

CHAPTER XII. "FP" FLOODPLAIN DISTRICT

ARTICLE 1. General Provisions

ARTICLE 1. GENERAL PROVISIONS

12-101. APPLICATION. It is the purpose of this Article to promote the public health, safety, and general welfare and to minimize those losses described in Section 12-102 by applying provisions designed to:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause increased flood height beyond 1 foot rise in the 100-year surface elevation or cause increase in water velocities.
2. Require that uses vulnerable to floods, including public facilities that service such uses, be provided with flood protection at the time of initial construction.
3. Provide public information for evaluating land purchase of flood-prone ground within the city.
4. Assure that eligibility is maintained for property owners in the city to purchase flood insurance in the Federal Flood Insurance Program.

12-102. FINDINGS OF FACT.

1. The flood hazard areas of the City of McLouth, Kansas, are subject to inundation, which could result in loss of life, property, and health, 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. These flood losses are caused by:
 - a. The cumulative effect of obstructions in floodways, causing increase in flood heights and velocities.
 - b. The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others and which are inadequately elevated or otherwise protected from flood damage.
3. This Article uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps as follows:

- a. Selection of a regulatory flood based upon engineering calculations that permit a consideration of flood factors such as its expected frequency of occurrence, the area inundated, and the depth of inundation. The regulatory flood selected based on such characteristics can be expected to occur on the particular streams subject to these Regulations. It is in the general order of a flood that could be expected to have a one percent (1%) chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials, which are dated November 4, 2009, as amended.
- b. Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity. Delineation of the floodway of the streams channel and overbank area to convey the regulatory flood.
- c. Computation of the 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 obstruction is permitted that would cause any increase in flood height.
- e. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines, but that which is still subject to inundation by the regulatory flood.

12-103. GENERAL PROVISIONS.

1. LAND TO WHICH REGULATIONS APPLY: This Article shall apply to all lands within the incorporated city limits of the City of McLouth, Kansas, identified on the Flood Insurance Rate Maps (FIRM) as numbered and unnumbered A Zones, and within the Zoning Overlay Districts "FW" and "FF" established in Section 12-105 herein. In all areas covered by this Article, no development shall be permitted except upon a permit granted by the Zoning Administrator under the provisions established in Section 12-106 of this Article.
2. THE ENFORCEMENT OFFICER: The Zoning Administrator of the City of McLouth, Kansas, is designated as the enforcement officer.
3. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES: The boundaries of the Floodway and Floodway Fringe Overlay Districts shall be determined by scaling distances on the floodplain maps. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the floodplain maps, as, for example, where there appears to be a conflict between a mapped boundary and actual field conditions, the Zoning Administrator shall make the necessary interpretation. In such cases where the

interpretation is contested, the Board of Zoning appeals will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Zoning Administrator and/or Board of Zoning Appeals and to submit his own technical evidence, if he so desires.

4. **COMPLIANCE:** No structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Article and other applicable regulations, except as established under Section 12-109.
5. **ABROGATION AND GREATER RESTRICTIONS:** It is not intended by this Article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this article shall prevail. All other regulations inconsistent with this Article are hereby repealed to the extent of the inconsistency only, except as established under Section 12-109.
6. **INTERPRETATION:** The provisions of this Article shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers granted by state statute.
7. **WARNING AND DISCLAIMER OF LIABILITY:** The degree of flood protection required by this Article 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 height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside boundaries or land uses permitted within such districts will be free from flooding or flood damages. This Article shall not create liability on the part of the City of McLouth, Kansas or any officer or employee thereof for any flood damages that may result from reliance on this Article or any administrative decision lawfully made thereunder.
8. **ADOPTION OF STUDIES:** The Flood Insurance Study dated November 4, 2009, and the accompanying Flood Boundary and Floodway maps, and the Flood Insurance Rate Maps are hereby adopted and are incorporated by reference in this Article.

12-104. **BUILDING OR LAND USE PERMIT.**

1. **PERMIT REQUIRED:** No person, firm, or corporation shall initiate any development or cause the same to be done without first obtaining a separate permit as required in the Article.

2. APPLICATION FOR A PERMIT: To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every application shall:
- a. Identify and describe the work to be covered by the permit for which application is made.
 - b. Describe the land on which the proposed work is to be done by legal description and house address, or similar description that will readily identify and definitively locate the proposed building or work.
 - c. Indicate the use or occupancy for which the proposed work is intended.
 - d. Be accompanied by plans and specifications for the proposed construction.
 - e. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
 - f. Within designated flood-prone areas, be accompanied by elevations of the lowest floor including basement or, in the case of flood proofed nonresidential structures, the elevation to which it has been flood-proofed. Documentation or certification of such elevations will be maintained by the Zoning Administrator.
 - g. Give such additional information as may be required by the Zoning Administrator, such as:
 - (1) Typical valley cross-sections and profile showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be affected by the proposed development, and the elevation of the 100-year flood.
 - (2) Plans; surface view, showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, and other data that will assist the Zoning Administrator to make a determination of flooding. The Zoning Administrator shall review all permit applications to determine if the site of the proposed development meets the provision of the Article and that all necessary permits have been received as required by federal or state law.

12-105. ESTABLISHMENT OF ZONING DISTRICTS. The mapped floodplain areas within the jurisdiction of the Article are hereby divided into two following districts: a Floodway Overlay District “FW”, and a Floodway Fringe Overlay District “FF” identified in the Flood Insurance Study (Flood Boundary and Floodway maps). Within these districts all uses not meeting the standards of this Article and those standards of underlying zoning districts shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones as identified on the official FIRM and identified in the Flood Insurance Study provided by the Federal Insurance Administration.

12-106. STANDARDS FOR THE FLOODPLAIN OVERLAY DISTRICTS.

1. COMPLIANCE REQUIRED: No permit shall be granted for new construction, substantial improvements, and other improvements, including the placement of manufactured homes, within all numbered and unnumbered A Zones unless the conditions of this Article are satisfied.
2. UNDESIGNATED AREAS COMPLY: All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of this Article. If Flood Insurance Study data is not available, the City shall utilize any base flood elevation or flood-way data currently available from Federal, State, or other sources.
3. STANDARDS: New construction, substantial improvements, subdivision proposals, prefabricated buildings, placement of manufactured homes, or other developments shall require:
 - a. Design or anchorage to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - b. New or replacement water supply systems and/or sanitary sewage systems be designed to eliminate or minimize infiltration of flood waters and on-site waste disposal systems be located so as to avoid impairment of them or contamination from beyond applicable environmental control limits during flooding.
 - c. Construction materials and utility equipment that are resistant to flood damage and use construction methods and practices that will minimize infiltration of flood waters and on-site waste disposal systems be located so as to avoid impairment of them or contamination from beyond applicable environmental control limits during flooding.
 - d. All utility and sanitary facilities shall be flood-proofed up to the regulatory flood protection elevation so that any space below the

regulatory flood protection elevation is water tight, with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- e. That 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 elevations, will not increase the water surface elevations of the 100-year flood more than 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 in Section 12-103.
- f. Any grading changes within the area estimated to be inundated by the 100-year frequency flood, or alterations, modifications, or relocations of a watercourse within the jurisdiction of the Division of Water Resources, State Board of Agriculture rules and regulations, as authorized by K.S.A. 74-2611 et seq., and any subsequent revisions thereof, shall ensure that the water carrying capacity is maintained. The plans for such changes, modifications, alterations, or relocations shall be submitted to and approved by the Division of Water Resources, State Board of Agriculture, concurrent with City approval. In addition, the City shall notify, in riverine situations, adjacent communities prior to the performance of the work and submit copies of such notifications to the local office of the administrator of the Federal Insurance Administration.
- g. Storage of Materials and Equipment:
 - (1) 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.
 - (2) Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent floatation or if readily removable from the area within the time available after flood warning.
- h. Subdivision proposals and other proposed new developments, including manufactured home parks or subdivisions, be required to ensure that:
 - (1) All such proposals are consistent with the need to minimize flood damage.

- (2) All public utilities and facilities, and such as sewer, gas, electrical, telephone, and water systems are located, elevated, 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 new subdivisions, manufactured home parks, and subdivisions, include within such proposals the regulatory flood elevation.

12-107. FLOODWAY OVERLAY DISTRICT “FW”.

1. PERMITTED USES: Only uses having a low flood damage potential and not obstructing flood flows shall be permitted within the Floodway Overlay District to the extent that they are not prohibited by any other provision of these Regulations, and provided they do not require structures or storage of materials or equipment. No use shall increase the flood level of the regulatory flood protection established in Section 12-106. Subject to the requirements of these Regulations the following uses are permitted:-
 - a. Agricultural uses.
 - b. Non-building residential accessory uses such as lawns, gardens, parking, playgrounds, and yard areas.
 - c. Nonresidential uses such as loading areas, parking, and landing strips.
 - d. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, and wildlife and nature preserves.
 - e. Placement of mobile homes and manufactured homes is prohibited in the Floodway, except in the existing manufactured home parks and existing manufactured home subdivisions.

12-108. FLOODWAY FRINGE OVERLAY DISTRICT “FF”:

1. PERMITTED USES: Any use permitted in Section 12-107 shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 12-106 are met.
 - a. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to at least one (1) foot above the base flood elevation.

- b. Require new construction or substantial improvements of nonresidential structures to have the lowest floor, including basement, elevated to at least one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, to be flood-proofed so that below such a 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 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 Zoning Administrator.
- c. Require for all new construction or substantial improvements that fully enclosed areas below the lowest floor that are subject to flooding be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for 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 criteria:
 - (1) 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 area.
 - (2) The bottom of all openings shall be no higher than one (1) foot above grade.
 - (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

2. MANUFACTURED HOMES:

- a. All manufactured homes shall be anchored to resist floatation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with manufacturers recommended anchoring requirements, 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:
 - (1) 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 60 feet long requiring one additional tie per side.

- (2) 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.
- (3) All components of the anchoring system be capable of carrying a force of 4,800 pounds.
- (4) Any additions to the manufactured home be similarly anchored.

12-109. CERTIFICATE OF FLOOD-PROOFING.

1. For the flood-proofing of nonresidential structures, applicants shall provide certification by a licensed professional engineer or architect that the flood-proofing plans are adequate to be watertight with walls impermeable to the passage of water and can withstand the hydrostatic and hydrodynamic forces associated with the 100-year flood.
2. In addition, the applicant shall provide information identifying the specific elevation in relation to mean sea level to which such structures are flood-proofed.
3. This information shall be submitted to the Zoning Administrator at the time a permit is requested and shall be maintained by that official.

12-110. NON-CONFORMING USE AND RESTORATION. In addition to the requirements established in Chapter 23, the following requirements shall apply:

1. A structure or use of structure or premises that was lawful before the passage of these Regulations, but which is not in conformity with the provisions of these Regulations, may be continued subject to the following conditions:
 - a. No such use or substantial improvement of that use shall be expanded, changed, enlarged, or altered in any way which increase its nonconformity.
 - b. If such use is discontinued for six months or more, any future use of the building, structure, or premises shall conform to the provisions established in these Regulations provided these Regulations shall not prevent the occupancy of a residential unit following a period of vacancy.
2. 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 its fair

market value before the damage occurred, unless it is reconstructed in conformity with the provisions and standards established in these Regulations. This limitation does not include the cost of any alteration to comply with the existing state or local health codes, sanitary, building, or safety codes or regulations, or the costs of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

12-111. VARIANCES AND VARIANCE PROCEDURES. The Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Article. All requests for appeals and variances shall follow the procedures established in Chapter 24.

1. VARIANCES FOR HISTORIC PLACES. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of the section.
2. ADDITIONAL CONDITIONS FOR VARIANCES. In addition to the conditions established in Chapter 24, the Board of Zoning Appeals, in passing upon variance applications, shall consider all technical evaluations, all relevant factors and standards specified in the sections of this Chapter and:
 - a. The danger that materials may be swept onto other lands to the injury of others.
 - b. The danger to life and property due to flooding or erosion damage.
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - d. The importance of the services provided by the proposed facility to the community.
 - e. The necessity to the facility of a waterfront location, where applicable.
 - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
 - g. The compatibility of the proposed use with existing and anticipated development.
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles.

- j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
- k. 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 highways.
- l. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- m. Variances shall only be issued upon:
 - (1) A showing of good and sufficient cause and that the need for the variance is not self-created.
 - (2) A determination that the granting of a variance will not result in increased flood heights, additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or regulations.
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or regulations.
- n. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- o. Upon consideration of the factors listed above and the purpose of this Article, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Article.

3. REPORTING OF VARIANCES.

- a. Any applicant to whom a variance is granted shall be given a written notice containing the following information: That the structure will be permitted to be built with a lowest floor elevation _____ feet below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

- b. The Zoning Administrator shall maintain the records of all appeal actions and report all variances to the Federal Insurance Administration at the time the annual report is submitted.

12-112. PENALTIES FOR VIOLATION. Penalties shall be as established in Chapter 28 of these Regulations.

12-113. DEFINITIONS. Unless specifically defined below, or defined elsewhere in these Regulations, words or phrases used in this Article shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Article its most reasonable application.

1. ACTUARIAL OR RISK PREMIUM RATES: 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 allowances.
2. APPEAL: A request for a review of the Zoning Administrator's interpretation of any provision of this Article or a request for a variance.
3. AREA OF SHALLOW FLOODING: A designated AO or AH zone on a community's Flood Insurance Rate Maps (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
4. AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.
5. BASE FLOOD: The flood having one percent chance of being equaled or exceeded in any given year.
6. BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.
7. DEVELOPMENT: 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 or drilling operations, or storage of equipment or materials.
8. EXISTING CONSTRUCTION: (For the purposes of determining rates) construction for which the "start construction" commenced before the effective date of the FIRM or before January 1, 1975, or FIRM effective date

before that date. “Existing construction” may also be referred to as “existing structures”.

9. **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** 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 these Regulations.
10. **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** 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).
11. **FLOOD OR FLOODING:** A general and temporary rise in stream flow or stage that results in water overlapping its banks and inundating areas adjacent to the channel, or an unusual and rapid accumulation of runoff of surface waters from any source.
12. **FLOOR ELEVATION DETERMINATION:** A determination of the water surface elevations of the 100-year flood; that is, the level of flooding that has a one percent chance of occurrence in any given year.
13. **FLOOD INSURANCE RATE MAPS (FIRM):** Official maps of the City on which Flood Insurance Study as delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the City.
14. **FLOOD INSURANCE STUDY (FIS):** The official report provided by the Federal Insurance Administration that contains flood profiles and water surface elevations for various flood frequencies, as well as the boundaries and water surface elevations of the 100-year flood.
15. **FLOODPLAIN MANAGEMENT:** The operation of any 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.
16. **FLOOD PROTECTION SYSTEM:** Those physical structures or works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard.” Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound federal engineering standards.

17. **FLOODPROOFING:** Any combination of structural and nonstructural additions, changes or adjustments to structures, including utility and sanitary facilities that would preclude entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
18. **FLOODWAY OR REGULATORY FLOODWAY:** 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.
19. **FLOODWAY FRINGE:** That area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).
20. **FREEBOARD:** 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 watershed.
21. **HIGHEST ADJACENT GRADE:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
22. **HISTORIC STRUCTURE:** 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; or
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been either:
 - (1) established by an approved state program as determined by the Secretary of the Interior, or

(2) established directly by the Secretary of the Interior in states without approved programs.

23. **LOWEST FLOOR:** The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable only 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 non-elevation design requirements of this Article.
24. **MANUFACTURED HOME:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for used with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. This definition shall apply to the requirements of this Article only and shall not have a bearing on any other requirements of these Regulations.
25. **MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
26. **NEW CONSTRUCTION:** For the purposes of determining insurance rates, 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. For floodplain management purposes, "new construction" commenced on or after the effective date of these Regulations and including any subsequent improvements to such structures.
27. **NEW MANUFACTURED HOME PARK OR SUBDIVISION:** 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 effective date of these Regulations.
28. **ONE HUNDRED (100) YEAR FLOOD:** The base flood having a 1 percent chance of annual occurrence.
29. **OVERLAY DISTRICT:** A district which acts in conjunction with the underlying zoning district or districts. The original zoning designation does not change.

30. **REGULATORY FLOOD ELEVATION:** An elevation 1 foot higher than the water surface elevation of the regulatory flood.
31. **START OF CONSTRUCTION (INCLUDING SUBSTANTIAL IMPROVEMENTS):** The date a building permit or other authorization granted by the City, was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 90 days of the permit or authorization date. The actual start means the first placement of permanent construction of a structure on a site such as a the pouring of the slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms, nor does it include the installation of the property of accessory buildings such as garages, sheds, or agricultural accessory buildings not occupied as dwelling units or not part of the main building or structure.
32. **STRUCTURE:** A walled and roofed structure, including a gas or liquid storage tank, that is principally above the ground, including but not limited to, buildings, factories, sheds, cabins manufactured homes, and other similar uses.
33. **SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
34. **SUBSTANTIAL IMPROVEMENT:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:
- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by a local code enforcement official and which are the minimum 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”.

35. VARIANCE: 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.