

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 26 of the Lincoln Municipal Code relating to
2 Land Subdivision by amending Sections 26.24.010 and 26.25.010 to adopt the Flood Insurance
3 Rate Map (FIRM) for Lancaster County, Nebraska and Incorporated Areas Revised April 16,
4 2013 and the Flood Insurance Study for Lancaster County, Nebraska and Incorporated Areas
5 Revised April 16, 2013, as required by the Federal Emergency Management Agency; and
6 repealing Sections 26.24.010 and 26.25.010 of the Lincoln Municipal Code as hitherto existing.

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

8 Section 1. That Section 26.24.010 of the Lincoln Municipal Code be amended to
9 read as follows:

10 **26.24.010 Definitions.**

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

12 **100-Year Flood** shall mean the flood having a one percent chance of being equaled or
13 exceeded in any given year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 **Qualified engineer** shall mean a registered professional engineer who, by reason of
32 training and experience, is considered knowledgeable in hydrology and hydraulics and their
33 application to the flood insurance study and has demonstrated competence to the satisfaction of
34 the Director of Public Works and Utilities.

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

37 **Start of construction** shall mean either the first placement of permanent construction of
38 a structure on a site, such as the pouring of slabs or footings, the installation of piles, the
39 construction of columns, or any work beyond the stage of excavation, or the placement of a
40 manufactured home on a foundation. Permanent construction does not include land preparation,
41 such as clearing, grading, and filling; nor does it include the installation of streets and/or

1 walkways; nor does it include excavation for a basement, footings, piers or foundations or the
2 erection of temporary forms; nor does it include the installation on the property of accessory
3 buildings, such as garages or sheds not occupied as dwelling units or not as part of the main
4 structure. For a substantial improvement, the actual start of construction shall mean the first
5 alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that
6 alteration affects the external dimension of the building.

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

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

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

25 Section 2. That Section 26.25.010 of the Lincoln Municipal Code be amended to
26 read as follows:

27 **26.25.010 Definitions.**

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

29 **2-Year Flood** shall mean the flood having a fifty percent chance of being equaled or
30 exceeded in any given year.

31 **10-Year Flood** shall mean the flood having a ten percent chance of being equaled or
32 exceeded in any given year.

33 **100-Year Flood** shall mean the flood having a one percent chance of being equaled or
34 exceeded in any given year.

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

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

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

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

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

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

4 **Flood Fringe** shall mean that portion of the FEMA-mapped floodplain outside of the
5 Floodway.

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

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

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

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

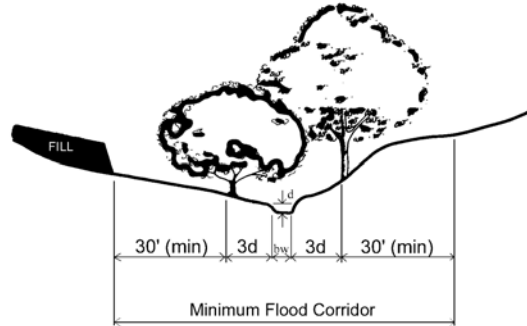
22 **Floodproofing** shall mean any combination of structural and nonstructural additions,
23 changes, or adjustments to structures which reduce or eliminate flood damage to real estate or
24 improved real property, water and sanitary facilities, structures and their contents.

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

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

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

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



4 **Figure 1 - Minimum Flood Corridor**

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

6 **New Growth Areas** shall mean those areas outside the corporate limits of the City of
7 Lincoln and zoned AG Agriculture and AGR Agricultural Residential on the effective date of
8 this ordinance.

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

11 **Qualified engineer** shall mean a registered professional engineer who, by reason of
12 training and experience, is considered knowledgeable in hydrology and hydraulics and their
13 application to the flood insurance study and has demonstrated competence to the satisfaction of
14 the Director of Public Works and Utilities.

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

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

28 **Substantial improvement** shall mean any reconstruction, rehabilitation, addition, or
29 other improvement of a structure, the cost of which equals or exceeds fifty percent of the market
30 value of the structure before the start of construction of the improvement. Substantial
31 improvement shall include structures which have incurred substantial damage, regardless of the
32 actual repair work performed. The term shall not, however, include either (i) any project for
33 improvement of a structure to correct existing violations of state or local health, sanitary, or
34 safety code specifications which have been identified by the local code enforcement official and
35 which are the minimum necessary to assure safe living conditions, or (ii) any alteration of a

1 historic structure, provided that the alteration will not preclude the structure's continued desig-
2 nation of a historic structure.

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

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

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

14 Section 3. That Sections 26.24.010 and 26.25.010 of the Lincoln Municipal Code
15 as hitherto existing be and the same are hereby repealed.

16 Section 4. Pursuant to Article VII, Section 7 of the City Charter, this ordinance
17 shall be posted on the official bulletin board of the City, located on the wall across from the City
18 Clerk's office at 555 S. 10th Street, in lieu of and in place of newspaper publication. Notice of
19 passage and such posting shall be given by publication one time in the official newspaper by the
20 City Clerk. This ordinance shall take effect and be in force from and after its passage and
21 publication as herein and in the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2013:

Mayor