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<b>Jurisdiction Type:</b>	Municipal
<b>Municipality:</b>	City of Arnold
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<b>Title:</b>	City of Arnold Floodplain Management Ordinance
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### ***Abstract***

Arnold has very specific and stringent regulations for all construction in the Meramec and Mississippi River floodplains below 420 feet above sea level which range from permit requirements to enforcement provisions. In addition, the lowest floor of all floodplain construction must be elevated to at least three feet above the base flood elevation and in the floodways encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. Although not part of the ordinances, Arnold has a very aggressive buyout program for floodplain dwellers.

### ***Resource***

**City of Arnold, Missouri, Building and Building Regulations, Floodplain Management Codified through Ord. No. 16.159 (Bill No. 2020), adopted Nov. 6, 2003.**

#### **Sec. 5-13. Restrictions in areas subject to flooding**

(a) Special permits required. All construction of any nature and of any kind is prohibited in the Meramec and Mississippi River Flood Plains below four hundred twenty (420) feet above mean sea level without having a special permit therefor, issued by the city council and approved by the mayor.

(b) Prerequisite approval of permits by certain officials. Special permits for construction in the flood area described in paragraph (a) of this section will require approval by the offices of the health officer, superintendent of public works, and the building commissioner, all of whom shall consult with the United States Corps of Engineers before issuing their report.

(c) Approval of permits by city council. Special building permits having the joint approval of the health officer, superintendent of public works and the building commissioner shall then be sent to the city council for final consideration.

(d) Permit condition. Any permit issued by virtue of this section shall require that any person in the structure or development will vacate the structure or development upon request by the mayor.

(e) Police to enforce. If the mayor issues a general order for evacuation of any of the structures and developments constructed under and by virtue of this section, the police are authorized to move any person or persons from any of the areas described in paragraph (a) of this section.

(f) Required information on permit applications. The building commissioner is hereby directed to require all persons applying for a building permit to specify on their application the lowest mean sea level where there is any proposed construction as well as the lowest mean sea level of the lot or plot or area upon which the construction is proposed.

(g) Injunction. The city attorney is hereby authorized to file any suit at law or in equity to enforce the provisions of this section.

Ord. No. 7.5 (Bill No. 72), § 1, 5-3-73

Cross reference--Floodplain management, § 5-76 et seq.

#### **Sec. 5-76. Short title**

This article shall be known and may be cited as "The Floodplain Management Ordinance of the City of Arnold, Missouri."

(Ord. No. 14.28 (Bill No. 520), § 1, 1-3-80)

#### **Sec. 5-77. Definitions**

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

Actuarial or risk premium rates mean those rates established by the administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with section 1307 of the act and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowance.

Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active process of erosion, sediment transport, and deposition; and unpredictable flow paths

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur

Appeal means a request for a review of the enforcement officer's interpretation of any provision of this article or a request for a variance.

Area of shallow flooding means a designated AO or AH zone on a community's flood insurance rate map (FIRM) with a one (1) per cent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within community subject to a one (1) per cent or greater chance of flooding in any given year.

Base flood means the flood having a one (1) per cent chance of being equaled or exceeded in any given year.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised

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

Enforcement officer means the person or persons designated to enforce and administer the provisions of this article

Existing construction means (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures"

Floor or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters
- (2) The unusual and rapid accumulation or runoff of surface waters from any source

Flood hazard boundary map (FHBM) and flood insurance rate map (FIRM) means an official map of the city, on which the flood insurance study has delineated the flood hazard boundaries and the zones establishing insurance rates applicable to the community.

Flood insurance study is the official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the flood boundary-floodway map and the water surface elevation of the base flood

Floodway fringe is that area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every one hundred (100) years (i.e., that has a one (1) per cent chance of flood occurrence in any one (1) year).

Floodway or regulatory floodway means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

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 wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

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

Historic structure means any structure that is

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior 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 of the Interior to qualify as a registered historic district
- c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (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

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

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

Lowest 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 nonelevation design requirements of this article.

Manufactured home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational, travel trailers, or similar vehicles except those used or to be used for more than thirty (30) consecutive days or intermittently for more than one hundred eighty (180) days within a twelve (12) consecutive month period.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this article.

Mean sea level means, for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction means structures for which the "start of construction" commenced on or after the effective date of the FIRM and includes any subsequent improvements to such structures

Program deficiency means a defect in a community's floodplain management regulation or administrative procedures that impairs effective implementation of those floodplain management regulations

Recreational vehicle means a vehicle which is

- 1) Built on a single chassis
- 2) Four hundred (400) square feet or less when measured at the largest horizontal projections;
- 3) Designed to be self-propelled or permanently towable by a light duty truck;  
and

- 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use;
- 5) Remain on its tires and internal jacking and leveling system
- 6) The trailer tongue be left attached ready for use
- 7) Utility connections, when made, shall be temporary quick disconnect type such as cord and plug, hose, as traditionally provided in RV parks;
- 8) No structures shall be permitted that are not of the manufacturer of the RV, excluding RV awnings.

Remedy a violation means to bring the structure or other development into compliance with state or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the article or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Repetitive loss structure means

- (1) A structure, covered by a contract for flood insurance issued pursuant to the act, that has incurred flood-related damage on two (2) occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded twenty-five (25) per cent of the market value of the structure at the time of each such flood event, in addition to the current claim, the National Flood Insurance Program (NFIP) must have paid the previous qualifying claim, and the state or community must have a cumulative, substantial damage provision or repetitive loss provision in its floodplain management law or ordinance being enforced against the structure; or
- (2) Be a structure, covered by a contract for flood insurance issued pursuant to the act, that has had flood damage in which the cost to repair equals or exceeds fifty (50) per cent of the market value of the structure at the time of the flood event. The state or community must have a substantial damage provision in its floodplain management law or ordinance being enforced against the structure

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 improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footing, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a permanent foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include

the installation of streets and/or walkways; nor does it include the installation of footing, piers, or a permanent foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For 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

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

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) per cent of the market value of the structure before the damage occurred.

Substantial improvement means repair, reconstruction, or improvement of a structure, the labor and material cost of which equals or exceeds fifty (50) per cent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Variance is a grant of relief to a person from the requirements of this article which permits construction in a manner otherwise prohibited by this article where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully compliant with the floodplain management regulations. A structure or other development without the elevation certificate, other certificate, or other evidence of compliance required under the floodplain management article 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 frequencies in the floodplains of riverine areas.

(Ord. No. 14.28 (Bill No. 520), § 2, 1-3-80; (Bill No. 169), § 2, 3-19-87; (Bill No. 1234), §§ 1, 2, 12-20-90; (Bill No. 1470), § 1, 4-20-95; (Bill No. 1500), § 1, 9-7-95; (Bill No. 1619), § 1, 9-18-97)

Ord. No. 14.28 (Bill No. 520), § 19, 1-3-80; (Bill No. 1470), §§ 6, 7, 4-20-95; Ord. No. 14.28 (Bill No. 1492), § 1, 7-20-95; (Bill No. 1500), §§ 2, 3, 9-7-95; (Bill No. 1911), § 1, 6-20-02)

**Sec. 5-78. Findings of fact**

(a) The flood hazard areas of the city are subject to periodic inundation which results in loss of life, 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 s

(b) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed or otherwise protected from flood damages

**Sec. 5-80. Methods of reducing flood losses**

In order to accomplish its purposes, the article includes methods and provisions for

(a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion or to flood heights or velocities;

(b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction

(c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters

(d) Controlling, filling, grading, dredging, and other development which may increase erosion or flood damage

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

(Ord. No. 14.28 (Bill No. 520), § 5, 1-3-80; (Bill No. 933), § 2, 3-19-87)

**Sec. 5-86. Warning and disclaimer of liability**

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



Ord. No. 14.28 (Bill No. 520), § 11, 1-3-80

**Sec. 5-90. Variance procedures**

(a) The board of adjustments as established by City of Arnold shall hear and decide appeals and requests for variances from the requirements of this article.

(b) The board of adjustments shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the building commissioner in the enforcement or administration of this article.

(c) Any person aggrieved by the decision of the board of adjustment or any taxpayer may appeal such decision to the circuit court as provided in Chapter 89, Revised Missouri Statutes.

(d) In passing upon such applications, the board of adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article, and:

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

k. (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, and streets and bridges.

(e) Conditions for variances

a. (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, provided items (2) through (6) below have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases;

b. (2) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure

c. 3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result;

d. (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

e. (5) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) 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

f. (6) Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Ord. No. 14.28 (Bill No. 520), § 15, 1-3-80; (Bill No. 933), § 2, 3-19-87; (Bill No. 1097), §§ 1-4, 5-4-89; (Bill No. 1234), § 3, 12-20-90)

**Sec. 5-91. General standards for flood hazard reduction**

In all areas of special flood hazards the following provisions are required

(a) All new construction, including manufactured homes, substantial improvements, and repetitive loss structures shall be elevated and anchored to prevent flotation, collapse or lateral movement of the structure

- (b) All new construction, substantial improvements, and repetitive loss structures constructed with materials and utility equipment resistant to flood damage;
- (c) All new construction, substantial improvements, or repetitive loss structures shall be constructed by methods and practices that minimize flood damage
- (d) All new replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system
- (e) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and,
- (f) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding
- (g) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited
- (h) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
- (i) All new construction including manufactured homes, substantial improvements, and replacement of manufactured homes shall have their electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (j) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed floor area subject to flooding shall be provided; the bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (k) Until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 and AE on the city's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the hundred-year flood more than one (1) foot on the average cross section of the reach in which the

development or landfill is located as shown on the flood insurance rate study incorporated by reference; section 5-81 of this article.

(l) Roadway access shall be provided for all new construction to an elevation at least to the 100-year flood elevation.

(Ord. No. 14.28 (Bill No. 520), § 16, 1-3-80; (Bill No. 933), § 2, 3-19-87; (Bill No. 1234), § 4, 12-20-90; (Bill No. 1470), § 2, 4-20-95; (Bill No. 1619), §§ 3, 4, 9-18-97)

(Ord. No. 14.28 (Bill No. 520), § 3, 1-3-80)

### **Sec. 5-92. Specific standards for flood hazard reduction**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 5-81 or subsection (i) of section 5-88, the following provisions are required

(a) Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least three (3) feet above the base flood elevation.

(b) Nonresidential construction. New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest [floor], including basement, elevated to three (3) feet above the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capacity 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 official as set forth in section 5-89(g).

(c) Manufactured homes

a. (1) No manufactured home shall be placed in a special flood hazard area except in an existing manufactured home park;

b. (2) All manufactured homes to be placed within Zone A in the City of Arnold's FIRM shall be installed using methods and practices which 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. This requirement is in addition to applicable state and city anchoring requirements for resisting wind forces:

i. a. Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at

intermediate locations and manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side;

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

iii. c. All components of the anchoring system shall be capable of a carrying force of four thousand eight hundred (4,800) pounds; and

iv. d. Any additions to the manufactured home shall be anchored in accordance with this subsection (c).

c. (3) All manufactured homes to be placed, replaced or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least three (3) feet above the base flood elevation and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of the above subsection (c).

(d) Floodways. Located within areas of special flood hazard established in section 5-81 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

a. (1) Encroachments, including fill, new construction, substantial improvements and other developments shall be prohibited unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

b. 2) If the provisions of subpart (1) above are met, all new construction shall comply with all applicable flood hazard reduction provisions of section 5-91 and section 5-92.

(e) Accessory structures. Notwithstanding other provisions of this code to the contrary, all accessory structures shall meet the following criteria:

a. (1) All accessory structures shall be constructed to resist collapse, flotation, and lateral movement;

b. (2) Utility sheds shall not exceed one hundred (100) square feet in area

c. (3) Garages shall not exceed three hundred (300) square feet in area

d. (4) Any accessory structure that meets the criteria for floodproofing elevation including utility sheds and garages, shall not have a floor space limitation except as may be required or limited by other regulations

(f) Recreational vehicle. Notwithstanding other provisions of this code to the contrary, all recreational vehicles shall meet the following criteria:

a. 1. All recreational vehicles placed in a an "A" or "AE" flood zone, shall not be located on said property for any period of time greater than six (6) months in a one-year period

(Ord. No. 14.28 (Bill No. 520), § 17, 1-3-80; (Bill No. 933), § 2, 3-19-87; (Bill No. 1347), §§ 1-3, 10-15-92; (Bill No. 1470), §§ 3--5, 4-20-95; (Bill No. 1619), § 2, 9-18-97)

**Sec. 5-93. Standards for subdivision proposals**

a) All subdivision proposals shall be consistent with the need to minimize flood damage

b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage

c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards

d) Base flood elevation data shall be provided for all subdivision proposals

(Ord. No. 14.28 (Bill No. 520), § 18, 1-3-80)

**Sec. 5-94. Nonconforming structures**

(a) A structure or premises which was lawful before the passage or amendment of this article but which is not in conformity with the provisions of this article may remain subject to the following conditions

a. (1) No substantial improvement of that structure shall be allowed, which increases its nonconformity.

b. (2) Structures or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming structures

(b) If any nonconforming structure suffers substantial damage by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) per cent of the market value of the structure before damage occurred, except if it is reconstructed in conformity with the provisions of this article. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations

or the cost of any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(c) If any nonconforming structure is damaged by any means including flood, the owner of the property shall be responsible for providing construction estimates from two (2) building contractors licensed by the city that shall certify the accuracy and completeness of the bid to repair all such damage. The construction estimates shall be reviewed by a professional estimator provided by the city unless the repair estimates are determined by the building commissioner to be less than thirty (30) per cent of the market value of the structure before the damage occurred

(d) Any substantial improvement to a structure shall require the entire structure to conform with the provisions of this article.

### **Sec. 5-96. Amendments**

The regulations, restrictions and boundaries set forth in this article may from time to time be amended, supplemented, changed or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the city. The regulations of this article are in compliance with the national flood insurance program regulations as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976

Ord. No. 14.28 (Bill No. 520), § 21, 1-3-80