. Alternatively, and at the discretion of the Planning Board, a performance bond sufficient to cover the full cost of such improvement as estimated by the Road Commissioner shall be furnished to the town by the owner. Such performance bond shall be issued by a bonding or Surety Company approved by the Road Commissioner and shall also be approved by the Road Commissioner as to form, sufficiency and manner of execution.**

Where the enforcement of the provisions of this section would entail unnecessary hardship, or where the circumstances of the case do not require the structure to be related to the existing or proposed streets or highways, the applicant for such a permit may appeal from a decision of the Building Inspector and the same provisions for the grant of a variance shall be applied by the Board of Appeals in considering the appeal. The Board of Appeals may, in passing on such appeal, impose any reasonable conditions that will protect any future street or highway layout and which will serve to protect the public health, welfare and safety. For the purpose of this section, the term “access” shall mean that the lot upon which such structure is proposed to be erected directly abuts on a street and has sufficient frontage thereon to allow the ingress and egress of fire trucks, ambulances, police cars and other emergency vehicles, and the frontage requirements of this ordinance shall presumptively be sufficient for that purpose.

- G. As determined by the Limerick Planning Board, all fees and costs to the Town associated with the Board’s review of an application or proposal will be charged to the applicant.**

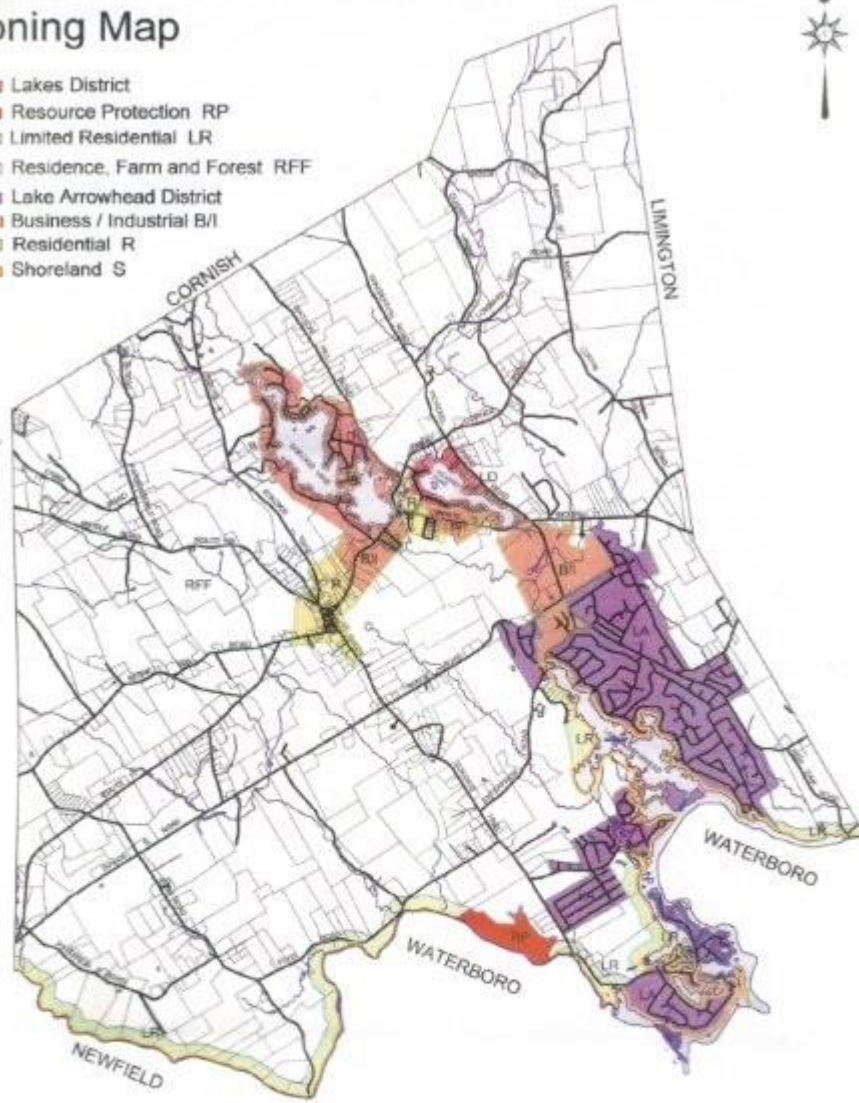
Article IV – Establishment of Districts

For the purpose of this ordinance, the Town of Limerick, Maine is divided into districts as shown on the zoning map filed with the Town Clerk and dated November 5, 2013 and as subsequently amended, and including the following:

- A. Residential zone district (Res.)**
- B. Lake District (LD)**
- C. Arrowhead Residence District (LA)**
- D. Residence, farm and forest district zone (RF&F)**
- E. Business district Zone (B)**
- F. Business/Industrial district zone**

Zoning Map

- Lakes District
- Resource Protection RP
- Limited Residential LR
- Residence, Farm and Forest RFF
- Lake Arrowhead District
- Business / Industrial B/I
- Residential R
- Shoreland S



1500 0 1500 3000 Feet

Article V. District Regulations: Amendment to remove SINGLE FAMILY SEASONAL and replace with, LAKE DISTRICT and ARROWHEAD RESIDENTIAL DISTRICT to the Land Use Chart as follows: **Passed 11/5/2013**

Article V. District Regulations:

A. Land Use. In each district, uses and conditional uses shall be those shown on the following table: KEY: P-Permitted C-Conditional Use NP-Not Permitted

*Definition Provided

Land Use	Res	RF&F	Bus	B/I	Lake Dist.	Arrowhead Res. Dist.	SF Seas.
Airplane Runways	P-4	P	P	P	NP	NP	NP
Antique Shops	C	P	P	P	C	NP	€
Automobile Graveyards, Junkyards	NP	C2	NP	C2	NP	NP	NP
Banks & Financial Institutions	NP	C	P	P	NP	NP	NP
Bulk Storage & Distribution & Dry Storage	C	P	P	P	NP	NP	NP
Campgrounds*	NP	C	NP	NP	C	NP	€
Cemeteries	P	P	NP	NP	NP	NP	NP
Churches	P	P	P	P	NP	NP	NP
Communication Towers	C	C	C	P	C	C	€
Contracting-General or Building Trades*	NP	P	P	P	NP	NP	NP
Daycare & Nursery Schools (1)*	C	C	P	P	C	C	€
Daycare & Nursery Schools (2)*	P	P	P	NP	C	C	€
Domestic Animal Services*	C	P	P	P	NP	NP	NP
Farming	NP	P	NP	P	NP	NP	NP
Flea Markets*	NP	C	P	P	NP	NP	NP
Funeral Homes	P4	P4	P	P	NP	NP	NP
Forestry Products*	NP	P	P	P	NP	NP	NP
General Business Offices*	NP	P4	P	P	C	C	€
Government/Municipal Facilities*	P	P	P	P	P	P	P
Home Occupations*	P	P	P	NP	C	C	€
Hospitals	NP	C	P	P	NP	NP	NP
Housing for the Elderly*	C	C	P	NP	NP	NP	NP
Kennels*, Exotic Animals & Animal Shelters	NP	C	C	C	NP	NP	NP
Lawyer's Office, Law Real Estate & Insurance Office	P4	P	P	P	NP	C	NP
Manufacturing*	NP	C	C	P	NP	NP	NP
Marinas	C	C	P	P	C	C	€
Mining & Quarrying	NP	P	NP	P	NP	NP	NP
Mobile Classroom*	C	C	C	C	C	NP	€

Land Use	Res	RF&F	Bus	B/I	Lake	Arrowhead	SF
					Dist.	Res. Dist.	Seas.
Mobile Home Parks*	C	P	NP	NP	NP	NP	NP
Nursing Homes* & Health Care Facilities	C	C	P	NP	NP	NP	NP
Multi-Family Residential Buildings*	C1	NP	P	NP	NP	NP	NP
Personal Services*: Beauty Salon, Barber, Cobbler	P	P	P	P	NP	C	NP
Physicians, Dentist & Optometrists	P4	P	P	P	NP	NP	NP
Processing Facilities*	NP	C	P	P	NP	NP	NP
Public Sewage Collection Inceptor Treatment Disposal Syst.	NP	P	P	P	NP	NP	NP
Recreation Facilities (indoor & outdoor)*	C	C	P	P	C	C	€
Redemption Center (Bottle & Can)	NP	C	P	P	NP	NP	NP
Residences	P	P	P	NP	P5	P6	P5
Restaurants & Take Out Foods	C	P	P	P	NP	NP	NP
Retail Business	C	C	P	P	C	NP	€
Schools	C	C	C	P	C	C	€
Seasonal Residences *	P	P	P	NP	P	P	P
Slaughter House	NP	C	P	P	NP	NP	NP
Small Engine Repair & Sales (snowmobile, ATV & Lawn Equip.)	NP	C	P	P	C	C	€
Theaters, Halls, Clubs & Night Clubs	NP	C	P	P	NP	NP	NP
Tourist Homes*, Bed & Breakfast, Motels	P3	C	P	NP	C	NP	€
Transportation* (less than 5 employees)	NP	P	P	P	NP	NP	NP
Transportation *(5 or more)	NP	C	P	P	NP	NP	NP
Used/New Car Lots	NP	C2	P2	P2	NP	NP	NP
Veterinarians	NP	P	P	P	NP	NP	NP
Warehousing	NP	P	P	P	NP	NP	NP
Wholesale Business	NP	C	P	P	NP	NP	NP

Key for Land Use Chart

***-Definition provided**

1 - No more than two families as permanent residences per building.

2 – Requires permit from Selectmen.

3 – An area of 200 square feet (including a bay measuring 10' X 20') shall be considered sufficient for each automobile parking space. Parking areas with more than 2 parking spaces shall be so arranged that it will be unnecessary for vehicles to back into the street. Each parking space shall be accessible when all other spaces are filled.

4 – Any proposed use shall provide ample parking space on the property to accommodate all such vehicles attracted by the business, but in no case shall there be less than one parking space for each 200 square feet of building floor area used for business.

5 – Minimum lot area of 22,500 square feet.

6- Dimensional Requirements Definitions and Additional Standards. Lot of Record: A lot shown on

the plan entitled: Plan of Lake Arrowhead Estates, Section 1, Prepared by Wright, Pierce, Barnes

and Wyman, and recorded in the York County Registry of Deeds in Plan Book 50, Page 12, that

has been in separate ownership and has not been contiguous with any other lot under the same

ownership at any time since the date of recording of that plan. If two or more contiguous lots are

in the same ownership of record, they shall be considered to be a single parcel and shall not be

divided except in compliance with the requirements for new lots, except that contiguous lots

under the same ownership, each of which was improved with existing principal residential

structure prior to July 1, 2013 and does not separately meet the lot requirements for new lots, may be

divided without a variance, provided that the improved lots are divided in a manner that meets the

other applicable dimensional requirements to the greatest extent possible as determined by the CEO.

Land Use Chart Definitions

Banks & Financial Institution: A business or nonprofit organization providing retail financial services, including but, not limited to banks, credit unions, financial exchanges, and check cashing facilities.

Campground: Any premises established for overnight use for the purpose of temporary camping, and for which a fee is charged.

Contracting-General & Building Trades: This use may include a business involved in construction repair or demolition of residential or commercial Property.

1. Day Care Center or Nursery School: A facility registered with or licensed by the State and that provides care or instruction to more than eight (8) children or is not located in a residence. This term may also apply to facilities, which provide day care to the elderly or adults with handicaps.

2. Day Care Facility or Nursery School: A facility registered with or licensed by the State and that provides care or on to eight (8) or fewer children and is located in a residence. This term may also apply to facilities, which provide day care to the elderly or adults with handicaps.

Flea Market: A shop or open market customarily involving table or space rented to vendors selling antiques, used and new household goods, curios and the like.

Forestry Products: This use may include the processing of logs, tree length timber, re sawn lumber to produce a product. Products may include, but are not limited to lumber, firewood, chips, mulch, and sawdust.

Kennel: An establishment operated as a business to housedogs or other domesticated animals and where such animals are groomed, bred, boarded, trained or sold.

Motor Vehicle Repair & Service Facilities: This use may include that operation's which provide service and maintenance to motor vehicles including the accessory sale of gasoline parts and supplies. This use may include service station, muffler, transmission and brake shop, and car wash, tune up centers, painting and auto body work, engine rebuilding or structural repairs and alterations.

Nursing Home: A facility licensed by the state, which provides skilled nursing care and medical supervision to persons who are unable to care for themselves.

Personal Service: Establishments primarily engaged in providing services involving the non-medical care of a person or of his or her apparel. This use may include, beauty shops, barbershops, shoe repair, photographic studios, coin-operated laundries, fitness studios, and similar establishments.

Processing Facilities: Preparation or packaging and sale of beef, poultry and fish products etc.

Recreation:

- A. Indoor-A place enclosed by walls, roof and floor, designed and equipped for the conduct of indoor sports, leisure time activities, and other customary and usual recreational activities, and operated by an entity other than a unit of government. This use may include, but not limited to, skating rinks, gymnasium, bowling alleys, video arcades.**
- B. Outdoor-Outdoor recreation activity operated by an entity other than a unit of government, whether operated for profit or not, including but not limited to cross country ski centers, ball fields, parks and playgrounds, livery and ski tows, provided they fulfill State and Town public Health requirements, but, not including campgrounds, outdoor dine and dance facilities, or games and activities as described in the definitions of amusements.**

Retail Stores: An establishment that sells goods or commodities directly to the consumer. For the purposes of this Ordinance, the term retail store shall include sales rooms or showrooms, but not motor vehicle sales, either new or used, gas stations or eating-places.

Transportation Services: This use may include the movement of goods and materials, including a for hire service. Businesses may include, but are not limited to transportation of logs, sand & gravel, produce, freight and passengers.

B. Dimensional Requirements.

All lots created and buildings erected after the effective date of this ordinance shall meet the following minimum requirements.

District:	Minimum	Minimum	Minimum	Minimum	Minimum
	Lot area	Road	Front	Side	Rear
		Frontage	Setback	Setback	Setback
	(Sq. ft.)	(feet)	(feet)	(feet)	(feet)
Residential:					
On public water and sewer	22,500	100	15	10	20
On site water and/or sewer	62,500	175	15	10	20
Lake District					
Seasonal Use Only	20,000	100	15	10	20
Year-round use-off site water	35,000	100	15	10	20
Year-round use-on site water	62,500	100	15	10	20
Arrowhead Residence District					
Lots of Record under					
Separate Ownership	20,000	100	15	10	20
Year Round-off site water	20,000	100	15	10	20
Year Round –on site water	62,500	100	15	10	20
Residential, Farm & Forest:					
On public water and sewer	35,000	175	15	10	20
On site water and/or sewer	62,500	175	15	10	20
Business:					
On public water and sewer	22,500	100	15	10	20
On site water and/or sewer	62,500	175	15	10	20
Business/Industrial:					
On public water and sewer	22,500	100	25	10	20
On site water and/or sewer	65,500	175	25	10	20

ARTICLE VI – Performance Standards (New or Renewals)

A. Multi-Family Residential Buildings

1. Standards For Multi-Family Dwellings: New and Existing

a. All applicants shall submit a site development plan to the Planning Board at a scale of not more than 1” – 20’ showing locations of principal and accessory structures, location and layout of parking, driveways, all turn radii, road intersection radii, provisions for snow and rubbish removal, buffer and screening, surface drainage, and provisions for playground, recreation or open space. If the complete site cannot be shown on one plan at this scale, than an additional plan at scale 1” – 50” shall be submitted. A site location map at a scale of not more than 1” – 500” shall also be submitted.

b. All Multi – Family Residential Buildings shall be located within 500 feet of an NFPA hydrant as hose is laid on the street from the hydrant.

c. All Multi – Family Residential Buildings shall be sprinklered in accordance with NFPA standards, and be furnished with an NFPA approved fire alarm system.

d. Surface water runoff shall be minimized and detained on site if possible or practicable. If it is not possible to detain water on – site, downstream improvements to the channel may be required of the developer to prevent flooding caused by his project. The natural state of watercourses, swales, floodways, or rights-of-way shall be maintained, as much as possible.

e. Outdoor lighting shall be positioned and/or shielded in order to deflect bright light or glare away from neighboring residential properties.

f. It shall be the responsibility of the owner to provide for rubbish disposal, snow removal, and site maintenance.

g. Multi-family residential buildings shall not be constructed or enlarged (in terms of adding dwelling units) unless one paved off-street car parking space is provided for each bedroom. One paved car parking space shall be required for each designated elderly dwelling unit.

h. An area of 200 square feet (including a bay measuring 10’ x 20’) shall be considered sufficient for each automobile parking space. Parking areas with more than 2 parking spaces shall be so arranged that it will be unnecessary for vehicles to back into the street. Each parking space shall be accessible when all other spaces are filled.

i. Garages or other accessory buildings shall not be located between the multi-family residential buildings and the front lot line. Accessory buildings shall be located so as not to inhibit the access of emergency vehicles and fire apparatus to any side of a residential building.

j. The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points with respect to sight-distance, intersections, schools and other traffic generators. No off-street parking area shall have more than 2 openings onto the same street, each opening not to exceed 24 feet in width.

k. All corner lots shall be kept clear from visual obstructions higher than three feet above ground level, for a distance of 25 feet measured along the intersecting street lines.

l. The proposed development shall not have an unreasonable adverse impact on the town road system, and shall assure safe interior circulation within its site, by separating pedestrian and vehicular traffic and by providing adequate parking and turn – around areas.

m. Parking spaces shall be provided as required and made available for use before the final inspection is completed by the Building Inspector. An extension of one year’s time may be granted by the Building Inspector providing a performance bond, or its equivalent, is posted equaling the cost to complete the improvements as estimated by the Building Inspector, provided the parking space is not required for immediate use. In the event the improvements are not completed within the specified time, the bond or its equivalent shall be forfeited and the improvements henceforth constructed under the direction of the town.

n. All buffer areas shall be maintained in a tidy and sanitary condition by the property owner.

o. An additional 7200 sq. ft. of open space shall be added to the land requirements for each 10 bedrooms. This land shall be set aside for recreational space and graded to a finish grade of from 1.5% to 3% and arrangements for maintenance will be specified.

2. NEW CONSTRUCTION OF MULTI-FAMILY RESIDENTIAL BUILDINGS

a. A maximum of four dwelling units shall be permitted in any single building.

b. Land Area/Density – Shall be the larger of: 85,000 sq. ft. or 6,000 sq. ft. per bedroom, for each unit. Buffer strips, easements and right of ways, designated recreational open spaces, and other land not suitable for development shall not be used in the above formula.

c. The maximum height of new construction shall be 35 feet from the average grade of the grounds at the foundation.

d. Front, rear and side setbacks shall be 40 feet minimum and include a 20 foot buffer strip. If the front setback is increased to provide parking area, the width and landscaping of the front buffer strip shall be negotiated with the planning board.

e. Buildings containing multi-family dwelling units shall be located at least fifty feet apart from each other, and 50 feet from structures on adjacent lots.

f. Required off-street parking for all new construction shall be located on the same lot as the principal building or facility or within 100 feet measured along lines of access.

g. New multi-family residential buildings shall be orientated with respect to scenic vistas, natural landscape features, topography, and natural drainage areas, in accordance with the overall plan for site development landscaping.

h. Erosion Control: Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following “best-management” practices.

- 1. Stripping of vegetation, soil removal, and regarding or other development shall be minimized as far as is practicable, and shall be done in such a way as to minimize erosion.**

2. The duration of exposure of the disturbed area shall be kept to a practical minimum.
3. Adequate vegetation and/or mulching shall be used to protect exposed critical areas during prolonged development.
4. Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Planning Board.
5. During grading operations, methods of dust control shall be employed.

3. STANDARDS FOR EXISTING STRUCTURES

- a. The following standards shall apply to proposed uses of existing structures as multi-family residential buildings. This shall include all interior remodeling and adaptation, and external site work, but shall not include construction of additional floor space.
- b. Any lot to be used for multi-family residential purposes shall conform to MSHA minimum property standards.
- c. Side and rear lot-line setbacks shall be 25 feet, and the front setback shall be 10 feet.
- d. The maximum number of dwelling units to be permitted within a multi-family residential building shall be determined by the available land area for open space and parking.
- e. Where residential off-street parking cannot reasonable be provided on the same lot, the Planning Board may authorize its provision on another lot within 300 feet of the residential uses. Such parking areas shall be held under the same ownership or lease as the residential uses served, and evidence of such control or lease shall be required.

4. When reviewing multi-family housing:

- a. when a conditional use permit is required, review is by:
 1. Conditional use ordinance.
 2. zoning ordinance.
 3. subdivision ordinance.
- b. when permitted use:
 1. review is by subdivision only.
- c. financial ability shall be proven by sketch plan.

Section II.

Structure: Buildings, utilities or right of ways including driveways and parking areas.

Buffer strip: Undeveloped natural land with improvements and maintenance to be proposed by the applicant.

Land not suitable for development: Soils in Maine Catena, which are classified as hydric (wetlands) or have a slope greater than 20%.

B. Signs within the Town of Limerick shall be governed by the following regulations:

- 1. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided such signs shall not exceed thirty two (32) square feet in area, and shall not exceed two (2) signs per premises. Billboards and signs relating to goods and services not rendered on the premises shall be permissible with a permit issued by CEO. Signs related to agricultural sale of products on and off premises are governed per MRSA, Title 23, Section 1913-A, Paragraph 2g.**
- 2. Name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises.**
- 3. Residential users may display signs not more than four (4) square feet in area relating to the sale, rental or lease of the premises.**
- 4. Signs relating to trespassing and hunting shall be permitted without restriction as to number, provided that no such sign shall exceed two (2) square feet in area.**
- 5. No sign shall extend higher than twenty (20) feet above the ground.**
- 6. Signs may be illuminated only by shielded, non-flashing lights.**
- 7. No sign shall obstruct or impair the vision of vehicular and pedestrian traffic or otherwise constitute a hazard. No sign shall reduce the sight distance from any driveway, road or street below a distance of ten (10) feet for every mile per hour of the posted speed limit, Sight distance shall be measured from the driver's side of an exit lane ten (10) feet behind the curb or edge of shoulder line with the height of the eye ranging from three point five (3.5) to six (6) feet above the pavement.**
- 8. The following non-illuminated signs are permitted in all districts without a permit:
 - A .Signs for the control of traffic, street signs, signs indicating danger;**
 - b. Signs identifying public schools and government buildings;**
 - c. Political signs of less than twenty (20) square feet relating to an election, primary or referendum provided that these signs may be erected no more than six (6) weeks before voting day, and must be removed no later than one (1) week thereafter;**
 - d. One (1) contractor's sign up to six (6) square feet is allowed on a property on which the contractor is performing work. The sign may identify the contactor's name, address, and a phone number. A****

contractor's sign shall be removed within twenty (20) days of the completion of the job.

9. The following signs are permitted in all districts upon obtaining a sign permit from the Code Enforcement Officer:

- a. One (1) sign not exceeding twenty (20) square feet in area at each entrance from a street to identify a residential subdivision or multifamily development;
- b. One (1) sign not exceeding twenty (20) square feet in area, which identifies a building such as a school, fire station, church or business other than a home business;
- c. One (1) freestanding, one or two sided, sign not to exceed twenty-five (25) square feet shall be allowed on a lot;
- d. One (1) building mounted sign not to exceed ten (10) square feet may be mounted on each building face having a customer entrance;
- e. One (1) free-standing one (1) or two (2) sided sign not to exceed fifty (50) square feet may be located at the entrance road to an industrial park or business subdivision for the identification of the park and its occupants;
- f. A-frame or trailer mounted signs are allowed for one hundred twenty (120) days once a year.

10. Variances from these regulations may be granted by the Code Enforcement Officer only in cases where the sign or signs in question have cultural or historic significance, and aesthetically enhance the appearance of the Town of Limerick.

C. Mobile Home Parks

1. Licenses:

a. No person, firm or corporation shall establish or maintain a mobile home park within the town of Limerick without a license issued in conformity with the provisions of this code. A mobile home park existing prior to the adoption of this code is required only to conform with the licensing and fee requirements of this Code unless it has been commercially inactive for two or more years. In the case of such inactive parks all the relevant provisions of this Ordinance must be met before a license may be issued. All new extensions to mobile home parks shall be required to meet the provisions of this Ordinance. Any increase in the number of mobile home lots shall be deemed an "extension" of said use, even though the outer boundaries of the premises might not be proposed to be enlarged.

b. Application for a mobile home park shall be filed with the Planning Board for review as a subdivision, except that applications for license renewals are not subject to Planning Board review. The Planning Board shall review plans of the proposal and approve, approve with conditions, or deny approval of the proposal on the basis of standards contained herein and as contained in the Subdivision Regulations of

the Planning Board. The Planning Board shall inform the Selectmen of its decision in writing and they shall act on the application.

c. Each application for a license shall be accompanied by a fee of one hundred dollars (100.00). Each application for a license renewal shall be accompanied by a fee of twenty-five dollars (\$25.00). Each such license shall expire on the last day of April next following the date of issuance. Before any license shall be renewed, the premises shall be inspected by the Health Officer and the Selectmen. If they find that all requirements of this and other Town and State Ordinances and Laws have been complied with, they shall certify the same, and the Selectmen shall issue the license.

d. Such licenses shall be posted at all times and shall not be transferable.

e. Upon receipt of a written request from either the Health Officer or the Selectmen, the Planning Board is authorized to revoke any license issued pursuant to the terms of this Ordinance if, after due investigation, they determine the holder thereof has violated any of the provisions of this or any applicable code, law or statute.

2. Density of Development:

a. The area of a mobile home park shall have provisions for at least ten (10) mobile homes.

b. Each mobile home park shall contain lots measuring 100' roadside by 200' depth, exclusive of roads and open spaces.

3. Utility Services and Site Management:

a. **Sanitary facilities:** All provisions of the Maine Department of Human Services, Division of Health Engineering, must be met in planning of sanitary facilities.

b. **Solid Waste Disposal:** The management shall dispose of refuse at least once a week.

4. Streets and Parking:

a. All roads shall be constructed to the standards contained in the Limerick Subdivision Standards, except that the paved width of the roads shall be 30' including sidewalks at the same level.

b. There shall be at least two (2) feet off-street parking spaces for each mobile home lot.

5. **Underground utilities:** All electrical, telephone, or cable television distribution lines shall be installed underground. Electrical lines shall be buried to a minimum depth of 24 inches, and telephone and cable television lines shall be buried at least eighteen (18) inches.

6. Construction Standards:

Mobile home parks shall be constructed and installed in accordance with the following minimum standards and in accordance with all sections of this Code. Mobile home parks shall provide specific areas for the location and development of mobile homes, as defined in this code.

a. **Pads:** Each pad or stand, for foundation purposes, shall consist of reinforced concrete sufficiently adequate to support the weight of a mobile home without

movement due to frost heaving or settling. Suitable tie-downs shall be installed and secured to each mobile home.

b. **Sewage Disposal:** Each pad shall be equipped with a 3-inch inside diameter sewage line extending at least 6 inches above the pad and being capable of being securely sealed when not in use, Sewerage systems must conform to the Plumbing Code and the MRSA.

c. **Water Supply.** Each individual mobile home stand shall be provided with a 5' deep manhole 3' in diameter, containing a ¾" water pipe with an adequate shut-off valve. If an adequate public supply of water is available within 800 Feet of a mobile home park, such supply must be used, subject to an engineering feasibility study. If no public water supply is available, a central water system must be provided by the owner. Water systems shall be capable of delivering 250 gallons per day per lot.

d. **Electric Supply:** The park electrical system or electrical equipment shall comply with applicable state standards and regulations. (Title 32 Chapters 33, MRSA.)

e. **Telephone:** Each mobile home space shall be equipped with a telephone outlet.

f. **Street Lighting.** The licensee shall provide and maintain adequate streetlights to be placed every 200' beginning at the entrance.

g. **Oil and Gas:** All oil tanks shall be furnished and placed underground by the park owner. All gas tanks shall be securely fastened.

h. **Screened Storage:** The licensee shall provide a separate screened storage area for the storage of major items or equipment owned by the tenants, such as boats, trailers, snowmobiles, etc.

i. **Fire Protection:** A mobile home park shall provide suitable ingress and egress so that mobile homes may readily serviced in emergency situations. An adequate source of water for fire protection shall be available at all times of occupancy.

5. Individual Mobile Home Spaces

a. Where rear abutments of units are closer than sixty (60) feet, vegetation or other screening at least eight (8) feet in height shall be provided, and sites should be oriented to natural features, topography and drainage areas where appropriate.

b. Each mobile home shall be skirted with fire-resistant materials. All materials shall comply with the Fire Code of the State of Maine.

c. All outside storage sheds shall be capable of being closed, shall be placed towards the rear of lots, and may be used as a screening device.

d. All skirting, plus one storage shed minimum eight (8) feet by six (6) feet per site, shall be of uniform conventional construction materials.

e. All cabanas, carports, porches, extra rooms and other attached accessory structures shall comply with current zoning regulations.

f. All mobile homes and structures on separate lots shall be no closer than fifty (50) feet at any point. All mobile homes shall be set back at least fifty (50) feet from the street right-of-way.

6. Occupancy:

No portion of a park shall be occupied until at least one-quarter of the mobile home spaces proposed in the mobile home park have been fully developed and are ready for use.

7. Open Space and Recreation Requirements:

There shall be a minimum of one-half space per ten lots in each mobile home park. Such area shall be in addition to land in streets, and shall, when necessary, be screened from hazards and nuisances.

8. Responsibilities of Mobile Home Park Management:

The management of mobile home parks shall be responsible for operating their respective parks in accordance with all Town codes and ordinances and all State laws and regulations. The maintenance of all open space areas, facilities, roads and utilities in a park shall be the responsibility of the park management. The licensee shall also be responsible for proper placement of mobile homes, stability and installation and hook-up of all utilities and skirting. The licensee shall plow all roads and driveways within the mobile home park and maintain them in safe condition.

D. Manufactured Housing.

1. Purpose

The purpose of this section are to establish minimum standards for the placement of manufactured housing in accordance with the provisions of Title 30 MRSA Section 4965, “Regulation of Manufactured Housing”, to restrict the location of older mobile homes and trailers, to require that manufactured housing (the newer mobile homes and single – wide modular) be compatible with site-built homes, and to provide opportunities for the location of affordable and safe housing within the community.

2. Permit Requirements

No person, firm, corporation or other legal entity shall locate a manufactured home in the Town of Limerick, or move a manufactured home from one lot or parcel of land to another, without a permit from the Building Inspector. The Building Inspector shall issue the permit within 7 days of receipt of a written application and submission of proof that the manufactured home meets the requirements of this Ordinance.

3. Prohibitions

No person, firm, or corporation or other legal entity shall locate, or move from one lot or parcel of land to another, an older mobile home, trailer, or manufactured home which fails to meet the requirements of Section 4.D.5, except in a mobile home park.

4. Non-Conforming Structures

Older mobile homes and trailers, and manufactured homes which fail to meet the standards set forth in Section 4.D.5, which were lawfully established prior to the effective date of this Ordinance, shall be maintained, repaired, improved, and expanded. No non-conforming

structure may be moved to another lot or parcel in the Town of Limerick, and no non-conforming structure may be replaced by another non-conforming structure but shall be replaced by a manufactured home that meets the requirements of this Ordinance. A non-conforming structure may be moved to a different location on the same lot or parcel of land.

5. Manufactured Housing Standards

All manufactured housing located in the Town of Limerick shall be at least 14 feet in width, shall contain at least 750 feet of living space, shall have a pitched, shingled roof and siding that is residential in appearance, and shall have a permanent foundation or pad. The foundation may include a poured or block frost wall, a paved pad and skirting material, or a full basement.

E. Automobile graveyards, junkyards and New/Used car lots are permitted in this district after issuance of a conditional use permit by the Planning Board. The Planning Board must conduct a public hearing on each such request and must assure compliance with the Limerick Zoning Ordinance, (Article VI-Performance Standards, section E and Article VII-Conditional Uses,) 30-A, M.R.S.A. section 3751-3757,3758A and 3760, any applicable State of Maine Rules, and the following conditions:

1. No structure (buildings or equipment) shall be located within fifty (50) feet of any property line, public way or within two hundred (200) feet of any dwelling not on the premises.

2. The issue of burning torches for repair or dismantling of vehicles shall be confined to noncombustible floors in enclosed buildings, or in the open, only upon areas cleared of all vegetation and other combustible materials.

3. A screen of planting not less than (15) fifteen feet in depth shall be permanently maintained as a visual barrier to conceal salvage operations, and dismantled or stored vehicles from view of any dwelling or public right of ways. Such vegetative screen shall have a mature height of not less than (15) fifteen feet. The Planning Board may require planting of evergreen species. The Planning Board may require construction of an (8) eight feet high wooden fence, which shall blend harmoniously with its environs, in such cases where vegetation is not feasible, desirable or effective.

4. The proprietor of such facility shall apply for renewal of his conditional use permit every two years. Failure to comply with the provisions of this ordinance, as interpreted by the Planning Board shall be cause for revocation of the conditional use permit after public hearing on the non-compliance.

F. Parking:

In the Business District, any proposed use shall provide ample parking space on the property to accommodate all such vehicles attracted by the business, but in no case shall there be less than one parking space for each (200) two hundred square feet of building floor area used for business.

The purpose of this ordinance is to control and regulate parking of motor vehicles on Main Street, Limerick. The following provisions shall apply:

- 1. Parking by any motor vehicle in the same spot for more than two hours is prohibited.**
- 2. Parking by any motor vehicle weighing more than $\frac{3}{4}$ tons in the same spot for more than thirty minutes is prohibited.**
- 3. Stopping or standing, especially by delivery vehicles, in the travel lanes of Main Street is prohibited.**
- 4. Wrong parking, that is parking facing opposite the direction of travel of that side of the street, is prohibited.**

The area covered by this ordinance is all of route 5, Main Street, between the Old Baptist Church and the Free Baptist Church.

G. Mobile Classrooms Regulations:

Mobile Classrooms will not be allowed in the municipality which do not provide the following within the classroom:

- 1. A restroom**
- 2. Drinking water**
- 3. A temperature controlled environment.**

All Classrooms must be equipped with:

- * An Emergency fire warning system**
- * Fire extinguishers**
- * Communication system that operates in conjunction with the main building.**

All mobile classrooms must be enclosed within the school area by a fence.

All mobile classrooms must be placed on a concrete slab.

H. Communication Towers Ordinance

A. Purpose and Intent:

It is the express purpose of this section to minimize the visual and environmental impacts of Communication Towers. It is the intent of this section to be consistent with the state and federal law, particularly the Telecommunications Act of 1996 in that:

- 1. It does not prohibit or have the effect of prohibiting the provision of Communications Towers;**
- 2. It is not intended to be used to unreasonably discriminate among providers of functionally equivalent services;**
- 3. They do not regulate Communication Towers on the basis of the environmental effect of radio frequency emissions to extent that the regulated services and facilities comply with the regulations of the Federal Communications Commission concerning such emissions; and**
- 4. Must comply with Article VII Conditional Uses Section as applicable in Article V District Regulations.**

B. Dimensional Requirements:

Height: Communication Towers shall be permitted to a maximum height of two hundred feet (200') above ground level (AGL) unless limited by Federal Aviation Administration in and around existing airports.

C. Setbacks:

New Communication Towers shall be set back:

- 1. at least one (1) times the height , plus fifty feet (50') from all boundaries of the site on which the facility is located; and**
- 2. at least three hundred feet (300') horizontally from any existing dwelling units.**

D. Visual Buffer:

A screen of planting not less than twenty feet (20') in depth shall be permanently maintained as a visual barrier to conceal Communication Towers' ground operations from view of any dwelling or public ways. Such vegetative screen shall have a planting height of at least ten feet (10') or more and a mature height of not less than thirty feet (30') unless there is a natural wooded forest to meet these requirements.

E. Lighting:

- 1. No external lighting is permitted, except for manually or motion-sensor operated lights for use only when operating personnel are on site.**
- 2. Tower lighting is permitted if required by Federal Aviation Administration.**

F. Fencing:

Security fencing shall be installed by the owner operator of any freestanding tower and shall be erected around the base and all accessory structures. All anchor points of the guy wires of a guyed tower shall also be fenced. Minimum fence height of eight feet (8') tall required.

G. Co-location:

Licensed carriers shall share Communication Towers and sites where feasible and appropriate, thereby reducing the number of Communication Towers that are stand-alone facilities. All applicants for Communication Towers shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes:

1. A survey of all existing structures that may be feasible sites for co-locating Communication Towers facilities.

2. Contact with all the other licensed carriers for commercial mobile radio services operating in the County.

3. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location; and

4. Personal Cell Service (PCS) Coverage maps required.

H. Radio Frequency Radiation (RFR) Monitoring:

After the Communication Towers is operational, the applicant shall submit to the Town of Limerick, within ninety (90) days of beginning operations, and at annual intervals from the date of issuance of the permit, existing measurements of RFR from the Communication Towers. Such measurements shall be signed and certified by a Radio Frequency engineer, stating that RFR measurements are accurate and meet Federal Communications Commission Guidelines.

I. Inspection:

Inspection of communication towers by a licensed structural engineer shall be required to ensure structural integrity. Such inspections shall be at the owner's expense and required as follows:

A. All towers-upon completion of construction.

B. Monopole towers-at least once every ten (10) years.

C. Self-support towers-at least once every five (5) years.

D. Guyed towers-at least once every three (3) years.

The inspection report shall be provided to the Town of Limerick within thirty (30) days of its receipt by the tower owner. Based upon results of the inspection the Town may require the repair or removal of the communication tower.

J. Removal:

1. Any Communication Towers which ceases to operate for a period of eighteen months shall give a letter of intent of future operations to the Town of Limerick or be removed at the expense of the applicant and/or its assigns.

2. A Removal Bond to the Town of Limerick of sufficient funds to remove and dispose the entire facility shall be required for the duration of the Communication Towers existence.

K. Access Roads and Above Ground Utilities:

1. Access road shall be a minimum of fourteen feet (14') gravel road.

2. Reasonable placed turnout(s) measuring four feet by forty feet (4'x40') may be required for emergency vehicles.

3. A hammerhead turn is required.

L. Municipal:

1. Space to be reserved on the tower for municipal's future communication purposes.
2. Exact height to be negotiated in good faith.
3. There will be no fees charged to the municipality for space on the tower.
4. Municipality to supply all necessary supplies and equipment at its own expense.

M. Grandfathered Clause:

A nonconforming use, structure or lot which was legally in existence when the ordinance to effect but does not conform to one or more requirements of a new ordinance.

I. Accessory Dwelling Units: Added (11/6/2012)

One (1) accessory dwelling unit shall be permitted within an owner-occupied single family dwelling in all districts, which meet the following conditions:

1. The lot on which the accessory dwelling unit is situated meets all current dimensional requirements of the district.
2. The accessory dwelling shall contain no more than one (1) bedroom, kitchen area, living room and a bathroom, and shall not exceed six hundred (600) square feet of habitable floor area.
3. The accessory dwelling unit shall be located in the same building or a building attached to the principal structure. If the accessory dwelling unit is located in the basement of a single family dwelling, it must meet the egress standards of the NFPA Life Safety Code #101, as well as, all other required codes and standards.
4. Egress must be through the principle structure or a breezeway, although a secondary egress may be allowed in the rear of the building.
5. The building containing the accessory dwelling unit shall have the exterior appearance of a single-family home.
6. The unit must comply with applicable building codes, and expansion criteria of the Maine State Subsurface Wastewater rules.
7. Driveways longer than two hundred (200) feet must provide an adequate emergency vehicle turnaround.
8. On street parking will not be permitted. Additional parking and a turnaround space must be provided if needed.

ARTICLE VII – CONDITIONAL USES

- A. A conditional use permit is designed for those uses, which may be permitted as a service to the community or for the benefit of the town’s general welfare. The standards of this provision are designed to ensure adequate control of the location, design and operation of conditional uses.**
- B. The Planning Board may approve an application for a Conditional Use Permit if the applicant demonstrates that the proposed use:**
 - 1. Will meet the definition and specific requirements set forth in this ordinance for the specific use;**
 - 2. Will not have a significant detrimental effect on the use and peaceful enjoyment of adjacent or nearby property as a result of noise, vibrations, fumes, odor, dust, light, glare or other cause;**
 - 3. Will not have a significant adverse effect on adjacent or nearby property values;**
 - 4. Will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion;**
 - 5. Will not result in significant fire danger;**
 - 6. Will not result in significant flood hazards or flood damage, drainage problems, ground or surface water contamination, or soil erosion;**
 - 7. Will not create a safety hazard because of inadequate access to the site, or to the buildings on the site, for emergency vehicles;**
 - 8. Has proposed exterior lighting which will not create hazards to motorists traveling on adjacent public streets, is adequate to the safety of occupants or users of the site, will not damage the value and diminish the usability of adjacent properties;**
 - 9. Makes provisions for buffers and on-site landscaping which provide adequate protection to neighboring properties from detrimental features of the development;**
 - 10. Makes provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets which neither create hazards to safety nor impose significant burdens on public facilities;**
 - 11. Makes adequate provision for disposal of waste water or solid waste and for the prevention of ground or surface water contamination;**
 - 12. Makes adequate provision to control erosion or sedimentation;**
 - 13. Makes adequate provision to handle storm water run-off and other drainage problems on the site;**
 - 14. Provides for a water supply which will meet the demands of the proposed use;**
 - 15. Makes adequate provision for the transportation, storage and disposal of hazardous substances and materials as defined by State law;**

16. Will not have an adverse impact on significant scenic vistas or on significant wildlife habitat, which could be avoided by reasonable modification of the plan.

C. A public hearing shall be held by the Planning Board following an application for a Conditional Use Permit.

D. All findings by the Planning Board under these provisions shall be accompanied by written statements that set forth the reasons why the findings were made.

E. Upon consideration of the standard in section 7.B, the Planning Board may attach such conditions, in addition to those required elsewhere in this ordinance, that it deems advisable to satisfy those standards. Violation of any of these conditions shall be a violation of the ordinance. Failure to comply with the provisions of this ordinance, as interpreted by the Board of Appeals shall be cause for revocation of the Conditional Use Permit after a public hearing on the noncompliance. Changes that alter the conditions or provisions of the permit as issued will be a violation. Such conditions may include, but are not limited to specifications for: type of vegetation, increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens, period of operation; operation controls; professional inspection and maintenance; sureties; deed restrictions; restrictive covenants; location of piers, docks, parking and signs; type of construction or any other conditions necessary to satisfy the standards in section 7.B.

SLUDGE ORDINANCE FOR TOWN OF LIMERICK

Under E. of Conditional Use Section of current zoning ordinance:

I. APPLICATION PROCEDURE:

- A. Application must be filed with Planning Board 90 days before the first delivery date – application shall include a completed “Application for Sludge Utilization” prepared for the Department of Environmental Protection.**
- B. Fee of \$500.00.**
- C. Map of the proposed site**
- D. Results of baseline testing from wells and soils tests located adjacent to the spreading site**
- E. Description of management techniques to protect ground and surface waters**
- F. By descriptive letter and/or other proof of insurance, evidence of the applicant’s complete acceptance of liability and financial capacity to mitigate any potential damage to humans, animals, soil or water resources caused by the storage or application of proposed residual. The amount of insurance shall be no less than \$3,000,000.00 covering liability to the Town of Limerick.**
- G. The Board, after initial review of the application, may require other such information as it deems necessary to guarantee adequate protection of the public health and safety. This may include, but is not limited to, background water tests of existing wells or additional hydro geologic data. Additional testing shall only be required when there is evidence of a circumstance at or in the vicinity of a specific site that was not adequately addressed by the DEP in its review or which the Planning Board believes was not adequately addressed by the applicant. Well –substantiated public comment may give cause for the Board to require additional baseline testing or other information.**

II. REVIEW PROCEDURE

Upon receipt of the application, the Chairman or Secretary of the Board shall set a date for the first consideration of the application and prepare a public notice thereof. The notice will include mention of the baseline water tests recommended for wells within 500’ of the proposed activity. The Board shall provide the applicant with a copy of the notice and direct the applicant to deliver a copy to all abutter’s and property owners within 1000 feet of affected sites of the proposed activity. The applicant is responsible for all costs incurred in fulfilling the review requirements.

The Board shall communicate with the DEP to ascertain the status of the applicant’s State permit. If the Town permitting process moves ahead of the State process, the Town shall make receipt of a DEP permit a conditional requirement of the Town’s permit.

Utilizing any information received from abutters and other concerned citizens, the CEO shall inspect the proposed site(s) to verify information presented in the

application. The CEO shall notify the DEP and the Board of his/her findings. The Planning Board shall determine whether additional or corrected information is required of the applicant.

Within 30 days of filing the application, the Board shall notify the applicant in writing either that the application is complete, or what other material must be provided. The Board shall grant with conditions, or deny the permit within 60 days of the meeting at which it determines that it has received a completed application.

If sufficient interest is shown, the Board shall hold a public hearing within 45 days of receiving the completed application in order to solicit public input.

Within 7 days of reaching its decision, the Board shall notify the applicant in writing of the action taken by the Board.

A permit issued under this Ordinance shall be valid for a period of five years from the date of issuance and shall be subject to annual review by the Board. Each November the Code Enforcement Officer shall make a report to the Board on the status of each permit. The Board shall then assure that the conditions of the permit were met for the previous year. A permit to add one or more site(s) to an existing permit shall lapse at the same time as the original permit.

III. MONITORING AND ENFORCEMENT

- A. Monitoring of all testing and spreading shall be supervised by the Code Enforcement Officer and the Health Officer of the Town of Limerick and/or their appointed representatives in conformity with EPA standards or more stringent standards set by the Limerick Planning Board. Enforcement of this ordinance shall be carried out by the Selectmen of the Town of Limerick.**
- B. Testing of Sludge: All material shall be tested using levels, tests and standards as set by the EPA document # 40 CFR Part 503 regulation approved by the EPA 11-25-92) with a test frequency at least as strict as EPA standards, set by the Town of Limerick and carried out by an independent laboratory, and with the option of increasing the stringency of all tests, levels, standards and frequencies as deemed necessary by the Limerick Planning Board.
Minimum testing shall be as follows:
 - 1. Within 72 hr. of delivery to the site prior to any spreading**
 - 2. 60 and 120 days after spreading (for loading only)**
 - 3. prior to any additional material being spread****
- C. The cost of all testing will be paid by the license holder.**
- D. The Town of Limerick will only accept Sludge that has been processed by “in vessel composting” which means that the sludge is maintained in a heating vessel at 55 degrees or higher for ten days or longer.**

IV. TESTING OF WATER WELLS

A. Any persons having land abutting the spreading areas shall be entitled to have their well water tested:

- 1. before spreading baseline**
- 2. yearly, while license remains in effect**
- 3. once after license ends as a closing baseline**

B. All cost of testing will be paid by the license holder

V. COVENANT ON DEED OF LANDHOLDER

A. The spreading of sludge on any land will require a protective covenant to be recorded at the County seat on the deed of the landholder.

VI. FIELD STACKING the term “field stacking” is defined as the stacking of materials for no longer than 72urs before spreading. In the case of inappropriate spreading conditions or lack of test results, an extension may be granted.

A. Conditions for field stacking materials:

- 1. Materials to be field stacked shall be placed on and covered with waterproof material to prevent leaching into the soil and becoming airborne.**
- 2. Each load of material shall be kept separate from the other for testing.**

VII. OVERSEEING OF SPREADING

A. 48 hours notice will be given to the CEO of the Town.

B. At the CEO-s discretion a time shall be given to the licensee to spread. The spreading will be overseen by the CEO or his appointed alternate.

DEFINITIONS

IN VESSEL COMPOSTING: The term “in vessel composting” refers to sludge that is maintained in a heating vessel at 55 degrees for ten days or longer.

SLUDGE: The term “sludge” refers to the solid, semisolid or liquid generated by a municipal, commercial or industrial wastewater treatment plant. Sludge is one type of residual and is included when the term “residual” alone is used. The term “sludge” does not include (not does this Ordinance seek to regulate) either material of the same origin that has been treated and packaged for retail sale as garden fertilizer or any non-processed agricultural waste.

ARTICLE VIII-NONCONFORMING USES

A. Any nonconforming use other than uses specified in B and C below may continue in their present use except that any nonconforming use or building may not be:

- 1. Changed to another nonconforming use.**
- 2. Re-established after discontinuance for one year except to a use conforming to the District in which it is located.**
- 3. Extended.**

B. No junk yard may continue as a nonconforming use for more than one year after the effective date of this Ordinance, except that a junk yard may continue as a nonconforming use in a Business District or if within that period it is completely enclosed within a continuous solid fence of such height, not less than eight feet high in any case, as to screen completely the operations of the junk yard. Plans of such building or fence shall be approved by the Board of Selectmen before it is erected.

C. No outdoor advertising structure may continue as a nonconforming use for more than two years after the effective date of this Ordinance unless it is deigned to direct attention to a business or profession conducted on the premises.

D. “In case of an existing non-conforming use, the structure may be rebuilt within the limits of the existing footprint and design.”

ARTICLE IX – ENFORCEMENT

- A. It shall be the duty of the Code Enforcement Officer, and the CEO is hereby given power and authority to enforcement the provisions of this Ordinance.**
- B. There shall be an inspector of Buildings who shall administer the provisions of the Ordinance.**
- C. The Building Inspector shall issue any and all building permits requested when such permit is in accordance with the provisions of this Ordinance.**
- D. Permits. After the passage of this Ordinance, it shall be unlawful to erect any building or alter the bulk of any building or relocate any building in any district without first obtaining a building permit from the Building Inspector.**
- E. To allow basic replacement such as roof replacements, vinyl siding, painting, window replacement, up keep of your home etc. with no permit fees. (Please contact the CEO Office with any projects you are planning on doing!)**
- F. No permit, however, shall be issued unless the proposed structure will present a reasonable appearance and will present a reasonable appearance and will be in keeping with the neighborhood and unless the building is to be finished on the exterior in a permanent manner and is to be suitably painted on the outside whenever the same is of wood or a material customarily painted. This is intended to eliminate the erection of structures obviously out of place for the neighborhood where they are to be located and which may have a detrimental effect on the property values and neighborhood good character. When an objection on the account of the appearance of a proposed structure, as above dictated, is raised by a majority of the families residing or owning property within a radius of 500 feet of the property in question, the Board of Adjustment shall hold a public hearing to receive the evidence on both sides and shall have the authority to decide whether the permit shall be issued or not.**
- G. Upon any well founded information that this Ordinance is being violated the selectmen shall, on their own initiative, take immediate steps to enforce the provisions of this Ordinance by seeking an injunction in the Superior Court or by any other legal action.**

ARTICLE X – BOARD OF APPEALS

Within thirty days after the adoption of this Ordinance and thereafter as terms expire or vacancies occur, the Board of Selectmen, shall make appointments to a Board of Appeals of three members and one associate member conforming in duties to the provisions of Section 61, Chapter 90-A of the Revised Statutes of Maine 1954 as amended. Thereafter as terms expire or vacancies occur, the appointing authority shall be responsible for filling vacancies and maintaining full membership on the Board of Appeals. The Board of Appeals shall conform in membership and term of office to the provisions of Section 61-111, Chapter 90-A, Revised Statutes of Maine 1954 as amended. In addition to the general powers granted said Board by said Chapter 90-A, it may, in harmony with and subject to its provisions;

- A. Permit a non-conforming temporary use for an initial period of not more than two years. Permits may be renewed by the Board of Appeals for successive periods of not more than one year each.**
- B. Waive the Residential District frontage requirement where there are unusual conditions of street curvature. In such cases, however, the average width of the lot shall be equal to or greater than the frontage requirements.**
- C. Waive the 35,000 square feet lot area requirement on lots served by either a public water system or a public sewage disposal system, where after a thorough investigation of soil and drainage conditions the Board finds that such an exception would not be detrimental in any way to the future health of the neighborhood. The Board of Appeals may waive the 100-foot frontage requirement on waterways for Seasonal Residence where the lot has at least 15,000 square feet of total area. To enlarge the powers of the Appeals Board and to authorize the Board to waive the 100-foot frontage requirement along highways and roadways for Seasonal Residences where unusual curvature of the roads exist, when the lot has at least 15,000 square feet of total area.
NOTE: As of January 1, 1970, 20,000 square feet is required by State Law.**
- D. Permit in a Commercial District manufacturing which is incidental to a retail business where articles are sold at retail on the premises and where not more than five (5) operators are employed in such manufacturing.**
- E. Permit in a Commercial District trailer camps or mobile home subdivisions provided that no trailer or mobile home shall be located on a lot smaller than 2,000 square feet in area and follow the regulations adopted by the Selectmen and as outlined in the State Plumbing Code.**
- F. Permit more than two (2) dwelling units in an existing dwelling as provided in Article VI, Section A.**
- G. Permit housing for the elderly and other new multi-family dwellings as provided in Article VI, Section A.**
- H. To enlarge the Authority of the Board of Appeal and to authorize the Board to hear appeals of the Limerick Growth Ordinance enacted March 8, 2003.**

ARTICLE XI – AMENDMENTS

This Ordinance may be amended by a majority vote of any legal town meeting when such amendment is published in the warrant calling for the meeting, and when such amendment has received a public hearing, which hearing has been advertised and given a legal ten day notice.

ARTICLE XII – PENALTY

Every person, persons, firm or corporation violating any of the provisions of this Ordinance shall be fined not more than twenty-five dollars upon conviction for each day such violation may exist.

ARTICLE XIII – SAVING CLAUSE

The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

ARTICLE XIV – EFFECTIVE DATE

This Ordinance shall take effect upon passage.

LIMERICK BUILDING CODE ORDINANCE

The Maine Uniform Building Code (MUBC), as adopted on October 11,2010 by the Maine Department of Public Safety’s Building codes and Standards Board, is adopted by reference, as authorized by 10 M.R.S.A.,section 9724 (1-A0 and 30-A M.R.S.A., section 3003. Upon adoption, MUBC shall be effective retroactive to September 28, 2011. The penalty for violation of any provision of MUBC shall be as provided by 30-A M.R.S.A, section 4452. A copy of MUBC is and shall remain on file with the municipal clerk and is available for public use, inspection and examination. Enforce only the Maine Uniform Building Code sections RB, CB, RV, CV, and RR.

Enforcement:

This ordinance shall be enforced pursuant to the provisions of 30-A M.R.S.A. 4452 Rule 80K of the Maine Rules of Civil Procedure and Limerick Building Ordinance by any municipal official authorized by law to do so.

CERTIFICATE OF OCCUPANCY

Use and Occupancy

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a Certificate of Occupancy therefore as provided herein. Issuance of a Certificate of Occupancy shall not be constructed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

FLOODPLAIN MANAGEMENT ORDINANCE
FOR THE
TOWN OF LIMERICK

ENACTED: MARCH 13, 2009

EFFECTIVE: MARCH 13, 2009

CERTIFIED BY: _____
Signature

CERTIFIED BY: Judith V. LePage
Print Name

Town Clerk/Tax Collector
Title

TOWN OF LYMERICK

FLOODPLAIN MANAGEMENT ORDINANCE

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60.3 d Rev. 1/07
(ordinance prepared Dec-1, 2008 by SPO/dlt)

ARTICLE I - PURPOSE AND ESTABLISHMENT

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

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

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

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

The areas of special flood hazard, Zones A1-30, are identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - Town of Limerick, Maine, York County," dated August 1, 1984 with accompanying "Flood Insurance Rate Map" dated February 1, 1985 and "Flood Boundary and Floodway Map" dated February 1, 1985, which are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Limerick, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name, address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

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

- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), 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 Zones A1-30, from data contained in the "Flood Insurance Study - Town of Limerick, Maine," as described in Article I; or,
 - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 - 3. lowest floor, including basement; and whether or not such structures contain a basement; and,
 - 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;
- K. The following certifications as required in Article VI by a registered professional engineer or architect:

1. a Floodproofing Certificate (FEMA Form 81-65, 01/03, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
 2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
 3. a certified statement that bridges will meet the standards of Article VI.M.;
 4. a certified statement that containment walls will meet the standards of Article VI.N.;
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$50 shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

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

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications, the base flood and floodway data contained in

the "Flood Insurance Study - Town of Limerick, Maine," as described in Article I;

- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance 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 Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
 - 2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a., b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
 - 3. 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 Article VI.J., mining, dredging, filling,

grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.

- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

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

- A. **All Development** - All development shall:
1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. use construction materials that are resistant to flood damage;
 3. use construction methods and practices that will minimize flood damage; and,
 4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
- B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. **On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be

constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

F. **Residential** - New construction or substantial improvement of any residential structure located within:

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

G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:

1. Zones A1-30 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:
 - a. be floodproofed to at least one foot above the base flood elevation so that below that 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 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 with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

H. **Manufactured Homes** - New or substantially improved manufactured homes located within:

1. Zones A1-30 shall:
 - a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
 - b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
 - c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

- (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
- (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
- (3) all components of the anchoring system described in Article VI.H.1.c.(1)&(2) shall be capable of carrying a force of 4800 pounds.

I. Recreational Vehicles - Recreational Vehicles located within:

1. Zones A1-30 shall either:
 - a. be on the site for fewer than 180 consecutive days,
 - b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
 - c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.H.1.

J. Accessory Structures - Accessory Structures, as defined in Article XIII, located within Zones A1-30 shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

1. be 500 square feet or less and have a value less than \$3000;
2. have unfinished interiors and not be used for human habitation;
3. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
4. be located outside the floodway;
5. 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,

6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. Floodways -

1. In Zones A1-30 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," 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 A1-30 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 Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study - Guidelines and Specifications for Study Contractors*, (FEMA 37/ January 1995, as amended).
3. In Zones A1-30 riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

- L. Enclosed Areas Below the Lowest Floor -** New construction or substantial improvement of any structure in Zones A1-30 that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article XIII;
2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
3. The enclosed area shall not be used for human habitation; and,
4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

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

1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
2. a registered professional engineer shall certify that:
 - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and
 - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. **Containment Walls** - New construction or substantial improvement of any containment wall located within:

1. Zones A1-30 shall:

- a. have the containment wall elevated to at least one foot above the base flood elevation;
- b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
- c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

O. **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A1-30, in and over water and seaward of the mean high tide if the following requirements are met:

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

ARTICLE VII - CERTIFICATE OF COMPLIANCE

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

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, or H.

- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
 - 1. review the Elevation Certificate and the applicant's written notification; and,
 - 2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE IX - APPEALS AND VARIANCES

The Board of Appeals of the Town of Limerick may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - 1. a showing of good and sufficient cause; and,
 - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
 - 3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
 - 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,
 - d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.

- 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 Article IX and Article VI.K. are met; and,
 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- 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 Article IX, paragraphs A. through D. above; and,
 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 2. such construction below the base flood level increases risks to life and property; and,
 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- G. Appeal Procedure for Administrative and Variance Appeals
1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.

2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE X - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRS § 4452.
- B. The penalties contained in Title 30-A MRS § 4452 shall apply to any violation of this Ordinance.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;
 1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
 3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;

4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

ARTICLE XIII - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

Accessory Structure - means a small detached structure that is incidental and subordinate to the principal structure.

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

Area of Special Flood Hazard - means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

Base Flood - means the flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

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

Building - see **Structure**.

Certificate of Compliance - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Code Enforcement Officer - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

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, excavation, drilling operations or storage of equipment or materials.

Elevated Building - means a non-basement building

- a. built, in the case of a building in Zones A1-30, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. 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.

In the case of Zones A1-30, **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 Article VI.L..

Elevation Certificate - An official form (FEMA Form 81-31, 02/06, as amended) that:

- 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.

Flood or Flooding - means:

- a. 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.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water

level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

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

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

Flood Insurance Study - see **Flood Elevation Study**.

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

Floodplain Management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

Floodway - see **Regulatory Floodway**.

Floodway Encroachment Lines - mean the lines marking the limits of floodways on federal, state, and local floodplain maps.

Freeboard - means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Functionally Dependent Use - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading

of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

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

Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.L. of 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 also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

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

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

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

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

New Construction - means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

100-year flood - see **Base Flood**.

Recreational Vehicle - means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

- a. means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and

- b. when not designated on the community's Flood Insurance Rate Map or Flood Boundary and Floodway Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Riverine - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area - see **Area of Special Flood Hazard**.

Start of Construction - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement 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 a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

Structure - means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

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

Substantial Improvement - means any 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, and a variance is obtained from the community's Board of Appeals.

Variance - means a grant of relief by a community from the terms of a floodplain management regulation.

Violation - means the failure of a structure or development to comply with a community's floodplain management regulations.

ARTICLE XIV - ABROGATION

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

60.3 d Rev. 1/07

Prepared by SPO/fpm/dlt

nances of the jurisdiction shall not be valid.