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DOCUMENT 46-B

CITY OF HAVERHILL

In Municipal Council April 3 2012

MUNICIPAL ORDINANCE CHAPTER 255

AN ORDINANCE RELATING TO ZONING - FLOODPLAIN DISTRICT

BE IT ORDAINED by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 255, Article V, as amended, be and is hereby further amended in §255-18 as follows:

1. By deleting the first paragraph and inserting in place thereof the following:

"The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the City of Haverhill designated as Zone A and AE on Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the City of Haverhill are panel numbers 25009C0058F, 25009C0059F, 25009C0066F, 25009C0067F, 25009C0068F, 25009C0069F, 25009C0078F, 25009C0080F, 25009C0083F, 25009C0084F, 25009C0086F, 25009C0087F, 25009C0088F, 25009C0089F, 25009C0091F, 25009C0092F, 25009C0093F, 25009C0094F, 25009C0111F, 25009C0226F, 25009C0227F, and 25009C0231F dated July 3, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 3, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the City Engineer."

2. By deleting the words "Flood Boundary and Floodway Map" in §255-18 (C) and inserting in place thereof the words "Flood Insurance Rate Map".

3. By adding the following at the end of §255-18:

"D. Base Flood Elevation and Floodway Data.

(1) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be

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used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

E. Use Regulations.

(1) The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;

- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);

- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);

- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

(2) In Zone AE, along watercourses within the City of Haverhill that have a regulatory floodway designated on the Essex County FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(3) All subdivision proposals must be designed to assure that:

a) such proposals minimize flood damage;

b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

c) adequate drainage is provided to reduce exposure to flood hazards.

F. Notification of Watercourse Alteration.

In a riverine situation, the City's Conservation Agent shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities

- Bordering States

- NFIP State Coordinator - Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104

- NFIP Program Specialist - Federal Emergency Management Agency, Region I 99 High Street, 6th Floor, Boston, MA 02110

G. Permitted Uses.

Current Ordinance (1)

§ 255-18. Floodplain District.

[Added 2-15-1983 by Doc. 219-B/82 Editor's Note: This ordinance also repealed original § 255-18, Floodplain Districts, added 1-14-1975 by Doc. 357-C/74.]

The Floodplain District is hereby established as an overlay district. The underlying permitted uses are allowed, subject to all other provisions of this chapter, provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in floodplains. The Floodplain District includes all special flood hazard areas designated as Zone A and A1 - 30 on the City of Haverhill Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway Maps, dated February 16, 1983, on file with the City Engineer who shall furnish a record of elevation of lowest floor of all new or substantially improved structures. These maps, as well as the accompanying City of Haverhill Flood Insurance Study, are incorporated herein by reference. The following requirements apply in the Floodplain District:

A. Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data from the City Engineer, and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the State Building Code and the following special provisions:

(1) Structures intended for residential purposes must be built in such a manner that the lowest floor (including basement or cellar) is elevated to or above the base flood elevation.

(2) Structures intended for nonresidential purposes must be built in such a manner that the lowest floor (including basement or cellar) is elevated to or above the base flood elevation or, together with attendant utility and sanitary facilities, is floodproofed up to the base flood elevation.

(3) Structures shall be anchored to resist flotation and lateral movement.

(4) Construction of water supply and waste treatment systems shall prevent the entrance of floodwaters.

(5) Valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and stormwaters shall be installed.

(6) All electrical equipment, circuits and electrical appliances shall be located in a manner which will assure they are not subject to flood damage.

(7) These provisions shall not be interpreted to prohibit the construction of structures underground which are waterproof or are intended to absorb floodwater, provided that such structures do not raise the existing ground elevations nor obstruct the flow of floodwaters.

B. Existing structures.

(1) Existing structures and appurtenances thereto within the Floodplain District which are inconsistent with these provisions shall be considered nonconforming structures and as such shall be bound by the provisions contained in this chapter (see Article **IX**), except that a facility permitted and assigned under the provisions of MGL, c. 111, § 150A, may be completed without regard to the floodplain provisions stated herein.

(2) In addition, an existing structure, group of structures and appurtenances thereto and a facility permitted and assigned under MGL, c. 111, § 150A, may be expanded, altered and/or otherwise improved by right, without regard to the floodplain provisions stated herein, provided that such improvement, alteration and/or expansion which is inconsistent with said floodplain requirements does not exceed 50% of the market value of the existing structure or facility as defined under "substantial improvement" when completed.

C. In the floodway, designated on the Flood Boundary and Floodway Map, the following provisions shall apply:

(1) All encroachments, including fill, new construction, substantial improvement to existing structures and other development, are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood.

(2) Any encroachment meeting the above standard shall comply with the floodplain requirements of the State Building Code.

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The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.

2) Forestry and nursery uses.

3) Outdoor recreational uses, including fishing, boating, play areas, etc.

4) Conservation of water, plants, wildlife.

5) Wildlife management areas, foot, bicycle, and/or horse paths.

6) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.

7) Buildings lawfully existing prior to the adoption of these provisions."

APPROVED AS TO LEGALITY:

City Solicitor

PLACED ON FILE for at least 10 days
Attest:

City Clerk