Idaho Model Flood Damage Prevention Ordinance
DRAFT ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAUSER A *MUNICIPAL CORPORATION* OF THE STATE OF IDAHO, ESTABLISHING PURPOSE AND AUTHORITY; PROVIDING DEFINTIONS; PROVIDING APPLICABILITY; REQUIRING PERMITS; PROVIDING FOR ADMINISTRATION, PERMIT PROCESSING AND THE AUTHORITY OF THE ADMINISTRATOR; PROVIDING SUBDIVISION, CONSTRUCTION, MANUFACTURED HOME, RECREATIONAL VEHICLE, AND FLOODWAY STANDARDS; PROVIDING VARIANCE AND APPEAL PROCESSES AND CRITERIA; PROVIDING THAT A VIOLATION IS A MISDEMENAOR PUNISHABLE BY A FINE NOT TO EXCEED ONE THOUSAND DOLLARS, OR JAIL NOT TO EXCEED ONE HUNDER EIGHTY DAYS, OR BOTH; PROVIDING SEVERABILITY; PROVIDING REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

IT IS ORDAINED by the Mayor and City Council of the HAUSER, Idaho as follows:

I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

A. Statutory Authority

The Legislature of the State of Idaho in I.C. 46-1020 through I.C. 46-1024, authorized local government units to adopt a floodplain map and floodplain management ordinance that identifies floodplains and that sets forth minimum development requirements in floodplains that are designed to promote the public health, safety, and general welfare of its citizenry.

B. Findings of Fact

The flood hazard areas of HAUSER are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(1) These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

(2) Local government units have the primary responsibility for planning, adoption and enforcement of land use regulations to accomplish proper floodplain management.

C. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Require that development that is vulnerable to floods, including structures and facilities necessary for the general health, safety and welfare of citizens, be protected against flood damage at the time of initial construction;

(2) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;

(3) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(4) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;

(5) Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store flood waters.

D. Objectives

The objectives of this ordinance are to:

(1) Protect human life, health and property;

(2) Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(3) Help maintain a stable tax base by providing for the sound use and development of flood prone areas;

(4) Minimize expenditure of public money for costly flood control projects;

(5) Minimize the need for rescue and emergency services associated with flooding and generally undertaken at the expense of the general public;

(6) Minimize prolonged business interruptions.

II. DEFINITIONS (Mandatory definitions are in bold face type)

Unless specifically defined in Article II, words or phrases used in this ordinance shall be interpreted according to the meaning they have in common usage.

“Accessory structure” for purposes of this ordinance it means a structure on the same lot or parcel as a principal structure, the use of which is incidental and subordinate to the principal structure. An insurable building should not be classified as an accessory or appurtenant structure.

"Appeal" means a request for review of the Floodplain Administrator's interpretation of provisions of this ordinance or request for a variance.

"Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Zone designations on FIRMs include the letters A, AE, V. Also known as the Special Flood Hazard Area (SFHA).

"**Base Flood**" means the flood having a one percent chance of being equaled or exceeded each
year.

“**Base Flood Elevation (BFE)**” means the water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest .1 foot.

"**Basement**" means the portion of a structure including crawlspace with its floor sub grade (below ground level) on all sides.

"Building” see “Structure.”

“Critical Facility” means a facility that is critical for the health and welfare of the population and is especially important following hazard events. Critical facilities include essential facilities, transportation systems, lifeline utility systems, high potential loss facilities and hazardous material facilities.

“Datum” The vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points has been the National Geodetic Vertical Datum of 1929 (NAVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

“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, drilling operations, and permanent storage of equipment or materials.

“Digital FIRM (DFIRM),” means Digital Flood Information Rate Map. It depicts flood risk and zones and flood risk information The DFIRM presents the flood risk information in a format suitable for electronic mapping applications.

"Existing Construction" means a structure for which the "start of construction" commenced before {*insert the date of effective FIRM*}.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision where 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 final site grading or the pouring of concrete pads) is completed before {*insert the date of effective FIRM*}.

"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.

“Federal Emergency Management Agency (FEMA)” is the agency with the overall responsibility for administering the National Flood Insurance Program.

“**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 or tidal waters; or

b. the unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Fringe” means the portion of the floodplain outside of the floodway covered by floodwaters during the regulatory flood.

“Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Insurance Administration or U.S. Department of Housing and Urban Development, where the boundaries of areas of special flood hazard have been designated as Zone A. The FHBM usually is the initial flood hazard map.

"**Flood Insurance Rate Map (FIRM)**" means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

"**Flood Insurance Study (FIS)**' means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, floodway boundaries and water surface elevations of the base flood.

"Floodplain" means the land that has been or may be covered by floodwaters, or is surrounded by floodwater and inaccessible, during the occurrence of the regulatory flood. The riverine floodplain includes the floodway and the flood fringe. (I.C. 46-1021)

"**Flood Protection Elevation (FPE)**" means an elevation that corresponds to the elevation of the one percent (1%) chance annual flood (base flood), plus any increase in flood elevation due to floodway encroachment, {plus X feet of freeboard}.

"**Floodway" (Regulatory Floodway)**" means the channel of a river or other watercourse and those portions of the floodplain adjoining the channel required to discharge and store the floodwater or flood flows associated with the regulatory flood.

"Freeboard**"** means a factor of safety usually expressed in feet above a flood level for the purposes of floodplain 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, obstructed bridge openings, debris and ice jams and the hydrologic effects of urbanization in a watershed.

"Functionally Dependent Facility" means a facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the Elevation Certificate, FEMA Form 81-31, for HAG related to building elevation information.

"Historic Structure" means a structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. 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 to a district preliminarily determined by the Secretary to qualify as a registered historic district.
c. Individually listed on a state inventory of historic places and determined as eligible by 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 and determined as eligible by communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior, or
2. Directly by the Secretary of the Interior in states without approved programs.

"Letter of Map Change (LOMC)" means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are issued in the following categories:

Letter of Map Amendment (LOMA)

A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Letter of Map Revision (LOMR)

A revision based on technical data showing that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination that a structure of parcel has been elevated by fill above the base flood elevation and is excluded from the special flood hazard area.

Conditional Letter of Map Revision (CLOMR)

A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does NOT amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed according to sound engineering practices, to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Adjacent Grade (LAG)" means the lowest point of the ground level next to the structure. Refer to the Elevation Certificate, FEMA Form 81-31, for LAG related to building elevation information.

"**Lowest Floor**" means the lowest floor of the lowest enclosed area (including basement) used for living purposes, which includes working, storage, cooking and eating, or recreation, or any combination thereof. This includes any floor that could be converted to such a use including a basement or crawl space. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in

an area other than a basement, is not considered a structure's lowest floor. The lowest floor is a determinate for the flood insurance premium for a building, home or business.

"**Manufactured Home**" means a structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “Manufactured Home” does not include a “Recreational Vehicle.”

"Mean Sea Level" means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community’s FIRM are referenced.

"New construction" means a structure for which the “start of construction" commenced after {*insert the date of effective FIRM*}, and includes subsequent improvements to the structure.

"New Manufactured Home Park or Subdivision" means a place where 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 final site grading or the pouring of concrete pads) is completed on or after {*insert the date of effective FIRM*}.

"**Recreational Vehicle**" means a vehicle that is:
a. Built on a single chassis,
b. 400 square feet or less when measured at the largest horizontal projection,
c. Designed to be self-propelled or permanently towed 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.

“**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 a designated height.

"Repetitive Loss" means flood-related damages sustained by a structure on two separate
occasions during a 10-year period for which the cost where the construction of facilities for servicing the lots on which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

"Start of construction" includes substantial improvement and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either 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. 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 the alteration affects the external dimensions of a building.

Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"**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 its market value before the damage occurred.

"**Substantial improvement**" means 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 the "start of construction" of the improvement. This term includes structures which have incurred "repetitive loss" or "substantial damage," regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual amount of repair work performed. The term does not include either:

(1) A 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.officia1 and which are the minimum necessary to assure safe living conditions, or

(2) Alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as an Historic Structure.

"Variance" is a grant of relief by the governing body from a requirement of this ordinance.

"Water surface elevation" means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other specified datum) of floods of various magnitudes and frequencies in the flood plains of costal or riverine areas.

III. GENERAL PROVISIONS

A. Lands to Which This Ordinance Applies

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of *HAUSER*. Nothing in this Ordinance is intended to allow uses or structures that are otherwise prohibited by the zoning ordinance.

B. Basis for Area of Special Flood Hazard

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for HAUSER dated {*insert the date of effective FIS*}, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this ordinance. The FIS and the FIRM are on file at the office of the City *clerk*.

Establishment of Floodplain Development Permit
A Floodplain Development Permit shall be required prior to development activities in Special Flood Hazard Areas established in Article III Section B.

C. Interpretation

In the interpretation and application of this ordinance all provisions shall be:
(1) Considered as minimum requirements;
(2) Liberally construed in favor of the governing body, and;
(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

D. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of HAUSER or by any officer or employee thereof for flood damages that result from reliance on this ordinance or an administrative decision lawfully made hereunder.

IV. ADMINISTRATION

A. Designation of Floodplain Ordinance Administrator

The *City Planner* is hereby appointed as the Floodplain Administrator who is responsible for administering and implementing the provisions of this ordinance.

B. Permit Procedures

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by the administrator or the administrator’s designee prior to starting development activities. Specifically, the following information is required:

(1) Application Stage

(a) Plans in duplicate drawn to scale with elevations of the project area and the nature, location, dimensions of existing and proposed structures, earthen fill placement, storage of materials or equipment and drainage facilities.

(b) Elevation in relation to the Flood Protection Elevation, or highest adjacent grade, of the lowest floor level, including crawlspaces or basement, of all proposed structures;

(c) Elevation to which any non-residential structure will be flood-proofed;

(d) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria in Article V(F)(2);

(e) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;

(2) Construction Stage

(a) For all new construction and substantial improvements, the permit holder shall provide to the Floodplain Administrator an as-built certification of the floor elevation or flood-proofing level, using appropriate FEMA elevation or flood-proofing certificate, immediately after the lowest floor or flood-proofing is completed. When flood-proofing is utilized for non-residential structures, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

(b) Certificate deficiencies identified by the Floodplain Administrator shall be corrected by the permit holder immediately and prior to work proceeding. Failure to submit certification or failure to make the corrections shall be cause for the Floodplain Administrator to issue a stop-work order for the project.

(3) Technical Review

If the community does not have the expertise to evaluate the technical data that is part of the application, the community may contract for an independent engineering review or require a review by FEMA through the Letter of Map Revision process. The applicant will pay the costs of an independent technical review.

(4) Expiration of Floodplain Development Permit

All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and thereafter is pursued to completion.

C. Duties and Responsibilities of the Administrator

Duties of the Floodplain Administrator shall include, but shall not be limited to:

(1) Review all floodplain development permit applications to assure that the permit requirements of this ordinance have been satisfied.

(2) Review proposed development to assure that necessary permits have been received from governmental agencies from which 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; the Endangered Species Act of 1973, 16 U.S.C. 1531-1544; and State of Idaho Stream Channel Alteration permits, I.C. 42 Chapter 38 require that copies of such permits be provided and maintained on file.

(3) When Base Flood Elevation data or floodway data are not available, then the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this ordinance.

(4) When Base Flood Elevations or other current engineering data are not available, the Floodplain Administrator shall take into account the flood hazards, to the extent they are known, to determine whether a proposed building site will be reasonably safe from flooding.

(5) Obtain, verify and record the actual elevation in relation to the vertical datum on the effective FIRM, or highest adjacent grade, of the lowest floor level, including basement, of all new construction or substantially improved structures.

(6) Obtain, verify and record the actual elevation, in relation to the vertical datum on the effective FIRM to which any new or substantially improved structures have been flood-proofed.

(7) When flood-proofing is utilized for a structure, the Floodplain Administrator shall obtain certification of design criteria from a registered professional engineer or architect.

(8) Where interpretation is needed of the exact location of boundaries of the Areas of Special Flood Hazard including regulatory floodway (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

(9) All records pertaining to the provisions of this ordinance shall be maintained in the office of the city/county clerk or his/her designee and shall be open for public inspection.

V. PROVISIONS FOR FLOOD HAZARD REDUCTION

A. Subdivision Standards

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision preliminary plats/development plans shall include the mapped flood hazard zones from the effective FIRM.

(3) Base flood elevation data shall be generated and/or provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty lots or five acres, whichever is less.

(4) All subdivisions shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.
(5) All subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

B. Construction Standards

In all Areas of Special Flood Hazard the following provisions are required.

(1) New construction and substantial improvements of an existing structure shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) New construction and substantial improvements of an existing structure shall be constructed with materials and utility equipment resistant to flood damage.

(3) New construction or substantial improvements of an existing structure shall be constructed by methods and practices that minimize flood damage.

(4) All new construction or substantial improvements of an existing structure that includes a fully enclosed area located below the lowest floor formed by the foundation and other exterior walls shall be designed to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or meet the following minimum criteria:

(a) Provide a minimum of two openings with a total net area of not less
i. than one square inch for every square foot of enclosed area subject to flooding;
ii. the bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening;
iii. openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention.

(b) To comply with the "Lowest Floor" criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area.

(c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(d) For crawlspace foundation types, construction must follow the guidelines in FEMA TB 11-01, Crawlspace Construction for Structures Located in Special

Flood Hazard Areas: National Flood Insurance Program Interim Guidance, specifically:

i. Below grade crawlspaces are prohibited at sites where the velocity of floodwaters exceed 5 feet per second;

ii. Interior grade of the crawlspace below the BFE must not be more than 2 feet below the lowest adjacent exterior grade (LAG);

iii. Height of the below grade crawlspace, measured from the lowest interior grade of the crawlspace to the bottom of the floor joist must not exceed 4 feet at any point;

iv. Contain an adequate drainage system that removes floodwaters from the interior area of the crawlspace.

(5) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other facilities shall be designed and/or elevated to prevent water from entering or accumulating within the components during flooding.

(6) New and replacement water supply systems shall be designed to minimize or to eliminate infiltration of flood waters into the system.

(7) New and replacement sanitary sewage systems shall be designed to minimize or to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(8) On-site waste disposal systems shall be located and constructed to avoid functional impairment, or contamination from them, during flooding.

(9) Any alteration, repair, reconstruction or improvement to a structure that is not compliant with the provisions of this ordinance, shall be undertaken only if the nonconformity is minimal in order to meet health and safety standards.

C. Manufactured Home Standards

In all Areas of Special Flood Hazard where the Flood Protection Elevation is established, these standards for manufactured homes and recreational vehicles that are an allowed use under the zoning ordinance shall apply:

(1) Manufactured homes placed or substantially improved:

(a) On individual lots or parcels

(b) In new or substantially improved manufactured home parks or subdivisions

(c) In expansions to existing manufactured home parks or sub-divisions, or on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor, including basement, elevated to the Flood Protection Elevation.

(2) Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:

(a) The lowest floor of the manufactured home is elevated to the Flood Protection Elevation or one foot above the level of the base flood elevation, whichever is higher.

(b) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less that 36 inches above the highest adjacent grade.

(3) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to, and consistent with, applicable state requirements.

(4) Manufactured homes placed on solid perimeter walls shall meet the flood vent requirements in Article V(B)(4).

D. Accessory Structures

Relief from the elevation or dry flood-proofing standards may be granted for an accessory structure containing no more than {*insert square foot limit*}. Such a structure must meet the following standards:

(1) It shall not be used for human habitation;
(2) It shall be constructed of flood resistant materials;
(3) It shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
(4) It shall be firmly anchored to prevent flotation;
(5) Services such as electrical and heating equipment shall be elevated or flood-proofed to or above the Flood Protection Elevation;
(6) It shall meet the opening requirements of Article V(B)(4).

E. Recreational Vehicle Standards

In all Areas of Special Flood Hazard, Recreational Vehicles, that are an allowed use or structure under the zoning ordinance, must either:

(1) Be on the site for fewer than 180 consecutive days;
(2) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or addition, or
(3) The recreational vehicle must meet all the requirements for "New Construction," including the anchoring and elevation requirements.

F. Floodway Standards

The following provisions shall apply in a floodway:
(1) A project in the regulatory floodway must undergo an encroachment review to determine its effect on flood flows. An encroachment analysis must include:
(a) Determination and documentation that the filling, grading or construction of a structure will not obstruct flood flows and will not cause an increase in flood heights upstream or adjacent to the project site;
(b) Determination and documentation that grading, excavation, channel improvements, bridge and culvert replacements that remove an obstruction, do not cause increases in downstream flood flows;
(c) Certification and documentation by a licensed professional engineer that the project will not result in a rise in flood heights;
(d) The Administrator may make the encroachment determination for minor projects.
(2) An encroachment in the floodway or floodplain that will cause an increase in the base flood elevation in excess of the allowable level must have a Conditional Letter of Map Revision granted by FEMA before it will be permitted.

G. Standards for Zones with Base Flood Elevations

In Special Flood Hazard Areas designated A1-30, AE, AH, A (with estimated BFE), the following provisions are required.
(1) New construction and substantial improvements

Where base flood elevation data are available, new construction or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, constructed at or above the community's Flood Protection Elevation. If solid foundation perimeter walls are used to elevate a structure, openings sufficient to facilitate the unimpeded movement of flood waters shall be provided in accordance with the construction standards in Article V(B)(4).

(2) Non-Residential Construction

New construction or the substantial improvement of any non-residential structure located in zones A1-30, AE, or AH must be flood-proofed if the new construction or improvement is not elevated. The structure and attendant utility and sanitary facilities, must be designed to be water tight to the Flood Protection Elevation or to one (1) foot above the base flood elevation, whichever is higher, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting these provisions, and shall provide certification to the Administrator.

(3) Where the floodway has not been determined, applicants of proposed projects that increase the base flood elevation more than one foot are required to obtain and submit to the Floodplain Administrator, a Conditional Letter of Map Revision (CLOMR) preconstruction.

(4) Post construction, the applicant must apply to FEMA for a Letter of Map Revision for changes to the flood hazard map proposed in the CLOMR.

(5) In AH Zones, drainage paths shall be provided to guide flood water around and away from proposed and existing structures.

H. Standards for Zones Without Base Flood Elevations and/or Floodway (A Zones)

These standards apply in Special Flood Hazard Areas where streams exist but no base flood elevation data have been provided (A Zones), or where base flood data have been provided but a floodway has not been delineated.

(1) When base flood elevation or floodway data have not been identified by FEMA in a Flood Insurance Study and /or Flood Insurance Rate Maps, then the Floodplain Administrator shall obtain, review, and reasonably utilize scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer this ordinance. If data are not available from any source, **only** then provisions 2 and 3 shall apply.
    (a) Where the floodplain administrator has obtained base flood elevation data, applicants of proposed projects that increase the base flood elevation more than one foot shall obtain a Conditional Letter of Map Revision preconstruction and a Letter of Map Revision post construction.
    (2) No encroachments, including structures or fill, shall be located within an area equal to the width of the stream or fifty feet, whichever is greater, measured from the ordinary high water mark, unless certification by a licensed professional engineer documents that the encroachment will not result in any increase in flood levels during the base flood.
(3) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement or crawlspace) elevated no less than two feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movement of flood waters shall be provided in accordance with the construction standards in Article V(B)(4).

I. Standards for Areas of Shallow Flooding (AO Zones)

Shallow flooding areas designated AO Zones, are Areas of Special Flood Hazard that have base flood depths of one to three feet, with no clearly defined channel. The following provisions apply.

(1) All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated above the adjacent grade at least as high as the flood depth number specified in feet on the Flood Insurance Rate Map (FIRM). If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet (2) above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movement of flood waters shall be provided in accordance with the construction standards in Article V(B)(4).
(2) New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure and attendant utility and

sanitary facilities must be designed to be water tight to the specified base flood level or at least two (2) feet above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting these provisions, and shall provide certification to the Floodplain Administrator.

(3) Drainage paths shall be provided to guide floodwater around and away from all proposed and existing structures.

J. Alteration of a Watercourse

A water course is considered altered when any change occurs within its banks.

(1) The bank full flood carrying capacity of the altered or relocated portion of the water course shall not be diminished. Prior to issuance of a floodplain development permit, the applicant must submit a description of the extent to which any water course will be altered or relocated as a result of the proposed development and submit certification by a registered professional engineer that the bank full flood carrying capacity of the water course will not be diminished.

(2) Adjacent communities, the U.S. Army Corps of Engineers and the Idaho Department of Water Resources Stream Channel Alteration program must be notified prior to any alteration or relocation of a water source. Evidence of notification must be submitted to the floodplain administrator and to the Federal Emergency Management Agency.

(3) The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the water course so that the flood carrying capacity will not be diminished.

(4) The applicant shall meet the requirements to submit technical data in Sections K (1) and K(2) when an alteration of a water course results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

K. Requirement to Submit New Technical Data

(1) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

(a) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

(b) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

(c) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts;

(d) Subdivision or large-scale development proposals requiring establishment of base flood elevations according to Article V (A)(3).

(2) It is the responsibility of the applicant to have technical data prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

VI. VARIANCE AND APPEAL PROCEDURES

Variance

An application for a variance must be submitted to the City Clerk on the form provided by the HAUSER and include at a minimum the same information required for a development permit and an explanation for the basis for the variance request. Upon receipt of a completed application for a variance, the variance request will be set for public hearing at the next City Council meeting in which time is available for the matter to be heard. Prior to the public hearing, Notice of the hearing will be published in the official newspaper of the City at least 15 days prior to the hearing. In addition to the newspaper publication, written notice shall be provided to all adjoining property owners. The burden to show that the variance is warranted and meets the criteria set out herein is on the applicant.

B. Criteria for Variances

(a) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.

(b) Variances shall not be issued within a 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 variance is the minimum necessary, considering the flood hazard, to afford relief.

(d) Variances may be issued upon;

(i) A showing by the applicant of good and sufficient cause;

(ii) A determination that failure to grant the variance would 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 and ordinances.

(e) Variances pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods.

(f) Variances should be issued for non residential buildings in very limited circumstances.

C. Variance Decision

The decision to either grant or deny a variance shall be in writing and shall set forth the reasons for such approval and denial. If the variance is granted, the property owner

shall be put on notice along with the written decision that the permitted building will have its lowest floor below the Flood Protection Elevation and that the cost of flood insurance likely will be commensurate with the increased flood damage risk.

D. Appeals

The City Council shall hear and decide appeals from the interpretations of the Administrator.

1. An appeal must be filed with the city clerk within fourteen (14) days of the date of any permit denial or interpretation of the Administrator. Failure to timely file an appeal shall be considered a failure to exhaust the administrative remedies. The appeal must set out the interpretation of the Administrator and a narrative setting forth the facts relied upon by the appellant and the appellants claim regarding the error in the interpretation.
2. Upon receipt of a completed appeal, the appeal will be scheduled for the next available City Council meeting to be heard. The City Council shall consider the following in ruling on an appeal:

(a) All technical evaluations, all relevant factors, standards specified in other sections of this ordinance, The danger that materials may be swept onto other lands to the injury of others;

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 effects of such damage on the individual landowner;

iv. The importance of the services provided by the proposed facility to the community;

v. The necessity of the facility to a waterfront location, where applicable;

vi. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

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 flooding for ordinary and 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 cost of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

E. Decision

The City council decision on appeal shall be in writing and set out the facts, technical information and the legal basis for the decision.

VII. PENALTIES FOR VIOLATION

No structure or land shall hereafter be located, extended, converted or altered unless in full compliance with the terms of this ordinance and other applicable regulations.
Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance 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 more than $1,000 or imprisoned for not more than 180 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the HAUSER from taking such other lawful actions as is necessary to prevent or remedy any violation.

VIII.SEVERABILITY

The ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

IX. REPEAL OF CONFLICTING PROVISIONS

All provisions of the current HAUSER Code or ordinances of the HAUSER, which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

X. EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as provided by law.
Enacted by the city council as an ordinance of the HAUSER on the ____ day of _____, 201_.

Approved by the Mayor on the _____ day of _____, 201__.
HAUSER

_____
Olita Johnston, Mayor

ATTEST:

_____
Donna Ray, Clerk