

# City of Scottsbluff, Nebraska

Monday, February 9, 2015

Regular Meeting

## Item NewBiz2

### Ordinance Floodway

*Ordinance: Floodway text changes*

*Applicant(s): N/A*

*Owner(s): N/A*

*Location: N/A*

Staff Contact: Annie Folck



*SCOTTSBLUFF  
PLANNING COMMISSION  
Staff Report*

**To:** Planning Commission  
**From:** Staff Development Services  
**Date:** February 9, 2015  
**Subject:** Proposed Ordinance text changes/additions/  
definitions in Chapter 25, Article 19 Floodways

City Staff met with FEMA representatives in the fall of 2014 regarding areas with the City's floodway and our requirements in the floodway. They reviewed our code and asked for a few changes/additions to our Floodway ordinance. Annie Folck has worked with legal and the ordinance with changes is attached.

In summary the changes added are: Section 25-19-18 (2) h – Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions to determine whether such proposal will reasonably be safe from flooding.  
Reworded Section 25-19-29 – Standards for flood fringe overlay zone; manufactured homes part two (2) for clarification regarding elevation requirements, and adding to definitions 25-19-51.1 - Expansion to an existing Manufactured Home Park and Subdivision, 25-19-66.1 - New Manufactured Home Park or Subdivision, and 25-19-77 - Violation.

**RECOMMENDATION**

**Approve**

Make a motion for positive recommendation for City Council to approve proposed ordinance text changes/additions to 25-19-18 (2)h, 25-19-29, 25-19-51.1, 25-19-66.1, and 25-19-77 all regarding requirements in the Floodway subject to the following condition(s):

**Deny**

Make a motion for negative recommendation to City Council to disapprove proposed ordinance text changes/additions to 25-19-18 (2)h, 25-19-29, 25-19-51.1, 25-19-66.1, and 25-19-77 all regarding requirements in the Floodway subject for the following reason(s):

**Table**

Make the motion to TABLE the proposed ordinance text changes to 25-19-18 (2)h, 25-19-29, 25-19-51.1, 25-19-66.1, and 25-19-77 all regarding requirements in the Floodway subject for the following reason(s):

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING CHAPTER 25, ARTICLE 19 RELATING TO FLOODWAYS, TO AMEND SECTION 25-19-18(2), TO AMEND SECTION 25-19-29(2), AND TO ADD DEFINITIONS TO THE DEFINITIONS SECTION AT 25-19-51.1, 25-19-66.1 AND 25-19-77 TO CLARIFY DEFINITIONS FOR THE FLOODWAYS ARTICLE, TO REPEAL PRIOR SECTIONS AND TO PROVIDE FOR AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Section 1. Section 25-19-18 of the Municipal Code is amended to provide as follows:

**“25-19-18. Administration.**

- (1) The Development Services Director is hereby appointed to administer and implement the provisions of this Article.
- (2) Duties of the Development Services Director shall include, but not be limited to:
  - a. Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this Article have been satisfied.
  - b. Review applications for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.
  - c. Notify adjacent communities and the Nebraska Natural Resources Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  - d. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
  - e. Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures in special flood hazard areas.
  - f. Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which new or substantially improved structures have been flood proofed.
  - g. When flood proofing is utilized for a particular structure the Development Services Director shall be presented certification from a registered professional engineer or architect.
  - h. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to be determined whether such proposals will reasonably be safe from flooding.”

Section 2. Section 25-19-29 of the Municipal Code is amended to provide as follows:

**“25-19-29. Standards for flood fringe overlay zone; manufactured homes.**

- (1) All manufactured homes in a special flood hazard area shall be anchored to resist floatation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
  - a. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;
  - b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;
  - c. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
  - d. Any additions to the manufactured home be similarly anchored.
- (2) All manufactured homes to be placed or substantially improved within special flood hazard areas on the City's FIRM on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (1) of this section if located on sites:
  - a. Outside of a manufactured home park or subdivision,

- b. In a new manufactured home park or subdivision,
  - c. In an expansion to an existing manufactured home park or subdivision, or
  - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood.
- (3) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the FIRM that are not subject to the provisions of subsection (2) of this section shall be elevated so that either:
- a. The lowest floor of the manufactured home is at or above one foot above the base flood elevation, or
  - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (1) of this section.”

Section 3. Section 25-19-51.1 is added to the Municipal Code as follows:

**“Section 25-19-51.1 Expansion to an Existing Manufactured Home Park or Subdivision.**

“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).”

Section 4. Section 25-19-66.1 is added to the Municipal Code as follows:

**“Section 25-19-66.1 New Manufactured Home Park or Subdivision.**

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

Section 5. Section 25-19-77 is added to the Municipal Code as follows:

**“Section 25-19-77 Violation.**

“Violation” means a failure of a structure or other development to be fully compliant with the community’s flood plain management regulations.”

Section 6. Previously existing Sections 25-19-18, 25-19-29, 25-19-51.1, 25-19-66.1 and 25-19-77, and all other Ordinances and parts of Ordinances in conflict with this Ordinance, are repealed. Provided, this Ordinance shall not be construed to affect any rights, liabilities, duties or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 7. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk (Seal)