

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 26.23 of the Lincoln Municipal Code relating
2 to Land Subdivision Development Standards by amending Section 26.23.120 to require easements
3 in the floodplain or floodprone area to preserve compensatory storage, require minimum flood
4 corridors along drainage ways which have a defined bed and bank, and to provide when encroach-
5 ments into the corridor are allowed; amending Section 26.23.181 to require subdivisions within the
6 floodplain in Existing Urban Area to meet Flood Regulations for Existing Urban Area; adding a new
7 section numbered 26.23.185 to require subdivisions in the floodplain or floodprone area in New
8 Growth Areas to meet the Flood Regulations for New Growth Areas; and repealing Sections
9 26.23.120 and 26.23.181 of the Lincoln Municipal Code as hitherto existing.

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

11 Section 1. That Section 26.23.120 of the Lincoln Municipal Code be amended to read
12 as follows:

13 **26.23.120 Easements.**

14 Easements shall be provided and dedicated where necessary for wires, cables, conduits,
15 fixtures and equipment for distribution of electric power, wastewater collectors, storm drains,
16 overland stormwater flow routes, sidewalks, pedestrian ways, bikeways, private roadways, and water
17 mains at such locations and widths as determined by the city. The width of easements required for
18 public wastewater collectors, storm drains, and/or water mains shall be as specified in the design
19 standards for the particular improvement adopted by the city. It is the policy of the city to locate all
20 necessary utilities in the right-of-way or in easements abutting rear or side lot lines, except on double

1 frontage lots. Deviations from this policy may be made when it is demonstrated that the utility is
2 necessary and no practical alternative locations exist. Easements shall be provided along each side
3 of a stream, watercourse, or river for the purpose of preserving an area designated for compensatory
4 storage where required in the floodplain or floodprone area, or for establishing a minimum flood
5 corridor or a surface drainage course ~~within the flood plain~~ along that stream, watercourse, or river
6 when the area adjacent thereto is being subdivided; such easements shall be of a width deemed
7 necessary by the city. The easement is for the purpose of widening, deepening, sloping, improving,
8 cleaning, or protecting the stream, watercourse, or river for drainage purposes. Said easement shall
9 be provided in appropriate locations as determined by the city for the purpose of permitting the flow
10 and storage of flood water. Minimum flood corridors shall be preserved and dedicated along drainage
11 ways which have a defined bed and bank or ~~are outside the FEMA-delineated flood plain and~~ drain
12 an area equal to or greater than 150 acres, for purposes of preserving riparian vegetation and
13 preventing encroachment within the corridors by buildings, fill, or structures; provided, however,
14 that encroachments within the corridors will be permitted in accordance with ~~the Flood Corridor~~
15 ~~Management provisions of the Storm Water Drainage Design Standards (including the “City of~~
16 ~~Lincoln Drainage Criteria Manual.”):~~ Chapter 2.05 (Stormwater Drainage Design Standards) of the
17 City of Lincoln Design Standards and Flood Design Criteria. Within the Existing Urban Area,
18 minimum flood corridors shall not be required within the FEMA-mapped floodplain.

19 In any dedication of an easement, the city may prohibit or restrict buildings, fences,
20 driveways and other improvements; may enter for construction, reconstruction, replacement, repair,
21 operation, and maintenance purposes; and will be held harmless for the cost of replacement or
22 damage to any improvement or vegetation within the easement and may make any other appropriate
23 or necessary requirements.

1 Section 2. That Section 26.23.181 of the Lincoln Municipal Code be amended to read
2 as follows:

3 **26.23.181 ~~Development of Land Within Flood Plain~~ Regulations for Development in**
4 **Existing Urban Area.**

5 ~~There shall be no~~ All platting or subdivision of land allowed by the city within the area
6 defined as a flood plain a floodplain unless the following conditions are met: shall meet the
7 conditions of Chapter 26.24, "Flood Regulations for Existing Urban Area."

8 ~~—————(a)————~~ That the development of any land located within the flood plain will be accomplished
9 so as to completely protect all areas of habitation and employment by raising of the ground elevation
10 to at least one foot above the 100-year frequency flood. The raising of the ground elevation shall be
11 accomplished in such a manner that the general flow and storage of water is not unduly restricted
12 or limited and will not cause flood hazards to other lands and developments, either within the
13 proposed subdivision or otherwise, and that said protection shall be accomplished without creating
14 the need of significant public expenditures for flood control.

15 ~~—————(b)————~~ That any proposed use which is located within a flood plain shall not include
16 buildings which are inhabited and will be limited to such uses as open space, streets, and parking
17 areas on that portion of the land within the flood plain where significant damage to life and property
18 from flooding is most likely to occur. Any use approved to be located on land which is included
19 within an area designated as a flood plain shall be approved only where the following factors have
20 been considered and arrangements have been made which are satisfactory to the city:

21 ~~—————(1)————~~ The danger to life and property by water which may be backed up or diverted
22 by such obstruction or land use;

1 ~~————— (2) — The danger that the obstruction or land use will be swept downstream to the~~
2 ~~injury of others;~~

3 ~~————— (3) — The availability of alternate locations;~~

4 ~~————— (4) — The construction or alteration of the obstruction in such a manner as to lessen~~
5 ~~any danger;~~

6 ~~————— (5) — The permanence of the obstruction or land use;~~

7 ~~————— (6) — The anticipated development in the foreseeable future of the area in which the~~
8 ~~proposed subdivision is to be located which may be affected by the obstruction or land use; and~~

9 ~~————— (7) — Any additional conditions adopted by the city to ensure proper use of the areas~~
10 ~~within the flood plains.~~

11 ~~———— (c) — The proposed centerline grade of streets or private roadways located within the flood~~
12 ~~plain that are necessary to serve the proposed development shall not be more than one foot below~~
13 ~~the 50-year frequency flood elevation.~~

14 ~~———— (d) — Any area within a flood plain from which fill is taken shall be hydrologically designed~~
15 ~~and maintained to reduce the likelihood of becoming refilled by silt. The subdivider must make~~
16 ~~arrangements satisfactory to the city binding his successors and assigns, to regrade or remove such~~
17 ~~silt as is necessary to return any area to its approved design after flooding has occurred. Any area~~
18 ~~from which fill is taken within a flood plain shall be at a grade that will continue to permit adequate~~
19 ~~drainage into the stream or watercourse. If a water area is to be maintained within the flood plain,~~
20 ~~consideration shall be given to the effect the water area may have upon the flooding of both the land~~
21 ~~within the flood plain and other lands outside of the flood plain.~~

22 Section 3. That Chapter 26.23 of the Lincoln Municipal Code be amended by adding
23 a new section numbered 26.23.185 to read as follows:

1 **26.23.185** **Flood Regulations for Development in New Growth Areas.**

2 All platting or subdivision of land allowed by the city within a floodplain or floodprone area
3 shall comply with the requirements of Chapter 26.25, "Flood Regulations for New Growth Areas."

4 Section 4. That Sections 26.23.120 and 26.23.181 of the Lincoln Municipal Code
5 as hitherto existing be and the same are hereby repealed.

6 Section 5. That this ordinance shall take effect and be in force from and after its
7 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2004: _____ Mayor
