

## STURGEON CITY CODE

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### CHAPTER 19: DEVELOPMENT IN FLOOD PLAIN

(Ord. 598, Articles/Sections All, Approved and Effective October 22, 2001; Ord. 375, Approved and Effective April, 25, 1977, Repealed)

#### Article I: Statutory Authorization, Finds of Fact, and Purposes

##### Section 19.100 Statutory Authorization

The Legislature of the State of Missouri has in Statute 79.110 (section of statutes) delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the Board of Aldermen of the City of Sturgeon, Missouri ordains as follows:

##### Section 19.110 Findings of Fact

1. Flood Losses Resulting from Periodic Inundation The special flood hazard areas of Sturgeon, 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.

##### Section 19.120 Statement of Purpose

It is the purpose of this code to promote the public health, safety, and general welfare; to minimize those losses described in Article I, Section 19.110 (1); to establish or maintain the City of Sturgeon'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(b) by applying the provisions of this code 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; and
3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

#### Article II: General Provisions

##### Section 19.200 Lands to Which Code Applies

This code shall apply to all lands within the jurisdiction of the City of Sturgeon, Missouri, identified as unnumbered A zones, on the Flood Insurance Rate Map (FIRM) dated May 1, 1987, as amended, and any future revisions thereto. In all areas covered by this code, no development shall be permitted except through the issuance of a

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floodplain development permit, granted by the Board of Aldermen or its duly designated representative under such safeguards and restrictions as the Board or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the City of Sturgeon, and as specifically noted in Article IV.

( Ord. 375, Approved and Effective April 25, 1977, Repealed; Ord. 598, Article II, Sec. A, Approved and Effective October 22, 2001; Ord. 605, Article II, Sec. A, Approved and Effective July 22, 2002; Ord. 737, Sec. 1, Approved and Effective March 9, 2011)

### **Section 19.210 Floodplain Administrator**

The Mayor or designate is hereby designated as the Floodplain Administrator under this code.

### **Section 19.220 Compliance**

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

### **Section 19.230 Abrogation and Greater Restrictions**

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

### **Section 19.240 Interpretation**

In their interpretation and application, the provisions of this code 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 19.250 Warning and Disclaimer of Liability**

The degree of flood protection required by this code 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 code does not imply that areas outside unnumbered A zones or land uses permitted within such areas will be free from flooding or flood damage. This code shall not create a liability on the part of the City of Sturgeon, any officer or employee thereof, for any flood damages that may result from reliance on this code or any administrative decision lawfully made thereunder.

### **Section 19.260 Severability**

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

## **Article III: Administration**

### **Section 19.300 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 II, Section 19.200. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be

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### **Section 19.310      Designation of Floodplain Administrator**

The Mayor or designate is hereby appointed to administer and implement the provisions of this code.

### **Section 19.320      Duties and Responsibilities of Floodplain Administrator**

Duties of the Mayor or designate 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 code 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 or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
4. Issue floodplain development permits for all approved applications;
5. Notify adjacent communities and the Federal Emergency Management Agency 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 maintenance is provided within the altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished; and
7. Where base flood elevation from other sources is utilized within unnumbered A zones:
  - a. 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;
  - b. 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 floodproofed;
  - c. When floodproofing techniques are utilized for a particular non-residential structure, the Mayor shall require certification from a Registered Professional Engineer or Architect.

### **Section 19.330      Application For Floodplain Development Permit**

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

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 building or work;
2. Identify and describe the work to be covered by the floodplain development permit;
3. Indicate the use or occupancy for which the proposed work is intended;

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4. Indicate the assessed value of the structure and the fair market value of the improvement;
5. Identify the existing base flood elevation and the elevation of the proposed development;
6. Give such other information as reasonably may be required by the Mayor or designate;
7. Be accompanied by plans and specifications for proposed construction; and
8. Be signed by the permitted or his authorized agent who may be required to submit evidence to indicate such authority.

### Article IV: Provisions For Flood Hazard Reduction

#### Section 19.400 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 unnumbered A zone 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 code. If Flood Insurance Study data is not available, the City of Sturgeon shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.
3. All new construction, subdivision proposals, substantial-improvements, prefabricated buildings, placement of manufactured homes, and other developments shall require:
  - a. Design of adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - b. Construction with materials resistant to flood damage;
  - c. Utilization of methods and practices that minimize flood damages;
  - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
  - f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
    - (1) All such proposals are consistent with the need to minimize flood damage;
    - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;

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- (3) Adequate drainage is provided so as to reduce exposure to flood hazards; and
- (4) All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

#### 4. Storage, material, 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. 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.

#### 5. Accessory Structures

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 and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this code; and a floodplain development permit has been issued.

### **Section 19.410      Specific Standards**

1. In all areas of special flood hazard, once base flood elevation data is obtained, as set forth in Article IV, Section 19.400(2), the following provisions are required:

- a. Residential Construction New construction or substantial-improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to **ONE (1) foot** [\*] above base flood level.

*[\*The FEMA, Region VII office recommends elevating to one foot above the base flood elevation to accommodate floodway conditions when the floodplain is fully developed.]*

- b. Non-Residential Construction New construction or substantial-improvement of any commercial, industrial, or other non-residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to **ONE (1) foot**\* above the base flood level or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level 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 III, Section 19.320(7)(c).

*[\*The FEMA, Region VII office recommends elevating to one foot above the base flood elevation to qualify for flood insurance rates based upon floodproofing.]*

- 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

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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 opening 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.
2. In all areas of special flood hazard, once floodway data is obtained, as set forth in Article IV, Section 19.400(2), the following provisions are required:
- a. The designated floodway shall be based on the standard that the area chosen for the floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation more than one foot at any point; and
  - b. The City of Sturgeon shall prohibit any encroachments, including fill, new construction, substantial-improvements, and other development within the designated 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 City of Sturgeon during the occurrence of the base flood discharge.

### Section 19.420      **Manufactured Homes**

1. All manufactured homes to be placed within special flood hazard areas 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.
2. Require manufactured homes that are placed or substantially improved within unnumbered A zones on the City of Sturgeon'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; 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, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to **ONE (1) foot** above the base flood level and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within unnumbered A zones on the City of Sturgeon's FIRM, that are not subject to the provisions of Article IV, Section 19.420(2) of this code, be elevated so that either
  - a. The lowest floor of the manufactured home is at or **ONE (1) foot** above the base flood level; or
  - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at

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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.

*[\*The FEMA, Region VII office recommends elevating to one foot above the base flood elevation to accommodate floodway conditions when the floodplain is fully developed.]*

### **Section 19.430      Recreational Vehicles**

1. Require that recreational vehicles placed on sites within unnumbered A zones on the City of Sturgeon's FIRM either:

- a. Be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use\*; or
- b. Meet the permitting, elevating, and the anchoring requirements for manufactured homes of this code.

\*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 V: Floodplain Management Variance Procedures**

#### **Section 19.500      Establishment of Appeal Board**

The Sturgeon Planning and Zoning Commission (appeal Board), as established by the City of Sturgeon, shall hear and decide appeals and requests for variances from the floodplain management requirements of this code.

#### **Section 19.510      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 Mayor or designate, the applicant may apply for such floodplain development permit or variance directly to the Appeal Board, as defined in Article V, Section 19.500.

The Sturgeon Planning and Zoning Commission shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Mayor or designate in the enforcement or administration of this code.

#### **Section 19.520      Further Appeals**

Any person aggrieved by the decision of the Sturgeon Planning and Zoning Commission or any taxpayer may appeal such decision to the Sturgeon Board of Aldermen as provided in Statute 79.110.

#### **Section 19.530      Floodplain Management Variance Criteria**

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

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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 City of Sturgeon;
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; and,
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 19.540      Conditions For Approving Flood**

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



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- 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 codes.
6. A community shall notify the applicant in writing over the signature of a community official that
  - a. 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
  - b. 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 code.

### **Section 19.550      Conditions For Approving Variances For Agricultural 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 V, Sections 19.530 and 19.540 of this code.

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 IV, Section 19.400 (3)(b) of this code.
3. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with Article IV, Section 19.400 (3)(a) of this code. 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 floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article IV, Section 19.400 (3)(d) of this code.
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 in accordance with Article IV, Section 19.410 (1)(c) of this code.
6. The accessory structures must comply with the floodplain management floodway encroachment provisions of Article IV, Section 19.410 (2)(b) of this code. 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.

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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. A community shall notify the applicant in writing over the signature of a community official that
  - a. 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
  - b. 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 code.
10. Wet-floodproofing construction techniques must be reviewed and approved by the community and Registered Professional Engineer or Architect prior to the issuance of any floodplain development permit for construction.

### Article VI: Penalties

#### Section 19.600 Penalties for Violations

Violation of the provisions of this code 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 code or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than the maximum fine (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.590.) , and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the City of Sturgeon or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

### Article VII: Amendments

#### Section 19.700 Regulations, Restrictions and Boundaries

The regulations, restrictions, and boundaries set forth in this code 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 the City of Sturgeon. At 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 code are in compliance with the National Flood Insurance Program (NFIP) regulations.

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## Article VIII: Definitions

### Section 19.800 Definitions

For the purposes of this code the following words and/or phrases will have the meaning indicated below..

1. **100-year Flood.** *See* Base Flood.
2. **Accessory Structure.** Shall mean the same as Appurtenant Structure.
3. **Actuarial Rates.** *See* Risk Premium Rates.
4. **Administrator.** Shall mean the Federal Insurance Administrator.
5. **Agency.** Shall mean the Federal Emergency Management Agency (FEMA).
6. **Agricultural Commodities.** Shall mean agricultural products and livestock.
7. **Agricultural Structure.** Shall mean any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.
8. **Appeal.** Shall mean a request for review of the Floodplain Administrator's interpretation of any provision of this code or a request for a variance.
9. **Appurtenant Structure.** Shall mean a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.
10. **Area of Special Flood Hazard.** Shall mean the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
11. **Base Flood.** Shall mean the flood having a one percent chance of being equaled or exceeded in any given year.
12. **Basement.** Shall mean any area of the building having its floor subgrade (below ground level) on all sides.
13. **Building.** *See* Structure.
14. **Chief Executive Officer** or **Chief Elected Official.** Shall mean the official of the community who is charged with the authority to implement and administer laws, codes, and regulations for that community.
15. **Community.** Shall mean any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.
16. **Development.** Shall mean 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.
17. **Elevated Building.** Shall mean, 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

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18. **Eligible Community** or **Participating Community**. Shall mean a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).
19. **Existing Construction**. Shall mean 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**.
20. **Existing Manufactured Home Park or Subdivision**. Shall mean 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.
21. **Expansion to an Existing Manufactured Home Park or Subdivision**. Shall mean 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).
22. **Flood** or **Flooding**. Shall mean 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.
23. **Flood Hazard Boundary Map (FHBM)**. Shall mean 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.
24. **Flood Insurance Rate Map (FIRM)**. Shall mean 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.
25. **Floodplain** or **Flood-prone Area**. Shall mean any land area susceptible to being inundated by water from any source (*see* **Flooding**).
26. **Floodplain Management**. Shall mean 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.
27. **Floodplain Management Regulations**. Shall mean zoning codes, subdivision regulations, building codes, health regulations, special purpose codes (such as floodplain and grading codes) 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.
28. **Floodproofing**. Shall mean 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.

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29. **Functionally Dependent Use.** Shall mean 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.
30. **Historic Structure.** Shall mean 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 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.
31. **Lowest Floor.** Shall mean 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 floodproofing design requirements of this code.
32. **Manufactured Home.** Shall mean a 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**.
33. **Manufactured Home Park or Subdivision.** Shall mean a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
34. **Map.** Shall mean the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).
35. **Market Value or Fair Market Value.** Shall mean an estimate of what is fair, economic, just and equitable value under normal local market conditions.
36. **Mean Sea Level.** Shall mean, 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.
37. **New Construction.** Shall mean, 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** shall mean 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.
38. **New Manufactured Home Park or Subdivision.** Shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be

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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.

39. **NFIP**. Shall mean the National Flood Insurance Program (NFIP).
40. **Participating Community**. (Also known as an **Eligible Community**) Shall mean a community in which the Administrator has authorized the sale of flood insurance.
41. **Person**. Shall mean any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.
42. **Principally Above Ground**. Shall mean that at least 51 percent of the actual cash value of the structure, less land value, is above ground.
43. **Recreational Vehicle**. Shall mean 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.
44. **Remedy A Violation**. Shall mean 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 noncompliance.
45. **Risk Premium Rates**. Shall 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 National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. **Risk Premium Rates** include provisions for operating costs and allowances.
46. **Special Flood Hazard Area**. See **Area of Special Flood Hazard**.
47. **Special Hazard Area**. Shall mean an area having special flood hazards and shown on an FHBM or FIRM as zones (unnumbered or numbered) A, AO, AE, or AH.
48. **Start of Construction** includes substantial-improvements, and shall mean 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** shall mean 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 a basement, footings, piers, foundations, the erection of temporary forms, nor 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 a substantial-improvement, the **Actual Start of Construction** shall mean 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.
49. **State Coordinating Agency**. Shall mean 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

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- implementation of the National Flood Insurance Program (NFIP) in that state.
50. **Structure**. Shall mean, 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, shall mean 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.
51. **Substantial-Damage**. Shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
52. **Substantial-Improvement**. Shall mean 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 **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 that have been identified by the 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**.
53. **Variance**. Shall mean 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.
54. **Violation**. Shall mean the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this code is presumed to be in violation until such time as that documentation is provided.

### Article IX: Forms

#### Section 19.900 Recommended Forms

It is recommended that the following forms be used in implementing the attached code.

1. Floodplain Development Permit/Application. This form should be issued to all applicants whose proposed development meets the definition of development in the community's floodplain management regulations. Copies of this form must be maintained by the community.

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2. Elevation and Floodproofing Certificates These FEMA forms should be used to validate that the techniques used to elevate or floodproof the structure meet the community standards. Use of these particular FEMA forms is encouraged to ensure both compliance with local regulations and provide adequate information for insurance purposes. When these forms are used, the community should maintain a copy in the file with the floodplain development permit. Copies of these forms may be obtained without cost by calling the National Flood Insurance Program toll free at (800) 358-9616.