

ORDINANCE NO. 1821

CITY OF LEXINGTON, NEBRASKA

ORDINANCE NO. 1821

AN ORDINANCE TO AMEND SECTIONS 28A-1, 28A-19, 28A-20, AND 28A-22 OF THE LEXINGTON CITY CODE; TO CHANGE FLOOD PLAIN PROVISIONS TO COMPLY WITH FEDERAL FLOOD PLAIN MANAGEMENT CRITERIA; TO REPEAL ORIGINAL SECTIONS 28A-1, 28A-19, 28A-20, AND 28A-22, AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; 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 original Section 28A-1 of the Lexington City Code is hereby 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 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.

Area of shallow flooding. A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent 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.

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.

Development. Any man-made change in improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Flood. A temporary rise in stream's flow or stage that results in water overlapping its banks and inundating areas adjacent to the channel. An unusual and rapid accumulation of runoff or surface waters from any source.

Flood elevation determinations. A determination of the water surface elevations of the 100-year flood; that is, the level of flooding that has a one (1) percent chance of occurrence in any given year.

Flood Insurance Rate Map (FIRM). The official report provided by the Federal Insurance Administration. The report contains flood profiles and water surface elevations for various flood frequencies as well as the boundaries and water surface elevations of the 100-year flood.

Flood plain management. The operation of the 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 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 of the effect of buoyancy.

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 federal engineering standards.

Floodway. 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 (1) foot at any point assuming equal conveyance reduction outside the channel from the two sides of the flood plain.

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

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

100-year flood. The condition of flooding having one percent chance of annual occurrence.

Manufactured home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers, unless placed on a site in excess of 180 days.

Manufactured home park (subdivision). "Manufactured Home Subdivision" means a parcel (or continuous parcels) of land which has been divided into two or more lots for rent or sale and the placement of manufactured homes.

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

Regulatory flood protection elevation. An elevation one foot higher than the water surface elevation of the regulatory flood.

Structure. A walled and roofed structure, including a gas or liquid storage tank that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, manufactured homes, and other similar uses.

Substantial improvement. Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored before the damage occurred. 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. The term does not, however, include any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations as well as structures listed in national or state registers of historic places.

Section 2. That original Section 28A-19 of the Lexington City is hereby amended to read as follows:

Sec. 28A-19. Permits granted; conditions:

No permit for development shall be granted for new construction, substantial improvements and other improvements including the placement of manufactured homes with A Zones unless the conditions of this Section are satisfied.

All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of this ordinance except those sections relating to elevation or floodproofing. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation data currently available within its area of jurisdiction.

New construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall be designed or anchored to prevent the flotation, collapse, or lateral movement due to flooding and will require:

- (a) New or replacement water to supply systems and/or sanitary sewage systems shall be designed to prevent infiltration of flood waters into the systems and discharges from the system into flood waters, and on-site waste disposal systems shall be located so as to avoid impairment of them or contamination from beyond applicable environmental control limits during flooding.

- (b) Subdivision proposals and other proposed new development shall be required to assure that (1) all such proposals are consistent with the need to minimize flood damage, (2) electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, (3) adequate drainage is provided so as to reduce exposure to flood hazards, and (4) proposals for development of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the regulatory flood elevation.
- (c) All utility and sanitary facilities shall be floodproofed up to the regulatory flood protection elevation so that any space below the regulatory flood protection elevation is water tight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (d) Provide that until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 on the City's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference in § 28A-5 (a).
- (e) The use of construction materials and utility equipment that are resistant to flood damage. Moreover, construction methods and practices will minimize flood damage.
- (f) The governing body of the city to insure that the flood carrying capability within the altered or related portion of any watercourse is maintained. The City will notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator. Moreover, the City will work with appropriate State and Federal agencies in every way possible in complying with the National Flood insurance program in accordance with the National Flood Disaster Protection Act of 1973.
- (g) Storage of material and equipment:
 - (1) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - (2) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

Section 3. That original Section 28A-20 of the Lexington City Code is hereby amended to read as follows:

Sec. 28A-20. Floodway Overlay District, permitted uses.

Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of materials or equipment. No use shall increase the flood levels of the regulatory flood elevation. These uses are subject to the standards of § 28A-19:

- (a) Agricultural uses such as general farming, pasture, nurseries and forestry.
- (b) Residential uses such as lawns, gardens, parking and play areas.
- (c) Non-residential areas such as loading area, parking and airport landing strips.
- (d) Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves. New placement of residential structures including manufactured homes is prohibited within the identified floodway (W) area.

Section 4. That original Section 28A-22 of the Lexington City Code is hereby amended to read as follows:

Sec. 28A-22. Floodway Fringe Overlay District, construction standards.

- (a) The maximum ground coverage of all buildings and fill materials on lots or tracts shall be limited to forty percent of the lot area. A grading plan shall accompany an application for a building permit when fill is proposed to be used. The maximum ground coverage limitation shall be adhered to for new buildings, the total building area including additions or alterations to existing structures, and existing and proposed fill area. The percent of lot coverage shall not prohibit the filling of a lot to the elevation of adjacent curb lines.
- (b) New construction or substantial improvements of residential structures shall be required to have the lowest floor, including basement elevated one foot above the regulatory flood elevation.
- (c) New construction or substantial improvements of non-residential structures shall be required to have the lowest floor, including basement, elevated one foot above the regulatory flood elevation or, together with attendant utility and sanitary facilities, to be flood proofed up to that level.

- (d) With Zones AO all new construction and substantial improvements of residential structures have the lowest floor, including basement, elevated above the highest adjacent grade to or above the depth number specified on the official FIRM.

Non-residential structures, within Zones AO, together with attendant utility and sanitary facilities may be flood proofed to or above the depth number specified on the official FIRM.

- (e) For new manufactured home parks, manufactured home subdivisions or expansions of the same, and for new manufactured homes not in a manufactured home park and for existing manufactured home parks where the repair, reconstruction or improvement of streets, utilities, and pads before the repair, reconstruction or improvement has commenced, it is required that:
- (1) Specific anchoring standards be met.
 - (a) Over-the-top ties be provided at each of the four corners of the manufactured home with two additional ties per side at the intermediate locations and manufactured homes less than fifty feet long requiring one additional tie per side.
 - (b) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than fifty feet long requiring four additional ties per side.
 - (c) All components of the anchoring system be capable of carrying a force of 4,800 pounds.
 - (d) Any additions to manufactured homes be similarly anchored.
 - (2) Stands or lots are elevated on compacted fill or piers so that the lowest floor of the structure will be at or above the regulatory flood elevation.
 - (3) Adequate surface drainage and ease access for a hauler is provided.
 - (4) In the instance of elevation on piers, lots are large enough to permit steps. Pier foundations are placed on stable soil no more than ten feet apart and steel reinforcement is provided for piers more than six feet high.

Section 5. That original Sections 28A-1, 28A-19, 28A-20, and 28A-22 of the Lexington City Code, together with all other ordinances or sections of ordinances in conflict herewith are hereby repealed.

Section 6. That this ordinance shall be published in pamphlet form and take effect as provided by law.

Passed and approved this 10th day of March, 1987.

CITY OF LEXINGTON, NEBRASKA

Robert L. Hawks
Mayor

APPROVED:

James E. Melish
City Clerk

