

LINCOLN COUNTY FLOODPLAIN MANGEMENT ORDINANCE 60.3(d)

2018 Revision

## LINCOLN COUNTY FLOODPLAIN MANAGEMENT ORDINANCE 60.3(d)

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

#### SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Missouri has in Missouri Revised Statutes 49.600 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the Lincoln County Commission of Lincoln County, Missouri ordains as follows:

#### SECTION B. FINDINGS OF FACT

##### 1. Flood Losses Resulting from Periodic Inundation

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

##### 2. General Causes of the Flood Losses

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

##### 3. Methods Used To Analyze Flood Hazards

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

- A. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this article is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this article. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials for Lincoln County, Missouri, dated October 5, 2018 as amended, and any future revisions thereto.
- B. Calculation of water surface profiles is based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

- C. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
- D. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
- E. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

#### SECTION C. STATEMENT OF PURPOSE

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

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction.
3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.
4. Minimize expenditure of public money for costly flood control projects.
5. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

#### SECTION D. METHODS OF REDUCING FLOOD LOSSES

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion or the flood heights or velocities.
2. Requiring that uses vulnerable to floods including structures which serve such uses be protected against flood damage at the time of initial construction.
3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of flood waters.
4. Controlling filling, grading, dredging and other development which may increase erosion or flood damage.

5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodway waters or which may increase flood hazards in other areas.

## **ARTICLE 2 GENERAL PROVISIONS**

### **SECTION A. LANDS TO WHICH ORDINANCE APPLIES**

This article shall apply to all lands within the jurisdiction of Lincoln County identified as numbered and unnumbered A zones and AE zones, on the Flood Insurance Rate Map (FIRM) on Lincoln County Index Panel 29113CIND0B dated October 5, 2018 as amended, and any future revisions thereto. In all areas covered by this article, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Lincoln County Commission of Lincoln County or its duly designated representative under such safeguards and restrictions as the Lincoln County Commission of Lincoln County or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article 4.

Municipalities within Lincoln County who wish to contract with the Lincoln County Floodplain Administrator for permitting and enforcement of the floodplain management properties within their jurisdiction must adhere to and agree to the following:

1. Municipality must adopt a Floodplain Ordinance that meets or exceeds the Lincoln County Floodplain Ordinance and be approved by SEMA and FEMA.
2. Must enter into an annual contract with the Lincoln County Commission for services.
3. All permit fees will go to the issuing agency.
4. Upon signed contract, Lincoln County Floodplain Office has all administrative and enforcement powers.

### **SECTION B. FLOODPLAIN ADMINISTRATION**

The Lincoln County Emergency Management Director is hereby designated as the Floodplain Administrator under this ordinance. The Floodplain Administrator may direct duties to the Floodplain Manager, but will be responsible for the overall oversight and floodplain vision.

### **SECTION C. COMPLIANCE**

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

Right of Entry: The Floodplain Administrator, or the duly authorized representative, may enter any building, structure or premises to perform any duties imposed by this regulation.

#### SECTION D. ABROGATION AND GREATER RESTRICTIONS

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

#### SECTION E. INTERPRETATION

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

#### SECTION F. WARNING AND DISCLAIMER OF LIABILITY

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

#### SECTION G. SEVERABILITY

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

#### SECTION H. Original Date of Adoption and Revisions

The Governing Body of Lincoln County first adopted and approved Ordinance 60.3 (d) on July 20, 1982. Revised: April 27, 1987; April 19, 1994; March 3, 1997; August 28, 2001; June 18, 2002; February 10, 2003; November 15, 2004; June 5, 2007; September 22, 2008 (Permit Fees); July 13, 2010; March 25, 2014; September 25, 2018.

### **ARTICLE 3 GENERAL PROVISIONS**

#### SECTION A. FLOODPLAIN DEVELOPMENT PERMIT (REQUIRED)

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

Application for a Floodplain Development Permit shall be made on forms furnished by the Floodplain Administrator and may include but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

To obtain a floodplain development permit, the applicant (property owner, developer or contractor) shall first file an application in writing on a form furnished for that purpose. Specifically, the following information is required:

1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work.
2. Identify and describe the work to be covered by the floodplain development permit. Work should be accompanied by plans and specifications for proposed construction.
3. Indicate the use or occupancy for which the proposed work is intended.
4. Indicate the assessed value of the structure and/or the fair market value of the improvement.
5. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Specify whether development is located in designated flood fringe or floodway. If the development occurs in the floodway a No Rise Certificate needs to be submitted.
6. An Elevation Certification from a licensed Missouri surveyor or engineer in relation to mean sea level of the lowest floor (including basement) of all structures, without limitation, the crawl space or basement, heating, cooling or other mechanical components, and garage, of all structures or areas to be filled on the property.
7. An Elevation Certification from a licensed Missouri surveyor or engineer in relation to mean sea level to which any nonresidential structure is to be flood proofed, without limitation, the crawl space or basement, heating, cooling or other mechanical components, and garage, of all structures or areas to be filled on the property.
8. Certification from a registered professional engineer or architect that the nonresidential flood proofed structure will meet the flood proofing criteria in Article 5, Section D (2).

9. Copies of all other State and Federal permits.
10. Provide such other information as reasonably may be required by the Emergency Management Director, such as Emergency Operations Plans or procedures to remove Hazardous Materials from the floodway prior to a Flood Warning.
11. If a Letter of Map Change fee is required, the applicant shall submit fees directly to the LOMC Clearinghouse.
12. Be signed by the permittee or authorized agent who may be required to submit evidence to indicate such authority.

All Floodplain Development Permits are good for one year from date of issuance. Permittee has 180 consecutive days from date of issuance to start construction (any change to the structural integrity of the building); One six-month extension for time may be applied for free. If a permittee requests an extension beyond the six-month extension, a new floodplain development permit will be issued with all pertinent fees applied.

#### SECTION B. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Floodplain Administrator is hereby appointed to administer and implement the provisions of this ordinance. The Floodplain Administrator may direct duties to the Floodplain Manager, but will be responsible for the overall oversight and floodplain vision.

#### SECTION C. DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR

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

1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied.
2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law.
3. Review all subdivision proposals and other proposed new development, including manufactured home parks, subdivisions, or campgrounds to determine whether such proposals will be reasonably safe from flooding.
4. Issue or deny permits floodplain development permits. Issue violation notifications, stop work orders and temporary use permits.

5. Notify adjacent communities and the Missouri State Emergency Management Agency (MO SEMA) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
6. Assure that the flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse.
7. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures.
8. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been flood proofed.
9. Require that, for floodproofed non-residential structures, a Missouri registered professional engineer/architect certify that the design and methods of construction meet requirements of Article 4 Section B (B).
10. Review Lincoln County Floodplain Ordinance annually for compliance and make changes as necessary.
11. Require that new subdivisions and development proposals with more than 50 lots or larger than five acres include BFEs.
12. Inspect all development in Special Flood Hazard Areas to ensure compliance.
13. Maintain records of issued permits, elevation data, inspections, and enforcement actions.
14. Determine whether proposed improvements are substantial improvements; substantial improvement of structures triggers requirements of a substantial damage/improvement estimation for permits and compliance.
15. Determine whether work necessary to restore a damaged building to its pre-damage condition constitutes repair of substantial damage; substantial damages of structures triggers requirements of a substantial damage/improvement estimation for permits and compliance.
16. Issue open space lease for approved applications. Open space lease lots shall remain open space as directed in 44 CFR 80.19. Fees for lease lots are reviewed and approved annually by the Lincoln County Commission.
17. Assist community landowners with Letters of Map Change. Any written removal by FEMA to remove a structure or parcel from the Special Flood Hazard Area by a Letter of Map Change will only remove the structure and parcel from the mandatory insurance requirements and not from the Lincoln County Floodplain Ordinance requirements.



## SECTION D. PERMIT FEES

All structures damaged by any means, including flooding, are subject to compliance with the provisions of this ordinance and the following fees:

- A. Residential reconstruction permits shall be issued for repairs to all structures with Minor Improvements (under 50% of the market value). The fee for this Reconstruction shall be \$25.00.
- B. Residential new construction and substantial improvements (equals or exceeds 50% of the market value) for non-commercial permits shall be issued for all new construction. The fee for this New Construction permit shall be \$200.00.
- C. Residential and agricultural accessory noninhabitable structures, less than 400 sq. ft. shall be issued a permit for \$25.00; if structure is over 400 sq. ft. a permit shall be issued for \$200.
- D. Permit Fees for all subdivision proposals and other proposed new developments, including manufactured home parks or subdivisions shall be \$150.00 per lot that is located or removed from the special flood hazard area.
- E. Commercial and Not-for-Profit permits shall be issued for all new commercial construction, and for all structures with Minor Improvements (under 50% of the market value) and Substantial Improvements (equals or exceeds 50% of the market value). The fee for this permit shall be \$250.00, unless approval on a case by case basis for Not-for-Profit organizations by the Floodplain Administrator.
- F. Addition of fill without development of a structure, either commercial, agricultural, residential, or recreational, shall be issued a permit for \$200.00.
- G. Levee District and Drainage District permits shall be issued a permit for \$0.00.
- H. Permits shall be issued for partial and total demolition of residential and non-residential structures. Fees for demolition permits shall be \$0.00.
- I. Temporary Use Permits shall be issued for recreational vehicles, wheeled campers, duck blinds over 75 square feet, deer stands over 75 square feet and any other temporary manmade structure that will be located in the Special Flood Hazard Area for more than thirty days and less than 180 consecutive days for \$0.00.
- J. Repairing flooding washouts and eroded land to preexisting conditions shall be issued a permit for \$0.00 up to 6 months post flood, \$25 after 6 months.

Permit fees are to be collected when Floodplain Development Permit is completed. The Floodplain Development Permit cannot be completed until the application process has been completed and approved.

## SECTION E. PENALTIES FOR NON-COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with terms of this ordinance and other applicable regulations.

A person commits a violation of this ordinance if a person:

- A. Allows or permits the erection, construction, or alteration of any improvement, or allows or permits the placement of any material in the Special Flood Hazard Area without an approved Floodplain development permit.
- B. Does not comply with the regulations and requirements of the Lincoln County Floodplain Ordinance.
- C. Does not comply with the scope of work issued in the permit or works under an expired permit in carrying out duties as assigned in enforcing the Lincoln County Floodplain Ordinance.

**Revocation of Permit:** The Floodplain Administrator may revoke a permit or approval issued under the provisions of this ordinance in cases where there has been any false statement or misrepresentation as to a material fact in the application or plans upon which the permit or approval was based.

**Violation Notice:** Violation notices shall be issued when the Floodplain Administrator has reasonable grounds to believe that there has been a violation of this ordinance, or any rule or regulation adopted pursuant thereto. The Floodplain Administrator shall give written notice to the person alleged to be in violation. Written notice may follow an issuance of a Stop Work Order. Reasonable grounds for violations include the receipt by the Floodplain Administrator of any written, telephoned, emailed, or verbal complaint, inquiry, report, or visual inspection, that shall identify the provision of this ordinance alleged to be violated and the facts alleged to constitute such violation.

**Stop Work Orders:** Upon notice from the Floodplain Administrator that any manmade project being done in a special flood hazard area which would be contrary to the provisions of this ordinance, or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and sent to the owner of the property or the person doing the work and shall state the conditions under which work may be resumed. A Stop work order may be placed on site if contact with the owner or person doing the work is unknown. Where any emergency exists, no written notice shall be required to be given by the Floodplain Administrator, provided written notice shall follow within twenty-four (24) hours from the time oral notice to stop work is issued.

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of 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 **365** day or both and in addition shall pay all costs and expenses involved in the case. Each day of such violation continues shall be considered a separate offense.

## SECTION F. COMPLAINTS

In the event that the Floodplain Administrator receives any complaints by means of signed written documentation, unsigned written documentation, telephone, email or in person, the complaint should be documented with the date received, subject matter and any other pertinent information needed to research. Set up a site visit if needed to verify complaint. Any resolution to a complaint or inquiry should be relayed to the complainant as soon as possible, with all conversations documented.

## ARTICLE 4 PROVISIONS FOR FLOOD HAZARD REDUCTION

### SECTION A. GENERAL STANDARDS

1. No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones and AE zones, unless the conditions of this section are satisfied.
2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this ordinance. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.
3. Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any numbered A zone or AE zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
4. All new construction, subdivision proposals, substantial-improvements, prefabricated structures including but not limited to storage and accessory structures, placement of manufactured homes, and other developments shall require:
  - 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 to be elevated to a minimum of 36 inches above the base flood elevation.

- 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.
- 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.
  - 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.

G. Inspections

- 1. The property owner or business that obtained the floodplain development permit will be required to contact the Floodplain Administrator at the conclusion of all improvements.
  - 2. Inspections will be performed by the Floodplain Administrator or designated representative.
  - 3. Inspections may be performed prior to construction, during and after the completion of all improvements.
  - 4. The builder/developer shall prepare a report at the completion of the construction indicating that the permitted work was done properly. The report shall be delivered to the Floodplain Administrator within 10 days of the completion of the construction.
  - 5. Substantial damage inspections will be performed post incident and at any request of floodplain structure owner.
5. Storage of materials, inoperable vehicles, junk and equipment
- A. The storage or processing of materials 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 is prohibited.

- B. The placement or storage of junk within the flood hazard area will not be permitted.
- C. The placement or storage of an inoperable vehicle within the flood hazard area will not be permitted.
- D. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation or if readily removable from the area within the time available after a flood warning.

#### 6. Agricultural Structures

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

#### 7. Accessory Structures

Accessory Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade, wet-floodproofed and anchored, provided there is no human habitation or occupancy of the structure; the structure is of single-wall design.

#### 8. Critical Facilities

- A. All new or substantially improved critical nonresidential facilities including, but not limited, to governmental buildings, police stations, fire stations, hospitals, orphanages, penal institutions, communication centers, water and sewer pumping stations, water and sewer treatment facilities, transportation maintenance facilities, places of public assembly, emergency aviation facilities, and schools shall be elevated above the 500-year flood level or together with attendant utility and sanitary facilities, be flood proofed so that below the 500- year flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in the National Flood Insurance Program (NFIP) regulations.
- B. All critical facilities shall have access routes that are above the elevation of the 500-year flood.

C. No critical facilities shall be constructed in any designated floodway.

#### 9. Hazardous Materials

No commercial development in the floodplain shall include locating or storing extremely hazardous or vulnerable chemicals to flood conditions including the following chemicals listed (Acetone, Ammonia, Benzene, Calcium Carbide, Carbon Disulfide, Celluloid, Chlorine, Hydrochloric Acid, Prussic Acid, Magnesium, Nitric Acid, Oxides of Nitrogen, Phosphorus, Potassium, Sodium, and Sulfur) below the flood protection freeboard elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building.

#### 10. Nonconforming Use

A structure, or the use of a structure or premises that was lawful before the passage of the ordinance in 1982, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

- A. If such structure, use, or utility service is discontinued for twelve (12) consecutive months, any future use of the building shall conform to this ordinance.
- B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

#### 11. Cumulative Improvement/Substantial Damage

A structure may be improved (remodeled or enlarged) without conforming to current requirements for elevation so long as the cumulative value of all work done within the last ten (10) calendar years does not exceed 50 percent of the structure's current market value. If the cumulative value of the improvement/damage exceeds 50 percent of the structure's current market value, the structure must be brought into compliance with the current ordinance.

- A. Items, including but not limited to, that must be included in the costs of improvement or costs to repair are those that are directly associated with the building:
  - Materials and labor, including the estimated value of donated or discounted materials and owner or volunteered labor
  - Site preparation related to the improvement or repair (foundation excavation, filling in basements)
  - Demolition and construction debris disposal
  - Labor and other costs associated with demolishing, moving, or altering building components to accommodate improvements, additions, and making repairs

- Costs associated with complying with any other regulation or code requirement that is triggered by the work, including costs to comply with the requirements of the Americans with Disabilities Act (ADA)
  - Costs associated with elevating a structure to an elevation that is lower than the BFE
  - Construction management and supervision
  - Contractor's overhead and profit
  - Sales taxes on materials
  - Structural elements, including:
    - Foundations (e.g., spread or continuous foundation footings, perimeter walls, chain walls, pilings, columns, posts, etc.)
    - Monolithic or other types of concrete slabs
    - Bearing walls, tie beams, trusses
    - Joists, beams, subflooring, framing, ceilings
    - Interior non-bearing walls
  - Exterior finishes (e.g., brick, stucco, siding, painting, and trim), including:
    - Windows and exterior doors
    - Roofing, gutters, and downspouts
    - Attached decks and porches
  - Interior finish elements, including:
    - Floor finishes (e.g., hardwood, ceramic, vinyl, linoleum, stone, and wall- to-wall carpet over subflooring)
    - Bathroom tiling and fixtures
    - Wall finishes (e.g., drywall, paint, stucco-co, plaster, paneling, and marble)
    - Built-in cabinets (e.g., kitchen, utility, entertainment, storage, and bathroom)
    - Interior doors
    - Interior finish carpentry
    - Built-in bookcases and furniture
    - Hardware
    - Insulation
  - Utility and service equipment, including:
    - HVAC equipment
    - Plumbing fixtures and piping
    - Electrical wiring, outlets, and switches
    - Light fixtures and ceiling fans
    - Security systems
    - Built-in appliances
    - Central vacuum systems
    - Water filtration, conditioning, and re-circulation systems
- B. Items that can be excluded are those that are not directly associated with the building:
- Clean-up and trash removal
  - Costs to temporarily stabilize a building so that it is safe to enter to evaluate required repairs
  - Costs to obtain or prepare plans and specifications

- Land survey costs
- Permit fees and inspection fees
- Carpeting and re-carpeting installed over finished flooring such as wood or tiling
- Outside improvements, including landscaping, irrigation, sidewalks, driveways, fences, yard lights, swimming pools, pool enclosures, and detached accessory structures (e.g., sheds, and gazebos)
- Costs required for the minimum necessary work to correct existing violations of health, safety, and sanitary codes
- Plug-in appliances such as washing machines, dryers, and stoves

#### C. Demolition and Construction Debris Disposal

Demolition, partial or complete, may be part of an improvement project and usually is a necessary part of repairing damage. The costs of demolition, including the costs of disposal of the resulting debris, must be included in the cost of work for the purpose of making the substantial improvement/substantial damage determination.

#### D. Cleanup and Trash Removal

Cleanup and trash removal costs are not included in the costs used in the Substantial Improvement/Substantial Damage determination because they are not related to the actual cost of improving or repairing a building. If cleanup and trash removal are done at the same time as demolition and construction debris disposal, a cost estimate should clearly distinguish between costs that must be included and costs that may be excluded. Local officials can:

1. Require property owners to submit itemized costs from all contractors, clearly identifying the costs related to trash disposal and clean-up from those related to demolition necessary to perform the work on the building, or
2. Based on judgment and knowledge of local costs, estimate the amounts to be excluded. The permit record should contain documentation of the basis for making this estimate.

### 12. Condemned Structures

A condemned structure is a structure that has received a \$0 assessment for a continuous 3-year period and/or poses a safety or damage threat to adjoining property and structures. Once determined, a condemned structure is to be considered a violation.

### 13. Emergency Repairs

Emergency repairs may be made after a preliminary damage assessment has been completed. Only immediate repairs to remove flood inundation and hazards to prevent further damage can be done without issuance of a floodplain development permit and inspection.



## SECTION B. SPECIFIC STANDARDS

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

### A. Residential Construction

New construction or substantial-improvement/damage of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to three (3) feet above base flood elevation. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed to be elevated to a minimum of 36 inches above the base flood elevation.

### B. Non-Residential Construction

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

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

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and
2. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

## SECTION C. MANUFACTURED HOMES

All manufactured homes to be placed within all unnumbered and numbered A zones and AE zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood

damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist 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. Manufactured homes on a permanent enclosure or foundation must follow the specific standards set forth in Article 4, Section C.

1. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones and AE zones, on the community's FIRM on sites:
  - A. Outside of manufactured home park or subdivision,
  - B. In a new manufactured home park or subdivision,
  - C. In an expansion to and existing manufactured home park or subdivision,
  - D. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial-damage as the result of a flood,

Be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to three (3) feet above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones and AE zones, on the community's FIRM, that are not subject to the provisions of Article 4, Section C (1) of this ordinance, be elevated so that either:
  - A. The lowest floor of the manufactured home is at three (3) feet above the base flood level.
  - B. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

#### SECTION D. FLOODWAY

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

1. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.
2. The community shall prohibit any encroachments, including fill, new construction, substantial-improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with

standard engineering practice that the proposed encroachment would not result in **any** increase in flood levels within the community during the occurrence of the base flood discharge.

3. If Article 4, Section D (2) is satisfied, all new construction and substantial-improvements shall comply with all applicable flood hazard reduction provisions of Article 4.
4. In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in Article 4, Section A (2).
5. Minor projects: Some projects are too small to warrant an engineering study and the certification. Many of these can be determined using logic and common sense: a sign post or telephone pole will not block flood flows. Barbed wire farm fences that will be pushed over or ripped out early in the flood may also be permitted without a certification; however, larger more massive fences could be an obstruction to flood flows and may require an engineering study and certification. A driveway, road or parking lot at grade (without any filling) won't cause an obstruction, either.

#### SECTION E. RECREATIONAL VEHICLES

Require that recreational vehicles and campers placed on sites within all unnumbered and numbered A zones and AE zones on the community's FIRM either:

- A. Be on the site for fewer than 180 consecutive days with a valid temporary use permit, **AND**
- B. Be fully licensed and ready for highway use\*; **OR**
- C. Meet the permitting, elevation, and the anchoring requirements for manufactured homes of this ordinance.

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

### ARTICLE 5 FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

#### SECTION A. ESTABLISHMENT OF APPEAL BOARD

The Lincoln County Commissioners as established by Lincoln County shall hear and decide appeals and requests for variances from the floodplain management requirements of this ordinance.

#### SECTION B. RESPONSIBILITY OF APPEAL BOARD

Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit or variance directly to the Appeal Board within thirty days of denial, as defined in Article 5, Section A.

The Lincoln County Commissioners shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

#### SECTION C. FURTHER APPEALS

Any person aggrieved by the decision of the Lincoln County Commissioners or any taxpayer may appeal such decision to the Lincoln County Circuit Court as provided in RSMo 49.615.

#### SECTION D. FLOODPLAIN MANAGEMENT VARIANCE CRITERIA

In passing upon such applications for variances, the Lincoln County Commissioners shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following criteria:

1. The danger to life and property due to flood damage.
2. The danger that materials may be swept onto other lands to the injury of others.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The necessity to the facility of a waterfront location, where applicable.
6. The availability of alternative locations, not subject to flood damage, for the proposed use.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site.

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

#### SECTION E. CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES

1. Generally, variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 2 through 6 below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
  - A. A showing of good and sufficient cause,
  - B. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
  - C. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
6. 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.

#### SECTION F. CONDITIONS FOR APPROVING VARIANCES FOR AGRICULTURAL STRUCTURES

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

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-flood proofed.

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 floodplain 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 flood-prone areas only.
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 highest adjacent grade, must be built with flood-resistant materials in accordance with Article 4, Section A (6) 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 (6) 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 highest adjacent grade or flood proofed so that they are contained within a watertight, flood proofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 4, Section A (6) 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 the NFIP regulations.
7. Major equipment, machinery, or other contents must be protected from any flood damage.
8. 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.
9. Lincoln County 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.
10. Wet-floodproofing construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

#### SECTION G. CONDITIONS FOR APPROVING VARIANCES FOR ACCESSORY STRUCTURES

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

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 accessory structures that are constructed at-grade and wet-floodproofed.

1. Use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
2. For any new or substantially damaged accessory 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 (7) of this ordinance.
3. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with Article 4, Section A (7) 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.
4. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or flood proofed so that they are contained within a watertight, flood proofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 4, Section A (7) of this ordinance.
5. The accessory 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.

6. The accessory 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 accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
7. Equipment, machinery, or other contents must be protected from any flood damage.
8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
9. Lincoln County 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.
10. Wet-floodproofing construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

#### **ARTICLE 6 FURTHER PENALTIES FOR VIOLATION**

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) 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 365 days or both and in addition, shall pay all costs and expenses involved in the case. Each day that a violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Lincoln County or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation. (Penalties for Non-Compliance are outlined in Article 3, Section E)

#### **Section 1316**

Non-compliance of the Floodplain ordinance grants the Floodplain Administrator the right to request that FEMA file a Section 1316, following 44CFR, Part 73.3 guidelines. Section 1316 of the National Flood Insurance Act of 1968, as amended, provides for the denial of flood insurance coverage for any property which FEMA finds has been declared by a duly constituted State or local authority to be in violation of State or local floodplain management regulations. Once the property has been declared in violation, FEMA must deny flood insurance coverage provided that the individual or office making the declaration



has the authority to do so and that the law or regulations violated was, in fact, intended to discourage or otherwise restrict land development or occupancy in the special flood hazard area.

If a structure that has received a Section 1316 declaration is made compliant with the Floodplain ordinance, then the Section 1316 declaration can be rescinded by the community and flood insurance eligibility restored.

## **ARTICLE 7 AMENDMENTS**

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

## **ARTICLE 8 DEFINITIONS**

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

**100-year Flood** see *base flood*.

**Accessory Structure** means the same as *appurtenant structure*.

**Actuarial Rates** see *risk premium rates*.

**Administrator** means the Federal Insurance Administrator.

**Agency** means the Federal Emergency Management Agency (FEMA).

**Agricultural Commodities** means agricultural products and livestock.

**Agricultural Structure** means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

**Appeal** means a request for review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

**Appurtenant Structure** means a structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

**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.

**Base Flood** means the flood having a one percent chance of being equaled or exceeded in any given year.

**BFE** or Base Flood Elevation means the elevation of surface water resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM).

**Basement** means any area of the structure having its floor subgrade (below ground level).

**Building** see *structure*.

**Chief Executive Officer or Chief Elected Official** means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

**Community** means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

**Condemned Structure** A condemned structure is a structure that has received a \$0 assessment for a continuous 3-year period and/or poses a safety or damage threat to adjoining property and structures.

**Cumulative Damage** see *Substantial Improvement*.

**Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**Elevated Building** means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**Eligible Community or Participating Community** means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

**Existing Construction** means for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as existing structures.

**Existing Manufactured Home Park or Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final

site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**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).

**Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from

1. The overflow of inland and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

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

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

**Flood Elevation Study** means an examination, evaluation and determination of flood hazards.

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

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

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

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

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

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

**Floodplain Management Regulations** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

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

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

**Floodway Encroachment Lines** means the lines marking the limits of floodways on Federal floodplain maps.

**Freeboard** means a factor of safety usually expressed in feet above a flood level for 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 bridge openings and the hydrological effect of urbanization of the watershed.

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

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

**Historic Structure** means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior
- D. Individually listed on a local inventory of historic places in 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.

**Inoperable Vehicle** any kind of contrivance, on wheels or runners, used to carry people or goods from one place to another over land that is junked, dismantled, wrecked or unlicensed.

**Inspection** Act of checking for structural compliance to local flood damage prevention ordinance 60.3 (d).

**Junk** old or scrap copper, brass, rope, appliances, batteries, paper, trash, rubber debris, waste, iron, steel, and all other old or scrap ferrous or nonferrous materials.

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

**Manufactured Home** means a residential structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term *manufactured home* **does not include** a *recreational vehicle*.

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

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

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

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

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

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

**(NFIP)** means the National Flood Insurance Program (NFIP).

**Open Space Requirements** The property shall be dedicated and maintained in perpetuity as open space for the conservation of natural floodplain functions. These may include parks for recreation, wetlands management, nature reserves, cultivation, grazing, camping, unimproved, unpaved parking lots, buffer zones and other uses determined compatible with 44CFR 80.19. For flood buyout lots that are leased as 'open space' lots to the community, no walled or permanent structures, paved roads, landfills, storage of hazardous materials, paved parking, or any other uses that obstruct the natural and beneficial functions of the floodplain are allowed.

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

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

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

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

**Remedy a Violation** means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its non-compliance.

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

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

**Special Flood Hazard Area (SFHA)** See Area of Special Flood Hazard.

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

**Start of Construction** includes substantial-improvements, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were 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 slabs or footings, the installation of piles, the construction of columns, 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, the installation of streets and/or walkways, excavation for abasement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, 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 that alteration affects the external dimensions of the building.

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

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

**Substantial-Damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term includes Repetitive Loss buildings (see definition). For the purposes of this definition, repair is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

The term does not apply to:

- A. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
- B. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure, or

- C. Any improvement to a building.

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

The term does not apply to:

- A. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
- B. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure, or
- C. Any building that has been damaged from any source or is categorized as repetitive loss.

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

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

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

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



**ARTICLE 9 CERTIFICATE OF ADOPTION**

ADOPTED AND APPROVED by the Governing Body of the County of Lincoln, Missouri.

This 25th day of Sept, 2018.

Place seal here.



A handwritten signature in black ink, appearing to read 'D.H. Colbert', written over a horizontal line.

Chief Elected Official (Signature)

Daniel H. Colbert Presiding Commissioner

Name Title

Chief Elected Official (Typed)

ATTEST:

A handwritten signature in black ink, appearing to read 'Crystal M. Hall', written over a horizontal line.

Signature of Recording Clerk

Crystal M. Hall County Clerk

Name Title

Recording Clerk (Typed)

