

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 26.25 of the Lincoln Municipal Code relating
2 to Flood Regulations for New Growth Areas by amending Section 26.25.020 to provide platting and
3 subdivision restrictions on land located in the floodway, floodplain or floodprone areas and
4 repealing Section 26.25.020 of the Lincoln Municipal Code as hitherto existing.

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

6 Section 1. That Section 26.25.020 of the Lincoln Municipal Code be amended to
7 read as follows:

8 **26.25.020 Flood Regulations for Development in New Growth Areas.**

9 There shall be no platting or subdivision of land allowed by the city within a floodplain or
10 floodprone area unless the following conditions are met:

11 (a) The development of any land located within the floodway as designated by the
12 Federal Emergency Management Agency (FEMA) or as determined by hydrologic and hydraulic
13 studies completed by the City or other government agency, or other acceptable source as approved
14 by the City where this is the best available information, shall:

15 (1) Be accomplished in conformance with the Flood Design Criteria.

16 (2) ~~Cause no increase in the water surface elevation of the 100-year flood~~ Be
17 accomplished in conformance with Section 27.53.030(h).

18 (b) The development of any land located within the floodplain or floodprone area outside
19 the floodway or where a floodway has not been designated, except as provided in Section 10.2 of
20 the Flood Design Criteria, shall:

21 (1) Be accomplished in conformance with the Flood Design Criteria.

22 (2) Cause no greater than five hundredths of a foot (0.05') of rise in the 100-year
23 flood elevation.

1 (3) Cause no greater than five hundredths of a foot (0.05') of rise in areas with
2 a watershed master plan for the 2-, 10-, and 100-year flood elevations, as demonstrated using the
3 hydraulic model from the watershed master plan.

4 (4) Notwithstanding certain exceptions in the Flood Design Criteria allowing for
5 greater than five hundredths of a foot (0.05') of rise in the flood elevation, the development shall not
6 cause greater than one foot (1.0') of rise in the FEMA-mapped flood fringe where no floodway has
7 been designated.

8 An exception to the above shall be permitted provided the applicant has
9 acquired by land rights purchase, flowage easement, or other legal arrangement the right to increase
10 the flood levels greater than one foot (1.0') on all affected lands, and provided that before any permit
11 is issued the applicant submits a Federal Emergency Management Agency (FEMA) approved
12 Conditional Letter of Map Revision to the Director of Building and Safety. When such encroach-
13 ment is completed, a FEMA approved Letter of Map Revision must also be provided by the
14 applicant.

15 (c) The development of any land located within the floodplain or floodprone area except
16 as provided in Section 10.2 of the Flood Design Criteria, shall:

17 (1) Be accomplished in conformance with the Flood Design Criteria.

18 (2) Compensate for any flood storage lost by providing a hydrologically equiva-
19 lent volume of storage adjacent to the area of the encroachment.

20 (3) Compensate for flood storage lost below the existing 10 year water surface
21 elevation by providing storage below the proposed 10 year water surface elevation, and compensate
22 for flood storage lost above the existing 10 year water surface elevation with flood storage above
23 the proposed 10-year water surface elevation.

24 (4) Cause no increase in peak flow rates in areas with a watershed master plan
25 for the 2-, 10-, and 100-year flood events, as demonstrated using the hydrologic model from the
26 watershed master plan.

27 (5) Dedicate easements over areas of compensatory storage in conformance with
28 Section 26.23.120.

29 (d) Along stream channels within a floodplain or floodprone area which have a defined
30 bed and bank or which have drainage areas exceeding 150 acres, development shall preserve a

1 Minimum Flood Corridor. Minimum corridor preservation and mitigation for allowed encroach-
2 ments into the corridor shall be in conformance with Section 10.3 of the Flood Design Criteria.
3 Easements shall be dedicated over minimum flood corridors in conformance with Section 26.23.120,
4 “Easements,” of the development standards for this title.

5 (e) The development of any land located within a floodplain or floodprone area will be
6 accomplished so as to protect building sites for residential development by raising of the ground
7 elevation to at least one foot above the 100-year flood. The raising of the ground elevation shall be
8 accomplished in such a manner that the general flow and storage of water is not unduly restricted
9 or limited and will not cause flood hazards to other lands and developments, either within the
10 proposed subdivision or otherwise, and that said protection shall be accomplished without creating
11 the need for significant public expenditures for flood control.

12 Prior to receiving building permits for residential development in the floodplain, the
13 developer must submit an approved LOMC from FEMA to remove the building sites from the
14 FEMA-mapped floodplain. Where building sites are outside the floodplain or floodprone area based
15 upon a filed survey of the natural elevation, the developer must submit individual lot surveys
16 documenting the elevation and filed surveys on individual lots with the register of deeds.

17 (f) The development of any land located within a floodplain or floodprone area will be
18 accomplished so as to protect building sites for non-residential development by raising of the ground
19 elevation to an elevation at least one foot above the 100-year flood or by floodproofing the structure
20 to an elevation at least one foot above the 100-year flood, in accordance with Chapter 27.53, “Flood
21 Regulations for New Growth Areas,” of the Zoning Code.

22 (g) Any proposed use which is located within a floodplain or floodprone area and is
23 subject to flooding shall be limited to such uses as open space, streets, and parking areas on that
24 portion of the land within the floodplain or floodprone area where significant damage to life and
25 property from flooding is most likely to occur. Any use approved to be located on land which is
26 included within a floodplain or floodprone area shall be approved only after the following factors
27 have been considered and any adverse impacts are mitigated to the satisfaction of the City.

28 (1) The danger to life and property by water which may be backed up or diverted
29 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 ability to construct or alter 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
8 the proposed subdivision is to be located which may be affected by the obstruction or land use;

9 (7) The degree to which safe access can be provided through areas that are
10 projected to be flooded during a 100-year flood event.

11 (8) Any additional conditions adopted by the city to ensure proper use of the areas
12 within a floodplain or floodprone area.

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

22 (i) The location, grade, and flood-proofing of all proposed utilities which are to be
23 extended into or through any portion of the flood plain to serve the proposed development shall first
24 be approved by the city, prior to the extension of such utilities into the floodplain or floodprone area.

25 If the city, at the time of platting, agrees to create special assessment districts for the
26 construction of utilities to serve the subdivision, the subdivider shall remain responsible to pay the
27 entire cost of the necessary construction and necessary flood-proofing of such public utilities when
28 said utilities traverse any land subject to being inundated by flood water in order to serve the land
29 within the proposed subdivision. The subdivider shall also enter into an agreement with the City

1 to prohibit future connections to water mains and wastewater collectors to serve any land still
2 subject to being inundated by flood water.

3 The subdivider shall obtain the approval of the Director of Public Works and Utilities for any
4 modifications in the location or design of the borrow area within the floodplain or floodprone area.

5 Section 2. That Sections 26.25.020 of the Lincoln Municipal Code as hitherto
6 existing be and the same is hereby repealed.

7 Section 3. That this ordinance shall take effect and be in force from and after its
8 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2005: _____ Mayor
