

ORDINANCE NO. 1926

CITY OF LEXINGTON, NEBRASKA

1926

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AN ORDINANCE TO AMEND SECTION 28a-1 AND SECTION 28a-21 OF THE LEXINGTON CITY CODE RELATING TO FLOOD PLAIN ZONING, AND FOR COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM; TO REPEAL ORIGINAL SECTIONS 28a-1 AND 28a-21 AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT THEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED by the Mayor and Council of the City of Lexington, Nebraska as follows:

SECTION 1. That Section 28a-1 of the Lexington City Code shall be amended to read as follows:

Sec. 28A-1 Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

Actuarial Rates. "Actuarial rates" or "risk premium rates" are those rates established by the Federal Insurance Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with 42 U.S.C. 4014 and the accepted actuarial principles. Actuarial rates include provisions for operating costs and allowances.

Appeal. A request for a review of the Building Inspector's interpretation of any provision of this Ordinance or a request for a variance.

Area of Shallow Flooding. A designated A0 or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard. The land in the flood plain within a community subject to one percent or greater chance of flooding in any given year.

Base Flood Elevation. Elevation indicated in the official flood plain study as the elevation of the 100-year flood.

Channel. A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow, thus, is that water which is flowing within the limits of a defined channel.

Community. Any state or area or political subdivision thereof which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

Development. 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.

Existing Construction. (For the purposes of determining rates.) Structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMS effective before that date. "Existing Construction" may also be referred to as "existing structures."

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters; and (2) the unusual and rapid accumulation of runoff or surface waters from any source.

Flood Insurance Rate Map (FIRM). An official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Flood Plain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plan, flood control works, and flood plain management regulations.

Flood Protection System. Those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard." Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound engineering standards.

Flood Proofing. Any combination of structural and non-structural additions, changes or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

Floodway (FW). The channel of a river or other watercourse and the adjacent portion of the flood plain that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point assuming equal conveyance reduction outside the channel from the two sides of the flood plain.

Floodway Fringe (FF). That area of the flood plain, outside of the floodway, that on an average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).

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

Highest Adjacent Grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Lowest Floor. 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 of this Ordinance.

Manufactured Home. 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 flood plain 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. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

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

New Construction. Structures for which the "start of construction or substantial improvement" is commenced on or after the effective date of the FIRM.

Overlay District. A district which acts in conjunction with the underlying zoning district or districts.

Start of Construction. (For other than new construction or substantial improvements under the Coastal Barrier Resources Act Pub. L. 97-348.) Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the state 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 a basement, footings, 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.

Structure. A walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

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

Substantial Improvement. 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 (1) 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 officer and which are the minimum necessary to assure living conditions or (2) any alteration will not preclude the structure's continued designation as a "historic structure."

Variance. A grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

100-Year Flood. The base flood having a one percent chance of annual occurrence.

SECTION 2. That Section 28a-21 of the Lexington City Code is hereby amended to read as follows:

Sec. 28A-21 Floodway Fringe Overlay District, Construction Standards.

- (a) Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated one foot above the base flood elevation.
- (b) Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated one foot above the base flood elevation, or, together with attendant utility and sanitary facilities, to be flood-proofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Sec. 28A-17(g).

- (c) Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (d) Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
- (e) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
- (1) Over-the-top ties be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations, and manufactured homes less than 50 feet long requiring one additional tie per side.
  - (2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, and manufactured homes less than 50 feet long requiring four additional ties per side.
  - (3) All components of the anchoring system be capable of carrying a force of 4800 pounds.
  - (4) Any additions to manufactured homes be similarly anchored.

- (f) Require that all manufactured homes to be placed within Zones A1-30, AH and AE on the community's FIRM, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated in feet in accordance with community's FIRM, and be securely anchored to an adequately anchored foundation system in accordance with the provisions as aforesaid.
- (g) Located within the areas of special flood hazard established in Sec. 28A-7 are areas designed as AO zones. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO zones:
- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated in feet above adjacent grade as specified on the community's FIRM.
  - (2) All new construction and substantial improvements of non-residential structures shall:  
  
Have the lowest floor (including basement) elevated above the highest adjacent grade as specified in feet on the community's FIRM.  
  
Together with attendant utility and sanitary facilities be completely flood-proofed to that level as specified in feet on the community's FIRM, above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy. Such certification shall be provided to the official as set forth in Sec. 28A-17(g).
  - (3) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.



SECTION 3. That original Sections 28a-1 and 28a-21 of the Lexington City Code and all other ordinances or sections of ordinances in conflict herewith are hereby repealed.

SECTION 4. That this ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 23rd day of April, 1991.

CITY OF LEXINGTON, NEBRASKA

BY:  
Vice Mayor



ATTEST:

  
City Clerk