



## PLANNING AND DEVELOPMENT SERVICES

MAYOR: Lauren McLean | DIRECTOR: Mark Lavin

# MEMO

**TO:** Commenting Agencies, Neighborhood Associations and Other Parties  
**FROM:** Cody Riddle-Deputy Director, Current Planning  
**DATE:** January 28, 2020  
**RE:** Updated Floodplain Hazard Regulations (ZOA19-00006)

The City of Boise will be amending Chapter 11-08 (Flood Hazard Regulations) of the Development Code. The Federal Emergency Management Agency (FEMA) issued new Flood Insurance Rate Maps (FIRM(s) and a Flood Insurance Study (FIS) on December 19, 2019. The primary purpose of the amendment is to update the ordinance to reference these new studies. Along with referencing the new maps, additional definitions and language clarifying existing regulations is included. These elements of the amendment will ensure Boise remains eligible for participation in the National Flood Insurance Program (NFIP).

In addition to adopting the new FIS, the amendment includes a proposal to increase the required freeboard in both the Floodway Fringe (AE Zone) and Area of Shallow Flooding (AO Zone) by one foot. The new standards will apply to any residential structure and could also be applied to commercial buildings. However, the ordinance will continue to allow flood-proofing as an alternative for commercial applications.

Freeboard is a term used to describe any requirement to elevate a first floor above the Base Flood Elevation (BFE). Increasing the freeboard requirement provides several benefits, the most important being safety. Freeboard provides a margin of safety against extraordinary or unpredictable flood risk. BFE is an estimate based on the best available data. However, it does not account for things like bridges being blocked by debris or development in the floodplain. Freeboard reduces the damage incurred when flood events do occur, and homeowners can save significantly on insurance costs as the freeboard requirement is increased.

A copy of the proposed amendment is attached for reference. Any questions or comments should reference case number **ZOA19-00006** and be directed to: [criddle@cityofboise.org](mailto:criddle@cityofboise.org) by **February 19, 2020**.

## **CHAPTER 11-08: Flood Hazard Regulations**

### **11-08-01. GENERAL PROVISIONS**

#### **1. CHAPTER PURPOSE**

- A. The flood hazard areas of Boise City, Idaho, are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and government 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.
- B. Flood losses are caused by natural forces and construction practices which increase flood heights and velocities, and by structures which are inadequately anchored and which may damage property in other areas. Uses that are inadequately flood-proofed, elevated or otherwise unprotected from flood damage also contribute to flood losses.
- C. It is the purpose of this chapter to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
  - (1) To protect human life and health;
  - (2) To minimize expenditures of public money and costly flood control projects;
  - (3) To minimize the need for rescue and relief efforts associated with flooding which are generally undertaken at the expense of the general public;
  - (4) To minimize prolonged business interruptions;
  - (5) To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in Areas of Special Flood Hazard;
  - (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
  - (7) To ensure that potential buyers are notified when property is in an Area of Special Flood Hazards; and
  - (8) To ensure that those who occupy the Areas of Special Flood hazard assume responsibility for their actions.

#### **2. METHODS OF REDUCING FLOOD LOSSES**

This chapter describes guidelines and provisions for:

- A. Restricting or prohibiting ~~uses which are~~ development that is dangerous to health, safety, and property due to water or erosion hazards, or which resulting damaging increases in erosion or in flood heights or velocities;
- B. Requiring that ~~uses~~ development 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 help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood water or may increase flood hazards in other areas.

### 3. **APPLICABILITY**

The provisions of this chapter shall apply to all areas of special flood hazard, within the jurisdiction of Boise City, and as such lands are identified, within the Floodway, Floodway Fringe, or the Area of Shallow Flooding. The areas of special flood hazard are identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study" for Ada County, Idaho, and incorporated ~~Areas~~ dated ~~June 19, 2020~~ ~~February 19, 2003~~, ~~which includes with accompanying~~ Flood Insurance Rate Maps, and flood profiles, along with all subsequent amendments which are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study ~~and Flood Insurance Rate Maps are~~ on file with the Boise City Planning Director, Boise City Planning and Development Services Director, and the Boise City Engineer, Department of Public Works.

### 4. **CREATION OF ZONES**

The Floodway Zone, the Floodway Fringe (FF) Zone and Area of Shallow Flooding (ASF) Zone: The Floodway zone, the Floodway Fringe Zone and Area of Shallow Flooding Zone are hereby created and shall have the boundaries as defined in this chapter (Section ~~11-08-09~~~~11-08-08~~) and shall have the requirements as set forth in this chapter.

### 5. **EXCLUSIONS**

Upon issuance of a Letter of Map Amendment or Letter of Map Revision, ~~from FEMA~~, such land shall be deemed to be automatically excluded from the Floodway, Floodway Fringe and Area of Shallow Flooding.

### 6. **COMPLIANCE**

~~No new~~All development ~~shall hereafter occur~~ within the Area of Special Flood Hazard (ASFH) ~~unless such new development is~~ shall be undertaken in full compliance with this chapter. Enforcement of violations shall be in accordance with Section 11-1-01-8.

### 7. **ABROGATION & GREATER RESTRICTIONS**

The provisions of this chapter shall be in addition to, and shall not be deemed to repeal, abrogate, or impair any other ordinance, regulation, easement, covenant or deed restriction. In the event that the provisions of this ~~and any other ordinance, regulation, easement, covenant or deed restriction conflict or overlap, whichever has the more restrictive requirements shall control.~~

### 8. **SEVERABILITY**

Each section, clause, and provision of this Code is declared severable as per Section 11-01-06.

### 9. **INTERPRETATION**

All of the provisions of this chapter shall be liberally construed in favor of the governing body and shall not be deemed to limit or repeal any other powers granted under state statutes.

### 10. **WARNING AND DISCLAIMER**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased due to artificial or natural causes. This chapter does not imply

that lands outside the identified areas of special flood hazard will be free from flooding or flood damages or that uses permitted within the identified areas of special flood hazard will be free from flooding or flood damages. This chapter shall not create liability on the part of Boise City, or any officer or employee thereof, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

## 11-08-02. FLOODWAY ZONE

### 1. PERMITTED USES

All uses permitted by the base zone district within this Code, and as amended are permitted in Floodway Zones to the extent that the uses are consistent with the standards of this Section.

### 2. STANDARDS

- A. No new development shall be permitted including fill, new construction, substantial improvements or other development, unless
  - (1) It is public infrastructure, including but not limited to bridges, roadways, sewer and water lines, and
  - (2) ~~A licensed professional engineer certifies that there is not any increase in flood levels during the occurrence of the Base Flood discharge, either as a result of the development or its cumulative effect. It has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.~~
- B. All new development, new construction and substantial improvements shall comply with the applicable standards for uses in the Floodway Fringe.
- C. Existing structures in the Floodway Zone which are displaced by floodwater shall not be reconstructed.
- D. No alteration or relocation of a water course shall be permitted which would diminish the flood carrying capacity of the water course, or which would result in the flooding of lands which are not subject to flooding prior to such alteration or relocation of the water course, or which will result in adverse effects on other properties including but not limited to, bank erosion resulting from higher velocities, increased heights of floodwaters, extended flood duration, or alterations that may promote channel blockage.
- E. Uses on parcels which include any portion of a floodway shall provide for channel stabilization, bank stabilization, or a setback from the edge of the floodway sufficient to protect the use from flood related erosion. Such measures shall be reviewed by a licensed professional engineer for effectiveness for the flood flow and velocity conditions anticipated at the site.
- F. Check dams shall be designed and reviewed by a licensed professional engineer, and reviewed and approved by the Boise City Engineer to ensure the safety of persons and property which could be affected by the construction of the check dam.
- G. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, other development (Including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated

development, will not increase the water surface elevation of the base flood more than ~~two feet~~one foot -at any point within the community.

### 3. PROHIBITED USES

- A. New construction or substantial improvements of residential and non-residential structures, including both principal and accessory use structures, except as provided in 11-08-02.2.
- B. Manufacture and storage of materials which are buoyant, flammable, toxic or explosive, or which may present a hazard to public health or safety in time of flooding.
- C. Standards for Sand and Gravel Extraction - Material stockpiles and permanently installed structures shall not be located within the floodway.

### 4. RELOCATING THE FLOODWAY (LINE)

- A. All proposals to redefine the floodway boundary lines require a resolution from the Boise City Council to adopt the amendments to the Floodway Insurance Rate Map, ~~Floodway Boundary Maps, Floodway Maps,~~ and the Flood ~~Profiles~~Insurance Study. The procedure shall include a review by the U.S. Army Corps of Engineers, the Federal Emergency Management Agency (LOMC Process), the Boise City Department of Public Works, and the Boise City Planning and Development Services Department, prior to submittal to the City Council.
- B. The Floodway Boundary Line may be relocated due to refinements of the floodway calculations based upon new information concerning the existing conditions.
- C. The floodway boundary line may not be relocated through physical alterations to the lands in the floodplain.

## 11-08-03. FLOODWAY FRINGE (FF) ZONE AND AREA OF SHALLOW FLOODING (ASF) ZONE

### 1. PERMITTED USES

All uses permitted in the base zone district within ~~the~~ this Code and as amended, are permitted in the Floodway Fringe Zone and Area of Shallow Flooding Zone to the extent that such uses are consistent with the standards within this Section.

### 2. STANDARDS

#### A. Uses

- (1) Except for levees, all new development shall utilize methods and practices that minimize ~~development flood damage~~ and prevent the increase in flood damage potential to other properties or other adverse impacts including but not limited to, bank erosion resulting from higher velocities, increased heights of floodwaters, extended flood duration, or alterations that may promote channel blockage.
- (2) All new development shall utilize materials and utility equipment resistant to flood damage.
- (3) All new construction and substantial improvements to structures shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrostatic and hydrodynamic loads including the effects of buoyancy.

- (4) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to; use of over-the-top or frame ties to ground anchors (Reference FEMA's "~~Manufactured Home Installation in Flood Hazard Areas~~" guidebook Protecting Manufactured Homes from Floods & Other Hazards FEMA P-85 11/2009 for additional techniques).
- (5) Drainage practices shall be utilized which minimize exposure to flood hazards.
- (6) Manufacture and/or storage of material which is buoyant, flammable, toxic or explosive is prohibited.
- (7) River crossings shall be designed to withstand the flows and velocities of the base flood discharge and shall not impede the flows.
- (8) All development and structures shall meet or exceed the requirements of Section 11-05-06 Boise River System Overlay District if applicable.
- (9) Water velocities within the floodway fringe are not significantly increased so as to cause adverse effects on the site or to surrounding properties.
- (10) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

#### B. Utilities

- (1) All new and replacement water supply systems shall be designed to prevent infiltration of flood waters into the systems.
- (2) New and replacement wastewater disposal systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- (3) On-site waste disposal systems are prohibited in the Floodway Fringe Zone and Area of Shallow Flooding Zone.
- (4) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### C. Development, Including Subdivisions and Manufactured Home Parks

- (1) All ~~subdivision~~ proposals shall be consistent with the need to minimize flood damage.
- (2) All ~~subdivision~~ proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (3) All ~~subdivision~~ proposals shall have adequate drainage to reduce exposure to flood damage.
- (4) Base flood elevation data shall be provided and shown on the preliminary plat for all ~~subdivision~~ proposals. Such elevation data shall be certified by a licensed professional engineer or registered land surveyor. Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision proposals and other proposed developments which contain at least greater than 50 lots or 5 acres (whichever is the lesser).

#### D. Residential Structures

- (1) New construction and substantial improvement of any residential structure (including but not limited to mobile or manufactured homes) located in the Floodway Fringe shall have the lowest floor including basements and crawl spaces, elevated ~~one foot~~ two feet above the base flood elevation.
- (2) New construction and substantial improvement of any residential structure located in the Area of Shallow Flooding (AO Flood Zone) shall have the lowest floor, including basements and crawl spaces, elevated ~~to the one foot above the base flood elevation~~ flood depth specified on the FIRM measured at highest adjacent grade, or at least two feet above highest adjacent grade when a flood depth is not identified. The height of the adjacent grade and the lowest floor including basement and/or the first floor shall be certified by a licensed professional engineer or registered land surveyor.
- (3) Fully enclosed areas below the lowest floor 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 ~~and~~ or must meet or exceed the following minimum criteria:
  - (a) 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.
  - (b) The bottom of all flood openings shall be no higher than one foot above the interior or exterior adjacent grade.
  - (c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

#### E. Manufactured Homes

- (1) All manufactured homes ~~shall be that are~~ placed or substantially improved 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.

~~All manufactured homes s~~ Shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of "A" above, be elevated so that either:
  - (a) The lowest floor of the manufactured home is at or 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 to resist flotation, collapse, and lateral movement.

**F. Nonresidential Structures (includes accessory structures such as sheds, detached garages, etc.)**

**(1) Elevating**

New construction and substantial improvement of any nonresidential structures shall meet the following:

When located in the Floodway Fringe, such structures shall have the lowest floor, including basements and crawl spaces, elevated to ~~one foot~~ two feet above the base flood elevation. When located in the Area of Shallow Flooding, such structures shall have the lowest floor, including basement, elevated to the level of the base flood elevation depth as indicated on the FIRM or at least 2 feet above highest adjacent grade if no depth number is specified.

- (a) Elevations of adjacent grade and the first floor shall be certified by a licensed professional engineer or registered land surveyor to the Building ~~Director~~ Official.
- (b) Nonresidential structures that are elevated, but not flood proofed, must meet the same standards for space below the first floor as described in subsection D above.

**(2) Flood-proofing**

In lieu of elevating nonresidential structures as required in this Section, new construction and substantial improvement of any nonresidential structures shall meet the following:

- (a) When located in the Floodway Fringe, such structures together with attendant utility and sanitary facilities shall be flood-proofed to one foot above the base flood level so the structure is watertight with walls substantially impermeable to the passage of water.
- (b) When located in the Area of Shallow Flooding, such structures, together with attendant utility and sanitary facilities, shall be flood-proofed to the base flood level so the structure is watertight with walls substantially impermeable to the passage of water.

~~(c) Such flood-proofing may not be required if a licensed professional engineer certifies that such flood-proofing is not necessary to resist hydrostatic and hydrodynamic loads and the effects of buoyancy because uplift will not occur due to the nature of the flood, provided however, that flood-proofing of attendant utility and sanitary facilities is still required.~~

~~(d)~~(c) Structural components shall be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

~~(e)~~(d) A licensed professional engineer shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this Section based on their review of the structural design, specifications and plans. Such certifications shall be provided to the Planning Director.

~~G. Accessory Structures and Uses~~

~~(1) New accessory structures are prohibited in the floodway. Accessory structures shall not exceed the following standards if constructed or placed in the Floodway Fringe:~~

~~(a) Accessory structures to nonresidential principal uses shall meet the standards listed for nonresidential structures (subsection F above) if the accessory structure exceeds 1,000 square feet in size.~~

~~(b) Accessory structures to residential principal uses shall not exceed 1,000 square feet in size, or 40 percent of the area of the rear yard of the property, or have~~



~~construction costs of more than 10 percent of the market value of the principal residential structure, whichever is the least.~~

~~(2) Accessory structures and uses shall be designed to have a low flood damage potential and shall be placed on the building site and constructed so as to offer the minimum resistance to the flow of floodwaters.~~

~~(3) Accessory structures shall meet the requirements of subsection A above, Standards for Uses.~~

#### H.G. Recreational Vehicles

~~Recreational vehicles placed on sites within areas of special flood hazard (ASFH) or areas of shallow flooding (ASF) as identified on the City's most recently adopted Flood Insurance Rate Map (FIRM) shall either:~~

~~(1) Be on the site for fewer than 180 consecutive days, or and be fully licensed and ready for highway use (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 has no permanently attached additions); or~~

~~(2) Be fully licensed and ready for highway use, or~~

~~(3)(2) Meet the permit and elevation requirements for residential structures (subsection D above) and the anchoring requirements for manufactured homes (subsection E above).~~

## **11-08-04. UNNUMBERED "A ZONES"**

### **1. PERMITTED USES**

All uses permitted in the Base Zone District within this Code and as amended, are permitted in the Unnumbered "A Zone" to the extent that such uses are consistent with the standards within this Section.

### **2. STANDARDS**

#### **A. Uses**

(1) The use shall meet the standards listed in the standards for uses in the Floodway Fringe Zone and Area of Shallow Flooding Zone (Section 11-08-03.2.A).

(2) Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 11-08-01.3), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

(3) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

#### **B. Utilities**

The utilities shall meet the standards listed for utilities in the Floodway Fringe Zone and Area of Shallow Flooding Zone (Section 11-08-03.2.B).

#### **C. Development, Including Subdivisions and Manufactured Home Parks**

The ~~subdivision proposal~~ shall meet the standards listed ~~for subdivisions~~ in the Floodway Fringe Zone and Area of Shallow Flooding Zone (Section 11-08-03.2.C). The applicant/developer shall submit an application for a Conditional Letter of Map Revision (CLOMR) prior to Preliminary Plat approval and have obtained a Letter of Map Revision (LOMR) prior to any building permits for structures being issued.

#### D. Standards for Residential Structures

The residential structures shall meet the standards for residential structures listed in Floodway Fringe Zone and Area of Shallow Flooding Zone (Section 11-08-03.2.D).

### 11-08-05. CRITICAL FACILITIES

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

### 11-08-06. GENERAL IRRIGATION FLOODPLAIN DEVELOPMENT PERMIT

1. A General Irrigation Floodplain Development Permit (GIFD) applies to qualifying activities within the regulatory floodway or special flood hazard area. These permits may be issued to an irrigation entity for a period not to exceed five years. Examples of activities eligible under this provision include:

- A. Dredging and grading of irrigation and drainage channels, when the fill from dredging or grading is not deposited on the banks of channels or anywhere within the regulatory floodway or SFHA for longer than 10 days.
- B. Seasonal grading within natural stream channels to check or direct water into irrigation facilities (i.e. earthen "push-up dams" and "wing dams").
- C. Deposition of fill within the SFHA for less than 10 days. After 10 days, deposited fill must be removed from the SFHA, or graded and compacted to existing grade within  $\pm 0.2$  feet. Deposition of fill includes deposition of material resulting from grading or excavating irrigation or drainage channels. Deposition of fill within the mapped floodway requires an individual permit.
- D. Construction of new underground utilities that do not permanently alter the existing grade elevations by  $\pm 0.5$  feet. Excess soil from new pipes larger than 2 feet in diameter must be disposed of outside the regulatory floodway and SFHA.
- E. In-kind replacement of irrigation and drainage works or components including but not limited to control gates or head gates, measuring devices and their housing structures/stilling wells, culverts, pumps, pipes, flumes, siphons and similar works. GIFD permits cannot authorize the In-kind replacement of dams or bridge structures.
- F. New driveways, trails, sidewalks, roads and streets constructed completely at-or-below existing grade.
- G. Armoring, stabilizing, securing, or in-kind replacement of existing infrastructure within the channel banks (such as bridge piers, sewer/utility supports and storm water/sewer drainage outfalls/headwalls) when the dimensions (bank slopes, channel location, channel elevation) of the channel are not altered. This should not involve replacement with larger or additional above ground infrastructure.

**1. DUTIES OF THE FLOODPLAIN ADMINSTRATOR (BOISE PLANNING DIRECTOR)**

The Boise City Planning Director is hereby appointed to administer and implement this chapter and, as the Floodplain Administrator, shall perform the following duties:

**A. Review Applications**

Review all applications for Base Zone District changes, subdivisions, special use permits, conditional use permits and planned developments to determine:

- (1) If the development is within an area of special flood hazard;
- (2) To determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required; and
- (3) For compliance with the provisions of this chapter and disclose to the PZC and Council whether the application is, or is not, in compliance with the provisions of this chapter.

**B. Interpretations**

- (1) Make interpretations of the location of the boundaries of the Floodway and the Floodway Fringe.
- (2) When uncertainty exists as to whether a new development is within an Area of Special Flood Hazard, determine whether development is within the Floodway or Floodway Fringe.

**C. Zoning Certificates**

Issues zoning certificates for those structures which are to be constructed or modified in compliance with the provisions of this chapter and the other applicable provisions of this code.

**D. Variances**

Variances may be issued by the Director for the reconstruction, rehabilitation or restoration of ~~“historic structures” listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this chapter 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.~~

**E. Available Data**

Obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source when such data has not been provided in the Flood Insurance Study.

**F. Record Keeping**

Compile and maintain in perpetuity for public inspection all records pertaining to the provisions of this chapter, including records of all appeal actions and variances, records of first floor elevations, flood-proofing certificates, letters of map amendment and all other records required by this chapter and by federal regulations.

~~G. Notification~~

G.

Notify adjacent jurisdictions and the Idaho Department of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal ~~Emergency~~

~~Management Agency Insurance Administrator; and require that the flood-carrying capacity of the altered or relocated portion of said watercourse is maintained. maintenance be provided within the altered or relocated portion of such watercourse so that the flood-carrying capacity of the watercourse is not diminished.~~

#### ~~Annual Reports~~

~~Submit annual reports, and other reports to the Federal Emergency Management Agency, as required and as requested.~~

~~(1) Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.~~

~~(2) Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.~~

#### **H. Engineer Certification**

- (1) Require that for all new or substantially improved structures in an Area of Special Flood Hazard along the Boise River or in the gulches, a licensed professional engineer or registered land surveyor certify the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of the structure; and record the certified elevation and whether or not the structure contains a basement.
- (2) Require that for all new or substantially improved structures in an Area of Shallow Flooding in an Area of Special Flood Hazard, a licensed professional engineer or registered land surveyor shall certify the actual height in feet, as measured from the building edges at the lowest floor height to the highest ground which surrounds the building and record the certified height and whether or not the structure contains a basement.
- (3) Require that for all new or substantially improved flood-proofed non-residential structures; a licensed professional engineer or registered land surveyor certify that the actual elevation (in relation to mean sea level) to which the structure is flood-proofed; and the Boise City Planning and Development Services Director shall maintain copies of the flood-proofing certificates as required in this chapter.

#### **I. Permit Issuance**

Issue building or grading permits for new construction, new development, and substantial improvement to structures which are in compliance with the provisions of this Ordinance.

#### **J. Corrective Procedures**

When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

## **2. DUTIES OF THE BOISE CITY ENGINEER**

Upon request from the Director, the Boise City Engineer shall provide technical assistance and information including but not limited to verify field surveys and technical information submitted by any applicant for new development.

## **1. GENERAL PROVISIONS**

### **A. Consideration of Size and Location**

Generally, the only circumstances under which a variance may be issued are for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size, contiguous to and surrounded by, lots with existing structures constructed below the Base Flood Elevation.

### **B. Consideration of Standards**

Variances may only be approved after the standards provided in (see Section C below) have been fully considered. As the lot size increased beyond 1/2 acres, the technical justification for issuing the variance increases.

### **C. Consideration of Technical Information**

In the review of requests for variances, the Planning and Zoning Commission shall consider all technical evaluations, all relevant factors, and standards specified in this chapter:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community; the necessity to the facility of a waterfront location where applicable;
- (5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (6) The compatibility of the proposed use with existing and anticipated development;
- (7) The relationship of the proposed use to the Boise City Comprehensive Plan and floodplain management program for that area;
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities including but not limited to sewer, gas, electrical, water systems, and streets and bridges.

## **2. CONDITIONS FOR VARIANCES**

For new developments and substantial improvements to existing structures, the conditions for a variance shall comply with Section 11-08-07.1 D as well as the following:

### **A. Prohibitions**

Variances shall not be issued within any designated floodway if any increase in flood levels during the Base Flood discharge would result.

### **B. Necessary Minimum**

A variance shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

### **C. Approval Criteria**

A variance shall only be issued upon a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship to the applicant; and a

determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of nuisances, degradation of or victimization of the public, or conflict with existing local laws or ordinances.

**D. Rarely Allowed**

Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

**E. Variances for Nonresidential Structures**

Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood-proofing than watertight or dry-flood-proofing, where it can be determined that such action will have low damage potential, and otherwise complies with of the Standards for Uses and Standard for Utilities.

**F. Conditions for Approval**

Upon consideration of the factors and the purposes of this chapter, the PZC may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

**G. Flood Insurance Notice Required**

Any applicant to whom a variance is issued shall be given written notice that the cost of flood insurance may be commensurate with any increased flood risk.

**H. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.**

**3. APPEALS**

**A. Process for an Appeal**

- (1) The applicant or any aggrieved party may appeal the Director's decision or determination to the PZC in accordance with this Code (Section 11-03-03.9).
- (2) The applicant or any aggrieved party may appeal the PZC decision or determination to the Council in accordance with this Code (Section 11-03-03.9).
- (3) Within 10 calendar days after receipt of the appeal, the Council shall establish a date for hearing such appeal and shall notify the appealing party and all persons notified for the previous hearing.
- (4) The Council, in reviewing the decision of the PZC, may sustain or deny the PZC, or the Council may amend or modify the decision or determination of the PZC by imposing additional or different conditions or limitations.

**B. Basis for an Appeal**

An appeal which alleges that there is an error in any requirement, decision, or determination made by any administrative officer of Boise City, or by the PZC in the enforcement or administration of this chapter, shall be supported by technical and scientific evidence, which may include, but is not limited to:

- (1) An actual copy of the recorded plat map showing the property;
- (2) A topographic map showing ground elevation contours and the curvilinear line representing the area subject to inundation by the Base Flood; and
- (3) Certification by a licensed professional engineer or licensed land surveyor of the elevation of the lowest floor (including basement), the elevation of any fill and the date on which the fill was placed, the elevation to which any structure has been flood-proofed, and written statement setting forth the error alleged and the basis for appeal.

## ~~11-08-08, 11-08-09.~~ DEFINITIONS

As used in this Chapter each of the terms defined shall have the meaning given in this Section unless a different meaning is clearly required by the context.

### **Accessory or Appurtenant Use or Structure**

A use or structure which is subordinate to the principal use structure on the same parcel and which serves a purpose customarily incidental to the principal use or structure. The accessory use or structure shall, in no instance, include a dwelling unit or be used for human habitation.

### **Appeal**

A request to the Planning and Zoning Commission for a review of the floodplain administrator's interpretation of any provision of this chapter.

### **Area of Shallow Flooding (ASF)**

An area shown on the flood insurance rate map as an AO zone with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. These areas are also referred to as the alluvial fans if velocity data is provided on the FIRM, and are characterized as sheet flow.

### **Area of Special Flood Hazard (ASFH)**

The lands in a floodplain within Boise City which are subject to flooding from the base flood (or 100 year flood). These areas are also referred to as the ~~floodplain~~ Special Flood Hazard Area (SFHA). Designation on maps always include the letters A or V.

### **Base Flood**

The flood having a one percent chance of being equaled or exceeded in any given year, and is synonymous with "one-percent flood" and "100 year flood." ~~Designation on maps always include the letters A or V.~~

### **Base Flood Elevation (BFE)**

~~The elevation in feet in relation to mean sea level as determined by the Federal Emergency Management Agency to which flood water can be expected to rise during a base flood. A determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Flood Protection Elevation.~~

### **Base Flood Height in Areas of Shallow Flooding**

The height expressed in feet above adjacent grade to which flood waters can be expected to rise during a base flood. This height is determined by the Federal ~~Emergency Management Agency~~ Insurance Administrator and is shown on the Flood Insurance Rate Map (FIRM). ~~Adjacent grade is the elevation of the crown of the nearest street or back of the adjacent curb after adjustment is made for slope of the ground. Adjacent grade is the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.~~

### **Base Zone District**

The zone district classification which is in effect on any given land for which standards are included in the Development Code of Boise City, Idaho dated June 2002, and as amended.

### **Basement**

Any area of the building with its floor sub-grade (below ground level) on all sides.

**Check Dam**

A structure erected in a floodway which does not exceed ten feet in height or impound more than fifty acre feet of water. For the purposes of this Chapter, energy dissipating devices shall be considered to be check dams.

**Crawl Space**

The area of a house or structure between the lowest finish floor and the bottom of the foundation excavation enclosed by continuous foundation walls.

**Critical Facility**

A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

**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.~~  
~~manmade change to improved or unimproved real estate over which the Boise City Council exercises control. In addition to structural construction, the term includes mining, drilling, dredging, grading, paving, excavation and filling.~~

**Elevated Building**

For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings or columns.

**Elevation Certificate**

The Elevation Certificate is an important administrative tool of the NFIP. It is used to determine the proper flood insurance premium rate; it is used to document elevation information; and it may be used to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

**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 the adopted floodplain management regulations.

**Expansions 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).

**Federal Emergency Management Agency (FEMA)**

The agency with the overall responsibility of administering the national flood insurance program (NFIP).

**Flood or Flooding**

~~A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of a watercourse and/or the unusual and rapid accumulation of run-off of surface waters from any source, including but not limited to snow melt or heavy rain.~~

A. 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.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph A.2. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph A.1. of this definition.



### **Flood Insurance Rate Map (FIRM)**

~~The official report provided by the Federal Emergency Management Agency which has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.~~ An official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).:-

### **Flood Insurance Study(FIS)**

~~The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood-Boundary-Floodway Map, and the water surface elevation of the base flood.~~ An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Elevation Study.

### **Floodplain or Flood-Prone Area**

~~The land that has been or may be covered by floodwaters, or is surrounded by floodwater and inaccessible, during the occurrence of the regulatory flood. The riverine floodplain includes the floodway and the flood fringe.~~ Any land area susceptible to being inundated by water from any source (see definition of "flooding").

### **Floodplain Management**

~~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 flood plain management regulations.~~

### **Floodplain Management Regulations**

~~Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.~~

### **Flood-proofing**

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate potential flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

### **Flood Protection Elevation (FPE)**

~~The Base Flood Elevation plus the Freeboard.~~

- ~~a. In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus {insert number} feet two feet of freeboard; and~~
- ~~b. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least {insert number} feet two feet above the highest adjacent grade. An elevation that shall correspond to the elevation of the one percent chance flood (one hundred year flood) plus any increased flood elevation due to floodway encroachment, plus any required freeboard.~~

### **Floodway (FW)**

~~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 a designated height.~~ 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, as shown in the Flood Insurance Study for Boise City, Idaho.

### **Floodway Fringe (FF)**

The area between the floodway boundary and the outer limits of the 100 Year Flood. These lands within Boise City are subject to flooding from the Base Flood (aka the 100 year Flood), and are also referred to as part of the floodplain or the Area of Special Flood Hazard located outside of the floodway.

**Freeboard**

A factor of safety usually expressed in feet above a flood level for the 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, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the Flood Protection Elevation (FPE). Freeboard shall be a minimum of two feet.

**Highest adjacent grade**

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic structure.** Any structure that is:

1. 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;
2. 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;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior or
  - b. Directly by the Secretary of the Interior in states without approved programs.

**Letter of Map Amendment (LOMA)**

~~A letter issued by the Federal Emergency Management Agency exempting a specific structure or site from the Flood Insurance requirements. The site is exempted by virtue of its being elevated above the 100-year flood elevation.~~ An official amendment by letter, to an effective National Flood Insurance (NFIP) map. A LOMA establishes a property's or structure's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property or structure has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.

**Letter of Map Revision (LOMR)**

~~A letter issued by the Federal Emergency Management Agency exempting a specific structure or site from Flood Insurance requirements. The site or structure is exempted by virtue of its being elevated above the 100-year flood elevation.~~ FEMA's modification to an effective Flood Insurance Rate Map (FIRM) or a Flood Boundary and Floodway Map (FBFM) or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

**Letter of Map Revision Based on Fill (LOMR-F)**

FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM, FBFM, or FIS report.

### **Letter of Map Revision Conditional (CLOMR)**

A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS). Upon submission and approval of certified as-built documentation, a Letter of Map Revision (LOMR) may be issued by FEMA to revise the effective FIRM. Building Permits and/or Flood Development Permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

### **Levee**

A levee is a continuous dike or ridge, constructed of earth or other materials that confines flood waters (excluding landfill).

### **Lowest Floor**

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 non-elevation design requirements of this Chapter. ~~(Section 11-08-03.2.A)~~

### **Manufactured Home**

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

### **Manufactured Home Park or Subdivision**

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

### **Mobile Home**

A transportable, factory-built home designed to be used as a year-round residential dwelling and built prior to enactment of the National Housing include and Safety Standards Act of 1974, which became effective June 15, 1976.

### **Mobile Home Park or Subdivision**

Any area, tract, plot or parcel of land, developed and designed primarily for placement of mobile homes located and maintained for dwelling purposes on a permanent or semi-permanent basis.

### **New Construction**

~~Structures for which the start of construction commenced on or after the effective date of this Chapter. For floodplain management purposes, a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. Any construction started after April 17, 1984 (insert effective date of community's first floodplain management ordinance adopted by the community) and before and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.~~

### **New Development**

Any development for which final approval entitling the applicant to proceed with the development was issued on or after the effective date of this Chapter.

### **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 final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

### **Non-residential Structure**

A building other than a residential structure. The term includes but is not limited to: buildings used for places of assembly, education, child care, business, maintenance, storage, manufacturing, government, hospitals, sanitariums and nursing homes.

**Ordinary High Water Mark (OHWM)**

The line which the water impresses on the soil by covering it for sufficient periods to deprive the soil of its vegetation and destroy its value for agricultural purposes.

**Recreational Vehicle**

A vehicle which is: (a) Built on a single chassis, ~~and;~~ (b) 400 square feet or less when measured at the largest horizontal projections, ~~and;~~ (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.

**Regulatory Floodway (see Floodway)**

The channel of a river or other watercourse and 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 (1').

**Residential Structure**

A building used as a dwelling for one or more persons. The term includes, but is not limited to houses, mobile homes, apartment buildings, lodging homes, dormitories, (and the guest or patient rooms of), hotels, and motels. The term also includes accessory use areas used in conjunction with and forming an integral part of a residential structure.

**Special Flood Hazard Area (SFHA)**

Land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

**Start of Construction**

~~The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footing, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a mobile 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 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. Includes substantial improvement, 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 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 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 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 means the first alteration of any wall, ceiling, floor, or other structure part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure**

~~Anything constructed or erected, which requires permanent location on the ground or is attached to something having location on the ground. A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.~~

**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 (50%) of its market value before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent (25%) of the market value of the structure before the damage occurred. of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged

~~condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.~~

### **Substantial Improvement**

~~Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent (50%) 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:~~

- ~~1. 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 the local code enforcement official and which are the minimum necessary to assure safe living conditions; or~~
- ~~2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure" and the alteration is approved by variance issued pursuant to this ordinance.~~

~~repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or the repair is started, or 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 "Substantial Improvement" does not, however, include either: 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: any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.~~

### **Unnumbered "A Zone"**

An area shown on the Flood Insurance Rate Map as an "A Zone" in which base flood depths and a clearly defined channel are not shown.

### **Variance**

A grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.

### **Violation**

The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the Finished Construction Elevation Certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.