

Proposed change to Land Use and Shoreland Zoning Ordinance of the Town of Cranberry Isles

Ref. 38 MRS 439A sub. 4 to allow legally existing nonconforming structures to be raised to meet current floodplain elevation requirements and comply with Shoreland Zoning maximum height requirements. Proposed change addition in *italic*.

Excerpt from Land Use and Shoreland Zoning Ordinance 15.B. (2). And (3)

(2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, General Development, Commercial Fisheries Maritime Activities, and Stream Protection Districts, shall not exceed *twenty (20) feet in height if within Seventy five (75) feet of the normal high water line of a water body, tributary stream, or upland edge of a wetland or thirty-five (35) feet in height if further than seventy five (75) feet from the normal high water line of a water body, tributary stream, or upland edge of a wetland*. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area. A cupola, dome, widow's walk or other similar feature is exempt from the height limits in accordance with 38 M.R.S.A. Section 439-A(9). *The height of a structure that is a legally existing nonconforming principal or accessory structure may be raised to , but not above, the minimum elevation necessary to be consistent with the local floodplain management elevation requirement or to 3 feet above base flood elevation, whichever is greater, as long as the structure is relocated, reconstructed, replaced, or elevated within the boundaries of the parcel so that the water body or wetland setback requirement is met to the greatest practical extent. This paragraph applies to structures that:*

(1) Have been or are proposed to be relocated, reconstructed, replaced, or elevated to be consistent with the local floodplain management elevation requirement and

(2) Are located in an area of special flood hazard.

(3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent floodplain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

Ref. 38 MRS 436A 7. A. Definition of "height" change.

Land Use and Shoreland Zoning Ordinance Section 18, Definitions, existing "Height of a Structure:

Height of a structure - the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Proposed change:

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Height of a Structure

A. With respect to existing principal or accessory structures, including legally existing nonconforming structures, located within an area of special flood hazard that have been or are proposed to be relocated, reconstructed, replaced or elevated to be consistent with the minimum elevation required by a local floodplain management ordinance, the vertical distance between the bottom of the sill of the structure to the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances that have no floor area; and

B. With respect to new principal or accessory structures and to existing principal or accessory structures other than those described in paragraph A. above, including legally existing nonconforming structures, the vertical distance between the mean original grade at the downhill side of the structure, prior to construction, and the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances that have no floor area.

*Paragraph A and B above are verbatim definitions from 38 MRS 436A 7-A. "Height".