

organized into one complete set that includes the City, County and other incorporated areas. A public process for properties affected by the few map revisions that modify the floodplain or floodway boundaries occurred last year.

The minimum NFIP regulations have not changed, and in spite of any omissions in the language of our local ordinance, the Lincoln Department of Building and Safety has been enforcing the NFIP regulations on behalf of the County, thus, *these revisions will not change how Lancaster County administers the program*. The text changes are required as a condition of continued eligibility in the National Flood Insurance Program (NFIP). Lancaster County must adopt the revised maps and re-certify compliance with minimum floodplain management regulations prior to September 21, 2001.

GENERAL INFORMATION:

APPLICANT: Gary Lacey, County Attorney
Justice & Law Enforcement Center
575 S. 10th Street
Lincoln, NE 68508

CONTACTS: Nicole Fleck-Tooze
Public Works & Utilities Dept.
555 S. 10th Street
Lincoln, NE 68508
(402) 441-6173

Mike DeKalb
Planning Dept.
555 S. 10th Street
Lincoln, NE 68508
(402) 441-6370

HISTORY:

October of 1998. Lincoln and Lancaster County received preliminary copies of the revised FIRM and FIS for review and comment. The primary change to the maps is that the information has been digitized and organized into one complete set that includes the City, County and other incorporated areas. There are also some minor changes within Lincoln and Lancaster County, many, but not all, of which reflect existing Letters of Map Revision that are already effective.

August of 2000. FEMA gave public notice in the Lincoln Journal Star on August 15, 2000 and August 22, 2000 for those map revisions which will modify the boundaries of the floodplain or floodway, and provided for a 90-day appeal period. These map revisions are described below in the analysis. The basis for any appeal was required to be information indicating that the revisions were scientifically or technically incorrect. The City and County supplemented this public notice with written notification to 14 property owners within the affected areas, including a map and a contact number for

questions (see attached letter for example). The City and County received no questions, comments, or appeals following the notification.

ANALYSIS:

1. As a condition of continued eligibility in the National Flood Insurance Program (NFIP), Lancaster County is required to adopt the revised maps and to re-certify adoption of floodplain management regulations that meet the minimum federal and state requirements prior to September 21, 2001.
2. The proposed ordinance revisions adopt the revised maps and amend the text of the ordinances to clarify language relating to the minimum federal and state requirements to ensure the County’s continued compliance with the NFIP.

Maps

3. The revised maps change some of the names used for zones within the floodplain. The table below describes the purpose of each zone and the change in name for each of the zones applicable or potentially applicable in the future to Lancaster County:

Old Name	New Name	Description
Zone A “Unnumbered” A Zone	Zone A	100-year floodplain where no base flood elevations or depths are shown.
Zones A1-A30 “Numbered” A Zones	Zone AE	100-year floodplain where base flood elevations are provided.
Zone B	Zone X	500-year floodplain.
Zone C	Zone X	Areas outside the 100- and 500-year floodplains.
Zone AH	Zone AH	Areas of 100-year shallow flooding (usually ponding) where average depths are 1-3 feet and base flood elevations are determined. There are no AH Zones located within Lancaster County jurisdiction , however text referring to this zone is included in the zoning regulations to make it consistent with Lincoln’s regulations and for any future case in which such a zone is designated on the maps in the County.
Zone AO	Zone AO	Areas of 100-year shallow flooding (usually sheet flow) where average depths are 1-3 feet and are shown to the nearest foot. There are no AO Zones located within Lancaster County jurisdiction , however text referring to this zone is included in the zoning regulations to make it consistent with Lincoln’s regulations and for any future case in which such a zone is designated on the maps in the County.

Old Name	New Name	Description
Zone A99	Zone A99	Areas to be protected from the 100-year flood by a federal flood protection system under construction. There are no A99 Zones located within Lancaster County jurisdiction, However, text referring to this zone is included in the zoning regulations to make it consistent with Lincoln’s regulations and for any future case in which such a zone may be designated on the maps in the County.

4. Map revisions within the City and County that modify the boundaries of the floodplain or floodway are shown on the attached maps and described below. All of the areas of revision appear to be within the zoning jurisdiction of the City of Lincoln.
 - a. **Addition of a Floodway along Salt Creek** from approximately 105th to 115th Streets.
 - b. **Addition of a Floodway along Stevens Creek** for approximately 1/2 mile north of Van Dorn Street. Addition of a small amount of 100-Year and 500-Year Floodplain to the western edge of the existing floodplain north of Van Dorn Street.
 - c. **Removal of an outer portion of the Middle Creek** 100-Year Floodplain east of NW 98th St.
 - d. **Addition a Floodway along Salt Creek** from Saltillo Rd. to approximately 1/3 mile south of Rokeby Road (*within Wilderness Park*).

As stated above, public notice and notice to individual property owners regarding these map revisions was provided in August of last year. No questions, comments, or appeals were received.

Text Revisions

5. Lancaster County’s ordinances are required to reflect the minimum requirements of the NFIP regulations. *These regulations have not changed*, however it became evident upon review of the County Zoning and Subdivision Regulations (in consultation with the State NFIP Coordinator) that not all of the NFIP regulations were clearly reflected in the County’s regulations.
6. The inclusion of these NFIP regulations is required as a condition of continued eligibility in the National Flood Insurance Program (NFIP), and the revisions are being

made in order to re-certify Lancaster County's adoption of floodplain management regulations that meet the minimum federal and state requirements. In spite of any omissions in the language of our local ordinance, Lancaster County has been enforcing the NFIP regulations, thus, *these revisions will not change how Lincoln administers the program.*

7. The following revisions are needed to the Zoning Regulations to ensure compliance with the NFIP:

Revise Article 11, "Flood Plain District"

g Amend Section 11.001 to:

- adopt revised Flood Insurance Study (FIS)
- adopt revised Flood Insurance Rate Maps (FIRM)
- delete reference to Flood Boundary and Floodway Maps (now obsolete)

g Amend Section 11.003, "Scope of Regulations," to:

- revise reference to Flood Insurance Rate Map

g Amend Section 11.005 to:

- revise reference to federal law
- add provisions regarding Zone A to clarify that base flood elevation data is required to be submitted for development proposals greater than 5 acres. This requirement is an existing NFIP regulation that has been in practice but was not specifically reflected in the County's Zoning Regulations.

g Amend Section 11.009, "Permits Required," to:

- refer to the placement of manufactured homes

g Amend Section 11.013, "Establishment of Zoning Districts," to:

- revise reference to Flood Insurance Rate Map

g Amend Section 11.015, "Standard Applicable to both FW and FF Districts," to:

- revise language relating to construction, water supply systems and sanitary sewer systems

g Amend Section 11.017, "Additional Standards Applicable to FF Districts," to:

- revise language relating to fully enclosed areas below the lowest floor
- add provisions for Zone AO

- g Amend Section 11.021, "Permitted Uses - FW Districts," to:
 - revise the language regarding floodways

- g Amend Section 11.025, "Variance," to:
 - correct a spelling error

- g Amend Section 11.027, "Miscellaneous Provisions," to:
 - revise language relating to the interpretation of the boundaries of floodway and flood fringe
 - revise reference to NFIP regulations

- g Amend Section 11.029, "Definition," to:
 - add definition for Base Flood, Historic Structure, and Violation
 - revise definitions for FIRM and Flood Insurance Study

7. The following revisions are needed to the County Subdivision Regulations to ensure compliance with the NFIP:

Revise Chapter 2, "Definitions"

g Amend Section 2.14 and 2.15 to:

- add a definition for "Flood Insurance Study"
- revise the definition of floodplain to refer to the new FIRM

Revise Chapter 7, "Form of Preliminary Plat" to:

- amend Section 7.04, "Development Within Flood Plain," to add provisions regarding Zone A to clarify that base flood elevation data must be submitted for these zones where no base flood elevations have been determined by FEMA. Presently, the subdivision regulations require "all hydrological and grade information...necessary to determine the frequency and extent that the subdivision is subject to inundation by flood water." *Base (100-year) flood elevations are required as part of this information today.* This text revision simply clarifies that the hydrological information must include base flood elevations even when they are not provided on the FIRM maps.

STAFF RECOMMENDATION: Approval of the attached text changes to the Lancaster County Zoning and Subdivision Regulations.

**County Change of Zone #206, Miscellaneous #01007
Text Revisions to Adopt Revised Flood Maps**

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Prepared by:

Mike DeKalb, Planning Department with
Nicole Fleck-Tooze, Public Works & Utilities Dept.

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Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

March 21, 2001

The Honorable Kathy Campbell
Chairperson, Lancaster County
Board of Commissioners
Lincoln, NE 68508

Community: Lancaster County, NE
Community No.: 310134
Map Panels Affected: See Attached List

Dear Ms. Campbell:

This is to formally notify you of the final flood elevation determination for the unincorporated areas of, Lancaster County, Nebraska, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood elevations shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

On September 30, 1998, the Federal Emergency Management Agency (FEMA) provided your community with Preliminary copies of the Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) for Lancaster County, Nebraska and Incorporated Areas for your review and comment. FEMA prepared the updated FIRM directly from the effective FIRMs for your community and other communities in Lancaster County using a process that involves capturing data in a digital (computer-readable) format and plotting map panels using a specialized computer technology. The effective FIRMs identified the Special Flood Hazard Areas (SFHAs) in your community and other communities in Lancaster County. We have incorporated all essential information from the previously effective FIRMs, including elevations of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

During the processing of the updated FIS report and FIRM, we determined that modifications to the Base Flood Elevations (BFEs) for the unincorporated areas of Lancaster County, Nebraska were appropriate. The proposed BFEs for your community were published in the *Lincoln Star Journal* on August 15 and August 22, and in the *Federal Register*, at 65 FR68966, on November 15, 2000.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. FEMA did not receive any appeals of the proposed BFEs during that time. Accordingly, the BFEs for your community are considered final. The final rule for BFEs will be published in the *Federal Register* as soon as possible. The FIRM and FIS report for your community will become effective on September 21, 2001. Before the effective date, FEMA will send you final printed copies of the FIRM and FIS report.

Because the FIS establishing the BFEs for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to September 21, 2001, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the enclosed NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all of the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS and FIRM to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);
2. Adopting all of the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations;
or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

In addition to your community using the FIS report and FIRM to manage development in the floodplain, FEMA will use the FIS to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the BFEs established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment, Letters of Map Revision) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the SFHA as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

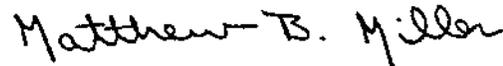
When the FIRM and FIS report are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community.

Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Paper copies of the FIRM panels may be obtained by calling our Map Service Center, toll free, at 1-800-358-9616. Copies of the digital files may be obtained by calling our Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

FEMA makes flood insurance available in participating communities; in addition, we encourage communities to develop their own loss reduction and prevention programs. Through the *Project Impact: Building Disaster Resistant Communities* initiative, launched by FEMA in 1997, we seek to focus the energy of businesses, citizens, and communities in the United States on the importance of reducing their susceptibility to the impact of all natural disasters, including floods, hurricanes, severe storms, earthquakes, and wildfires. Natural hazard mitigation is most effective when it is planned for and implemented at the local level, by the entities who are most knowledgeable of local conditions and whose economic stability and safety are at stake. For your information, we are enclosing a copy of a pamphlet describing this nationwide initiative. For additional information on *Project Impact*, please visit our website at www.fema.gov/impact.

If your community is encountering difficulties in enacting the necessary floodplain management measures, we urge you to call the Director, Mitigation Division of FEMA in Kansas City, Missouri, at (816) 283-7002, for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call our Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,



Matthew B. Miller, P. E., Chief
Hazards Study Branch
Mitigation Directorate

List of Enclosures:

“National Flood Insurance Program Elevation Certificate and Instructions”
 “Frequently Asked Questions Regarding the Effect That Revised Flood Hazards Have on Existing Structures”
 “Lowest Floor Elevation Certifications for Flood Insurance Post Flood Insurance Rate Map Construction”
 “Use of Flood Insurance Study (FIS) Data as Available Data”
 “National Flood Insurance Program Regulations”
 “Project Impact: Building A Disaster Resistant Community”
 Final Summary of Map Actions

cc: Community Map Repository

Mr. Dale Stertz
Plans Examiner
Lancaster County

Lincoln



Nebraska's Capital City

August 17, 2000

Francke Farms, Inc.
RR Box 12-A
Walton, NE 68461

RE: Proposed Revisions to FEMA Floodplain Maps

Dear Property Owner:

This letter is to inform you that the Federal Emergency Management Agency (FEMA) is proposing revisions to the Flood Insurance Study and the Flood Insurance Rate Map. One of these revisions, **the addition of Floodway, 100-Year Floodplain, and 500-Year Floodplain along Steven's Creek**, appears to affect your property and is shown on the attached map.

Preliminary maps reflecting the proposed revisions are available for review at the Building and Safety Department, located at 555 South 10th Street, in the second floor of the County/City Building. *If you have any questions regarding the proposed revisions, please contact the Building and Safety Department at 441-6449.*

Please note that if the proposed revisions are finalized, there are special regulations that apply to the Floodway and Floodplain, found in Chapter 27.55 of the Lincoln Zoning Ordinance and Article 11 of the County Zoning Regulations, which require the protection of properties in the 100-Year Floodplain, limit uses in the Floodway, and prohibit construction, fill and other activities in the Floodway that would result in an increase in the 100-year flood elevation. An explanation of these regulations can be provided by the Building and Safety Department.

FEMA has indicated that notification of the proposed map revisions will appear in the Lincoln Journal Star on August 22, 2000. There will be a 90-day appeal period following this publication. The basis for all appeals must be information indicating revisions are scientifically or technically incorrect, and the appeal period cannot be extended. Any owner or lessee whose property will be affected should appeal directly to the City or County, who will forward copies of appeal data from individuals to FEMA as they are received.

Written appeals concerning the County should be sent to:
The Honorable Kathy Campbell
Chair, Lancaster County Board of Commissioners
555 South 10th Street
Lincoln, NE 68508

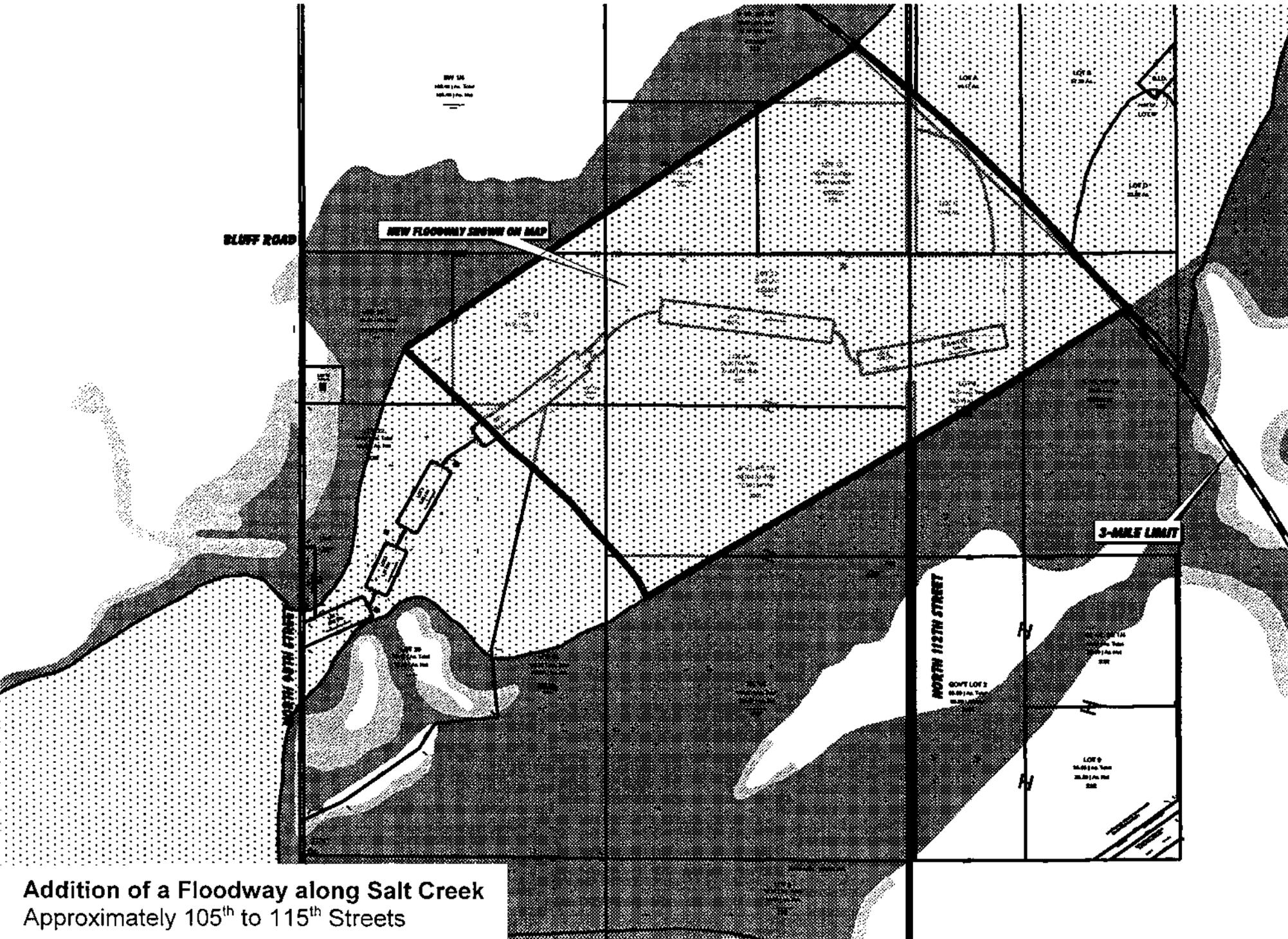
Written appeals concerning the City should be sent to:
The Honorable Don Wesely
Mayor, City of Lincoln
555 South 10th Street
Lincoln, NE 68508

Sincerely,

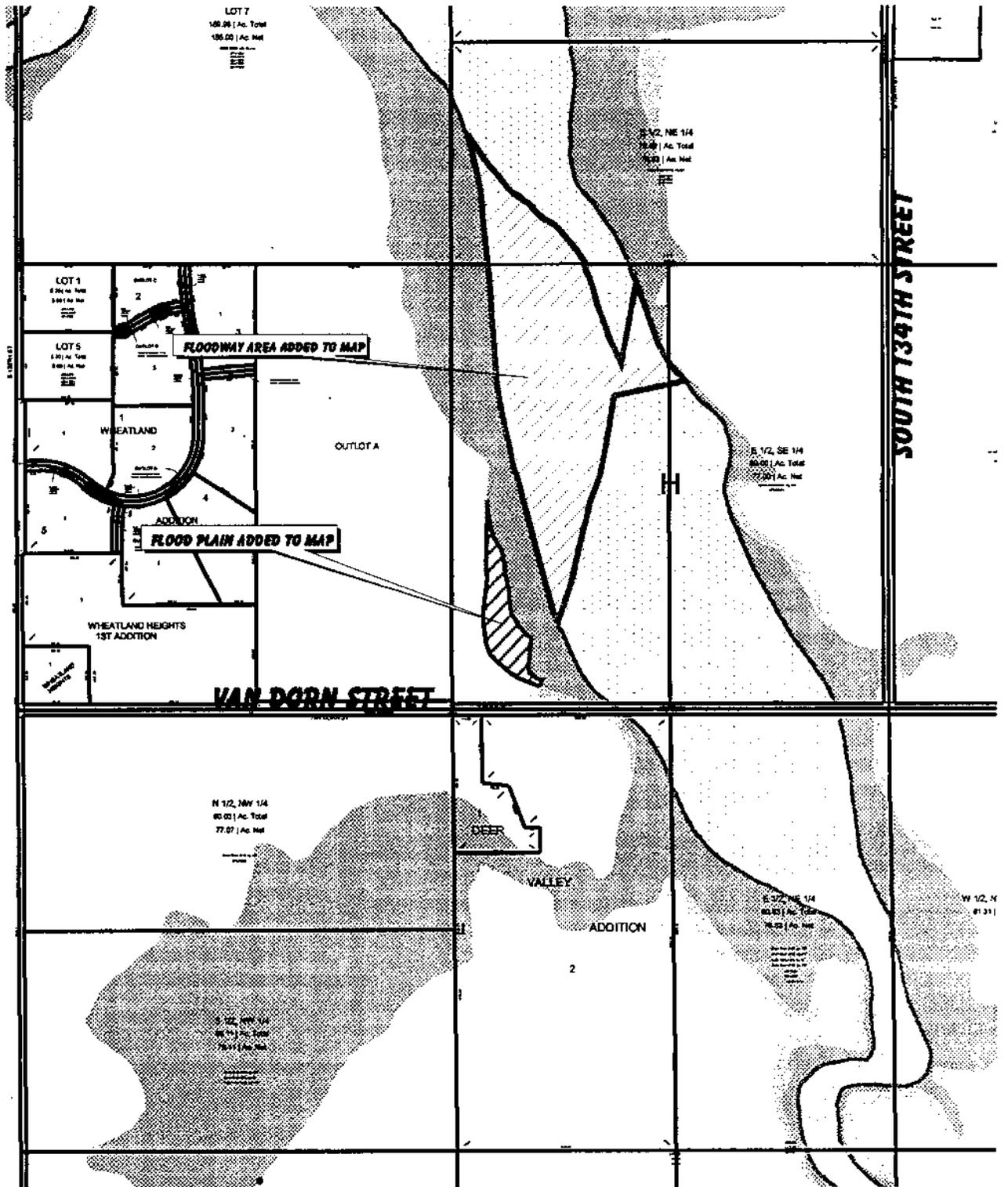
Nicole Fleck-Tooze
Planner

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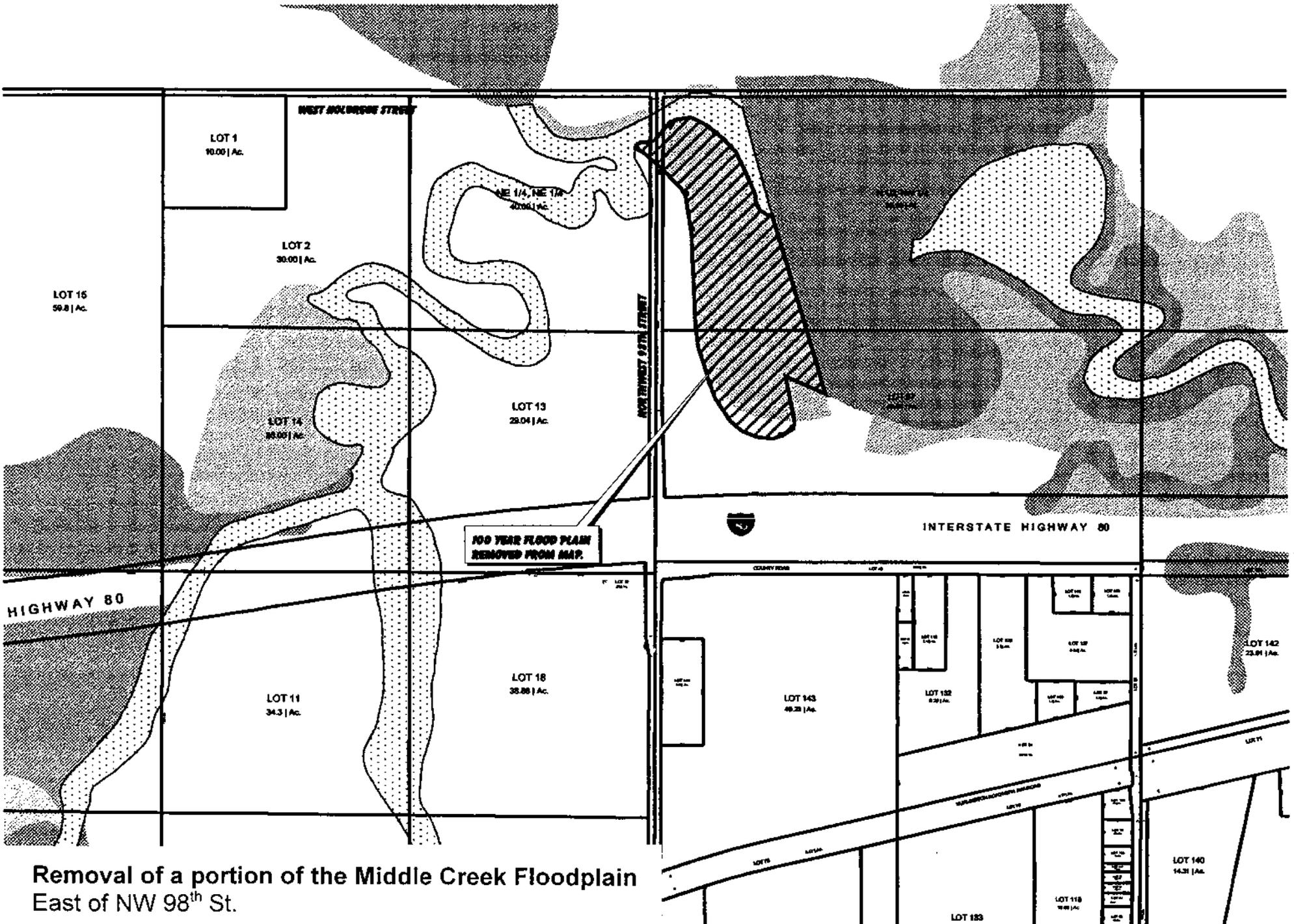




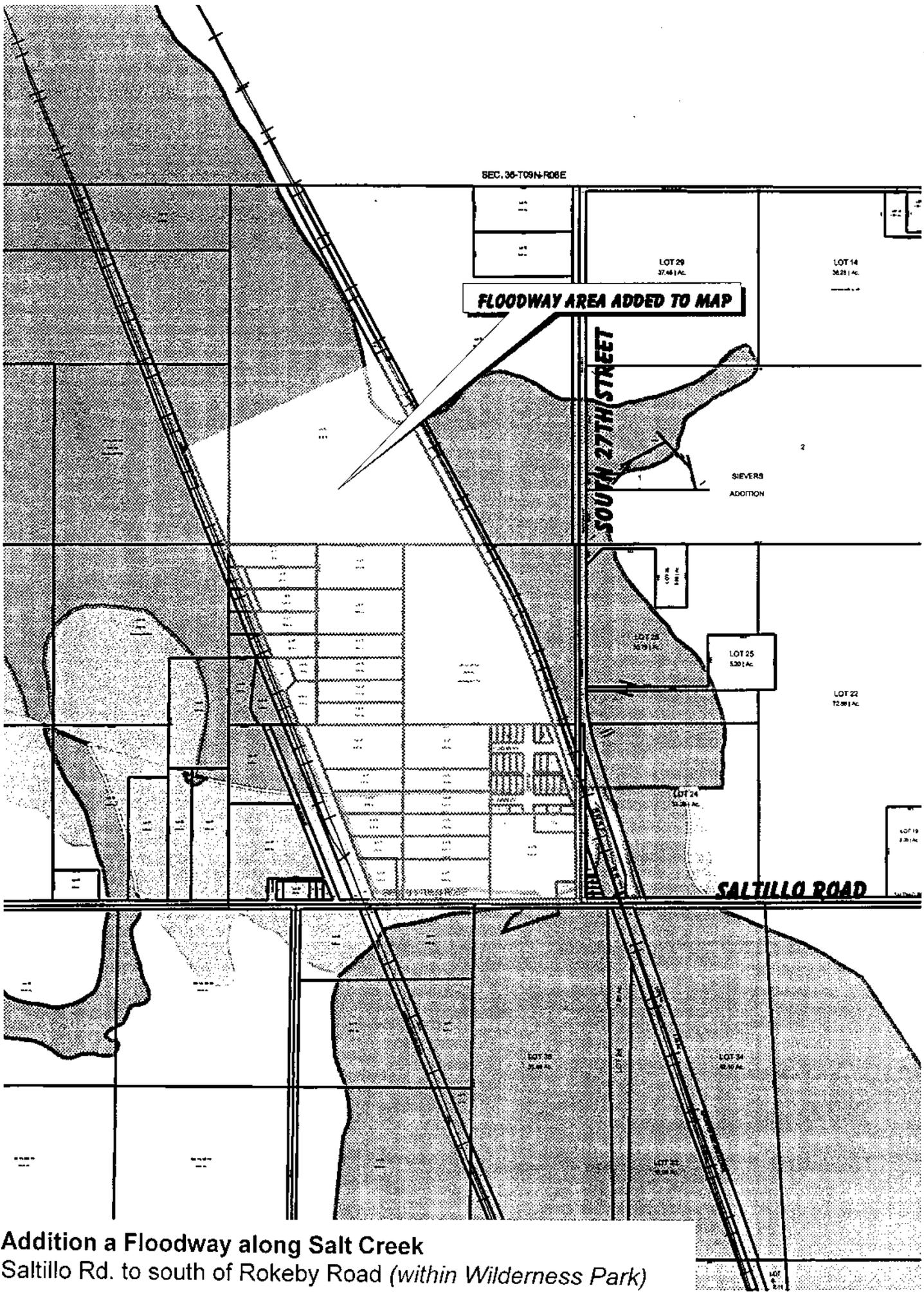
**Addition of a Floodway along Salt Creek
Approximately 105th to 115th Streets**



**Addition of a Floodway/Floodplain along Stevens Creek
North of Van Dorn Street**



Removal of a portion of the Middle Creek Floodplain
East of NW 98th St.



Addition a Floodway along Salt Creek
 Saltillo Rd. to south of Rokeby Road (within Wilderness Park)

Lancaster Co. Zoning Regulations
Proposed Revisions

ARTICLE 11
FLOOD PLAIN DISTRICT
(Resolution No. 3665, January 26, 1982)

This is a district intended to minimize the potential loss of life, health and property due to inundation by flood waters by restricting development within the areas subject to a one percent (1%) or greater chance of flooding in any given year, as designated by the Federal Emergency Management Agency, Federal Insurance Administration.

11.001. The Board of County Commissioners of Lancaster County hereby designates the following documents, including subsequent amendments thereto, as the official documents to be used in applying the provisions of this article; and hereby incorporated said documents herein by this reference:

- a) FLOOD INSURANCE STUDY (FIS) for Lancaster County, Nebraska and Incorporated Areas, County of Lancaster, Nebraska, (unincorporated areas), dated September 21, 2001 August 3, 1981, by the Federal Emergency Management Agency, Federal Insurance Administration.
- b) FLOOD INSURANCE RATE MAP (FIRM); for Lancaster County, Nebraska and Incorporated Areas Nos. 310134 0005-B, 310134 0010-B, 310134 0015-B, 310134 0020-B, 310134 0030-B, 310134 0035-B, 310134 0040-B, 310134 0045-B, 310134 0055-B, 310134 0060-B, 310134 0065-B, 310134 0085-B, 310134 0095-B, 310134 0105-B, 310134 0110-B, 310134 0115-B, 310134 0120-B, 310134 0135-B, 310134 0140-B, 310134 0145-B, 310134 0175-B, 310134 0200-B, all dated effective September 21, 2001 February 3, 1982, by the Federal Emergency Management Agency, Federal Insurance Administration.
- c) ~~FLOOD BOUNDARY AND FLOODWAY MAP, Nos. 310134 0004, 310134 0010, 310134 0020, 310134 0045, 310134 0065, 310134 0095, 310134 0105, 310134 0135, 310134 0140, all dated effective February 3, 1982, by the Federal Emergency Management Agency, Federal Insurance Administration.~~

11.003. Scope of Regulations. The provisions of this article shall apply to all lands within the zoning jurisdiction of the County of Lancaster which are identified on the Flood Insurance Rate Map as Special Flood Hazard areas, zones A, AE, AO, A99 and Floodways numbered and unnumbered A Floodway Maps. In all areas subject to the provisions of this article, no development shall be permitted except upon a permit for development granted by the Board of Commissioners or its duly designated representative under such safeguards and restrictions as it may reasonably impose for the promotion and maintenance of the general welfare, safety and health of the inhabitants of Lancaster County as specifically set out hereinafter. No development located within the areas subject to the provisions of this article shall be located, extended, converted or structurally altered without full compliance with the terms of this article and other applicable regulations.

11.005. The Department of Building and Safety of the City of Lincoln is hereby designated, authorized and directed to administer and enforce the provisions of this article. The Director of Building and Safety and his staff shall be appointed to these additional responsibilities by this Resolution and said appointment shall continue during good behavior and satisfactory service and so long as the County shall contract with the City for such service.

11.007. The duties of the Department of Building and Safety pursuant to this article shall include, but are not necessarily limited to, the following:

a) Review all development permit applications and maintain records to assure that the permit requirements of this resolution have been satisfied, and that sites are reasonably safe from flooding.

b) Review permit applications for proposed development to assure that all necessary permits have been obtained from those ~~Federal, state or local~~ governmental agencies from which prior approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

c) Notify adjacent communities and the Nebraska Natural Resources Commission Flood Plain Management Section prior to any alterations or relocations of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

e) Obtain and require certification by a registered professional engineer or licensed land surveyor of the actual elevation in NAVD 88 of the lowest floor of all new or substantially improved structures. The certification of the lowest floor shall be submitted to the Director of Building and Safety at the point of construction when the lowest floor of elevation may be established and prior to the erection of the walls of any building. Notwithstanding the above, documents submitted before March 1, 2000 may be submitted in either NGVD 1929 or NAVD 1988. (Resolution No. 4176, April 1, 1986) (Resolution No. R-00-18, February 22, 2000)

f) In cases in which floodproofing is utilized, obtain and require a certification from a registered professional engineer or architect that the floodproofed structure:

1) is floodproofed to or above one foot above the regulatory flood level so that below that point the structure is watertight with walls substantially impermeable to the passage of water; (Resolution No. 3889, December 20, 1983)

2) has structural components capable of resisting hydrostatic and hydronomic loads and effects of buoyancy.

g) If such data is not provided by the Federal Emergency Management Agency in its Flood Insurance Study, then obtain, review and reasonable utilize any base flood elevation and floodway data available from Federal, state or other sources as criteria for requiring that new construction, substantial improvements, and other development in the flood plain meet the standards of this article.

h) In Zone A (no base flood elevations determined), require that proposed developments (including proposals for manufactured home parks) greater than 5 acres include within such proposals base flood elevation data, except that this shall not apply where the use of the property is not being changed and where there are no physical changes on the site which have the potential to increase the flood hazard.

11.009. Permits Required. No person, firm or corporation shall erect, construct, enlarge or substantially improve any building or structure, or undertake any development, including the placement of manufactured homes, in any area subject to the provisions of this article or cause the same to be done without first obtaining a separate development permit for such building or structure or other development from the Director of Building and Safety. (Resolution No. 4176, April 1, 1986; prior Resolution No. 3703, May 11, 1982)

11.011. Application. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished for that purpose. Every such application shall:

a) Identify and describe the work to be covered by the permit for which application is made;

b) Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the

proposed building or work;

c) Indicate the use or occupancy for which the proposed use is intended;

d) Be accompanied by plans and specifications for proposed construction;

e) Be accompanied by elevations in NAVD 1988 of the lowest foot (including basement), or in the case of floodproofed non-residential structures, the elevations to which they will be floodproofed. When utilizing NGVD 1929 based flood elevations from FEMA floodplain maps, 0.50 feet shall be added to NGVD 1929 to obtain NAVD 1988, unless a more accurate conversion factor using an established conversion program is demonstrated to the satisfaction of the Director of Building and Safety. Notwithstanding the above, documents submitted before March 1, 2000, may be submitted in either NGVD 1929 or in NAVD 1988. (12/30/99 - Res. #R-1)

f) Be accompanied in all cases in which floodproofing is utilized, by the proper certification as required by Section 11.007(f);

g) Be signed by the permittee or his authorized agent, who may be required to submit evidence to indicate such authority;

h) Give such other information as reasonably may be required by the Director of Building and Safety.

11.013. Establishment of Zoning Districts. The mapped flood plain areas within the jurisdiction of this article are hereby divided into the two following districts: A floodway overlay district (FW) and a floodway fringe overlay district (FF), as identified in the official Flood Insurance Study and as distinguished on the FIRM as zones A, AE, AH, AO, A99 and Floodways within Special Flood Hazard Areas. Within these districts all uses not meeting the standards of this article and those standards of the underlying zoning districts shall be prohibited. ~~These districts shall be consistent with the numbered and unnumbered A zones as identified on the official Flood Insurance Rate Map and the Floodway Fringe areas as identified on the official Flood Boundary and Floodway maps.~~

11.015. Standards Applicable to both FW and FF Districts. No permit for development shall be granted for new construction, substantial improvement and other improvements, including the placement of mobile homes within the identified flood plain unless the following conditions are satisfied:

a) All areas identified as ~~unnumbered~~ A zones by the Federal Emergency Management Agency are subject to inundation of the 100 year flood. However, the regulatory flood elevation was not provided. Until a floodway has been designated, no development or substantial improvement may be permitted within the flood plain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonable anticipated developments or substantial improvements, will not increase the water surface elevation of the 100 year flood more than one foot at any location. The ~~unnumbered~~ A zones shall be subject to all development provisions of this article. Until base flood elevations are determined by the Federal Emergency Management Agency, other flood elevation and floodway data currently available from a Federal, State or other source shall be utilized. (Resolution No. 4954, January 5, 1993)

b) All new construction, subdivision proposals, substantial improvements, fabricated buildings, placements of mobile homes and other developments shall require:

1) Design or anchorage to prevent flotation, collapse or lateral movement due to flooding of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2) New or replacement water supply systems and/or sanitary sewage systems designed to minimize or eliminate filtration of flood waters into the systems and discharges from the systems into the flood waters. On-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding.

3) New development and substantial improvements to use construction materials and utility equipment that are resistant to flood damage and use construction methods and

practices that will minimize flood damage, consistent with economic practicability;

4) All utility and sanitary facilities including electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be elevated to or above one foot above the regulatory flood elevation or designed so as to prevent water from entering or accumulating within the components during conditions of flooding; (Resolution No. 3889, December 20, 1983)

5) 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. Storage of other materials or equipment may be allowed if not subject to major damage by floods and are firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

c) Filling, grading and excavation may be allowed in the designated flood plain under the following conditions:

1) Roadway bridges and other drainage facilities may have their superstructure submerged or partially submerged or partially submerged below the base flood level, provided that the facility has been designed to resist the hydrostatic and hydrodynamic loads as well as the effects of buoyancy as certified by a registered professional engineer. (Resolution No. 4854, January 5, 1993)

2) Fill shall be protected against erosion and sediment by such measures as re-
rap, vegetative cover, bulkheading or sedimentation basin as approved by the Director of Building and Safety;

3) Any fill to be deposited in the flood plain must be shown by the applicant not to be a detriment to the general public as well as the surrounding land owners;

4) Fill materials shall be of a selected type, preferably granular and free-graining and placed in compacted layers. Fill selection and placement shall recognize the effects of saturation from flood waters on slope stability, uniform and differential settlement, and scour potentials;

5) Prior to placement of any fill or embankment materials, the area upon which fill is to be placed shall be cleared of debris, snags, stumps, brush, down timber, logs and other objects. All materials and debris from this clearing shall be removed from the proposed fill and disposed at approved locations outside the flood plain;

6) Fill slopes for granular material shall be no steeper than one vertical to two horizontal unless substantiating data justifying steeper slopes are submitted to the Director of Building and Safety;

7) Excavation in the flood plain shall be done so that the land surface is maintained in such a manner that surface waters do not collect and pond unless specifically approved by the Director of Building and Safety. (Resolution No. 3889, December 20, 1983)

11.017. Additional Standards Applicable to FF Districts. In addition to those standards set forth in Section 11.015, the following standards shall apply in all FF Districts:

a) All new construction or substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above one (1) foot above the regulatory flood elevation. Garages and storage buildings used exclusively for the storage of motor vehicles, and storage of other items readily removable in the event of a flood warning may have their lowest floor below flood elevation provided the building structure is capable of withstanding hydrostatic and hydrodynamic forces caused the 100 year flood and further provided that no utilities are installed in the building except elevated or floodproofed electrical fixtures. If the building is converted to another use, it must be brought into full compliance with the requirements of this article governing such uses. (Resolution No. 4228, September 30, 1986; Prior Resolution No. 3889, December 20, 1983)

b) All new construction or substantial improvements of non-residential structures shall have the lowest floor, including basement, elevated to or above one (1) foot above the regulatory flood elevation level, or, together with ~~will~~ all attendant utility and sanitary facilities, be floodproofed to

that level. (Resolution No. 3889, December 20, 1983) For floodproofing a non-residential structure, a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction and shall certify that the design and methods of construction are in accordance with the adopted watertight performance standards. A record of such certificates which includes the specific elevation in NAVD 88 to which such structures are floodproofed shall be maintained by the Director of Building and Safety. Notwithstanding the above, documents submitted before March 1, 2000 may be submitted in either NGVD 1929 or NAVD 1988. (Resolution No. R-00-18, February 22, 2000)

c) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an areas other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(d) Designated AO Zones within the floodplain have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:

(1) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one foot above the depth number specified in feet on the FIRM (at least two feet if no depth number is specified).

(2) All new construction and substantial improvements of non-residential structures shall:

(i) Have the lowest floor elevated above the highest adjacent grade at least as high as one foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

(ii) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in 27.55.040(d).

(3) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

d)e) For new or expansion to existing manufactured home parks, or subdivisions, new manufactured homes not in a manufactured home park, or a subdivision and existing manufactured homes that have incurred "substantial damage" as a result of a flood, it is required that:

1) Over-the-top ties be provided at each of the four corners of the manufactured home with two (2) additional ties per side at the intermediate locations, and manufactured homes less than fifty (50) feet long have one (1) additional tie per side;

2) Frame ties be provided at each corner of the manufactured home with five (5) additional ties per side at intermediate points, and manufactured homes less than fifty (50) feet long have four (4) additional ties per side;

3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds;

4) Any additions to manufactured homes be similarly anchored;

5) All manufactured homes to be placed or substantially improved on each

individual lot in the proposed manufactured home parks or subdivisions shall be elevated on a permanent foundation such that their lowest floor is at least one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with applicable county regulations to resist flotation, collapse, or lateral movements;

6) Adequate surface drainage and easy access for a hauler is provided;

7) 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 (10) feet apart, and steel reinforcement is provided for piers more than six (6) feet above grade.

e) f) For recreational vehicles to be located in the floodway fringe district, it is required that:

1) They shall be on the site for fewer than 180 consecutive days;

2) They shall be fully licensed and ready for highway use (on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or

3) Meet the requirements of manufactured homes. (Resolution No. 4641, June 5, 1990)

11.019. Permitted Uses - FF Districts. Subject to the standards contained in Sections 11.015 and 11.017 of this article and all other applicable sections of this resolution, any uses permitted in the underlying zoning district shall also be permitted in the FF District.

11.021. Permitted Uses - FW Districts. ~~Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the FW District to the extent that they are not prohibited by any other section of this resolution 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, and in all cases the applicant for the development is required to submit a~~ Encroachments into the floodway are prohibited, including fill, new construction, substantial improvements, and other development within the floodway unless certification by a qualified engineer demonstrating that the proposed use in the floodway shall not result in any increase in flood levels during occurrence of the base flood discharge. An exception to the above shall be permitted provided the applicant has acquired by land rights purchase, flowage easement or other legal arrangement the right to increase flood levels on all affected lands, and provided that before any permit is issued, the applicant submits a Federal Emergency Management Agency (FEMA) approved Conditional Letter of Map Revision to the Director of Building and Safety. When such encroachment is completed, a FEMA approved Letter of Map Revision must also be provided by the applicant. Subject further to the standards contained in Sections 11.015 and 11.017 of this article, and the applicable provisions of the underlying zoning district, the following uses shall be permitted in the FW District:

(Resolution No. 4954, January 5, 1993)

a) Agricultural uses such as general farming, pasture, nurseries and forestry;

b) Residential uses such as lawns, gardens, parking and play areas. New construction or placement of residential structures, including manufactured homes is however, prohibited in the FW District'

c) Non-residential uses such as loading areas, parking, airport landing strips;

d) Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

11.023. Subdivisions. The Board of County Commissioners of Lancaster County shall review all applications for subdivisions in the established area of special flood hazard of the county and shall make findings of fact and assure that:

a) All such proposed developments are consistent with the need to minimize flood damage.

b) If such data is not already available to the County, subdivision proposals and other proposed new development include within such proposals regulatory flood elevation data in NAVD 1988; (12/30/99 - Res. #R-1)

c) Adequate drainage is provided so as to reduce exposure to flood hazards;

d) All public utilities and facilities are located so as to minimize or eliminate flood damage.

11.025. Variance. In the event that a request for a permit to develop is denied by the Department of Building and Safety, the applicant may petition the Board of County Commissioners of Lancaster County for a variance. The procedure for such appeals and the criteria and conditions for the issuance of variances shall be governed by the provisions of Article 13 of this resolution, provided, however, that no variance from the provisions of this article shall be granted unless:

a) By reason of exceptional narrowness, shallowness, shape of topography, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any provision of this article would result in peculiar and exceptional hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of privilege.

b) Either:

1) The structure is to be erected on a lot of one-half (1/2) acre or less in size, and such lot is contiguous to and surrounded by lots with existing structures constructed below the regulatory flood level; or

2) The structure is listed on the National Register of Historic Places or the State Inventory of Historic Places to be restored or reconstructed;

c) There is a clear and convincing showing of good and sufficient cause for such variance;

d) There is a determination that failure to grant the variance would result in exceptional hardship to the applicant;

e) There is a determination that the issuance of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of a nuisance, fraud or victimization of the public or conflict with existing Federal, state or local laws, ordinances or resolutions;

f) There is a determination that the applicant requesting the variance will meet the necessary standards of this resolution to afford relief;

g) The applicant provides a written and notarized ~~acknowledgement~~ acknowledgment of receipt of notification from the Department of Building and Safety that issuance of a variance to locate a structure at an elevation below the level one (1) foot above the 100-year flood level will result in increased actuarial rates for flood insurance coverage. (Resolution No. 3889, December 20, 1983)

11.027. Miscellaneous Provisions.

a) ~~The boundaries of the floodway and the floodway fringe overlay districts shall be determined by scaling distances on the official zoning maps.~~ Where interpretation is needed as to the exact location of the boundaries of the floodway and floodway fringe districts as shown on the official zoning maps incorporated by Section 11.001(b) ~~and (c)~~, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Director of Building and Safety or his designee shall make the necessary interpretation. In such cases, the interpretation may be contested and resolved by the Board of Zoning Appeals pursuant to Section 19.007 (1) of this resolution. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location

of the district boundary shall have the burden of proof on the question and shall be afforded a reasonable opportunity to present his case and to submit his own technical evidence if he so desires.

b) In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be construed liberally in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by state law.

c) This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article imposes greater restrictions, the provisions of this article will prevail. All other resolutions or parts of resolutions which are inconsistent with this article are hereby repealed to the extent of inconsistency only.

d) The regulations of this article are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations, revised on June 5, 2000 ~~the Federal Register, Volume 41, Number 207, dated October 26, 1976 and the 1983 Nebraska Flood Plains Regulations Act.~~ The Board of County Commissioners of Lancaster County may from time to time, pursuant to the provisions of Section 22.003 of this resolution, amend this article to reflect any and all changes in the National Insurance Act of 1968, as amended and regulations adopted thereto, as well as other applicable legislation. (Resolution No. 4176, April 1, 1986)

e) If any section, clause, provision or portion of this article adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the article shall not be affected thereby.

f) The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside floodway fringe district boundaries of land uses permitted within such districts will be free from flooding or flood damages. This article shall not create liability on the part of Lancaster County, the City of Lincoln, or any officer, employee or agent thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawful made thereunder.

11.029. Definition. Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this article its most reasonable application.

The following definitions shall apply to this article of the 1979 Zoning Resolution of Lancaster County and to no other articles of said Zoning Resolution:

1) **Areas of special flood hazard (100-year flood plain)** - The land within the county that is subject to a one percent (1%) or greater chance of flooding in any given year, as delineated on the official maps incorporated in Section 11.001(b) and (c).

2) **Base Flood** - The flood having a one percent chance of being equaled or exceeded in any given year.

~~2)3)~~ **Basement** shall mean any enclosed area having its floor below grade level on all sides. (Resolution No. 4920, September 29, 1992)

~~3)4)~~ **Development** - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structure, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

~~4)5)~~ **Existing manufactured home park or subdivision** - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

~~5)6)~~ **Expansion to an existing manufactured home park or subdivision** - The

preparation of additional sites by the construction of facilities for serving the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction streets, and either final site grading or the pouring of concrete pads).

6)7) **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 percent (1%) change of occurrence in any given year.

7)8) **Flood insurance rate map (FIRM)** - The September 21, 2001 Flood Insurance Rate Map (FIRM) issued by FEMA, and any revisions thereto ~~An official map of the county on which a Flood Insurance Study of the National Flood Insurance Program has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the county.~~

8)9) **Flood insurance study** - The official report published by FEMA in conjunction with the FIRM and containing background data such as base flood discharges and water surface elevations used to prepare the FIRM, as incorporated in Section 11.001(a) containing flood profiles; water surface elevations and delineation of the floodway (FW) and floodway fringe (FF) areas of the 100-year flood plain. ~~This study is provided by the Federal Emergency Management Agency.~~

9) 10) **Floodproofing** - Any combination of structural and nonstructural 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 and the effect of buoyancy.

10) 11) **Floodway (FW)** - 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.

11) 12) **Floodway fringe (FF)** - The 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 (1%) or greater chance of flood occurrence in any given year.

13) **Historic Structure** - Any structure that is (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior, or by the Planning Director in consultation with the Nebraska State Historic Preservation Officer, as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior, or by the Planning Director in consultation with the Nebraska State Historic Preservation Officer, as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as a registered historic district.

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

13) 15) **Manufactured home** - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designated for used with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a "recreational vehicle".

14) 16) **Manufactured home park or subdivision** - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

15) 17) **NAVD 1988** - The North American Vertical Datum of 1988. (12/30/99 - Res. #R-1)

16) 18) **New construction** - Structures for which the "start of construction" commenced on or after the effective date of this article.

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

~~18)~~ 20) NGVD 1928 - The National Geodetic Vertical Datum of 1929. (12/30/99 - Res. #R-1)

~~19)~~ 21) Overlay district - A district which acts in conjunction with the underlying zoning district or districts.

~~20)~~ 22) Qualified engineer - A registered professional engineer who, by reason of this training and experience, is considered knowledgeable in hydrology and hydraulics and their application to the flood insurance study and has demonstrated his competence to the satisfaction of the Director of Building and Safety.

~~21)~~ 23) Recreational vehicle - A vehicle which is:

- i) Built on a single chassis;
- ii) 400 square feet or less when measured at the largest horizontal projects.
- iii) Designed to be self-propelled or permanently towable by a light duty truck; and
- iv) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

~~22)~~ 24) Regulatory flood elevation - Elevation is indicated in the official flood insurance study as the elevation of the 100-year flood.

~~23)~~ 25) Separate development permit - The permit needed for any applicant to build in the areas of special flood hazard.

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

~~25)~~ 27) Structure - A walled and roofed building, including a gas or liquid storage tank, that is principally above the ground, including but not limited to buildings, factories, sheds, cabins, manufactured homes and other similar buildings.

~~26)~~ 28) Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal to or exceed 50 percent (50%) of the market value of the structure before the damage occurred.

~~27)~~ 29) Substantial improvement - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 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 dimension of the structure. The term does not, however, include any alterations to comply with the existing state or local health, sanitary, building or safety codes or regulations. (Resolution No. 4641, June 5, 1990)

30) Violation - The failure of a structure or other development to be fully compliant with the regulations of this chapter.