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COUNCIL BILL NO. 08-
ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING _____; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, *after public hearing on the hereinafter provided amendments, and after recommendation by the _____*, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that said amendments be adopted; NOW, THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene:

SECTION 1. *That the following Coeur d'Alene Municipal Code Sections are hereby repealed:*

17.08.105: Title and Purpose.

17.08.110: Flood Hazard Development Permits.

17.08.115: General Regulations.

17.08.120: Level of Elevating or Floodproofing.

17.08.125: General Standards.

17.08.130: Specific Standards.

17.08.135: Required Findings for Flood Hazard Development Permits.

17.08.140: Floodways.

17.08.145: Modification of Density or Intensity of Use.

17.08.150: Nonconforming Use.

SECTION 2. *That Municipal Code Section 17.02.045 is amended to read as follows:*

17.02.045: DEFINITIONS VI:

A. "Day" means calendar day.

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- B. "Daycare facility" means a facility furnishing care, supervision, or guidance during any part of the twenty four (24) hour day, to a group of ten (10) or more children, who are twelve (12) years of age or under, and who are unrelated to the person(s) operating the facility. Daycare facilities include such items as daycare centers, daycare schools, and nursery schools.
- C. Design Review, Administrative: "Administrative design review" means the staff evaluation of project for compliance with design review regulations.
- D. ~~"Development" means, for flood hazard purposes, any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or within the area of special flood hazard.~~
- ~~E. "District" means the same as "zoning district".~~
- EF. "Drainage channel" means an existing or proposed open ditch, open culvert, or open channel, naturally created or designed to transmit water for flood control or irrigation purposes.
- EG. "Drip line" means an imaginary line drawn on the ground around a tree, directly under the outermost branches.
- GH. "Driveway" means a vehicular access to an off street parking or loading facility that also provides interior circulation between parking stalls.
- HI. "Duplex" means a two-family dwelling, each with a private exterior entrance, sharing common supporting structural elements.
- IJ. "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- JK. Dwelling Unit, Group: "Group dwelling unit" means a dwelling unit occupied by more than eight (8) persons unrelated by blood, marriage, or adoption, and living together as an independent housekeeping unit whether operated as a business or not, but excluding criminal transitional facilities, juvenile offenders facilities and other institutional arrangements involving the provision of a special kind of care or forced residence.

SECTION 3. *That Municipal Code Section 17.02.055 is amended to read as follows:*

17.02.055: DEFINITIONS VIII:

- A. "Facility" means a structure, or other physical site improvements, necessary to accommodate a specific activity.
- B. "Family" unless otherwise specified by ordinance means any of the following:

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1. One or more persons who are related by blood, marriage, or adoption; or
 2. No more than four (4) persons who are unrelated by blood, marriage or adoption living together as a single housekeeping unit; or
 3. No more than a total combination of five (5) persons related and unrelated living together as a single housekeeping unit; or
 4. A group:
 - a. Placed in a foster home or childcare facility by an authorized agency;
 - b. Eight (8) persons or less devoting full time to a religious or ethical discipline, unrelated by blood, marriage, or adoption, any of which are living together as an independent housekeeping unit together with incidental domestic servants and temporary nonpaying guests; or
 - c. Eight (8) persons or less who are unrelated by blood, marriage, or adoption who are mentally or physically handicapped, or elderly with no more than two (2) residential staff members.
- C. "Fence" means a structural device forming a vertical physical barrier.
- D. "Finished grade" means the finished surface of the ground after grading for development.
- ~~E. "Flood" or "flooding" means a general or temporary condition of partial or complete inundation of normally dry land areas from:~~
- ~~1. The overflow of inland waters; and/or~~
 - ~~2. The unusual and rapid accumulation or runoff of surface waters from any source.~~
- ~~F. Flood, Base: "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This is also known as the 100-year flood.~~
- ~~G. "Flood insurance rate map (FIRM)" means the official map on which the federal insurance administration has delineated both the areas of special flood hazard and the risk premium zones applicable to Coeur d'Alene.~~
- ~~H. "Flood insurance study" means the official report in which the federal insurance administration has provided flood profiles, as well as the flood boundary and the water surface elevation of the base flood.~~
- ~~I. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').~~

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~~J.~~ "Floor area" means the sum of the areas of the several floors of the building or structure, including areas used for human occupancy or required for the conduct of the business or use, as measured from the inside face of exterior walls. It does not include space below grade, space dedicated to parking, mechanical spaces, elevator and stair shafts, lobbies and common spaces (including atriums), exterior decks, porches and arcades open to the air or space used for any bonus feature allowed by the applicable zoning or overlay district.

~~EK.~~ "Floor area ratio" is a method of calculating allowable floor area. The FAR allowed in the applicable zoning or overlay district multiplied by the parcel size (in square feet) equals the amount of allowable floor area that can be built. "Parcel size", for the purposes of this definition, is the total contiguous lot or lots under common ownership. FAR includes all structures on a site.

~~FL.~~ "Frontage" means a front lot line; also the length thereof.

~~M. Floor, Lowest:~~ "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title found in section 17.08.135 of this title.

~~GN.~~ Frontage, Building: "Building frontage" means that frontage which faces upon a public or private street. Where a building faces on two (2) or more streets, the frontage containing the principal entrance to the building shall be designated as the building frontage.

~~HΘ.~~ Frontage, Corner Lot: For "corner lot frontage" see subsection [17.02.080R2](#) of this chapter.

~~IP.~~ "Front wall" means the wall of a building or structure nearest the street which the building fronts, but excluding certain architectural features as cornices, canopies, eaves, or embellishments.

SECTION 4. *That Municipal Code Section 17.02.085 is amended to read as follows:*

17.02.085: DEFINITIONS XIV:

~~A.~~ "Manufactured home, FEMA, a manufactured home", for flood insurance purposes, means 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 connected to the required utilities. The term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

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B. "Manufactured home, designated", means a structure which is constructed according to HUD/FHA standards and other standards as adopted by the state. In addition, all designated manufactured homes shall meet the following criteria:

1. The manufactured home shall be multisectional and enclose a space not less than one thousand (1,000) square feet;
2. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter in such a manner that the home is located not more than twelve inches (12") above grade;
3. The manufactured home shall have a pitched roof with a minimum slope of three feet (3') in height for each twelve feet (12') in width;
4. The manufactured home shall have exterior siding or roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings;
5. The manufactured home shall have a garage or carport constructed of like materials. An attached or detached garage shall be constructed in lieu of a carport where such is consistent with the predominant construction of abutting dwellings;
6. In addition to the provisions of subsections B1 through B5 of this section, a manufactured home shall be subject to any development standards, architectural requirements and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subjected.

BC. "Manufactured structure" means any building or building component, other than a mobile home, which is constructed according to standards contained in the Uniform Building Code as adopted by the City, or any amendments thereto, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.

CD. "Mobile home" means a structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length or when erected on site is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation.

1. A dependent mobile home is one not equipped with a toilet for sewage disposal.
2. An independent mobile home is one equipped with a toilet for sewage disposal.

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3. A self-contained mobile home is one equipped with a toilet, water storage tank for potable water, and sewage holding tank.

DE. "Mobile home accessory building or structure" means any awning, portable, demountable, or permanent cabana, ramada, storage cabinet, carport, fence, windbreak, or porch established for the use of the occupant of the mobile home.

EF. "Mobile home park" means any area or tract of land where one or more mobile home sites are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation.

EG. "Mobile home subdivision" means a subdivision with principal residential facilities limited exclusively to mobile homes.

GH. "Manufacturing or industrial zoning district" means a zoning district that permits activities that are principally involved with assembling, warehousing, manufacturing, extracting, rendering, and other activities that are not residential in nature.

1. "Light" means manufacturing, warehousing, and industry that is primarily indoors with an on-site operation that has a minimal impact on the environment. Lumber, saw, and planing mills are included within this category.

2. "Heavy" means the type of uses that require extensive facilities, which are not usually entirely enclosed within buildings, and which may create adverse effects to the environment.

HI. "Motel" means a commercial lodging facility designed for or occupied by individuals on a less than weekly basis, where access to individual units is predominantly by means of common exterior corridors or where off-street parking is in sufficiently close proximity to the units as to facilitate direct baggage handling by guests.

IJ. "Motor home" means a vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis, chassis cab or van, which becomes an integrated part of the completed vehicle, primarily designed to provide temporary living quarters for recreational, camping, or travel use. Removal of motor or suspension and/or attachment to a permanent foundation will not constitute a mobile home.

SECTION 5. *That Municipal Code Section 17.01.015 is amended to read as follows:*

17.01.015: PURPOSES OF ZONING ORDINANCE:

A. The Comprehensive Plan and the Zoning Ordinance together make up part of the land use control system for the City of Coeur d'Alene. Planning and zoning, by its nature, is composed of two (2) time frames: the current day-to-day zoning activity, and the future planning

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objectives. Zoning must be specific and regulatory in nature. Planning, on the other hand, is abstract and objectively oriented.

- B. Zoning conforms and implements today's needs with the goals and objectives of the future, as expressed in the Comprehensive Plan. Thus, the Zoning Ordinance continues to be more restrictive than the Comprehensive Plan; however, no conflict should be perceived from these differences. The following Zoning Ordinance represents a first step toward the goals of the community as established in the Comprehensive Plan. The consistency of this step must be measured by the Zoning Ordinance, the Comprehensive Plan, and also by the practicalities of daily life which moderate our City's strides toward those goals. In this sense, the Zoning Ordinance can only be required to conform with but not exactly replicate the Comprehensive Plan.
- C. The general purposes of the Zoning Ordinance are to protect and promote the public health, safety, convenience, and general welfare and to achieve the following objectives:
1. To promote the achievement of the policies of the Coeur d'Alene Comprehensive Plan.
 2. To protect the land resources, and residential, commercial, manufacturing, civic, hazard and other specially designated areas from the intrusion of incompatible uses.
 3. To provide for desirable, appropriately located living areas in a variety of dwelling types and at a wide range of population densities, with adequate provision for sunlight, fresh air, and usable open space and with minimal adverse environmental factors.
 4. To ensure preservation of adequate space for agricultural, commercial, manufacturing, and other activities necessary for a healthy economy.
 - ~~5. To ensure public safety through regulation with respect to potential hazards in flood hazard areas, and land slide hazard areas, based on criteria established by the City Council.~~
 6. To provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services.
 - ~~6~~7. To promote safe, and orderly movement of people and goods, and the provision of adequate off-street parking and loading.
 - ~~7~~8. To achieve excellence and originality of design in all future developments and to preserve the natural beauty of the City of Coeur d'Alene.
 - ~~8~~9. To guide the growth and productivity of the city of Coeur d'Alene's economy.
 - ~~9~~10. To plan for future development of the city of Coeur d'Alene, thereby providing a basis for wise decisions with respect to such development.

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101. To protect property rights and enhance property values.

112. To encourage beautification of existing and newly developed neighborhoods or areas through the use of underground utilities and landscaping.

123. To discourage the unnecessary destruction or impairment of structures, or other physical features, sites and areas of special character or special historical, cultural, educational, architectural, aesthetic or environmental interest or value.

134. To encourage the highest and best use of land in conformance with the comprehensive plan.

145. To ensure that land use decisions are not contrary to the public interest.

SECTION 6. *That Municipal Code Section is amended to read as follows:*

17.07.275: LIMITED DESIGN PLANNED UNIT DEVELOPMENT REVIEW CRITERIA:

A limited design planned unit development may be approved only if the proposal conforms to the following criteria to the satisfaction of the planning commission.

- A. The proposal produces a functional, enduring and desirable environment.
- B. The proposal is consistent with the City Comprehensive Plan.
- C. The building envelope(s) is compatible with or sufficiently buffered from uses on adjacent properties. Design elements that may be considered include: building heights and bulk, off-street parking, open space, privacy and landscaping.
- D. The proposal is compatible with natural features of the site and adjoining properties. Natural features to be considered include: topography, native vegetation, wildlife habitats and watercourses.
- E. The proposal provides adequate private common open space area, as determined by the Planning Commission, no less than ten percent (10%) of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.
- G. The location, design and size of the proposed building envelope is such that the traffic generated by the development can be accommodated safely on minor arterials and collector streets, and without requiring unnecessary utilization of other residential streets.
- H. The proposed setbacks provide:

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1. Sufficient emergency vehicle access.
 2. That neighborhood character will be protected by adequate buffering.
 3. For maintenance of any wall exterior from the development's property.
- I. The proposed building envelope(s) will provide for adequate sunlight, fresh air and usable open space.
- J. ~~The proposal ensures that adequate provisions have been made in respect to flood and landslide hazards.~~

SECTION 7. *That a new Chapter 15.32, entitled Flood Damage Prevention, is hereby added to the Coeur d'Alene Municipal Code as follows:*

CHAPTER 15.32

FLOOD DAMAGE PREVENTION

15.32.010: Authorization:

The Legislature of the State of Idaho in I.C. 46-1020 through I.C. 46-1024, authorized local government units to adopt a floodplain map and floodplain management ordinance that identifies floodplains and that sets forth minimum development requirements in floodplains that are designed to promote the public health, safety, and general welfare of its citizenry.

15.32.020: Purpose:

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Require that development that is vulnerable to floods, including structures and facilities necessary for the general health, safety and welfare of citizens, be protected against flood damage at the time of initial construction;
- B. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- C. Control filling, grading, dredging and other development which may increase flood damage or erosion;
- D. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;

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- E. Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store flood waters.

15.32.030: Applicability:

This ordinance applies to all Special Flood Hazard Areas within the City of Coeur d'Alene. Nothing in this chapter authorizes uses or structures that are otherwise prohibited by the zoning ordinance (Title 17).

15.32.040: Definitions:

Unless the context indicates otherwise, the following terms, used in this chapter, have the following meanings:

Accessory Structure means a structure on the same lot or parcel as a principal structure, the use of which is incidental and subordinate to the principal structure. An insurable building should not be classified as an accessory or appurtenant structure.

Appeal means a request for review of the Floodplain Administrator's interpretation of provisions of this ordinance.

Area of Shallow Flooding means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Zone designations on FIRM's include the letters A, AE, V. Also known as the Special Flood Hazard Area (SFHA).

Base Flood means the flood having a one percent chance of being equaled or exceeded each year.

Base Flood Elevation (BFE) means the water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest 0.10 foot.

Basement means the portion of a structure including crawlspace with its floor sub grade (below ground level) on all sides.

Building, see Structure.

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Critical Facility means a facility that is critical for the health and welfare of the population and is especially important following hazard events. Critical facilities include essential facilities, transportation systems, lifeline utility systems, high potential loss facilities and hazardous material facilities.

Datum The vertical datum is a base measurement point (or set of points) from which all elevations are determined. The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

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

Digital FIRM (DFIRM) means Digital Flood Information Rate Map. It depicts flood risk and zones and flood risk information. The DFIRM presents the flood risk information in a format suitable for electronic mapping applications.

Existing Construction means a structure for which the “start of construction” commenced before May 3, 2010.

Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision where 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 final site grading or the pouring of concrete pads) was completed before May 3, 2010.

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Federal Emergency Management Agency (FEMA) is the agency with the overall responsibility for administering the National Flood Insurance Program.

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Fringe means the portion of the floodplain outside of the floodway covered by floodwaters during the regulatory flood.

Flood Insurance Rate Map (FIRM) means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

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Flood Insurance Study (FIS) means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, floodway boundaries and water surface elevations of the base flood.

Floodplain means 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. (I.C. 46-1021)

Flood Protection Elevation (FPE) means an elevation that corresponds to the elevation of the one percent (1%) chance annual flood (100 yr flood) plus any increase in elevation due to floodway encroachment, plus any required freeboard. The City does not allow an increase in water surface elevation in the floodway and no additional freeboard is required. Therefore the Flood Protection Elevation is equal to the Base flood Elevation.

Floodway (Regulatory Floodway) means the channel of a river or other watercourse and those portions of the floodplain adjoining the channel required to discharge and store the floodwater or flood flows associated with the regulatory flood.

Freeboard means 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.

Functionally Dependent Facility means a facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Highest Adjacent Grade (HAG) means the highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure.

Historic Structure means a structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U. S. 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 to a district preliminarily determined by the Secretary to qualify as a registered historic district.

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- C. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior, or
- D. Individually listed on a local inventory of history places and determined as eligible by communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

Letter of Map Change (LOMC) means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are issued in the following categories:

- A. **Letter of Map Amendment (LOMA)**
A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
- B. **Letter of Map Revision (LOMR)**
A revision based on technical data showing that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination that a structure of parcel has been elevated by fill above the base flood elevation and is excluded from the special flood hazard areas.
- C. **Conditional Letter of Map Revision (CLOMR)**
A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does NOT amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

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

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

Lowest Adjacent Grade (LAG) means the lowest point of the ground level next to the structure.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement) used for living purposes, which includes working, storage, cooking and eating, or recreation, or any

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combination thereof. This includes any floor that could be converted to such a use including a basement or crawl space. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a structure's lowest floor. The lowest floor is a determinate for the flood insurance premium for a building, home or business.

Manufactured Home means a structure, transportable in one or more sections built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle."

Mean Sea Level means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's FIRM are referenced.

New Construction means a structure for which the "start of construction" commenced after May 3, 2010, and includes the subsequent improvements to the structure.

New Manufactured Home Park or Subdivision means a place where 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 final site grading or the pouring of concrete pads) is completed on or after May 3, 2010.

Recreational Vehicle means a vehicle that is:

- A. Built on a single chassis,
- B. 400 square feet or less when measured at the largest horizontal projection,
- C. Designed to be self-propelled or permanently towed 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 means 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.

Repetitive Loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost were the construction of facilities for servicing the lots on which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

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Start of Construction includes substantial improvement and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or 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 structural part of a building, whether or not the alteration affects the external dimensions of a building.

Structure means 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 means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of its market value before the damage occurred.

Substantial Improvement means reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “repetitive loss” or “substantial damage,” regardless of the actual repair work performed. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement, or, in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred substantial damage, regardless of the actual amount of repair work performed. The term does not include either:

- A. A 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
- B. Alteration of a Historic Structure provided that the alteration will not preclude the structure’s continued designation as a Historic Structure.

Water Surface Elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other specified datum) of floods of various magnitudes and frequencies in the flood plans of coastal or riverine areas.

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15.32.050: Basis for Area of Special Flood Hazard:

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for Coeur d'Alene, dated May 3, 2010, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this chapter. The FIS and the FIRM are on file at the office of the City Clerk, 710 E. Mullan Avenue, Coeur d'Alene, Idaho, 83814.

15.32.060: Warning and Disclaimer of Liability:

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. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This chapter does not create liability on the part of Coeur d'Alene or by any officer or employee thereof for flood damages that result from reliance on this chapter or an administrative decision lawfully made hereunder.

15.32.070: Designation of Floodplain Administrator:

The City Engineer is designated as the Floodplain Administrator, who is responsible for administering and implementing the provisions of this ordinance. The City Engineer may designate any other City employee to fulfill any of the obligations or duties of the Floodplain Administrator.

15.32.080: Duties and Responsibilities of the Administrator:

The duties of the Floodplain Administrator include, but are not limited to:

- A. Review of all floodplain development permit applications to assure that the permit requirements of this ordinance have been satisfied.
- B. When Base Flood Elevation data or floodway data are not available, then the Floodplain Administrator will obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this ordinance.
- C. Obtain, verify and record the actual elevation in relation to the vertical datum on the effective FIRM, or highest adjacent grade, of the lowest floor level, including basement, of all new construction or substantially improved structures.

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- D. Obtain, verify and record the actual elevation, in relation to the vertical datum on the effective FIRM to which any new or substantially improved structures have been flood-proofed.
- E. When flood-proofing is utilized for a structure, the Floodplain Administrator must obtain certification of design criteria from a registered professional engineer or architect.
- F. Where interpretation is needed of the exact location of boundaries of the Areas of Special Flood Hazard including regulatory floodway (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator will make the interpretation.
- G. Review proposed development to assure that necessary permits have been received from governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334; the Endangered Species Act of 1973, 16 U.S.C. 1531-1544; and State of Idaho Stream Channel Alteration permits.

15.32.090: Establishment of Floodplain Development Permit:

A Floodplain Development Permit is required prior to development activities in Special Flood Hazard Areas established by section 15.32.050 of this chapter.

15.32.100: Permit Procedures:

Application for a Floodplain Development Permit will be made to the Floodplain Administrator on the form furnished by the administrator prior to starting development activities. The required review and processing fee must be attached to the application. Specifically, the following information is required:

- A. Application Stage:
 - 1. Plans drawn to scale with elevations of the project area and the nature, location, dimensions of existing and proposed structures, earthen fill placement, storage of materials or equipment and drainage facilities;
 - 2. Elevation in relation to the Flood Protection Elevation, or highest adjacent grade, of the lowest floor level, including crawlspaces or basement, of all proposed structures;
 - 3. Elevation to which any non-residential structure will be flood-proofed;

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4. Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria in section 15.32.140;
5. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development; and,

B. Construction Stage:

1. For all new construction and substantial improvements, the permit holder must provide to the Floodplain Administrator an as-built certification of the floor elevation or flood-proofing level, using appropriate FEMA elevation or flood-proofing certificate, immediately after the lowest floor or flood-proofing is completed. When flood-proofing is utilized for non-residential structures, the certification must be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
2. Certificate deficiencies identified by the Floodplain Administrator must be corrected by the permit holder immediately and prior to work proceeding. Failure to submit certification or failure to make the corrections will be cause for the Floodplain Administrator to issue a stop-work order for the project.
3. The floodplain development permit will expire along with any associated building and/or site development permit issued by the City or 180 days after the floodplain development permit is issued whichever is later.

15.32.110: Provisions for Flood Hazard Reduction in Subdivisions:

All subdivisions, as defined in Title 16 of the Municipal Code, in Areas of Special Flood Hazard must comply with the following:

- A. All proposals must be consistent with the need to minimize flood damage.
- B. All subdivision preliminary plats/development plans must include the mapped flood hazard zones from the effective FIRM.
- C. Base flood elevation data must be generated and/or provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty lots or five acres, whichever is less.
- D. All subdivisions must have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.

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- E. All subdivisions must have adequate drainage provided to reduce exposure to flood hazards.

15.32.120: General Provisions for Flood Hazard Reduction in Construction:

In all Areas of Special Flood Hazard the following provisions are required in all construction projects.

- A. New construction and substantial improvements of an existing structure must be anchored to prevent flotation, collapse or lateral movement of the structure.
- B. New construction and substantial improvements of an existing structure must be constructed with materials and utility equipment resistant to flood damage.
- C. New construction or substantial improvements of an existing structure must be constructed by methods and practices that minimize flood damage.
- D. All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other facilities must be designed and/or elevated to prevent water from entering or accumulating within the components during flooding.
- E. New and replacement water supply systems must be designed to minimize or to eliminate infiltration of flood waters into the system.
- F. New and replacement sanitary sewage systems must be designed to minimize or to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- G. On-site waste disposal systems must be located and constructed to avoid functional impairment, or contamination from them, during flooding.
- H. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) is permitted within Zones A1-30 and AE on the 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 at any point within the community.

15.32.130: Specific Provisions for Flood Hazard Reduction in Residential Construction:

Where base flood elevation data are available, new construction or substantial improvement of any residential structure or manufactured home must have the lowest floor, including basement, constructed at or above the Flood Protection Elevation. All new construction or substantial improvements of an existing residential structure that includes a fully enclosed area located

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below the lowest floor formed by the foundation and other exterior walls must be designed to be an unfinished or flood resistant enclosure. The enclosure must be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or meet the following minimum criteria:

- A. Provide a minimum of two openings meeting the following criteria:
 - 1. A total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2. The bottom of all openings can be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening;
 - 3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention.
- B. To comply with the “Lowest Floor” criteria of this ordinance, the unfinished or flood resistant enclosure can only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area.
- C. The interior portion of such enclosed area cannot not be partitioned or finished into separate rooms.
- D. For crawlspace foundation types, construction must follow FEMA guidelines, specifically:
 - 1. Below grade crawlspaces are prohibited at sites where the velocity of floodwaters exceed 5 feet per second;
 - 2. Interior grade of the crawlspace below the BFE cannot be more than 2 feet below the lowest adjacent exterior grade (LAG);
 - 3. Height of the below grade crawlspace, measured from the lowest interior grade of the crawlspace to the bottom of the floor joist must not exceed 4 feet at any point;
 - 4. Contain an adequate drainage system that removes floodwaters from the interior area of the crawlspace.

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15.32.140: Specific Provisions for Flood Hazard Reduction in Non-Residential Construction:

New construction or the substantial improvement of any non-residential structure located in zones A1-30, AE, or AH must be flood-proofed if the new construction or improvement is not elevated to or above the Flood Protection Elevation. The structure and attendant utility and sanitary facilities, must be designed to be water tight to the Flood Protection Elevation or to one (1) foot above the base flood elevation, whichever is higher, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting these provisions, and must provide the certificate to the Administrator.

15.32.150: Specific Provisions for Flood Hazard Reduction for Manufactured Homes:

In all Areas of Special Flood Hazard where the Base Flood Elevation is established, these standards for manufactured homes apply:

- A. All manufactured homes placed or substantially improved in the following areas must have the lowest floor, including basement, elevated to the Flood Protection Elevation:
 - 1. On individual lots or parcels;
 - 2. In new or substantially improved manufactured home parks or subdivisions; and
 - 3. In expansions to existing manufactured home parks or subdivisions, or on a site in an existing manufactured home park or subdivision where a manufactured home has incurred “substantial damage” as the result of a flood.
- B. Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1. The lowest floor of the manufactured home is elevated to the Flood Protection Elevation or one foot above the level of the base flood elevation, whichever is higher; or
 - 2. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches above the highest adjacent grade.
- C. Manufactured homes must be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or

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frame ties to ground anchors. This standard applies in addition to, and consistent with, all applicable state requirements.

- D. Manufactured homes placed on solid perimeter walls must meet the flood vent requirements in section 15.32.130.

15.32.160: Specific Provisions for Flood Hazard Reduction for Accessory Structures:

Relief from the elevation or dry flood-proofing standards may be granted for an accessory structure 400 s.f. or smaller in size if the structure meets the following standards:

- A. It is not used for human habitation;
- B. It is constructed of flood resistant materials
- C. It is constructed and placed on the lot so as to offer the minimum resistance to the flow of floodwaters;
- D. It is firmly anchored to prevent flotation;
- E. Services such as electrical and heating equipment are elevated or flood-proofed to or above the Flood Protection Elevation;
- F. It meets the opening requirements of section 15.32.130.

15.32.170: Specific Provisions for Flood Hazard Reduction for Recreational Vehicles:

In all Areas of Special Flood Hazard, recreational vehicles must:

- A. Be on the site for fewer than 180 consecutive days; and
- B. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or addition; or
- C. The recreational vehicle must meet all the requirements for new construction of manufactured homes found in section 15.32.150, including the anchoring and elevation requirements.

15.32.180: Encroachments into a Regulatory Floodway:

The following provisions apply to encroachments into the regulatory floodway.

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- A. An encroachment in the floodway or floodplain cannot cause an increase in the base flood elevation.
- B. A project in the regulatory floodway must undergo an encroachment review to determine its effect on flood flows. The encroachment analysis must include:
 - 1. Determination and documentation that filling, grading, or construction of a structure will not obstruct flood flows and will not cause an increase in the base flood elevation upstream or adjacent to the project site;
 - 2. Determination and documentation that grading, excavation, channel improvements, bridge and culvert replacements that remove an obstruction, do not cause increases in downstream flood flows;
 - 3. Certification and documentation by a licensed professional engineer that the project will not result in a rise in flood heights;
- C. When the proposed encroachment requires modifications to the regulatory floodway in order to avoid raising the base flood elevation, the applicants are required to obtain a Conditional Letter of Map Revision (CLOMR) from FEMA prior to issuance of a floodplain development permit. Once construction is completed the applicant must apply to FEMA for a Letter of Map Revision for changes to the flood hazard map proposed in the CLOMR.

15.32.190: Alteration of a Regulatory Floodway:

- A. Any proposed alterations to a regulatory floodway require a floodplain development permit and the applicant is required to obtain a Conditional Letter of Map Revision (CLOMR) from FEMA prior to start of construction. A floodway is considered altered when there are any substantial changes to the cross sectional area or geometry, horizontal or vertical location of the streambed, or similar modifications. It is the responsibility of the applicant to have technical data prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant. Proposed alterations include:
 - 1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - 2. Fills sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - 3. Alteration of floodways that result in a relocation or elimination of the special flood hazard area, including the placement of culverts;

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4. Subdivision or large-scale development proposals requiring establishment of base flood elevations.
- B. The bank full flood carrying capacity of the altered or relocated portion of the floodway cannot be diminished. Prior to issuance of a floodplain development permit, the applicant must perform an analysis meeting the requirements of subsection 15.32.180(B) and submit certification by a registered professional engineer that the bank full flood carrying capacity of the floodway will not be diminished.
- C. The applicant must notify adjacent communities (if applicable), the U.S. Army Corps of Engineers, and the Idaho Department of Water Resources Stream Channel Alteration program prior to any alteration or relocation of a floodway. Evidence of notifications must be submitted to the floodplain administrator and to the Federal Emergency Management Agency.
- D. The applicant is responsible for providing the necessary maintenance for the altered or relocated portion of the floodway so that the flood carrying capacity will not be diminished.
- E. Once construction is completed the applicant must apply to FEMA for a Letter of Map Revision for changes to the flood hazard map proposed in the CLOMR.

15.32.200: Variance Procedure:

- A. Application for Variance:
 1. An application for a variance must be submitted to the City Clerk on the required form and include, at a minimum, the same information required for a development permit and an explanation for the basis for the variance request.
 2. Upon receipt of a completed application for a variance, the request will be set for public hearing at the next City Council meeting in which time is available for the matter to be heard.
 3. Prior to the public hearing, Notice of the hearing will be published in the official newspaper of the City at least 15 days prior to the hearing. In addition to the newspaper publication, written notice shall be provided to all adjoining property owners.
 4. The applicant must show that the variance is warranted and meets the criteria established in this section.
- B. Variance Criteria:

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1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.
 2. Variances 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.
 3. Variances will only be issued for non residential buildings in very limited circumstances.
 4. Variances may be issued upon:
 - a. A showing by the applicant of good and sufficient cause;
 - b. A determination that failure to grant the variance would 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 and ordinances.
 - c. A determination that a variance request within a designated floodway will not result in any increase in flood levels during the base flood discharge;
 - d. A determination that the variance request is the minimum necessary, considering the flood hazard, to afford relief.
- C. The decision to grant or deny a variance will be in writing and explain the reasons for the approval or denial. If the variance is granted, the decision will also advise the property owner that the permitted building will have its lowest floor below the Flood Protection Elevation and that the cost of flood insurance likely will be commensurate with the increased flood damage risk.

15.32.210: Appeal Procedure:

- A. An appeal may be filed with the City Clerk within fourteen (14) days of the date of any permit denial or interpretation of this chapter by the Floodplain Administrator. Failure to timely file an appeal shall be considered a failure to exhaust administrative remedies. The appeal must set out the denial or interpretation of the Administrator and a narrative setting forth the facts relied upon by the appellant and the appellants claim regarding the error made by the Administrator.
- B. Upon receipt of a completed appeal, the appeal will be scheduled for hearing at the next available City Council meeting. The City Council will consider the following in ruling on an appeal:

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1. All technical evaluations, all relevant factors, standards specified in other sections of this ordinance,
 2. The danger that materials may be swept onto other lands to the injury of others;
 3. The danger that materials may be swept onto other lands to the injury of others;
 4. The danger to life and property due to flooding or erosion damage;
 5. The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual landowner;
 6. The importance of the services provided by the proposed facility to the community;
 7. The necessity of the facility to a waterfront location, where applicable;
 8. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 9. The compatibility of the proposed use with existing and anticipated development;
 10. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 11. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 12. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 13. The cost of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- C. The City Council decision will be in writing and set out the facts, technical information and the legal basis for the decision.

15.32.220: Penalties:

- A. No structure or land may hereafter be located, extended, converted or altered unless in full compliance with the terms of this chapter and other applicable regulations.
- B. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection

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with grants of variance or special exceptions constitutes a misdemeanor punishable as provided in Municipal Code chapter 1.28.

- C. Nothing contained in this section prevents the City from taking such other lawful actions it deems necessary to prevent or remedy any violation.

SECTION 8. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 9. Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

SECTION 10. The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

SECTION 11. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

APPROVED, ADOPTED and SIGNED this day of , 2010.

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Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

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SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____

Insert brief description

Insert Title ; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. _____ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

Susan K. Weathers, City Clerk

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STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, Insert Brief Description, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this day of , 2008.

Warren J. Wilson, Chief Deputy City Attorney