

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to
2 Zoning by amending Sections 27.52.010, 27.52.020, 27.53.010, and 27.53.020 to adopt the Flood
3 Insurance Rate Map (FIRM) for Lancaster County Nebraska and Incorporated Areas Revised
4 April 16, 2013 and the Flood Insurance Study (FIS) for Lancaster County, Nebraska and
5 Incorporated Areas Revised April 16, 2013, as required by the Federal Emergency Management
6 Agency; and repealing Sections 27.52.010, 27.52.020, 27.53.010, and 27.53.020 of the Lincoln
7 Municipal Code as hitherto existing.

8 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

9 Section 1. That Section 27.52.010 of the Lincoln Municipal Code be amended to
10 read as follows:

11 **27.52.010 Scope of Regulations.**

12 The regulations set forth in this chapter, or set forth elsewhere in this title when referred
13 to in this chapter, are known as the Flood Regulations for Existing Urban Area. The regulations
14 shall apply to all lands within the Existing Urban Area in the floodplain or floodprone area
15 within the zoning jurisdiction of the City of Lincoln that are subject to a one percent or greater
16 chance of flooding in any given year. ~~The February 18, 2011 official~~ Flood Insurance Rate Map
17 (FIRM) for Lancaster County, Nebraska and Incorporated Areas Revised April 16, 2013 and the
18 Flood Insurance Study (FIS) for Lancaster County, Nebraska and Incorporated Areas Revised
19 April 16, 2013 issued by FEMA, and any revisions thereto, are hereby adopted by reference and
20 declared to be a part of this Chapter. A copy of the FIRM and FIS are on file in the Department
21 of Building and Safety.

22 The degree of flood protection required by this Chapter is considered reasonable for
23 regulatory purposes and is based on engineering and scientific methods of study. Larger floods
24 may occur on rare occasions or the flood height may be increased by man-made or natural
25 causes, such as ice jams and bridge openings restricted by debris. Compliance with these
26 regulations does not imply that lands outside a floodplain or floodprone areas or uses within such

1 areas will be free from flooding or flood damage. This Chapter shall not create liability on the
2 part of the City of Lincoln or any officer or employee thereof for any flood damages that may
3 result from reliance on this Chapter or any administrative decision lawfully made thereunder.

4 Section 2. That Section 27.52.020 of the Lincoln Municipal Code be amended to
5 read as follows:

6 **27.52.020 Definitions.**

7 For the purpose of this chapter, certain terms and words are hereby defined:

8 **100-Year Flood** shall mean the flood having a one percent chance of being equaled or
9 exceeded in any given year.

10 **100-Year Flood Elevation** shall mean the height of the flood water that would occur
11 during a 100-year flood.

12 **Base Flood** shall mean the flood having a one percent chance of being equaled or
13 exceeded in any given year.

14 **Basement** shall mean any enclosed area having its floor below grade level on all sides.

15 **Development** shall mean any man-made change to improved or unimproved real estate,
16 including but not limited to, buildings or other structures, mining, dredging, filling, grading,
17 paving, excavation or drilling operations, or storage of equipment or materials.

18 **Development area** shall mean the entire site of a proposed development or improvement.

19 **Existing manufactured home park or subdivision** shall mean a manufactured home
20 park or subdivision for which the construction of facilities for servicing the lots on which the
21 manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the
22 construction of streets, and either final site grading or the pouring of concrete pads) is completed
23 before the effective date of this ordinance.

24 **Existing Urban Area** shall mean those areas inside the corporate limits of the City of
25 Lincoln, as well as those areas outside the corporate limits having a zoning designation other
26 than AG Agriculture and AGR Agricultural Residential, on the effective date of this ordinance.

27 **Expansion to an existing manufactured home park or subdivision** shall mean the
28 preparation of additional sites by the construction of facilities for serving the lots on which the
29 manufactured homes are to be affixed (including the installation of utilities, the construction of
30 streets, and either final site grading or the pouring of concrete pads).

31 **FEMA** shall mean the Federal Emergency Management Agency.

32 **Fill** shall mean soil, buildings, or other material that eliminates flood storage volume in
33 the floodplain.

34 **Flood Insurance Rate Map (FIRM)** shall mean the ~~February 18, 2011~~ Flood Insurance
35 Rate Map for Lancaster County, Nebraska and Incorporated Areas Revised April 16, 2013 issued
36 by FEMA, and any revisions thereto, on which FEMA has delineated both the areas of special
37 flood hazards and the risk premium zones applicable to the community.

1 **Flood Insurance Study (FIS)** shall mean the Flood Insurance Study for Lancaster
2 County, Nebraska and Incorporated Areas Revised April 16, 2013 ~~published~~ issued by FEMA in
3 conjunction with the FIRM and containing background data such as base flood discharges and
4 water surface elevations used to prepare the FIRM.

5 **Flood storage area** or **Salt Creek flood storage area** shall mean a portion of the Salt
6 Creek floodprone area that stores floodwaters along the stream reach adjacent to the Salt Creek
7 levee and is assigned a percentage of allowable fill, as shown on the Salt Creek Floodprone Area
8 and Salt Creek Flood Storage Area Detail Maps adopted by resolution of the City Council,
9 copies of which are on file with the Department of Building and Safety.

10 **Floodplain** shall mean those lands which are subject to a one percent or greater chance
11 of flooding in any given year, as shown on the Flood Insurance Rate Map issued by FEMA for
12 Lancaster County, Nebraska and incorporated areas, as amended. Copies of the said maps shall
13 be on file in the Department of Building and Safety.

14 **Floodprone area** shall mean those lands subject to a one percent or greater chance of
15 flooding in any given year, as determined by hydrologic and hydraulic studies completed by the
16 City or other government agency, or other acceptable source as approved by the City where this
17 is the best available information.

18 **Floodproofing** shall mean any combination of structural and nonstructural additions,
19 changes, or adjustments to structures which reduce or eliminate flood damage to real estate or
20 improved real property, water and sanitary facilities, structures and their contents.

21 **Floodway** shall mean the channel of a river or other watercourses and the adjacent land
22 areas that must be reserved in order to discharge the base flood without cumulatively increasing
23 the water surface elevation more than one foot.

24 **Historic structure** shall mean any structure that is: (a) listed individually in the National
25 Register of Historic Places (a listing maintained by the Department of the Interior) or
26 preliminarily determined by the Secretary of the Interior as meeting the requirements for
27 individual listing on the National Register; (b) certified or preliminarily determined by the City
28 of Lincoln, a Certified Local Government (CLG), in consultation with the Nebraska State
29 Historic Preservation Officer (SHPO), as contributing to the historical significance of a locally or
30 nationally designated historic district; (c) individually designated as a Landmark by the City of
31 Lincoln, a CLG, under the provisions of Chapter 27.57 of the Lincoln Municipal Code.

32 **Letter of Map Change (LOMC)** shall mean a determination document issued by FEMA
33 that officially revises the FIRM based on updated information, whether improved data or
34 topography changes created by fill placement. Includes Letter of Map Amendment (LOMA),
35 Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-f).

36 **Lowest floor** shall mean the lowest floor of the lowest enclosed area (including
37 basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles or
38 building access, in an area other than a basement area is not considered a building's lowest floor;
39 provided that such enclosure is not built so as to render the structure in violation of the
40 applicable non-elevation design requirements of this ordinance.

1 **Manufactured home** shall mean, for purposes of this chapter, a structure, transportable
2 in one or more sections, which is built on a permanent chassis and is designed for use with or
3 without a permanent foundation when attached to the required utilities. The term "manufactured
4 home" shall not include a "recreational vehicle."

5 **Manufactured home park or subdivision** shall mean a parcel (or contiguous parcels) of
6 land divided into two or more manufactured home lots for rent or sale.

7 **NAVD** shall mean the North American Vertical Datum of 1988.

8 **New construction** shall mean structures for which the start of construction commenced
9 on or after the effective date of this ordinance and shall include any subsequent improvements to
10 such structures.

11 **New manufactured home park or subdivision** shall mean a manufactured home park or
12 subdivision for which the construction of facilities for servicing the lots on which the
13 manufactured homes are to be affixed (including at a minimum, the installation of utilities, the
14 construction of streets, and either final site grading or the pouring of concrete pads) is completed
15 on or after the effective date of this ordinance.

16 **Non-substantial improvement** shall mean any improvement that does not meet the
17 definition of substantial improvement, as defined in this section.

18 **Percentage of allowable fill** shall mean the percentage of the volume of flood storage in
19 each flood storage area of Salt Creek that can be allowed to be eliminated without increasing the
20 100-year flood elevation of Salt Creek by more than one foot.

21 **Qualified engineer** shall mean a registered professional engineer who, by reason of
22 training and experience, is considered knowledgeable in hydrology and hydraulics and their
23 application to the flood insurance study and has demonstrated competence to the satisfaction of
24 the Director of Building and Safety.

25 **Recreational vehicle** shall mean a vehicle which is:

- 26 (1) built on a single chassis;
- 27 (2) 400 square feet or less when measured at the largest horizontal projections;
- 28 (3) designed to be self-propelled or permanently towable by a light duty truck;

29 and

30 (4) designed primarily not for use as a permanent dwelling but as temporary
31 living quarters for recreational, camping, travel, or seasonal use.

32 **Riverine** shall mean relating to, formed by, or resembling a river (including tributaries,
33 streams, brooks, etc.).

34 **Special Flood Hazard Area** shall mean the land in the floodplain subject to a one
35 percent or greater chance of flooding in any given year.

36 **Start of construction** shall mean either the first placement of permanent construction of
37 a structure on a site, such as the pouring of slabs or footings, the installation of piles, the
38 construction of columns, or any work beyond the stage of excavation, or the placement of a
39 manufactured home on a foundation. Permanent construction does not include land preparation,
40 such as clearing, grading, and filling; nor does it include the installation of streets and/or
41 walkways; nor does it include excavation for a basement, footings, piers or foundations or the
42 erection of temporary forms; nor does it include the installation on the property of accessory
43 buildings, such as garages or sheds not occupied as dwelling units or not as part of the main
44 structure. For a substantial improvement, the actual start of construction shall mean the first

1 alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that
2 alteration affects the external dimension of the building.

3 **Structure** shall mean, for floodplain management purposes, a walled and roofed
4 building, including a gas or liquid storage tank, that is principally above ground, as well as a
5 manufactured home.

6 **Substantial damage** shall mean damage of any origin sustained by a structure whereby
7 the cost of restoring the structure to its before damaged condition would equal to or exceed fifty
8 percent of the market value of the structure before the damage occurred.

9 **Substantial improvement** shall mean any reconstruction, rehabilitation, addition, or
10 other improvement of a structure, the cost of which equals or exceeds fifty percent of the market
11 value of the structure before the start of construction of the improvement. Substantial
12 improvement shall include structures which have incurred substantial damage, regardless of the
13 actual repair work performed. The term shall not, however, include either (i) any project for
14 improvement of a structure to correct existing violations of state or local health, sanitary, or
15 safety code specifications which have been identified by the local code enforcement official and
16 which are the minimum necessary to assure safe living conditions, or (ii) any alteration of a
17 historic structure, provided that the alteration will not preclude the structure's continued desig-
18 nation of a historic structure.

19 **Variance** shall mean a grant of relief from the terms of a floodplain management
20 regulation, this shall be done by Special Permit in accordance with Section 27.52.060 of this
21 chapter.

22 **Violation** shall mean the failure of a structure or other development to be fully compliant
23 with the floodplain management regulations as set forth in this chapter. A structure or other
24 development without the elevation certificate, other certifications, or other evidence of
25 compliance as required is presumed to be in violation until such time as that documentation is
26 provided.

27 **Watershed Master Plan** shall mean a plan generated by the City or by the City in
28 cooperation with other agencies, which includes hydrologic and hydraulic modeling for the 100-
29 year event, including 100-year floodplain elevation and limits.

30 Section 3. That Section 27.53.010 of the Lincoln Municipal Code be amended to
31 read as follows:

32 **27.53.010 Scope of Regulations.**

33 The regulations set forth in this chapter, or set forth elsewhere in this title when referred
34 to in this chapter, are known as the Flood Regulations for New Growth Areas. The regulations
35 shall apply to all lands within New Growth Areas in the floodplain or floodprone areas within
36 the zoning jurisdiction of the City of Lincoln that are subject to a one percent or greater chance
37 of flooding in any given year. The ~~February 18, 2011 official~~ Flood Insurance Rate Map (FIRM)

1 for Lancaster County, Nebraska and Incorporated Areas Revised April 16, 2013 issued by
2 FEMA and the Flood Insurance Study (FIS) for Lancaster County, Nebraska and Incorporated
3 Areas Revised April 16, 2013 and any revisions thereto are hereby adopted by reference and
4 declared to be a part of this Chapter. A copy of the FIRM and FIS are on file in the Department
5 of Building and Safety.

6 The degree of flood protection required by this Chapter is considered reasonable for
7 regulatory purposes and is based on engineering and scientific methods of study. Larger floods
8 may occur on rare occasions or the flood height may be increased by man-made or natural
9 causes, such as ice jams and bridge openings restricted by debris. Compliance with these
10 regulations does not imply that lands outside floodplain and floodprone areas or uses within such
11 areas will be free from flooding or flood damage. This ordinance shall not create liability on the
12 part of the City of Lincoln or any officer or employee thereof for any flood damages that may
13 result from reliance on this ordinance or any administrative decision lawfully made thereunder.

14 Section 4. That Section 27.53.020 of the Lincoln Municipal Code be amended to
15 read as follows:

16 **27.53.020 Definitions.**

17 For the purpose of this chapter, certain terms and words are defined:

18 **2-Year Flood** shall mean the flood having a fifty percent chance of being equaled or
19 exceeded in any given year.

20 **10-Year Flood** shall mean the flood having a ten percent chance of being equaled or
21 exceeded in any given year.

22 **100-Year Flood** shall mean the flood having a one percent chance of being equaled or
23 exceeded in any given year.

24 **Base Flood** shall mean the flood having a one percent chance of being equaled or
25 exceeded in any given year.

26 **Basement** shall mean any enclosed area having its floor below grade level on all sides.

27 **Compensatory Storage** shall mean replacement of storage volume that is hydrologically
28 equivalent to lost storage when encroachment occurs in the floodplain or floodprone area.

29 **Development** shall mean any man-made change to improved or unimproved real estate,
30 including but not limited to, buildings or other structures, mining, dredging, filling, grading,
31 paving, excavation or drilling operations, or storage of equipment or materials.

32 **Existing manufactured home park or subdivision** shall mean a manufactured home
33 park or subdivision for which the construction of facilities for servicing the lots on which the
34 manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the
35 construction of streets, and either final site grading or the pouring of concrete pads) is completed
36 before the effective date of this ordinance.

1 **Expansion to an existing manufactured home park or subdivision** shall mean the
2 preparation of additional sites by the construction of facilities for serving the lots on which the
3 manufactured homes are to be affixed (including the installation of utilities, the construction of
4 streets, and either final site grading or the pouring of concrete pads).

5 **FEMA** shall mean the Federal Emergency Management Agency.

6 **Flood Design Criteria** shall mean Chapter 10 of the City of Lincoln Drainage Criteria
7 Manual, adopted on February 22, 2000 by Resolution No. A-80038, as amended.

8 **Flood Insurance Rate Map (FIRM)** shall mean the ~~February 18, 2011~~ Flood Insurance
9 Rate Map for Lancaster County, Nebraska and Incorporated Areas Revised April 16, 2013 issued
10 by FEMA and any revisions thereto, on which FEMA has delineated both the areas of special
11 flood hazards and the risk premium zones applicable to the community.

12 **Flood Insurance Study (FIS)** shall mean the Flood Insurance Study for Lancaster
13 County, Nebraska and Incorporated Areas Revised April 16, 2013 ~~published~~ issued by FEMA in
14 conjunction with the FIRM and containing background data such as base flood discharges and
15 water surface elevations used to prepare the FIRM.

16 **Floodplain** shall mean those lands which are subject to a one percent or greater chance
17 of flooding in any given year, as shown on the Flood Insurance Rate Map issued by FEMA for
18 Lancaster County, Nebraska and incorporated areas, as amended.

19 **Floodprone area** shall mean those lands subject to a one percent or greater chance of
20 flooding in any given year, as determined by hydrologic and hydraulic studies completed by the
21 City or other government agency, or other acceptable source as approved by the City where this
22 is the best available information.

23 **Floodproofing** shall mean any combination of structural and nonstructural additions,
24 changes, or adjustments to structures which reduce or eliminate flood damage to real estate or
25 improved real property, water and sanitary facilities, structures and their contents.

26 **Floodway** shall mean the channel of a river or other watercourses and the adjacent land
27 areas that must be reserved in order to discharge the base flood without cumulatively increasing
28 the water surface elevation more than one foot.

29 **Historic structure** shall mean any structure that is: (a) listed individually in the National
30 Register of Historic Places (a listing maintained by the Department of the Interior) or
31 preliminarily determined by the Secretary of the Interior as meeting the requirements for
32 individual listing on the National Register; (b) certified or preliminarily determined by the City
33 of Lincoln, a Certified Local Government (CLG), in consultation with the Nebraska State
34 Historic Preservation Officer (SHPO), as contributing to the historical significance of a locally or
35 nationally designated historic district; (c) individually designated as a Landmark by the City of
36 Lincoln, a CLG, under the provisions of Chapter 27.57 of the Lincoln Municipal Code.

1 **Lateral Addition** shall mean an addition to a non-residential structure which expands the
2 floor area of the first story. First story shall mean the lowest story in a building which qualifies
3 as a story, as defined in Section 20.08 of the Lincoln Building Code.

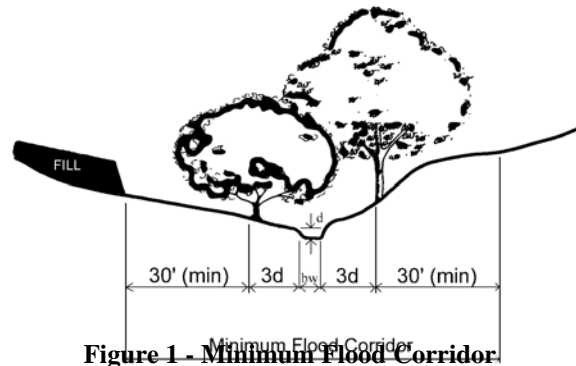
4 **Letter of Map Change (LOMC)** shall mean a determination document issued by FEMA
5 that officially revises the FIRM based on updated information, whether improved data or
6 topography changes created by fill placement. Includes Letter of Map Amendment (LOMA),
7 Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-f).

8 **Lowest floor** shall mean the lowest floor of the lowest enclosed area (including
9 basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles or
10 building access, in an area other than a basement area is not considered a building's lowest floor;
11 provided that such enclosure is not built so as to render the structure in violation of the
12 applicable non-elevation design requirements of this ordinance.

13 **Manufactured home** shall mean, for purposes of this chapter, a structure, transportable
14 in one or more sections, which is built on a permanent chassis and is designed for use with or
15 without a permanent foundation when attached to the required utilities. The term "manufactured
16 home" shall not include a "recreational vehicle."

17 **Manufactured home park or subdivision** shall mean a parcel (or contiguous parcels) of
18 land divided into two or more manufactured home lots for rent or sale.

19 **Minimum Flood Corridor** shall mean the existing channel bottom width plus 60 feet
20 plus six times the channel depth and the corridor will be centered on the channel, as shown in
21 Figure 1 below, or aligned such that the corridor follows the natural flow of flood waters.



23 **NAVD** shall mean the North American Vertical Datum of 1988.

24 **New construction** shall mean structures for which the start of construction commenced
25 on or after the effective date of this ordinance and shall include any subsequent improvements to
26 such structures.

27 **New growth areas** shall mean those areas outside the corporate limits of the City of
28 Lincoln and zoned AG Agriculture and AGR Agricultural Residential on the effective date of
29 this ordinance.

30 **New manufactured home park or subdivision** shall mean a manufactured home park or
31 subdivision for which the construction of facilities for servicing the lots on which the
32 manufactured homes are to be affixed (including at a minimum, the installation of utilities, the
33 construction of streets, and either final site grading or the pouring of concrete pads) is completed
34 on or after the effective date of this ordinance.

1 **Non-substantial improvement** shall mean any improvement that does not meet the
2 definition of substantial improvement, as defined in this section.

3 **Qualified engineer** shall mean a registered professional engineer who, by reason of
4 training and experience, is considered knowledgeable in hydrology and hydraulics and their
5 application to the flood insurance study and has demonstrated competence to the satisfaction of
6 the Director of Building and Safety.

7 **Recreational vehicle** shall mean a vehicle which is:

- 8 (1) built on a single chassis;
9 (2) 400 square feet or less when measured at the largest horizontal
10 projections;
11 (3) designed to be self-propelled or permanently towable by a light duty
12 truck; and
13 (4) designed primarily not for use as a permanent dwelling but as temporary
14 living quarters for recreational, camping, travel, or seasonal use.

15 **Riverine** shall mean relating to, formed by, or resembling a river (including tributaries,
16 streams, brooks, etc.).

17 **Special Flood Hazard Area** shall mean the land in the floodplain subject to a one
18 percent or greater chance of flooding in any given year.

19 **Start of construction** shall mean either the first placement of permanent construction of
20 a structure on a site, such as the pouring of slabs or footings, the installation of piles, the
21 construction of columns, or any work beyond the stage of excavation, or the placement of a
22 manufactured home on a foundation. Permanent construction does not include land preparation,
23 such as clearing, grading, and filling; nor does it include the installation of streets and/or
24 walkways; nor does it include excavation for a basement, footings, piers or foundations or the
25 erection of temporary forms; nor does it include the installation on the property of accessory
26 buildings, such as garages or sheds not occupied as dwelling units or not as part of the main
27 structure. For a substantial improvement, the actual start of construction shall mean the first
28 alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that
29 alteration affects the external dimension of the building.

30 **Structure** shall mean, for floodplain and floodprone area management purposes, a walled
31 and roofed building, including a gas or liquid storage tank, that is principally above ground, as
32 well as a manufactured home.

33 **Substantial damage** shall mean damage of any origin sustained by a structure whereby
34 the cost of restoring the structure to its before damaged condition would equal to or exceed fifty
35 percent of the market value of the structure before the damage occurred.

36 **Substantial improvement** shall mean any reconstruction, rehabilitation, addition, or
37 other improvement of a structure, the cost of which equals or exceeds fifty percent of the market
38 value of the structure before the start of construction of the improvement. Substantial
39 improvement shall include structures which have incurred substantial damage, regardless of the
40 actual repair work performed. The term shall not, however, include either (i) any project for
41 improvement of a structure to correct existing violations of state or local health, sanitary, or
42 safety code specifications which have been identified by the local code enforcement official and
43 which are the minimum necessary to assure safe living conditions, or (ii) any alteration of a
44 historic structure, provided that the alteration will not preclude the structure's continued desig-
45 nation of a historic structure.

1 **Variance** shall mean a grant of relief from the terms of a floodplain management
2 regulation, this shall be done by Special Permit in accordance with section 27.53.060 of the
3 Zoning Code.

4 **Violation** shall mean the failure of a structure or other development to be fully compliant
5 with the floodplain management regulations as set forth in this chapter. A structure or other
6 development without the elevation certificate, other certifications, or other evidence of
7 compliance as required is presumed to be in violation until such time as that documentation is
8 provided.

9 **Watershed Master Plan** shall mean a plan generated by the City or by the City in
10 cooperation with other agencies, which includes hydrologic and hydraulic modeling for the 100-
11 year event, including 100-year floodplain elevation and limits.

12 Section 5. That Sections 27.52.010, 27.52.020, 27.53.010, and 27.53.020 of the
13 Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

14 Section 6. Pursuant to Article VII, Section 7 of the City Charter, this ordinance
15 shall be posted on the official bulletin board of the City, located on the wall across from the City
16 Clerk's office at 555 S. 10th Street, in lieu of and in place of newspaper publication. Notice of
17 passage and such posting shall be given by publication one time in the official newspaper by the
18 City Clerk. This ordinance shall take effect and be in force from and after its passage and
19 publication as herein and in the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2013:

Mayor