

CITY OF DOVER – ORDINANCE

Posted May, 25 2021

Ordinance Number: **O – yyyy.mm.dd -**
Ordinance Title: Updating the Dover Zoning Ordinance - Floodplain
Chapter: 170

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 170 of the Code of the City of Dover, entitled Zoning, by updating the Code to reflect changes in the community and in land use regulations.

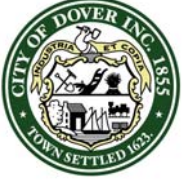
2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article V Floodplain Development” to read as follows:

“ARTICLE V FLOODPLAIN DEVELOPMENT

170-25. General Provisions. [Added on 08-12-2015 by Ord. No. 2015.07.22-017, Amended on 07-22-2020 by Ord. No. 2020.07.08.006.].

- A. Authority. These rules and regulations are adopted by the City of Dover pursuant of the authority granted by RSA 674:16.
- B. Conflict and Severability. If any provision of this Section differs or appears to conflict with any other provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling. Should any provision of this Section be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Section as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
- C. Purpose. [Amended on 04-20-05 by Ord. No. 13-2005] Certain areas of the City of Dover are subject to periodic FLOODING, causing serious damage 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 City of Dover 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 detailed in this Section. The City of Dover recognizes the need to minimize the potential loss of life and property during periods of FLOODING regulating the alteration and/or the DEVELOPMENT of those AREAS OF SPECIAL FLOOD HAZARD identified by FEMA. The following regulations shall apply to all lands designated as AREAS OF SPECIAL FLOOD HAZARD by FEMA in its "Flood Insurance Study for the County of Strafford, N.H." dated September 30, 2015, together with the following associated FLOOD INSURANCE



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RATE MAP panel numbers for the City of Dover: 33017CO218E, 33017CO302E, 33017CO305E, 33017CO310E, 33017CO320E, 33017CO330E, 33017CO340E, and 33017CO0405E, dated September 30, 2015, which are declared to be a part of Chapter 170 and are hereby incorporated by reference. The FLOOD INSURANCE STUDY is on file at the Department of Planning and Community Development.

D. Definitions. [Amended on 4-18-90 by Ord. No. 3-90]

As used in this Section the following terms mean:

AREA OF SHALLOW FLOODING means a designated AO zone on the FIRM with a one percent (1%) or greater annual possibility of FLOODING to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of FLOODING is unpredictable and where velocity flow may be evident. Such FLOODING is characterized by ponding or sheet-flow.

AREA OF SPECIAL FLOOD HAZARD means the land in the FLOODPLAIN within the City of Dover subject to a one percent (1%) or greater annual possibility of FLOODING in any given year. The area is designated on the FIRM as Zones A, AO, and AE. [Amended on 04-20-2005 by Ord. No. 13-2005]

BASE FLOOD means the FLOOD having a one percent (1%) chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION means the WATER SURFACE ELEVATION having a one percent (1%) chance of being equaled or exceeded in any given year as defined on flood insurance rate map (FIRM) currently in effect and the Flood Insurance Study (FIS) report.

BASEMENT means any area of a BUILDING having its floor subgrade on all sides.

BUILDING means “STRUCTURE” as defined in this subsection.

Critical facilities means facilities that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, and water supply and waste treatment facilities.

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 or drilling operations or storage of equipment or materials.

FEMA means Federal Emergency Management Agency.

FLOOD or FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) means an official map incorporated within Chapter 170 on which FEMA has delineated both the AREAs OF SPECIAL FLOOD HAZARD and the risk premium zones that are applicable to the City of Dover.



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FLOOD INSURANCE STUDY (FIS) means an examination, evaluation and determination of FLOOD hazards and, if appropriate, corresponding WATER SURFACE ELEVATIONS, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or FLOOD-related erosion hazards.

FLOODPLAIN means any land area which is susceptible to being inundated by water from any source. (See definition of FLOODING.)

FLOOD PROOFING or **FLOOD PROOFED** 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 sanitation facilities, STRUCTUREs and their contents.

Freeboard means an additional amount of height above the base flood elevation used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or floodproofed.

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a STRUCTURE.

HISTORIC STRUCTURE means any STRUCTURE that is listed individually in the National Register of Historic Places (maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; certified or preliminarily determined by the Secretary as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; individually listed on a local inventory of historic places, provided the local historic preservation program has been certified by either the appropriate state or federal program.

LOWEST FLOOR means the LOWEST FLOOR of the lowest enclosed area (including BASEMENT). An unfinished or FLOOD resistant enclosure, usable solely for parking of vehicles, BUILDING access or storage in an area other than a BASEMENT area is not considered a BUILDING's LOWEST FLOOR, provided, that such an enclosure is not built so as to render the STRUCTURE in VIOLATION of the applicable non-elevation design requirements set forth herein. **[Amended on 4-18-90 by Ord. No. 3-90]**

MANUFACTURED HOME means a STRUCTURE, transportable in one (1) 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. MANUFACTURED HOME also includes park trailers, travel trailers and other similar vehicles placed on a site greater than one hundred eighty (180) days. This includes MANUFACTURED HOMES located in a MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION.

MANUFACTURED HOME PARK or MANUFACTURED PARK SUBDIVISION means a parcel or CONTIGUOUS parcels of land divided into two (2) or more MANUFACTURED HOME LOTS for rent or sale.



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MEAN SEA LEVEL means the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BASE FLOOD ELEVATIONS shown on a community's FLOOD INSURANCE RATE MAP (FIRM) are referenced.

NEW CONSTRUCTION means STRUCTURES for which the START OF CONSTRUCTION commenced on or after April 9, 1980 and includes any subsequent improvements to such STRUCTURES.

RECREATIONAL VEHICLE means a vehicle which is built on a single chassis; four hundred (400) square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the BASE FLOOD without increasing the WATER SURFACE ELEVATION more than a designated height.

RIVERINE means relating to, formed by or resembling a river, including tributaries, stream, brook, etc.

START OF CONSTRUCTION means the date the BUILDING permit was issued, provided the actual START OF CONSTRUCTION, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. START OF CONSTRUCTION includes SUBSTANTIAL IMPROVEMENTS. The actual start means either the first placement of permanent construction of a STRUCTURE on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of EXCAVATION; or the placement of MANUFACTURED HOME on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of STREETS and/or walkways; nor does it include EXCAVATION for a BASEMENT, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory BUILDINGS, such as garages or sheds not occupied as DWELLING UNITS or part of the main STRUCTURE. **[Added 4-18-90 by Ord. No. 3-90]**

STRUCTURE means a walled and roofed BUILDING, including a gas or liquid storage tank that is principally above ground, as well as a MANUFACTURED HOME.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a STRUCTURE whereby the cost of restoring the STRUCTURE to it's before damaged condition would equal or exceed fifty percent (50%) of the market value of the STRUCTURE before the damage occurred.

SUBSTANTIAL IMPROVEMENT or **SUBSTANTIALLY IMPROVED** means any ~~combination of repairs,~~ reconstruction, rehabilitation, or other ALTERATIONS or improvement to a STRUCTURE, taking place during a five year period, in which the cumulative cost equals or exceeds ~~fifty~~ 50 percent (~~50%~~) of market value of the



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~~STRUCTURE before the “start of construction” of the improvement. . The period of accumulation begins when the first improvement of the structure is permitted subsequent to September 1, 2021. The market value of the STRUCTURE should equal: (a) the appraised value prior to the start of the initial repair or improvement, or (b) in the case of damage, the value of the STRUCTURE prior to the damage occurring. For the purposes of this definition, "SUBSTANTIAL IMPROVEMENT" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the BUILDING commences, whether or not that alteration affects the external dimensions of the STRUCTURE.~~ This term includes STRUCTURES that have incurred SUBSTANTIAL DAMAGE, regardless of actual repair work performed. The term does not, however, include either:

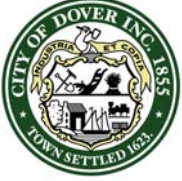
- A. Any project for improvement of a STRUCTURE ~~to correct existing violations of required to comply with existing~~ state or local health, sanitary or safety code specifications which ~~have been identified by the Building Official, and which are the minimum are solely~~ necessary to assure safe living conditions; ~~or~~
- B. Any alteration of a STRUCTURE listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the STRUCTURE’s continued designation as a HISTORIC STRUCTURE.

Unsuitable area means the area of a site that includes wetlands, water bodies, slopes exceeding a grade of 20% and totaling more than 2,000 square feet of contiguous area, land used for septic systems, floodways, and floodway fringe within the 100-year floodplain as shown on the latest FEMA maps accepted by the City, and public utility easements.

VIOLATION means the failure of a STRUCTURE or other DEVELOPMENT to be fully compliant with this Section. A STRUCTURE or other DEVELOPMENT without an elevation certificate, other certifications, or other evidence of compliance required herein is presumed to be in VIOLATION until such time as that documentation is provided.

WATER SURFACE ELEVATION means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of FLOODs of various magnitudes and frequencies in the FLOODPLAINS.

- E. DEVELOPMENT Review. **[Amended on 10-14-2009 by Ord. No. 2009.09.23-21]**
 - (1) All proposed DEVELOPMENT in any AREA OF SPECIAL FLOOD HAZARD shall require a permit. Prior to the issuance of a BUILDING permit by the Building Official, whether for NEW CONSTRUCTION (MANUFACTURED HOMES included) or the SUBSTANTIAL IMPROVEMENT thereon, the Department of Planning and Community Development shall determine whether said project site is located in an AREA OF SPECIAL FLOOD HAZARD. If said project site is so



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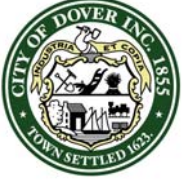
located, wholly or in part, in an AREA OF SPECIAL FLOOD HAZARD, then compliance with the rules and regulations contained herein shall be required.

- (2) Prior to the granting of subdivision approval, the Zoning Administrator shall determine whether the property is located within an AREA OF SPECIAL FLOOD HAZARD, and, if so situated, compliance with the rules and regulations contained herein shall be required.
- (3) Prior to the granting of site review approval, the Zoning Administrator shall determine whether said site is located within an AREA OF SPECIAL FLOOD HAZARD, and, if so situated, compliance with the rules and regulations contained herein shall be required.
- (4) Duties and responsibilities of the Zoning Administrator concerning development review shall include, but are not limited to:
 - (a) Ensure compliance with the rules and regulations contained herein.
 - (b) Ensure prior to any alteration or relocation of a watercourse that the required submittal and notification requirements in this Ordinance are met.
 - (c) Ensure the administrative and enforcement procedures detailed in RSA 676 are followed for any violations of this Ordinance.
- (5) For all development in an areas of special flood area that proposes to improve an existing structure, including alterations, movement, enlargement, replacement, repair, additions, rehabilitations, renovations, repairs of damage from any origin (such as, but not limited to flood, fire, wind or snow) and any other improvement of or work on such structure including within its existing footprint, the Zoning Administrator shall consult with the Building Official who shall determine if the proposed work constitutes substantial improvement or repair of substantial damage as defined herein. This determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of “substantial improvement.
 - ~~(a) If the applicant disagrees with the Building Official’s substantial improvement or repair of substantial damage determination, it may appeal said determination to the Zoning Board of Adjustment per 170-52 D.~~

F. Required Data.

Applications for DEVELOPMENT shall include the following:

- (1) Plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed STRUCTURES; fill storage



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of materials and drainage facilities; and the location of the foregoing. Specifically, the following information is required where appropriate:

- (a) A certified FEMA Elevation Certificate with as-built elevation data in relation to MEAN SEA LEVEL, of the LOWEST FLOOR, including BASEMENT, and including whether or not such STRUCTUREs contain a BASEMENT.
 - (b) Elevation, in relation to MEAN SEA LEVEL, to which any STRUCTURE has been FLOOD PROOFED.
 - (c) Certification by a registered engineer or architect that the FLOOD PROOFING methods for any nonresidential STRUCTURE meet the FLOOD PROOFING criteria in subsection L(2).
- (2) Permit review. The Department of Planning and Community Development shall:
- (a) Review all DEVELOPMENT permits to determine that the requirements of this Section have been satisfied.
 - (b) Review all DEVELOPMENT permits to determine that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. It shall be the responsibility of the APPLICANT to certify these assurances to the Department of Planning and Community Development.
 - (c) The Department of Planning and Community Development shall review all DEVELOPMENT permits to determine if the proposed DEVELOPMENT adversely affects the FLOOD-carrying capacity of the AREAs OF SPECIAL FLOOD HAZARD. For purposes of this Section, "adversely affects" means that the cumulative effect of the proposed DEVELOPMENT, when combined with all other existing and anticipated DEVELOPMENT, will not increase the BASE FLOOD ELEVATION more than one (1) foot at any point within the City of Dover.
- G. Information to be Obtained and Maintained. **[Amended on 04-20-2005 by Ord. No. 13-2005]**
- (1) The Department of Planning and Community Development shall maintain and record for public inspection the certification of FLOOD PROOFING required in Subsection K(2) and a certified FEMA Elevation Certificate with the as-built elevation, in relation to MEAN SEA LEVEL, of the LOWEST FLOOR, including the BASEMENT, of all new or SUBSTANTIALLY IMPROVED STRUCTUREs



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and shall include whether or not such STRUCTUREs contain a BASEMENT and, if the STRUCTURE has been FLOOD PROOFED, the as-built elevation, in relation to MEAN SEA LEVEL, to which the STRUCTURE was FLOOD PROOFED. This information must be furnished by the APPLICANT.

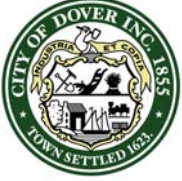
(2) In AREAs of SPECIAL FLOOD HAZARD, the Department of Planning and Community Development shall determine the BASE FLOOD ELEVATION in the following order of precedence according to the data available:

- (a) In Zone AE, refer to the elevation data provided in the community’s FLOOD INSURANCE STUDY and accompanying FIRM. [**Amended 04-20-2005 by Ord. No. 13-2005**]
- (b) In Zone A the Building Official shall obtain, review and reasonably utilize any BASE FLOOD ELEVATION data available from any federal, state or other source including data submitted for DEVELOPMENT proposals (i.e. subdivisions, site review plans, etc.) to the community.
- (c) In Zone A where the BASE FLOOD ELEVATION is not available, the BASE FLOOD ELEVATION shall be at least two (2) feet above the HIGHEST ADJACENT GRADE.
- (d) In Zone AO, the BASE FLOOD ELEVATION is determined by adding the elevation of the HIGHEST ADJACENT GRADE to the depth number specified on the FIRM or, if no depth number is specified on the FIRM, at least two (2) feet.

(3) The Department of Planning and Community Development shall maintain for public inspection all records pertaining to the provisions of this Section.

H. Alteration of Watercourses.

- (1) In RIVERINE situations, prior to the alteration or relocation of a watercourse, the APPLICANT for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the PLANNING BOARD in the form of a Conditional Use Permit application, in addition to the copies required by RSA 482-A:3. Further, the APPLICANT shall be required to submit copies of said notification to those adjacent communities as determined by the Department of Planning and Community Development, including notice of all scheduled hearings before the Wetlands Bureau, and notice of scheduled hearings before the Planning Board for Conditional Use Permits as required by Section 170-27, Conservation District & Section 170-27.1, Wetland Protection District.



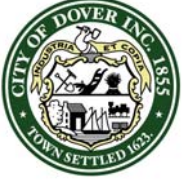
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- (2) The APPLICANT shall submit to the PLANNING BOARD, in the form of a Conditional Use Permit application, certification provided by a professional engineer assuring that the FLOOD-carrying capacity of an ALTERed or relocated watercourse can and will be maintained.
- I. Interpretation of Boundaries.
- (1) The Department of Planning and Community Development shall make interpretations, where needed, as to the exact location of the boundaries of the AREA OF SPECIAL FLOOD HAZARD in a construction proposal; for example, where there appears to be a conflict between a mapped boundary and actual field conditions. To assist in this determination, the APPLICANT may be required to submit an accurate site plan showing FLOODING relationships, including elevations.
- (2) To determine accurately if a STRUCTURE is located in an AREA OF SPECIAL FLOOD HAZARD, the owner or APPLICANT may hire a licensed land surveyor or certified engineer to measure the distance from a physical feature on the FIRM to the STRUCTURE's location.
- (3) The STRUCTURE is considered borderline if it is located within one hundred (100) feet of a boundary. A certified engineer shall compare the BASE FLOOD ELEVATION and the lowest ground elevation at the borderline STRUCTURE's location to determine if the STRUCTURE is in or out of the AREA OF SPECIAL FLOOD HAZARD. If the engineer certifies the STRUCTURE as out of the AREA OF SPECIAL FLOOD HAZARD, but the Planning or Community Services Departments have historic or other data that confirms the property is prone to FLOODING, the Department of Planning and Community Development may request a Letter of Map Amendment (LOMA) from FEMA.
- J. General Standards.
- In all AREAs OF SPECIAL FLOOD HAZARD, the following standards are required:
- (1) Anchoring
- (a) All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the STRUCTURE resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (b) All MANUFACTURED HOMEs to be placed or SUBSTANTIALLY IMPROVED within AREAs OF SPECIAL FLOOD HAZARD shall be elevated on a permanent foundation, such that the LOWEST FLOOR of the MANUFACTURED HOME is at least two (2) feet above the BASE FLOOD



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ELEVATION and shall be securely anchored to resist flotation, collapse or lateral movement by providing over-the-top or frame ties to ground anchors. Specific requirements shall be that:

(1) Over-the-top ties shall be provided at each of the four (4) corners of the MANUFACTURED HOME, with two (2) additional ties per side at intermediate locations, with MANUFACTURED HOMEs less than fifty (50) feet long requiring one (1) additional tie per side, or;

Frame ties shall be provided at each corner of the home, with five (5) additional ties per side at intermediate points, with MANUFACTURED HOMEs less than fifty (50) feet long requiring four (4) additional ties per side.

(2) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

(3) Any additions to the MANUFACTURED HOME shall be similarly anchored.

(2) Construction materials and methods

(a) All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs shall be constructed with materials resistant to FLOOD damage.

(b) All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs shall be constructed using methods and practices that minimize FLOOD damage.

(c) All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are ~~designed and/or located~~ elevated at least 2 feet above the base flood elevation so as to prevent water from entering or accumulating within the components during conditions of FLOODING.

(3) Utilities and Storage

(a) The APPLICANT shall provide the Department of Planning and Community Development with assurance that all new and replacement water supply systems, including on-site systems, shall be designed to minimize or eliminate infiltration of FLOOD waters into the system.

(b) The APPLICANT shall provide the Department of Planning and Community Development with assurance that new and replacement sanitary sewerage systems, including on-site systems, shall be designed to minimize or eliminate



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infiltration of FLOOD waters into the systems and discharge from the systems into the FLOOD waters.

(c) The APPLICANT shall provide the Department of Planning and Community Development with assurance that on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during FLOODING.

(e)(d) The storage of hazardous materials is prohibited.

(4) Subdivision proposals

- (a) All subdivision proposals shall be consistent with the need to minimize FLOOD damage.
- (b) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize FLOOD damage.
- (c) All subdivision proposals shall include adequate drainage paths to guide FLOOD waters around and away from the proposed STRUCTUREs and to reduce exposure to FLOOD damage.
- (d) BASE FLOOD ELEVATION data shall be provided for subdivision proposals and other proposed DEVELOPMENT which contains at least fifty (50) LOTs or five (5) acres, whichever is less.

(5) Specific provisions on unsuitable areas which includes floodplains are referenced in and consistent with Dover Code Land Subdivision Regulations (157-21, 157-22, and 157-60) and the Dover Zoning Chapter 170-6, 170-27.2, and 170-28.2).

K. Specific Standards.

In all AREAS OF SPECIAL FLOOD HAZARD where BASE FLOOD ELEVATION data has been established per Subsection G.(2), the following provisions are required:

- (1) Residential construction, NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENT of any residential STRUCTURE shall have the LOWEST FLOOR, including the BASEMENT, elevated to at least two (2) feet above BASE FLOOD ELEVATION.
- (2) All NEW CONSTRUCTION or SUBSTANTIAL IMPROVEMENTs of nonresidential STRUCTUREs have the LOWEST FLOOR, including BASEMENT, elevated to at least two (2) feet above the BASE FLOOD ELEVATION; or together with attendant utility and sanitary facilities, shall:



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- (a) Be FLOOD PROOFED so that below the BASE FLOOD ELEVATION the STRUCTURE is watertight at least two (2) feet above the BASE FLOOD ELEVATION with walls substantially impermeable to the passage of water;
- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
- (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Section.

(3) MANUFACTURED HOMES

- (a) MANUFACTURED HOMES shall be anchored in accordance with Subsection ~~KJ~~.(1)(b).
- (b) For new MANUFACTURED HOME PARK and MANUFACTURED HOME SUBDIVISIONS; for expansions to existing MANUFACTURED HOME PARKS and MANUFACTURED HOME SUBDIVISIONS; for existing MANUFACTURED HOME PARKS and MANUFACTURED HOME SUBDIVISIONS where the repair, reconstruction or improvement of the STREETS, utilities and pads equals or exceeds fifty percent (50%) of the value of the STREETS, utilities and pads before the repair, reconstruction or improvement has commenced; and for MANUFACTURED HOMES not placed in a MANUFACTURED PARK or MANUFACTURED HOME SUBDIVISION:
 - (i) Stands or LOTs are elevated on compacted fill or on pilings so that the LOWEST FLOOR of the MANUFACTURED HOME will be at least two (2) feet above the BASE FLOOD level.
 - (ii) Adequate surface drainage and access for a hauler are provided.
 - (iii) In the instance of elevation on pilings, LOTs are large enough to permit steps; piling foundations are placed in stable soil no more than ten (10) feet apart and reinforcement is provided for pilings more than six (6) feet above the ground level.
- (c) RECREATIONAL VEHICLES placed on sites within areas of special flood hazard Zones A and AE shall either: **[Amended on 04-20-2005 by Ord. No. 13-2005]**
 - (i) Be on the site for fewer than one hundred eighty (180) days;



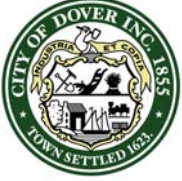
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- (ii) Be fully licensed and ready for highway use; or
 - (iii) Meet all standards of Subsection E.(1, 2 and 3) and the elevation and anchoring requirements for MANUFACTURED HOMES in Subsections ~~L~~K.(3)(a) and K. (3) (b).
- (4) For all NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTS, fully enclosed areas below the LOWEST FLOOR that are subject to FLOODING are permitted, provided that the enclosed areas meet the following requirements:
- (a) The enclosed area is unfinished or FLOOD resistant, usable solely for parking of vehicles, BUILDING access or storage.
 - (b) The area is not a BASEMENT.
 - (c) The area shall be designed to automatically equalize hydrostatic FLOOD forces on exterior walls by allowing for the entry and exit of FLOOD waters. Designs for meeting this requirement must either be certified by a professional engineer or architect or must meet or exceed the following minimum criteria:
 - (i) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to FLOODING shall be provided.
 - (ii) The bottom of all openings shall be no higher than one (1) foot above grade.
 - (iii) Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of FLOOD waters.
- (5) Proposed STRUCTURES to be located on SLOPES within Zone AO shall include adequate drainage paths to guide FLOOD waters around and away from the proposed STRUCTURES.
- (6) Accessory structures
- (a) New construction and substantial improvement of any accessory structures with finished or habitable space shall follow the same requirements as the principal structure as specified in Sections J and K.
 - (b) Any new construction and substantial improvement of any accessory structures without finished or habitable space shall not be used for the storage of hazardous materials.



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(c) It is recommended that any new construction and substantial improvement of any accessory structures without finished or habitable space meet the following standards:

- (i) The structure is not located in the floodway;
- (ii) The structure is wet flood proofed and designed to allow for the automatic entry and exit of flood water as detailed in Section K (4)(c);
- (iii) When possible, the structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than the primary structure; and
- (iv) Service facilities such as electrical, mechanical and heating equipment shall be elevated or dry flood proofed to or above the base flood elevation.

(7) All new residential structures or residential developments and all new non-residential structures and non-residential developments shall have all driveways and/or all road access or streets constructed with the driving surface at or above base flood elevation to ensure safe ingress and egress during a 100-year flood.

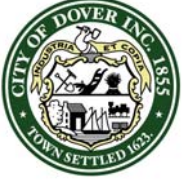
(8) Critical facilities

- (a) All new critical facilities are prohibited within areas of special flood hazard.
- (b) Critical facilities that are to be replaced, substantially improved or meet the definition of substantial damage shall be constructed so that the lowest floor, including basement, shall be elevated or dry-flood proofed at least two (2) feet above the areas of special flood hazard. A critical facility shall have at least one access road connected to land outside the areas of special flood hazard and is capable of accommodating emergency services vehicles. The top of the access road shall be no lower than six inches below the base flood elevation of the area of special flood hazard.

L. REGULATORY FLOODWAYS.

Located within AREAS OF SPECIAL FLOOD HAZARD established in Subsections C and I are areas designated as REGULATORY FLOODWAYS. Since the REGULATORY FLOODWAY is an extremely hazardous area due to the velocity of FLOOD waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- (1) Along watercourses that have a designated REGULATORY FLOODWAY, no encroachments, including fill, NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTS or other DEVELOPMENT, are allowed within the designated REGULATORY FLOODWAY unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in FLOOD levels within the community during the BASE FLOOD discharge. In Zone A, the Department of Planning and Community Development shall obtain, review and reasonably utilize any REGULATORY FLOODWAY



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data available from a federal, state or other source as criteria for requiring that DEVELOPMENT meet the REGULATORY FLOODWAY requirements of this Subsection.

- (2) Along watercourses that have not had a REGULATORY FLOODWAY designated, on NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTs or other DEVELOPMENT (including fill), shall be permitted within Zone AE, unless it is demonstrated that the cumulative effect of the proposed DEVELOPMENT, when combined with all other existing and anticipated DEVELOPMENT, will not increase the WATER SURFACE ELEVATION of the BASE FLOOD more than one (1) foot at any point within the community.
[Amended on 04-20-2005 by Ord. No. 13-2005]
- (3) If Subsection 1 is satisfied, all NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs shall comply with all applicable FLOOD hazard reduction provisions set forth herein.

M. Variances and Appeals.

- (1) Any order, requirement, decision or determination of any official of the Department of Planning and Community Development made under this Section may be appealed to the ZONING BOARD of ADJUSTMENT as set forth in RSA 676:5.
- (2) If the APPLICANT, upon appeal, requests a variance as authorized by RSA 674:33, I(b), the APPLICANT shall have the burden of showing, in addition to the usual variance standards under NH statute:
 - (a) That the variance will not result in increased FLOOD heights, additional threats to public safety, or extraordinary public expense.
 - (b) That if the requested variance is for activity within a designated REGULATORY FLOODWAY, no increase in FLOOD levels during the BASE FLOOD discharge will result.
 - (c) That the variance is the minimum necessary, considering the FLOOD hazard, to afford relief.
- (3) The ZONING BOARD of ADJUSTMENT shall notify the APPLICANT in writing that: (i) the issuance of a variance to construct below the BASE FLOOD level will result in increased premium rates for FLOOD insurance up to amounts as high as twenty-five (\$25.00) dollars for one hundred (\$100.00) dollars of insurance coverage, and (ii) such construction below the base level increases risks



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to life and property. Such notification shall be maintained with a record of all variance actions.

(4) The Department of Planning and Community Development shall:

- (a) Maintain a record of all variance actions, including their justification for their issuance, and;
- (b) Report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.”

3. TAKES EFFECT

This ordinance shall take effect upon passage and publication of notice as required by RSA 47:18.

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Councilor Dennis Ciotti City Council Planning Board Representative
Approved as to Legal Form and Compliance:	Joshua M. Wyatt City Attorney		
Recorded by:	Susan Mistretta City Clerk		

DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO



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Mayor, Robert Carrier		
Deputy Mayor, Dennis Ciotti, Ward 2		
Councilor Michelle Moffet Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor Lindsey Williams, At Large		
Councilor John O’Connor, At Large		
Total Votes:		
Resolution does does not pass.		

ORDINANCE BACKGROUND MATERIAL: