

Article 14

Flood Plain Regulations

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14.100 Applicability

This Article contains the regulations governing development in flood zones as defined by the Federal Emergency Management Agency. These regulations are required for the city to maintain eligibility for flood insurance and are based upon a model ordinance mandated by the Federal Emergency Management Agency. These regulations are not a product of the City of St. Marys. The flood zones are difficult to interpret and, at times, poorly constructed and drafted. The Zoning Administrator has been specially trained to assist in flood management information, and is the official responsible for enforcing the flood management program. Clients and applicants should primarily rely on the Zoning Administrator's advice and instructions when dealing with flood hazards. Questions of conflict or interpretation should be referred to the chief engineer of the Division of Water Resources, Kansas Department of Agriculture.

14.101 Findings of Fact: Flood Losses

1. The flood hazard areas of City of St. Marys, Kansas are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by:
 - a) The cumulative effect of obstructions in flood plain causing increases in flood heights and velocities.

- b) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise protected from flood damages.
3. Methods Used to Analyze Flood Hazards. This ordinance uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.
- a) The selection of the regulatory flood profile is based upon engineering calculations which permit the consideration of factors such as expected frequency of occurrence, the area inundated, and the depth of inundation. The regulatory flood selected for this ordinance is representative of large floods which are reasonably characteristic of particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated July 6, 1982 (city) and February 17, 1988 (extra-territorial), as amended, and any future revisions thereto.
 - b) Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and over bank areas to convey the regulatory flood.
 - c) Computation of the floodway required to convey this flood without increasing flood heights more than one foot at any point.
 - d) Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
 - e) Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the regulatory flood.

14.102 Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 14.102 above by applying the provisions of this ordinance to:

1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
3. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

14.103 General Provisions

1. Lands To Which Ordinance Applies
 - a) This Ordinance shall apply to all lands within the jurisdiction of City of St. Marys shown on the official maps as being located within the boundaries of the Floodway or Floodway Fringe Districts as later established herein.
2. Establishment Of Official Maps
 - a) The FEMA Flood Insurance Study: City of St. Marys, Kansas, July 6, 1982 and Pottawatomie County, Kansas, February 17, 1988 and associated Flood Insurance Rate Maps and Flood Boundary and Floodway Maps with any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance. The official Flood plain Maps shall be those published by the Federal Emergency Management Agency which shall be kept on file in the Office of the City of St. Marys.
3. The Enforcement Officer
 - a) The Zoning Administrator of City of St. Marys is hereby designated as the City's duly designated Enforcement Officer under this ordinance.
4. Interpretation of District Boundaries
 - a) The boundaries of the floodway and floodway fringe districts shall be determined by scaling distances on the official zoning maps or on the Flood Insurance Rate Map or Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Zoning Appeals will resolve the dispute. 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 be given a reasonable opportunity to present a case to the Board and to submit technical evidence, if he/she so desires.
5. Compliance
 - a) No existing structure or use located within known flood hazard areas of this community shall be extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.
Hereafter, it shall be unlawful for any person, corporation, district, city, county or township without first obtaining a flood plain development permit from the Zoning Administrator, to construct, or cause to be constructed and maintained, any

structure without exception including signs, residences, manufactured homes, commercial /buildings, storage, structures, agricultural uses, accessory uses, and the like along any stream of City of St. Marys which is subject to floods and is so designated on the FEMA Flood Insurance Rate Maps {hereafter FIRM }.

6. Abrogation And Greater Restrictions

- a) This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

7. Interpretation

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

8. Warning And Disclaimer of Liability

- a) The degree of flood protection required by this ordinance 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 a natural cause, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and floodway fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This ordinance shall not create liability on the part of the City of St. Marys or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any lawfully made administrative decision.

9. Severability

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

14.104 Development Permit

1. Permit Required

- a) No person, firm or corporation shall initiate any development or substantial improvement in an area subject to the FIRM, or

cause the same to be done, without first obtaining a separate permit for development.

2. Administration:

- a) The Zoning Administrator is hereby appointed to administer and implement the provisions of this ordinance as follows:
 - i. Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied;
 - ii. Review permits 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;
 - iii. Notify adjacent communities and the state coordinating agency prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Management Agency;
 - iv. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished;
 - v. Verify, record, and maintain records of the actual elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
 - vi. Verify, record, and maintain records of the actual elevation (in relation to mean seal level) to which the new or substantially improved structures have been flood proofed; and,
 - vii. Assure that plans or changes, when flood proofing is utilized for a particular structure, bear the seal of certification from a registered professional engineer or architect;

3. Application For Permit

- a) To obtain a development permit for any structure indicated in the FIRM, an applicant must:
 - i. Apply for a flood plain development permit;
 - ii. Describe the land on which the proposed work is to be done by accurate legal description;
 - iii. Identify and describe the work to be covered by the permit;
 - iv. Indicate the use or occupancy for which the proposed work is intended;
 - v. Be accompanied by SITE PLANS and specifications for the proposed construction. This shall include a Certificate of Elevation of the lowest floor of any structure included in the development by a Licensed

Kansas Surveyor or "No-Rise" Certificate by an engineer. On developments five (5) acres or larger, or on land containing 50 lots or more (including manufactured home parks), the development shall be required to furnish the 100-year (base flood) elevation in areas designated on unnumbered "A" zone. On tracts and developments smaller than this, the City shall furnish such information;

- vi. Be signed by the permittee or authorized agent who may be required to prove such authority; and,
- vii. Plans for elevation or flood proofing must be submitted in duplicate drawn to scale, showing the lot or tract; the existing and/or proposed structures; fill; storage of materials and drainage facilities; and the location of the foregoing in relation to the channel, the floodway and the base flood elevation.

4. Appeal

- a) When a request for a flood plain development is denied by the Zoning Administrator, the applicant may apply for such permit or variance directly to the Board of Zoning Appeals.

5. Variance Procedures

- a) The Board of Zoning Appeals as established by the City of St. Marys Unified Development Code shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Board of Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this ordinance.
- c) Any person aggrieved by the decision of the Board of Appeals or any taxpayer may appeal such decision to the District Court of Pottawatomie County within 30 days of said decision.
- d) In passing upon such applications, the Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - i. The danger that materials may be swept onto other lands to the injury of others;
 - ii. The danger to life and property due to flooding or erosion damage;
 - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. The importance of the services provided by the proposed facility to the community;
 - v. The necessity to the facility of a waterfront location, where applicable;

- vi. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- vii. The compatibility of the proposed use with existing and anticipated development;
- viii. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- ix. The safety of access to the property in times of flood for emergency vehicles;
- x. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- xi. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets and bridges.

6. Conditions For Variances

- a) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- c) Variances shall only be issued upon a determination that the variation is the minimum necessary, considering the flood hazard, to afford relief.
- d) Variances shall only be issued upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- e) Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

7. Construction and Use To Be As Provided In Application Plans, and Permits

- a) FPD Permits and variances issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications,

and no other use. No construction changes shall be granted to any applicant in a designated flood plain unless such plans and specifications or designs are in compliance with all applicable flood insurance regulations.

14.105 General Standards for Floodway and Fringe Areas

1. New construction, subdivision proposal, substantial improvements, prefabricated buildings, placement of manufactured homes and other development shall require:
 - a) Design or anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - b) New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
 - c) Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - d) All utility and sanitary facilities are elevated or flood proofed up to the regulatory flood protection elevation.
 - e) That until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 and AE on the city's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100 year flood more than (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference.
2. Storage and Material and Equipment
 - a) 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.
 - b) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
3. Subdivision proposals and other proposed new developments including manufactured home parks or subdivisions are required to assure that:

- a) All proposals are consistent with the need to minimize flood damage,
- b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage,
- c) Adequate drainage is provided so as to reduce exposure to flood hazards, and proposals for development.

14.106 Flood Way District (FW)

1. Permitted Uses. Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance. All encroachments, including fill, new construction, substantial improvements and other developments must be prohibited unless certification by a professional registered engineer or architect that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. No use shall increase the flood levels of the regulatory flood elevation. The following are recommended uses for the Floodway District:
 - a) Agricultural uses such as general farming, pasture, open nurseries, and forestry.
 - b) Residential uses such as lawns, gardens, parking, and play areas.
 - c) Commercial and industrial uses such as loading areas, parking, and airport landing strips.
 - d) Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.
2. Unnumbered Zones. Obtain, review and reasonably utilize any floodway data available through Federal, State or other sources available to meet the standards of this section.
3. Denial of a permit for development which results in an increase in flood heights is not appealable. The remedy for floodway encroachment would be for the applicant to provide sufficient data, through the permit issuing office to support a floodway revision to existing maps. Any such floodway revision can be granted only by the Federal Emergency Management Agency (FEMA), in accordance with 65.7 of 44 CFR. If appropriate, and in the best interest of the health, safety and welfare of citizens of the community, the map revision request will be forwarded to FEMA for their review and action.

14.107 Floodway Fringe District (FF) (Including AO and AH Zones)

1. Permitted Uses. Any use allowed in the Floodway District is permitted.
2. Specific Standards For Floodway Fringe District:

- a) Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated one foot above the base flood elevation.
- b) Require new construction or substantial improvements of nonresidential structures to have the lowest floor, including basement, elevated one foot above the base flood elevation or, together with attendant utility and sanitary facilities, to be flood proofed so that below such a level the structure is water tight 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. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.
- c) Require all new construction and substantial improvements that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be:
 - i. Certified by a registered professional engineer,
 - ii. Certified by a registered architect or meet or exceed the following minimum criteria;
 - 1. 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, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- d) Within AH zones, adequate drainage paths around structures on slopes shall be required in order to guide floodwater around and away from proposed structures.
- e) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with FEMA Guidelines as follows:
 - i. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes more than 50 feet long requiring one additional tie per side;
 - ii. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes more than 50 feet long requiring four additional ties per side;

- iii. All components of the anchoring system be capable of carrying a force of 4,800 lbs.
- iv. Any additions to the manufactured home be similarly anchored.
- v. Require that all manufactured homes to be placed within zones A1-30, AH and AE on the community's FIRM on site:
 - 1) Outside of a manufactured home park or subdivision,
 - 2) In a new manufactured home park or subdivision
 - 3) In an expansion to an existing manufactured home park or subdivision, or
 - 4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or 1 foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions stated above.
- f) That manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the provisions of Section 14.108.2.e be elevated so that either:
 - i. The lowest floor of the manufactured home is at or above 1 foot above the base flood elevation, or
 - ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system in accordance with the provisions of 5a - 5d.

Note: The above requirement (14.102.f) means that there are two options for manufactured homes located in A1-30, AH, or AE. Option one allows the manufactured home owner to elevate the first floor of the dwelling to one foot above the base flood level. This method will be necessary in two instances. The first would occur when the area is subject to shallow flooding, possibly one - three feet above ground level. Normal elevation on piers would probably place the dwelling's first floor at one foot above the base flood. The second instance would occur when the area is subject to deeper flooding. In this instance the owner may wish to use securely anchored poles to elevate the dwelling to a higher level so long as it is at one foot above base flood.

Option two, simply ignores the probable base flood elevation, and allows a standard 36 inches above grade elevation for all dwellings. Owners should note that the requirements for this type of elevation are somewhat stringent. The piers must obviously be constructed of "poured in place", concrete (on a large base), set deeply within the ground. The chassis, in all probability, will need to be welded to an anchoring plate that is part of the concrete pier. This would be in addition to the "over the top ties" mentioned above in parts a and b. The entire piercing and anchoring system must be capable of carrying at least 4,800 psi.

Please note that if the manufactured home has already been "substantially damaged" by a flood no further options exist. The owner must elevate the home, regardless of height, to one foot above base flood elevation.

3. Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the communities FIRM either (1) be on the site for fewer than 180 consecutive days, (2) be fully licensed and ready for highway use, or (3) adhere to the elevation and anchoring requirements for manufactured homes. A recreational vehicle is ready for use if it is 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.
4. Areas located in AO zones 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:
 - a) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as 1 foot above the depth number specified in feet on the community's FIRM (at least two feet if depth number is not specified).
 - b) All new construction and substantial improvements of nonresidential structures shall:
 - i. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as 1 foot above the depth number specified in feet on community's FIRM: or,
 - ii. Together with attendant utility and sanitary facilities be completely flood proofed to or above that level that any space below that level is watertight with walls substantial 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 proper official.

- c) Adequate drainage paths around structures on slopes shall be required in order to guide floodwater around and away from proposed structures.
5. Accessory structures which are not elevated so that their floor is at or above the base flood elevation would have to be designed and constructed to meet the following requirements:
- a) Use of the structure must be limited to parking or limited storage and not used for human habitation.
 - b) The structure must be built using unfinished and flood damage resistant materials.
 - c) The structure must be adequately anchored to prevent flotation, collapse, or lateral movement which may result in damage to other structures. This is a mandatory measure. It must also meet the Section 14.108.2.c opening requirements.
 - d) Any mechanical and utility equipment in the structure must be elevated to or above the base flood elevation or flood proofed.
 - e) The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwater.
 - f) The structure must comply with the floodway provisions.
 - g) The maximum size of a structure shall not exceed 700 square feet.

14.108 Non-Conforming Uses

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the current provisions of this ordinance may be continued subject to the following conditions:
- a) If the use of the structure is abandoned 12 consecutive months, any future use of the building or premises must conform to the provisions of this ordinance.
 - b) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50% of the market value of the structure in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

14.109 Penalties for Violation

Violations of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions)

shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not less than \$100.00 or more than \$1,000.00 per day for each separate offense, or by imprisonment of not more than 1 year or by both fine and imprisonment. Each day such violation continues shall be considered a separate offense.

14.110 Amendments

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in the official City newspaper. At least 20 days shall elapse between the date of this publication and the public hearing.

14.111 Definitions

Note: The definitions contained herein are applicable only to the interpretation and enforcement of Article 14.

1. ACTUARIAL OR RISK PREMIUM RATES mean those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.
2. APPEAL means a request for a review of the local administrator's interpretation of any provision of this ordinance or a request for a variance.
3. BASE FLOOD means the flood having one percent chance of being equaled or exceeded in any given year.
4. BASE FLOOD ELEVATION is the elevation shown on the FIRM and in the Flood Insurance Study as representative of the base flood.
5. BASEMENT means any area of the building having its floor sub grade (below ground level) on all sides.
6. BUILDING See "Structure"
7. DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or material.
8. ELEVATED BUILDING means a non-basement building (1) built to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), shear walls parallel to the flow of the water, or

fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters and (2) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

9. EXISTING CONSTRUCTION means (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM'S effective before that date. "Existing construction" may also be referred to as "existing structures".
10. EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means 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 complete before the effective date of the flood plain management regulations adopted by a community.
11. EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
12. Federal Emergency Management Agency: FEMA.
13. FLOOD OR FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a) The overflow of inland waters; and/or
 - b) The unusual and rapid accumulation or runoff of surface waters from any source.
14. FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.
15. FLOOD INSURANCE STUDY is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.
16. FLOOD PLAIN means the areas adjoining a watercourse at or below the water surface elevation associated with the base flood that have been or hereafter may be covered by the base flood. A flood plain is represented by large floods known to have occurred and characteristics of what can be statistically expected to occur on an average frequency of once every 100 years and have water surface elevations equal to those filed with and made a part of the Official Flood plain maps.

17. FLOOD-PROOFING means any combination of structural and constructed additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
18. FLOODWAY OR REGULATORY FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
19. FLOODWAY FRINGE is that 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 chance of flood occurrence in any one year.)
20. FLOODWAY FRINGE DISTRICT means the zoning district, for flood plain management purposes, which corresponds to the Floodway Fringe as indicated on the Flood Boundary and Floodway Map.
21. FREEBOARD means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings and the hydrological effect of urbanization of the watershed.
22. HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
23. HISTORIC STRUCTURE means any structure that is:
 - a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior or
 - ii. Directly by the Secretary of the Interior in states without approved programs.
24. LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, 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 section.

25. **MANUFACTURED HOME** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a recreational vehicle.
26. **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. This definition is used for flood plain management regulations only.
27. **NEW CONSTRUCTION** means, for the purpose of determining insurance rates, structures for which the "start of construction or substantial improvement" is commenced on or after the effective date of the initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For flood plain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the flood plain management regulations adopted by a community and includes any subsequent improvements to such structures.
28. **NEW MANUFACTURED HOME PARK OR SUBDIVISION** means 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 the 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 flood plain management regulations adopted by the community.
29. **OBSTRUCTION** is any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into a channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.
30. **PERSON** means any natural person, firm, partnership, association, corporation, or governmental unit.
31. **RECREATIONAL VEHICLE** means a vehicle which is built (a) on a single chassis; (b) 400 sq. feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

32. **START OF CONSTRUCTION** for other than new construction or substantial improvements under the coastal Barrier Resources Act (Pub L. 97-348) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab 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; nor 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 part of the main structure.
33. **STRUCTURE** means a walled and roofed building that is principally above ground, (at least 51%) , as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.
34. **SUBSTANTIAL DAMAGE** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
35. **SUBSTANTIAL IMPROVEMENT** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures, which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include:
- a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 - b) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".
36. **VARIANCE** is a grant of relief to a person from the requirements of this ordinance, which permits construction in a manner otherwise prohibited, by this ordinance where specific enforcement would result in unnecessary hardship.
37. **VIOLATION** means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development with the elevation certificate, or

certifications or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

38. Water Surface Elevation means the height, in relation to the U.S.G.S. Vertical Datum of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the flood plain of coastal or river areas.