

Pub. Imp. \_\_\_\_\_  
Govt. Grnt. \_\_\_\_\_  
Emer. \_\_\_\_\_  
P. Hrngs. 10-18-10  
Pgs. 24 23  
Filed: 10-12-10

Sponsored by: Chiles

First Reading: October 18, 2010  
SUBSTITUTE NO. 1  
COUNCIL BILL NO. 2010 - 267

Second Reading: November 1, 2010  
GENERAL ORDINANCE NO. 5907

AN ORDINANCE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

AMENDING Chapter 36, Land Development Code, Article V, Building Code, of the Springfield City Code, by repealing in its entirety the existing provisions relating to floodplain management regulation, as set forth in General Ordinance No. 4026, and replacing it with new floodplain management regulations consistent with the Federal Emergency Management Agency's (FEMA) model floodplain management ordinance.

WHEREAS, the existing floodplain regulations of the City of Springfield have been in effect since 1989; and

WHEREAS, FEMA requires an acceptable ordinance be passed which is consistent with its model floodplain management ordinance; and

WHEREAS, affected property owners and FEMA staff have responded positively to these proposed floodplain regulations.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 - Chapter 36, Land Development Code, Article V, Building Code, of the Springfield City Code, is hereby amended by repealing in its entirety the existing provisions relating to floodplain management regulation, as set forth in General Ordinance No. 4026 and any amendments thereto, and enacting new floodplain management regulations, consistent with FEMA's model floodplain management ordinance, as follows:

**FLOODPLAIN MANAGEMENT ORDINANCE**

**ARTICLE 1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES**

**SECTION A. STATUTORY AUTHORIZATION**

33 The Legislature of the State of Missouri has in RSMO §80.020 delegated the responsibility to  
34 local governmental units to adopt floodplain management regulations designed to protect the  
35 health, safety, and general welfare. Therefore, the City Council of the City of Springfield,  
36 Missouri ordains as follows:

37  
38 SECTION B. FINDINGS OF FACT

39  
40 1. *Flood Losses Resulting from Periodic Inundation*

41  
42 The special flood hazard areas of the City of Springfield, Missouri are subject to  
43 inundation which results in loss of life and property, health and safety hazards,  
44 disruption of commerce and governmental services, extraordinary public  
45 expenditures for flood protection and relief, and impairment of the tax base; all of  
46 which adversely affect the public health, safety and general welfare.

47  
48 2. *General Causes of the Flood Losses*

49  
50 These flood losses are caused by (1) the cumulative effect of development in any  
51 delineated floodplain causing increases in flood heights and velocities; and (2) the  
52 occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others,  
53 inadequately elevated, or otherwise unprotected from flood damages.

54  
55 3. *Methods Used To Analyze Flood Hazards*

56  
57 The Flood Insurance Study (FIS) that is the basis of this ordinance uses a standard  
58 engineering method of analyzing flood hazards which consist of a series of  
59 interrelated steps.

60  
61 a. Selection of a base flood that is based upon engineering calculations which  
62 permit a consideration of such flood factors as its expected frequency of  
63 occurrence, the area inundated, and the depth of inundation. The base flood  
64 selected for this ordinance is representative of large floods which are  
65 characteristic of what can be expected to occur on the particular streams  
66 subject to this ordinance. It is in the general order of a flood which could be  
67 expected to have a one percent chance of occurrence in any one year as  
68 delineated on the Federal Insurance Administrator's FIS, and illustrative  
69 materials dated December 17, 2010 as amended, and any future revisions  
70 thereto.

71  
72 b. Calculation of water surface profiles are based on a standard hydraulic  
73 engineering analysis of the capacity of the stream channel and overbank  
74 areas to convey the regulatory flood.

75  
76 c. Computation of a floodway required to convey this flood without increasing  
77 flood heights more than one (1) foot at any point.

78  
79 d. Delineation of floodway encroachment lines within which no development is  
80 permitted that would cause any increase in flood height.

- 82 e. Delineation of flood fringe, i.e., that area outside the floodway encroachment  
83 lines, but still subject to inundation by the base flood.  
84

85 **SECTION C. STATEMENT OF PURPOSE**  
86

87 It is the purpose of this ordinance to promote the public health, safety, and general welfare;  
88 to minimize those losses described in Article 1, Section B (1); to establish or maintain the  
89 community's eligibility for participation in the National Flood Insurance Program (NFIP) as  
90 defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements  
91 of 44 CFR 60.3(d) by applying the provisions of this ordinance to:

- 92  
93 1. restrict or prohibit uses that are dangerous to health, safety, or property in times of  
94 flooding or cause undue increases in flood heights or velocities;  
95  
96 2. require uses vulnerable to floods, including public facilities that serve such uses, be  
97 provided with flood protection at the time of initial construction; and  
98  
99 3. protect individuals from buying lands that are unsuited for the intended development  
100 purposes due to the flood hazard.  
101

102 **ARTICLE 2 GENERAL PROVISIONS**  
103

104 **SECTION A. LANDS TO WHICH ORDINANCE APPLIES**  
105

106 This ordinance shall apply to all lands within the jurisdiction of the City of Springfield,  
107 Missouri identified as numbered and unnumbered A zones and AE zones, on the Flood  
108 Insurance Rate Map (FIRM) for Greene County, Missouri on map panels 29077C0193E,  
109 29077C0194E, 29077C0213E, 29077C0214E, 29077C0218E, 29077C0219E,  
110 29077C0238E, 29077C0239E, 29077C0243E, 29077C0306E, 29077C0307E,  
111 29077C0309E, 29077C0317E, 29077C0318E, 29077C0319E, 29077C0326E,  
112 29077C0327E, 29077C0328E, 29077C0329E, 29077C0331E, 29077C0332E,  
113 29077C0333E, 29077C0334E, 29077C0336E, 29077C0337E, 29077C0338E,  
114 29077C0339E, 29077C0341E, 29077C0342E, 29077C0343E, 29077C0344E,  
115 29077C0351E, 29077C0352E, 29077C0353E, 29077C0354E, 29077C0356E,  
116 29077C0361E, 29077C0362E, 29077C0363E, 29077C0364E, 29077C0452E,  
117 29077C0456E, 29077C0457E, 29077C0459E, 29077C0476E, 29077C0477E, and  
118 29077C0478E dated December 17, 2010 as amended, and any future revisions thereto. In  
119 all areas covered by this ordinance, no development shall be permitted except through the  
120 issuance of a floodplain development permit, granted by the City Council or its duly  
121 designated representative under such safeguards and restrictions as the City Council or the  
122 designated representative may reasonably impose for the promotion and maintenance of the  
123 general welfare, health of the inhabitants of the community, and as specifically noted in  
124 Article 4.  
125

126 **SECTION B. FLOODPLAIN ADMINISTRATOR**  
127

128 The Director of Building Development Services is hereby designated as the Floodplain  
129 Administrator under this ordinance.

130 SECTION C. COMPLIANCE

131  
132 No development located within the special flood hazard areas of this community shall be  
133 located, extended, converted, or structurally altered without full compliance with the terms of  
134 this ordinance and other applicable regulations.

135  
136 SECTION D. ABROGATION AND GREATER RESTRICTIONS

137  
138 It is not intended by this ordinance to repeal, abrogate, or impair any existing easements,  
139 covenants, or deed restrictions. However, where this ordinance imposes greater restrictions,  
140 the provisions of this ordinance shall prevail. All other ordinances inconsistent with this  
141 ordinance are hereby repealed to the extent of the inconsistency only.

142  
143 SECTION E. INTERPRETATION

144  
145 In their interpretation and application, the provisions of this ordinance shall be held to be  
146 minimum requirements, shall be liberally construed in favor of the governing body, and shall  
147 not be deemed a limitation or repeal of any other powers granted by State statutes.

148  
149  
150 SECTION F. WARNING AND DISCLAIMER OF LIABILITY

151  
152 The degree of flood protection required by this ordinance is considered reasonable for  
153 regulatory purposes and is based on engineering and scientific methods of study. Larger  
154 floods may occur on rare occasions or the flood heights may be increased by man-made or  
155 natural causes, such as ice jams and bridge openings restricted by debris. This ordinance  
156 does not imply that areas outside the floodway and flood fringe or land uses permitted within  
157 such areas will be free from flooding or flood damage. This ordinance shall not create a  
158 liability on the part of the City of Springfield, any officer or employee thereof, for any flood  
159 damages that may result from reliance on this ordinance or any administrative decision  
160 lawfully made thereunder.

161  
162 SECTION G. SEVERABILITY

163  
164 If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or  
165 invalid by a court of appropriate jurisdiction, the remainder of this ordinance shall not be  
166 affected thereby.

167  
168 ARTICLE 3 ADMINISTRATION

169  
170 SECTION A. FLOODPLAIN DEVELOPMENT PERMIT

171  
172 A floodplain development permit shall be required for all proposed construction or other  
173 development, including the placement of manufactured homes, in the areas described in  
174 Article 2, Section A. No person, firm, corporation, or unit of government shall initiate any  
175 development or substantial-improvement or cause the same to be done without first  
176 obtaining a separate floodplain development permit for each structure or other development.

177  
178

179 SECTION B. DESIGNATION OF FLOODPLAIN ADMINISTRATOR  
180

181 The Director of Building Development Services is hereby appointed to administer and  
182 implement the provisions of this ordinance.  
183

184 SECTION C. DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR  
185

186 Duties of the Floodplain Administrator shall include, but not be limited to:  
187

- 188 1. review of all applications for floodplain development permits to assure that sites are  
189 reasonably safe from flooding and that the floodplain development permit  
190 requirements of this ordinance have been satisfied;  
191
- 192 2. review of all applications for floodplain development permits for proposed  
193 development to assure that all necessary permits have been obtained from Federal,  
194 State, or local governmental agencies from which prior approval is required by  
195 Federal, State, or local law;  
196
- 197 3. review all subdivision proposals and other proposed new development, including  
198 manufactured home parks or subdivisions, to determine whether such proposals will  
199 be reasonably safe from flooding;  
200
- 201 4. issue floodplain development permits for all approved applications;  
202
- 203 5. notify adjacent communities and the Missouri State Emergency Management Agency  
204 (MO SEMA) to any alteration or relocation of a watercourse, and submit evidence of  
205 such notification to the Federal Emergency Management Agency (FEMA);  
206
- 207 6. assure that the flood carrying capacity is not diminished and shall be maintained  
208 within the altered or relocated portion of any watercourse.  
209
- 210 7. verify and maintain a record of the actual elevation (in relation to mean sea level) of  
211 the lowest floor, including basement, of all new or substantially improved structures;  
212
- 213 8. verify and maintain a record of the actual elevation (in relation to mean sea level) that  
214 the new or substantially improved non-residential structures have been floodproofed;  
215
- 216 9. when floodproofing techniques are utilized for a particular non-residential structure,  
217 the Floodplain Administrator shall require certification from a registered professional  
218 engineer or architect.  
219

220 SECTION D. APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT  
221

222 To obtain a floodplain development permit, the applicant shall first file an application in  
223 writing on a form furnished for that purpose. Every floodplain development permit  
224 application shall:  
225

- 226 1. describe the land on which the proposed work is to be done by lot, block and tract,  
227 house and street address, or similar description that will readily identify and  
228 specifically locate the proposed structure or work;
- 229 2. identify and describe the work to be covered by the floodplain development permit;
- 230 3. indicate the use or occupancy for which the proposed work is intended;
- 231 4. indicate the assessed value of the structure and the fair market value of the  
232 improvement;
- 233 5. specify whether development is located in designated flood fringe or floodway;
- 234 6. identify the existing base flood elevation and the elevation of the proposed  
235 development;
- 236 7. give such other information as reasonably may be required by the Floodplain  
237 Administrator
- 238 8. be accompanied by plans and specifications for proposed construction; and
- 239 9. be signed by the permittee or his authorized agent who may be required to submit  
240 evidence to indicate such authority.

241  
242  
243  
244  
245  
246  
247  
248  
249  
250 **ARTICLE 4 PROVISIONS FOR FLOOD HAZARD REDUCTION**

251  
252 **SECTION A. GENERAL STANDARDS**

- 253 1. No permit for floodplain development shall be granted for new construction,  
254 substantial-improvements, and other improvements, including the placement of  
255 manufactured homes, within any numbered or unnumbered A zones and AE zones,  
256 unless the conditions of this section are satisfied.
- 257 2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of  
258 the 100-year flood; however, the base flood elevation is not provided. Development  
259 within unnumbered A zones is subject to all provisions of this ordinance. If Flood  
260 Insurance Study data is not available, the community shall obtain, review, and  
261 reasonably utilize any base flood elevation or floodway data currently available from  
262 Federal, State, or other sources.
- 263 3. Until a floodway is designated, no new construction, substantial improvements, or  
264 other development, including fill, shall be permitted within any numbered A zone or  
265 AE zone on the FIRM, unless it is demonstrated that the cumulative effect of the  
266 proposed development, when combined with all other existing and anticipated  
267 development, will not increase the water surface elevation of the base flood more  
268 than one foot at any point within the community.
- 269 4. All new construction, subdivision proposals, substantial-improvements, prefabricated  
270 structures, placement of manufactured homes, and other developments shall require:  
271  
272  
273  
274  
275

276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328

- a. design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. construction with materials resistant to flood damage;
- c. utilization of methods and practices that minimize flood damages;
- d. all electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- e. 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; and
- f. subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
  - (1) all such proposals are consistent with the need to minimize flood damage;
  - (2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
  - (3) adequate drainage is provided so as to reduce exposure to flood hazards; and
  - (4) all proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

5. *Storage, material, and equipment.*

The storage and/or processing of materials, including equipment within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life must meet the additional requirements of this section

- a. Facilities established after the effective date of this ordinance
  - (1) Storage or processing of materials, including equipment within the special flood hazard may be allowed if placed on fill above the base flood elevation. The placement of the fill must meet the requirements for fill in special flood hazard area.
- b. Facilities established prior to the effective date of this ordinance
  - (1) Existing facilities may continue to be used in the special flood hazard

329 area. Any expansion of an existing facility must meet the requirements  
330 for a new storage lot.

- 331  
332 (2) If an existing facility is abandoned for a period of more than 12 months,  
333 it cannot be re-established unless it meets the requirements for a new  
334 facility.

335  
336 6. *Agricultural Structures*

337 Structures used solely for agricultural purposes in connection with the production,  
338 harvesting, storage, drying, or raising of agricultural commodities, including the  
339 raising of livestock, may be constructed at-grade and wet-floodproofed provided there  
340 is no human habitation or occupancy of the structure; the structure is of single-wall  
341 design; there is no permanent retail, wholesale, or manufacturing use included in the  
342 structure; a variance has been granted from the floodplain management  
343 requirements of this ordinance; and a floodplain development permit has been  
344 issued.

345  
346  
347 7. *Accessory Structures*

348 Structures used solely for parking and limited storage purposes, not attached to any  
349 other structure on the site, of limited investment value, and not larger than 400  
350 square feet, may be constructed at-grade and wet-floodproofed provided there is no  
351 human habitation or occupancy of the structure; the structure is of single-wall design;  
352 a variance has been granted from the standard floodplain management requirements  
353 of this ordinance; and a floodplain development permit has been issued.

354  
355 SECTION B. SPECIFIC STANDARDS

- 356  
357 1. In all areas identified as numbered and unnumbered A zones and AE zones, where  
358 base flood elevation data have been provided, as set forth in Article 4, Section A(2),  
359 the following provisions are required:

360  
361 a. *Residential Construction*

362 New construction or substantial-improvement of any residential structures,  
363 including manufactured homes, shall have the lowest floor, including  
364 basement, elevated to two (2) feet above base flood elevation.

365  
366  
367 b. *Non-Residential Construction*

368 New construction or substantial-improvement of any commercial, industrial, or  
369 other non-residential structures, including manufactured homes, shall have the  
370 lowest floor, including basement, elevated to two (2) feet above the base flood  
371 elevation or, together with attendant utility and sanitary facilities, be  
372 floodproofed so that below the base flood elevation the structure is watertight  
373 with walls substantially impermeable to the passage of water and with  
374 structural components having the capability of resisting hydrostatic and  
375 hydrodynamic loads and effects of buoyancy. A registered professional  
376 engineer or architect shall certify that the standards of this subsection are  
377 satisfied. Such certification shall be provided to the Floodplain Administrator  
378 as set forth in Article 3, Section C(9).  
379  
380

381  
382 c. Require, for all new construction and substantial-improvements, that fully  
383 enclosed areas below lowest floor used solely for parking of vehicles, building  
384 access, or storage in an area other than a basement and that are subject to  
385 flooding shall be designed to automatically equalize hydrostatic flood forces on  
386 exterior walls by allowing for the entry and exit of floodwaters. Designs for  
387 meeting this requirement must either be certified by a registered professional  
388 engineer or architect or meet or exceed the following minimum criteria:

- 389  
390 (1) A minimum of two openings having a total net area of not less than one  
391 square inch for every square foot of enclosed area subject to flooding  
392 shall be provided or the use of "engineered vents in accordance with  
393 their listing; and  
394  
395 (2) the bottom of all opening shall be no higher than one (1) foot above  
396 grade. Openings may be equipped with screens, louvers, valves, or  
397 other coverings or devices provided that they permit the automatic  
398 entry and exit of floodwaters.  
399

#### 400 SECTION C. MANUFACTURED HOMES

- 401  
402 1. All manufactured homes to be placed within all numbered and unnumbered A zones  
403 and AE zones, on the community's FIRM shall be required to be installed using  
404 methods and practices that minimize flood damage. For the purposes of this  
405 requirement, manufactured homes must be elevated and anchored to resist flotation,  
406 collapse, or lateral movement. Methods of anchoring may include, but are not limited  
407 to, use of over-the-top or frame ties to ground anchors.  
408  
409 2. Require manufactured homes that are placed or substantially improved within  
410 numbered or unnumbered A zones and AE zones, on the community's FIRM on sites:  
411  
412 a. outside of manufactured home park or subdivision;  
413  
414 b. in a new manufactured home park or subdivision;  
415  
416 c. in an expansion to and existing manufactured home park or subdivision; or  
417  
418 d. in an existing manufactured home park or subdivision on which a  
419 manufactured home has incurred substantial-damage as the result of a flood,  
420  
421 be elevated on a permanent foundation such that the lowest floor of the  
422 manufactured home is elevated to two (2) feet above the base flood elevation and be  
423 securely attached to an adequately anchored foundation system to resist flotation,  
424 collapse, and lateral movement.  
425  
426 3. Require that manufactured homes to be placed or substantially improved on sites in  
427 an existing manufactured home park or subdivision within all unnumbered and  
428 numbered A zones and AE zones, on the community's FIRM, that are not subject to  
429 the provisions of Article 4, Section C(2) of this ordinance, be elevated so that either:  
430

- 431 a. the lowest floor of the manufactured home is at two (2) feet above the base  
432 flood level; or  
433  
434 b. the manufactured home chassis is supported by reinforced piers or other  
435 foundation elements of at least equivalent strength that are no less than thirty-  
436 six (36) inches in height above grade and be securely attached to an  
437 adequately anchored foundation system to resist flotation, collapse, and lateral  
438 movement.  
439

#### 440 SECTION D. FLOODWAY

441 Located within areas of special flood hazard established in Article 2, Section A are areas  
442 designated as floodways. Since the floodway is an extremely hazardous area due to the  
443 velocity of flood waters that carry debris and potential projectiles, the following provisions  
444 shall apply:  
445

- 446  
447 1. The community shall select and adopt a regulatory floodway based on the principle  
448 that the area chosen for the regulatory floodway must be designed to carry the waters  
449 of the base flood without increasing the water surface elevation of that flood more  
450 than one foot at any point.  
451  
452 2. The community shall prohibit any encroachments, including fill, new construction,  
453 substantial- improvements, and other development within the adopted regulatory  
454 floodway unless it has been demonstrated through hydrologic and hydraulic analyses  
455 performed in accordance with standard engineering practice that the proposed  
456 encroachment would not result in any increase in flood levels within the community  
457 during the occurrence of the base flood discharge.  
458  
459 3. If Article 4, Section D(2) is satisfied, all new construction and substantial-  
460 improvements shall comply with all applicable flood hazard reduction provisions of  
461 Article 4.  
462  
463 4. In unnumbered A zones, the community shall obtain, review, and reasonably utilize  
464 any base flood elevation or floodway data currently available from Federal, State, or  
465 other sources as set forth in Article 4, Section A(2).  
466

#### 467 SECTION E. RECREATIONAL VEHICLES

- 468  
469 1. Require that recreational vehicles placed on sites within all numbered and  
470 unnumbered A zones and AE zones on the community's FIRM either:  
471  
472 a. be on the site for fewer than 180 consecutive days, or  
473  
474 b. be fully licensed and ready for highway use\*; or  
475  
476 c. meet the permitting, elevation, and the anchoring requirements for  
477 manufactured homes of this ordinance.  
478

479 \*A recreational vehicle is ready for highway use if it is on its wheels or jacking  
480 system, is attached to the site only by quick-disconnect type utilities and security  
481 devices, and has no permanently attached additions.  
482  
483  
484

485 SECTION F. AREAS OUTSIDE THE FEMA DESIGNATED SPECIAL FLOOD HAZARD  
486 AREA (SFHA)

- 487  
488 1. The Director of Public Works shall have the authority to designate areas outside  
489 the FEMA designated SFHA which are either unsuitable for development or where  
490 the requirements of the SFHA apply. This allows for protection of structures  
491 adjacent to the SFHA or in floodprone areas outside the SFHA.

492  
493 **ARTICLE 5 FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES**

494  
495 **SECTION A. ESTABLISHMENT OF APPEAL BOARD**

496 The Board of Building and Housing Appeals as established by the City of Springfield shall  
497 hear and decide appeals and requests for variances from the floodplain management  
498 requirements of this ordinance.  
499

500  
501 **SECTION B. RESPONSIBILITY OF APPEAL BOARD**

502 Where an application for a floodplain development permit or request for a variance from the  
503 floodplain management regulations is denied by the Floodplain Administrator, the applicant  
504 may apply for such floodplain development permit or variance directly to the Board of  
505 Building and Housing Appeals, as defined in Article 5, Section A.  
506

507 The Board of Building and Housing Appeals shall hear and decide appeals when it is alleged  
508 that there is an error in any requirement, decision, or determination made by the Floodplain  
509 Administrator in the enforcement or administration of this ordinance.  
510

511  
512 **SECTION C. FURTHER APPEALS**

513 Any person aggrieved by the decision of the Board of Building and Housing Appeals or any  
514 taxpayer may appeal such decision to the Circuit Court of Greene County as provided in  
515 RSMO Chapter 536.  
516

517  
518 **SECTION D. FLOODPLAIN MANAGEMENT VARIANCE CRITERIA**

519 In passing upon such applications for variances, the Board of Building and Housing Appeals  
520 shall consider all technical data and evaluations, all relevant factors, standards specified in  
521 other sections of this ordinance, and the following criteria:  
522

- 523  
524 1. the danger to life and property due to flood damage;  
525  
526 2. the danger that materials may be swept onto other lands to the injury of others;  
527  
528 3. the susceptibility of the proposed facility and its contents to flood damage and the  
529 effect of such damage on the individual owner;  
530  
531 4. the importance of the services provided by the proposed facility to the community;  
532  
533 5. the necessity to the facility of a waterfront location, where applicable;  
534  
535 6. the availability of alternative locations, not subject to flood damage, for the proposed  
536 use;  
537  
538 7. the compatibility of the proposed use with existing and anticipated development;  
539

- 540 8. the relationship of the proposed use to the comprehensive plan and floodplain  
541 management program for that area;  
542  
543 9. the safety of access to the property in times of flood for ordinary and emergency  
544 vehicles;  
545  
546 10. the expected heights, velocity, duration, rate of rise and sediment transport of the  
547 flood waters, if applicable, expected at the site; and,  
548  
549 11. the costs of providing governmental services during and after flood conditions,  
550 including maintenance and repair of public utilities and facilities such as sewer, gas,  
551 electrical, and water systems; streets; and bridges.  
552

553 SECTION E. CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT  
554 VARIANCES  
555

- 556 1. Generally, variances may be issued for new construction and substantial-  
557 improvements to be erected on a lot of one-half acre or less in size contiguous to and  
558 surrounded by lots with existing structures constructed below the base flood level,  
559 providing items 2 through 6 below have been fully considered. As the lot size  
560 increases beyond the one-half acre, the technical justification required for issuing the  
561 variance increases.  
562  
563 2. Variances may be issued for the reconstruction, rehabilitation, or restoration of  
564 structures listed on the National Register of Historic Places, the State Inventory of  
565 Historic Places, or local inventory of historic places upon determination provided the  
566 proposed activity will not preclude the structure's continued historic designation.  
567  
568 3. Variances shall not be issued within any designated floodway if any increase in flood  
569 levels during the base flood discharge would result.  
570  
571 4. Variances shall only be issued upon a determination that the variance is the minimum  
572 necessary, considering the flood hazard, to afford relief.  
573  
574 5. Variances shall only be issued upon (a) a showing of good and sufficient cause, (b) a  
575 determination that failure to grant the variance would result in exceptional hardship to  
576 the applicant, and (c) a determination that the granting of a variance will not result in  
577 increased flood heights, additional threats to public safety, extraordinary public  
578 expense, create nuisances, cause fraud on or victimization of the public, or conflict  
579 with existing local laws or ordinances.  
580  
581 6. A community shall notify the applicant in writing over the signature of a community  
582 official that (1) the issuance of a variance to construct a structure below base flood  
583 level will result in increased premium rates for flood insurance up to amounts as high  
584 as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the  
585 base flood level increases risks to life and property. Such notification shall be  
586 maintained with the record of all variance actions as required by this ordinance.  
587

588 SECTION F. CONDITIONS FOR APPROVING VARIANCES FOR AGRICULTURAL  
589 STRUCTURES  
590

591 Any variance granted for an agricultural structure shall be decided individually based on a  
592 case by case analysis of the building's unique circumstances. Variances granted shall meet  
593 the following conditions as well as those criteria and conditions set forth in Article 5, Sections  
594 D and E of this ordinance.

595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.

1. All agricultural structures considered for a variance from the floodplain management regulations of this ordinance shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farm houses, cannot be considered agricultural structures.
2. Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article 4, Section A (4)(b) of this ordinance.
4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Article 4, Section A (4)(a) of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 4, Section A (4)(d) of this ordinance.
6. The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article 4, Section B (1)(c) of this ordinance.
7. The agricultural structures must comply with the floodplain management floodway encroachment provisions of Article 4, Section D(2) of this ordinance. No variances may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
8. Major equipment, machinery, or other contents must be protected from any flood damage.
9. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.
10. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

- 648 11. Wet-floodproofing construction techniques must be reviewed and approved by the  
649 community and a registered professional engineer or architect prior to the issuance of  
650 any floodplain development permit for construction

651  
652 SECTION G. CONDITIONS FOR APPROVING VARIANCES FOR ACCESSORY  
653 STRUCTURES

654 Any variance granted for an accessory structure shall be decided individually based on a  
655 case by case analysis of the building's unique circumstances. Variances granted shall meet  
656 the following conditions as well as those criteria and conditions set forth in Article 5, Sections  
657 D and E of this ordinance.

658  
659 In order to minimize flood damages during the 100-year flood and the threat to public health  
660 and safety, the following conditions shall be included for any variance issued for accessory  
661 structures that are constructed at-grade and wet-floodproofed.

- 662  
663 1. Use of the accessory structures must be solely for parking and limited storage  
664 purposes in zone A only as identified on the community's Flood Insurance Rate Map  
665 (FIRM).  
666  
667 2. For any new or substantially damaged accessory structures, the exterior and interior  
668 building components and elements (i.e., foundation, wall framing, exterior and interior  
669 finishes, flooring, etc.) below the base flood elevation, must be built with flood-  
670 resistant materials in accordance with Article 4, Section A (4)(b) of this ordinance.  
671  
672 3. The accessory structures must be adequately anchored to prevent flotation, collapse,  
673 or lateral movement of the structure in accordance with Article 4, Section A (4)(a) of  
674 this ordinance. All of the building's structural components must be capable of  
675 resisting specific flood-related forces including hydrostatic, buoyancy, and  
676 hydrodynamic and debris impact forces.  
677  
678 4. Any mechanical, electrical, or other utility equipment must be located above the base  
679 flood elevation or floodproofed so that they are contained within a watertight,  
680 floodproofed enclosure that is capable of resisting damage during flood conditions in  
681 accordance with Article 4, Section A (4)(d) of this ordinance.  
682  
683 5. The accessory structures must meet all National Flood Insurance Program (NFIP)  
684 opening requirements. The NFIP requires that enclosure or foundation walls, subject  
685 to the 100-year flood, contain openings that will permit the automatic entry and exit of  
686 floodwaters in accordance with Article 4, Section B (1)(c) of this ordinance.  
687  
688 6. The accessory structures must comply with the floodplain management floodway  
689 encroachment provisions of Article 4, Section D(2) of this ordinance. No variances  
690 may be issued for accessory structures within any designated floodway, if any  
691 increase in flood levels would result during the 100-year flood.  
692  
693 7. Equipment, machinery, or other contents must be protected from any flood damage.  
694  
695 8. No disaster relief assistance under any program administered by any Federal agency  
696 shall be paid for any repair or restoration costs of the accessory structures.  
697  
698 9. A community shall notify the applicant in writing over the signature of a community  
699 official that (1) the issuance of a variance to construct a structure below base flood  
700 level will result in increased premium rates for flood insurance up to amounts as high  
701 as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the

702 base flood level increases risks to life and property. Such notification shall be  
703 maintained with the record of all variance actions as required by this ordinance.

- 704  
705 10. Wet-floodproofing construction techniques must be reviewed and approved by the  
706 community and registered professional engineer or architect prior to the issuance of  
707 any floodplain development permit for construction.

708  
709 **ARTICLE 6 PENALTIES FOR VIOLATION**

710 Violation of the provisions of this ordinance or failure to comply with any of its requirements  
711 (including violations of conditions and safeguards established in connection with granting of  
712 variances) shall constitute a misdemeanor. Any person who violates this ordinance or fails  
713 to comply with any of its requirements shall, upon conviction thereof, be fined not more than  
714 \$500.00, and in addition, shall pay all costs and expenses involved in the case. Each day  
715 such violation continues shall be considered a separate offense. Nothing herein contained  
716 shall prevent the City of Springfield or other appropriate authority from taking such other  
717 lawful action as is necessary to prevent or remedy any violation.  
718

719  
720 **ARTICLE 7 AMENDMENTS**

721 The regulations, restrictions, and boundaries set forth in this ordinance may from time to  
722 time be amended, supplemented, changed, or repealed to reflect any and all changes in the  
723 National Flood Disaster Protection Act of 1973, provided, however, that no such action may  
724 be taken until after a public hearing in relation thereto, at which parties of interest and  
725 citizens shall have an opportunity to be heard. Notice of the time and place of such hearing  
726 shall be published in a newspaper of general circulation in the City of Springfield. At least 20  
727 days shall elapse between the date of this publication and the public hearing. A copy of  
728 such amendments will be provided to the Region VII office of the Federal Emergency  
729 Management Agency (FEMA). The regulations of this ordinance are in compliance with the  
730 National Flood Insurance Program (NFIP) regulations.  
731

732  
733 **ARTICLE 8 DEFINITIONS**

734 Unless specifically defined below, words or phrases used in this ordinance shall be  
735 interpreted so as to give them the same meaning they have in common usage and to give  
736 this ordinance its most reasonable application.  
737

738  
739 "**100-year Flood**" see "*base flood.*"

740  
741 "**Accessory Structure**" means the same as "*appurtenant structure.*"

742  
743 "**Actuarial Rates**" see "*risk premium rates.*"

744  
745 "**Administrator**" means the Federal Insurance Administrator.

746  
747 "**Agency**" means the Federal Emergency Management Agency (FEMA).

748  
749 "**Agricultural Commodities**" means agricultural products and livestock.

750

51 **"Agricultural Structure"** means any structure used exclusively in connection with the  
52 production, harvesting, storage, drying, or raising of agricultural commodities.  
53  
54 **"Appeal"** means a request for review of the Floodplain Administrator's interpretation of any  
55 provision of this ordinance or a request for a variance  
56  
57 **"Appurtenant Structure"** means a structure that is on the same parcel of property as the  
58 principle structure to be insured and the use of which is incidental to the use of the principal  
59 structure.  
60  
61 **"Area of Special Flood Hazard"** is the land in the floodplain within a community subject to a  
62 one percent or greater chance of flooding in any given year.  
63  
64 **"Base Flood"** means the flood having a one percent chance of being equaled or exceeded  
65 in any given year.  
66  
67 **"Basement"** means any area of the structure having its floor subgrade (below ground level)  
68 on all sides.  
69  
70 **"Building"** see *"structure."*  
71  
72 **"Chief Executive Officer" or "Chief Elected Official"** means the official of the community  
73 who is charged with the authority to implement and administer laws, ordinances, and  
74 regulations for that community.  
75  
76 **"Community"** means any State or area or political subdivision thereof, which has authority  
77 to adopt and enforce floodplain management regulations for the areas within its jurisdiction.  
78  
79 **"Development"** means any man-made change to improved or unimproved real estate,  
80 including but not limited to buildings or other structures, levees, levee systems, mining,  
81 dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or  
82 materials.  
83  
84 **"Elevated Building"** means for insurance purposes, a non-basement building which has its  
85 lowest elevated floor raised above ground level by foundation walls, shear walls, posts,  
86 piers, pilings, or columns.  
87  
88 **"Eligible Community" or "Participating Community"** means a community for which the  
89 Administrator has authorized the sale of flood insurance under the National Flood Insurance  
90 Program (NFIP).  
91  
92 **"Existing Construction"** means for the purposes of determining rates, structures for which  
93 the *"start of construction"* commenced before the effective date of the FIRM or before  
94 January 1, 1975, for FIRMs effective before that date. *"Existing construction"* may also be  
95 referred to as *"existing structures."*  
96  
97 **"Existing Manufactured Home Park or Subdivision"** means a manufactured home park  
98 or subdivision for which the construction of facilities for servicing the lots on which the  
99 manufactured homes are to be affixed (including, at a minimum, the installation of utilities,

800 the construction of streets, and either final site grading or the pouring of concrete pads) is  
801 completed before the effective date of the floodplain management regulations adopted by a  
802 community.

803  
804 **"Expansion to an Existing Manufactured Home Park or Subdivision"** means the  
805 preparation of additional sites by the construction of facilities for servicing the lots on which  
806 the manufactured homes are to be affixed (including the installation of utilities, the  
807 construction of streets, and either final site grading or the pouring of concrete pads).

808  
809 **"Flood" or "Flooding"** means a general and temporary condition of partial or complete  
810 inundation of normally dry land areas from (1) the overflow of inland and/or (2) the unusual  
811 and rapid accumulation or runoff of surface waters from any source.

812  
813 **"Flood Boundary and Floodway Map (FBFM)"** means an official map of a community on  
814 which the Administrator has delineated both special flood hazard areas and the designated  
815 regulatory floodway.

816  
817 **"Flood Elevation Determination"** means a determination by the Administrator of the water  
818 surface elevations of the base flood, that is, the flood level that has a one percent or greater  
819 chance of occurrence in any given year.

820  
821 **"Flood Elevation Study"** means an examination, evaluation and determination of flood  
822 hazards.

823  
824 **"Flood Fringe"** means the area outside the floodway encroachment lines, but still subject to  
825 inundation by the regulatory flood.

826  
827 **"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by  
828 the Administrator, where the boundaries of the flood areas having special flood hazards  
829 have been designated as (unnumbered or numbered) A zones.

830  
831 **"Flood Insurance Rate Map (FIRM)"** means an official map of a community, on which the  
832 Administrator has delineated both the special flood hazard areas and the risk premium  
833 zones applicable to the community.

834  
835 **"Flood Insurance Study (FIS)"** means an examination, evaluation and determination of  
836 flood hazards and, if appropriate, corresponding water surface elevations.

837  
838 **"Floodplain" or "Flood-prone Area"** means any land area susceptible to being inundated  
839 by water from any source (*see "flooding"*).

840  
841 **"Floodplain Management"** means the operation of an overall program of corrective and  
842 preventive measures for reducing flood damage, including but not limited to emergency  
843 preparedness plans, flood control works, and floodplain management regulations.

844  
845 **"Floodplain Management Regulations"** means zoning ordinances, subdivision regulations,  
846 building codes, health regulations, special purpose ordinances (such as floodplain and  
847 grading ordinances) and other applications of police power. The term describes such state

48 or local regulations, in any combination thereof, that provide standards for the purpose of  
49 flood damage prevention and reduction.

850  
851 **"Floodproofing"** means any combination of structural and nonstructural additions, changes,  
852 or adjustments to structures that reduce or eliminate flood damage to real estate or improved  
853 real property, water and sanitary facilities, or structures and their contents.

854  
855 **"Floodway" or "Regulatory Floodway"** means the channel of a river or other watercourse  
856 and the adjacent land areas that must be reserved in order to discharge the base flood  
857 without cumulatively increasing the water surface elevation more than one foot.

858  
859 **"Floodway Encroachment Lines"** means the lines marking the limits of floodways on  
860 Federal, State and local floodplain maps.

861  
862 **"Freeboard"** means a factor of safety usually expressed in feet above a flood level for  
863 purposes of floodplain management. *"Freeboard"* tends to compensate for the many  
864 unknown factors that could contribute to flood heights greater than the height calculated for a  
865 selected size flood and floodway conditions, such as bridge openings and the hydrological  
866 effect of urbanization of the watershed.

867  
868 **"Functionally Dependent Use"** means a use that cannot perform its intended purpose  
869 unless it is located or carried out in close proximity to water. This term includes only docking  
870 facilities and facilities that are necessary for the loading and unloading of cargo or  
871 passengers, but does not include long-term storage or related manufacturing facilities.

72  
873 **"Highest Adjacent Grade"** means the highest natural elevation of the ground surface prior  
874 to construction next to the proposed walls of a structure.

875  
876 **"Historic Structure"** means any structure that is (a) listed individually in the National  
877 Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily  
878 determined by the Secretary of the Interior as meeting the requirements for individual listing  
879 on the National Register; (b) certified or preliminarily determined by the Secretary of the  
880 Interior as contributing to the historical significance of a registered historic district or a district  
881 preliminarily determined by the Secretary to qualify as a registered historic district; (c)  
882 individually listed on a state inventory of historic places in states with historic preservation  
883 programs which have been approved by the Secretary of the Interior; or (d) individually listed  
884 on a local inventory of historic places in communities with historic preservation programs that  
885 have been certified either (1) by an approved state program as determined by the Secretary  
886 of the Interior or (2) directly by the Secretary of the Interior in states without approved  
887 programs.

888  
889 **"Lowest Floor"** means the lowest floor of the lowest enclosed area, including basement.  
890 An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building  
891 access, or storage, in an area other than a basement area, is not considered a building's  
892 lowest floor, **provided** that such enclosure is not built so as to render the structure in  
893 violation of the applicable floodproofing design requirements of this ordinance.

894  
895 **"Manufactured Home"** means a structure, transportable in one or more sections, that is  
896 built on a permanent chassis and is designed for use with or without a permanent foundation

97 when attached to the required utilities. The term *"manufactured home"* does not include a  
98 *"recreational vehicle."*

899  
900 **"Manufactured Home Park or Subdivision"** means a parcel (or contiguous parcels) of  
901 land divided into two or more manufactured home lots for rent or sale.

902 **"Map"** means the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM),  
903 or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal  
904 Emergency Management Agency (FEMA).

905  
906 **"Market Value" or "Fair Market Value"** means an estimate of what is fair, economic, just  
907 and equitable value under normal local market conditions.

908  
909 **"Mean Sea Level"** means, for purposes of the National Flood Insurance Program (NFIP),  
910 the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood  
911 elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

912  
913 **"New Construction"** means, for the purposes of determining insurance rates, structures  
914 for which the *"start of construction"* commenced on or after the effective date of an  
915 initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent  
916 improvements to such structures. For floodplain management purposes, *"new construction"*  
917 means structures for which the *"start of construction"* commenced on or after the effective  
918 date of the floodplain management regulations adopted by a community and includes any  
919 subsequent improvements to such structures.

920  
921 **"New Manufactured Home Park or Subdivision"** means a manufactured home park or  
922 subdivision for which the construction of facilities for servicing the lot on which the  
923 manufactured homes are to be affixed (including at a minimum, the installation of utilities, the  
924 construction of streets, and either final site grading or the pouring of concrete pads) is  
925 completed on or after the effective date of floodplain management regulations adopted by  
926 the community.

927  
928 **"NFIP"** means the National Flood Insurance Program (NFIP).

929  
930 **"Participating Community"** also known as an *"eligible community,"* means a community in  
931 which the Administrator has authorized the sale of flood insurance.

932  
933 **"Person"** includes any individual or group of individuals, corporation, partnership,  
934 association, or any other entity, including Federal, State, and local governments and  
935 agencies.

936  
937 **"Principally Above Ground"** means that at least 51 percent of the actual cash value of the  
938 structure, less land value, is above ground.

939  
940 **"Recreational Vehicle"** means a vehicle which is (a) built on a single chassis; (b) 400  
941 square feet or less when measured at the largest horizontal projections; (c) designed to be  
942 self-propelled or permanently towable by a light-duty truck; and (d) designed primarily not for  
943 use as a permanent dwelling but as temporary living quarters for recreational, camping,  
944 travel, or seasonal use.

945

946 **"Remedy A Violation"** means to bring the structure or other development into compliance  
947 with Federal, State, or local floodplain management regulations; or, if this is not possible, to  
948 reduce the impacts of its noncompliance.  
949

950 **"Repetitive Loss"** means flood-related damages sustained by a structure on two separate  
951 occasions during a 10-year period for which the cost of repairs at the time of each such flood  
952 event, equals or exceeds twenty-five percent of the market value of the structure before the  
953 damage occurred.  
954

955 **"Risk Premium Rates"** means those rates established by the Administrator pursuant to  
956 individual community studies and investigations which are undertaken to provide flood  
957 insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of  
958 1973 and the accepted actuarial principles. *"Risk premium rates"* include provisions for  
959 operating costs and allowances.  
960

961 **"Special Flood Hazard Area"** see *"area of special flood hazard."*  
962

963 **"Special Hazard Area"** means an area having special flood hazards and shown on an  
964 FHBM, FIRM or FBFM as zones (numbered or unnumbered) A and AE.  
965

966 **"Start of Construction"** includes substantial-improvements, and means the date the  
967 building permit was issued, provided the actual start of construction, repair, reconstruction,  
968 rehabilitation, addition placement, or other improvements were within 180 days of the permit  
969 date. The **actual start** means either the first placement of permanent construction of a  
970 structure on a site, such as the pouring of slabs or footings, the installation of piles, the  
971 construction of columns, any work beyond the stage of excavation, or the placement of a  
972 manufactured home on a foundation. Permanent construction does not include land  
973 preparation, such as clearing, grading and filling, the installation of streets and/or walkways,  
974 excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor  
975 installation on the property of accessory structures, such as garages or sheds not occupied  
976 as dwelling units or not part of the main structure. For a substantial-improvement, the **actual**  
977 **start of construction** means the first alteration of any wall, ceiling, floor, or other structural  
978 part of a building, whether or not that alteration affects the external dimensions of the  
979 building.  
980

981 **"State Coordinating Agency"** means that agency of the state government, or other office  
982 designated by the governor of the state or by state statute at the request of the Administrator  
983 to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.  
984

985 **"Structure"** means, for floodplain management purposes, a walled and roofed building,  
986 including a gas or liquid storage tank, that is principally above ground, as well as a  
987 manufactured home. *"Structure"* for insurance purposes, means a walled and roofed  
988 building, other than a gas or liquid storage tank, that is principally above ground and affixed  
989 to a permanent site, as well as a manufactured home on a permanent foundation. For the  
990 latter purpose, the term includes a building while in the course of construction, alteration or  
991 repair, but does not include building materials or supplies intended for use in such  
992 construction, alteration or repair, unless such materials or supplies are within an enclosed  
993 building on the premises.  
994

95 **"Substantial-Damage"** means damage of any origin sustained by a structure whereby the  
96 cost of restoring the structure to its before damaged condition would equal or exceed 50  
997 percent of the market value of the structure before the damage occurred. The term includes  
998 Repetitive Loss buildings (see definition).  
999

1000 For the purposes of this definition, "repair" is considered to occur when the first repair or  
1001 reconstruction of any wall, ceiling, floor, or other structural part of the building commences.  
1002

1003 The term does not apply to:

- 1004
- 1005 a.) Any project for improvement of a building required to comply with existing health,  
1006 sanitary, or safety code specifications which have been identified by the Code  
1007 Enforcement Official and which are solely necessary to assure safe living conditions,  
1008 or
  - 1009
  - 1010 b.) Any alteration of a "historic structure" provided that the alteration will not preclude the  
1011 structure's continued designation as a "historic structure", or  
1012
  - 1013 c.) Any improvement to a building.  
1014

1015 **"Substantial Improvement"** means any combination of reconstruction, alteration, or  
1016 improvement to a building, taking place during a 10 year period, in which the cumulative  
1017 percentage of improvement equals or exceeds fifty percent of the current market value of the  
1018 building. For the purposes of this definition, an improvement occurs when the first alteration  
19 of any wall, ceiling, floor, or other structural part of the building commences, whether or not  
1020 that alteration affects the external dimensions of the building. This term includes structures,  
1021 which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair  
1022 work done.  
1023

1024 The term does not apply to:

- 1025
- 1026 a.) any project for improvement of a building required to comply with existing health,  
1027 sanitary, or safety code specifications which have been identified by the Code  
1028 Enforcement Official and which are solely necessary to assure safe living conditions,  
1029 or
  - 1030
  - 1031 b.) Any alteration of a "historic structure" provided that the alteration will not preclude the  
1032 structure's continued designation as a "historic structure." Or
  - 1033
  - 1034 c.) Any building that has been damaged from any source or is categorized as repetitive  
1035 loss.  
1036

1037 **"Substantially improved existing manufactured home parks or subdivisions"** where  
1038 the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads  
1039 equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair,  
1040 reconstruction or improvement commenced.  
1041

1042 "Variance" means a grant of relief by the community from the terms of a floodplain  
1043 management regulation. Flood insurance requirements remain in place for any varied use of  
1044 structure and cannot be varied by the community.

1045  
1046 "Violation" means the failure of a structure or other development to be fully compliant with  
1047 the community's floodplain management regulations. A structure or other development  
1048 without the elevation certificate, other certifications, or other evidence of compliance required  
1049 by this ordinance is presumed to be in violation until such time as that documentation is  
1050 provided.

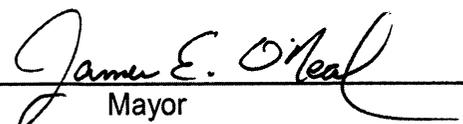
1051  
1052 "Water Surface Elevation" means the height, in relation to the National Geodetic Vertical  
1053 Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes  
1054 and frequencies in the floodplain.

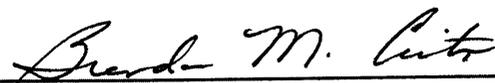
1055  
1056 Section 2 - Savings Clause. Nothing in this ordinance shall be construed to affect any  
1057 suit or proceeding now pending in any court or any rights acquired or liability incurred nor any  
1058 cause or causes of action occurred or existing, under any act or ordinance repealed hereby.  
1059 Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

1060  
1061 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or phrase  
1062 of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of  
1063 the remaining portions of this ordinance. The Council hereby declares that it would have  
1064 adopted the ordinance and each section, subsection, sentence, clause or phrase thereof,  
1065 irrespective of the fact that any one or more sections, subsections, sentences, clauses, or  
1066 phrases be declared invalid.

1067  
1068 Section 4 - This proposed ordinance must receive approval by FEMA and with such  
1069 approval shall be in full force and effect from and after passage.

1070  
1071  
1072 Passed at meeting: November 1, 2010

1073  
1074   
1075 Mayor

1076  
1077 Attest: , City Clerk

1078  
1079  
1080 Filed as Ordinance: November 1, 2010

1081  
1082  
1083 Approved as to form: , Assistant City Attorney

1084  
1085  
1086 Approved for Council action: , City Manager

Affected Agency Notified:	Yes
Emergency Required:	No
Budget Adjust. Required:	No
Board Rec. Required:	No
Public Hearing:	No
Sponsor:	Chiles
Date:	October 26, 2010

**EXPLANATION TO SUBSTITUTE COUNCIL BILL NO. 2010 – 267**

**ORIGINATING DEPARTMENT:** Building Development Services

**PURPOSE:** To repeal the existing floodplain regulations as set forth in General Ordinance No. 4026, enacted May 8, 1989, and replace with a new floodplain management ordinance in order to comply with current Federal Emergency Management Agency (FEMA) requirements and to coordinate Council approval of the proposed, new floodplain management ordinance with FEMA's acceptance of the revised floodplain maps, which have an effective date of December 17, 2010.

The substitute contains the following substantive changes to Council Bill No. 2010 – 267.

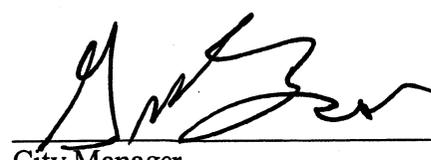
1. The specific map panel identification numbers have been added to the ordinance, as shown in lines 108 through 118, per FEMA's request.

Submitted by:



Director of Building Development Services

Approved by:



City Manager