

ORDINANCE 187-05

AN ORDINANCE OF UINTAH CITY REGARDING FLOOD DAMAGE PREVENTION

WHEREAS, Uintah City (hereafter “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah; and

WHEREAS, Utah Code Annotated Section 10-8-84 delegated responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

WHEREAS, the City desires to comply with the Department of Homeland Security’s Federal Emergency Management Agency and adopt floodplain regulations for the City;

NOW, THEREFORE, be it ordained by the Municipal Council of Uintah as follows:

Section 1: Ordinance 108-96 is repealed in its entirety.

Section 2: Enactment. The following Chapters are enacted and such shall read as follows:

- Chapter 1. Authority, Findings, Purpose, and Objectives.**
- Chapter 2. Definitions.**
- Chapter 3. General Provisions.**
- Chapter 4. Administration.**
- Chapter 5. Provisions For Flood Hazard Reduction.**

CHAPTER 1 – AUTHORITY, FINDINGS, PURPOSE, AND OBJECTIVES

SECTION:

- 11A-1-1 Statutory Authorization
- 11A-1-2 Findings of Fact
- 11A-1-3 Statement of Purpose
- 11A-1-4 Methods of Reducing Flood Losses

11A-1-1 Statutory Authorization

The Legislature of the State has delegated responsibility in Section 10-8-84, Utah Code Annotated to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

11A-1-2 Findings of Fact

The flood hazard areas of the City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage to uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

11A-1-3 Statement of Purpose:

It is the purpose of this Title 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:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and 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, streets and bridges located in areas of special flood hazards;
6. To help maintain a stable tax base by providing for the safe 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 that 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.

11A-1-4 Methods of Reducing Flood Losses:

In order to accomplish its purposes, this Title includes methods and provision for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage, and;
5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

CHAPTER 2 - DEFINITIONS

SECTION:

11A-2-1 Definitions

11A-2-1 Definitions:

Unless specifically defined below, words or phrases used in this Title shall be interpreted so as to give them the meaning they have in common usage and to give this Title its most reasonable application.

Appeal - A request for a review of the Building Inspector's interpretation of any provision of this Title or a request for a variance.

Alluvial Fan Flooding – Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex – A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Areas of Shallow Flooding - A designated AO, AH, or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard - The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE, or V.

Base Flood - The flood having a one percent chance of being equaled or exceeded in any given year.

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

Critical Feature – An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

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, drilling operations located within the area of special flood hazards, or storage of equipment or materials.

Elevated Building – A non-basement building

- Built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, C, X, and D to have the top of the elevated floor or in the case of a building in Zones V1-30, VE, or V to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water, and
- Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

In the case of Zones A1-30, SE, A, A99, AO, AH, B, C, X, and D and “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

In the case of Zones V1-30, VE, or V “elevated building” also includes a building otherwise meeting the definition of “elevated building” even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program Regulations.

Existing Construction – For the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. “Existing construction” may also be referred to as “existing structures.”

Existing Manufactured and/or Mobile Home Park or Subdivision - A parcel (or contiguous parcels) of land divided into two or more manufactured and/or mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured and/or mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Title.

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

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (Firm) - The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study - The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodplain or Flood-Prone Area – 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 plan, flood control work, and floodplain management regulations.

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

Flood Protection System – Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

Floodway (Regulatory Floodway) - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Functionally Dependent Use – A use which cannot perform its intended purpose unless it is

located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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.

Levee – A man-made structure, usually an earthen embankment, designed, and constructed in accordance with sound engineering practices to contain, control, or diverts the flow of water so as to provide protection from temporary flooding.

Levee System – A flood protection system which consist 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 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 Section 60.3 of the National Flood Insurance Program regulations and this Title.

Manufactured and/or Mobile 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 connected to the required utilities. For floodplain management purposes the term "manufactured and/or mobile home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured and/or mobile home" does not include park trailers, travel trailers, or other similar vehicles.

Manufactured and/or Mobile Home Park or Subdivision – A parcel (or continuous parcels) of land divided into two or more manufactured and/or mobile home lots for rent or sale.

Mean Sea Level – For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of '929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New Construction – For the purpose of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

For floodplain management purposes, “new construction” means structures for which the "start of construction" commenced on or after the effective date of this Title and includes any subsequent improvements to such structures.

New Manufactured and/or Mobile Home Park or Subdivision - A parcel (or contiguous parcels) of land divided into two or more manufactured and/or mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this Title.

Recreational Vehicle - A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction - The 'start of construction' includes substantial improvement and means 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 first placement of permanent construction of a structure (other than a manufactured and/or mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation.

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 as part of the main structure.

For a structure (other than a manufactured and/or mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation.

For manufactured and/or mobile homes not within, a manufactured and/or mobile home park or subdivision, "start of construction" means the affixing of the manufactured and/or mobile home to its permanent site.

For manufactured and/or mobile homes within manufactured and/or mobile home park or subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the manufactured and/or mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

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 that alteration affects the external dimensions of the building.

Structure - A walled and roofed building or manufactured and/or mobile home, including a gas or liquid storage tank, that is principally above ground.

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

Substantial Improvement - Any repair, 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 either:

1. Before the improvement or repair is started, or
2. 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 does not, however, include either:

1. 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
2. Any alteration of structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Variance - A grant of relief from the requirements of this Title when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction in a manner that would otherwise be prohibited by this Title. (For full requirements, see Section 60.6 of the National Flood Insurance Program Regulations.)

Violation – The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 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.

Water Surface Elevation – The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of costal or riverine areas.

CHAPTER 3 – GENERAL PROVISIONS

SECTION:

- 11A-3-1 Applicable Lands
- 11A-3-2 Basis For Establishing Flood Hazard Areas
- 11A-3-3 Compliance Required
- 11A-3-4 Abrogation and Greater restrictions
- 11A-3-5 Interpretation
- 11A-3-6 Warning And Disclaimer of Liability
- 11A-3-7 Penalty

11A-3-1 Applicable Lands

This Title shall apply to all areas of special flood hazard within the jurisdiction of the City.

11A-3-2 Basis For Establishing Flood Hazard Areas

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report that is the most currently dated document titled "The Flood Insurance Study" with accompanying Flood Insurance Rate Maps, Flood Boundary-Floodway Maps (FIRM and FBFM), and any revisions thereto are hereby adopted by reference and declared to be a part of this Title. The Flood Insurance Study and applicable maps are on file at the office of Uintah City, 2105 East 6550 South, Uintah, Utah 84405.

11A-3-3 Compliance Required

No structure of land in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Title and other applicable regulations.

11A-3-4 Abrogation and Greater Restrictions

This Title is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Title and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail.

11A-3-5 Interpretation

In the interpretation and application of this Title, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

11A-3-6 Warning And Disclaimer of Liability

The degree of flood protection required by this Title 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 by man-made or natural causes. This Title does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Title shall not create liability on the part of the City, any officer or employee thereof, or Federal Emergency Management Agency for any flood damages that result from reliance on this Title or any administrative decision lawfully made thereunder. Nothing in this Title shall be construed as waiving any immunity or other protection which the City may have under the Governmental Immunity Act of Utah, Utah Code Annotated, Section 63-30d-101 et. Seq.

11A-3-7 Penalty

No structure or land shall hereafter be constructed, located, extended, covered, or altered without full compliance with the terms of this Title and other applicable regulations. Any person who violates the

provision of this Title or fails to comply with any of its requirements, including violations of conditions and safeguards established in connection with the conditions, shall be guilty of a Class B Misdemeanor and, upon, conviction, shall be punished as provided by law. Each day during which any violation of the Title is committed, continued, or permitted by such person shall be a separate violation.

Such person, firm, or corporation who violates this Title or fails to comply with any of its requirements shall be guilty of a Class B Misdemeanor, and upon conviction shall be punished as provided by the laws of the State of Utah for Class B Misdemeanors and shall be deemed to be guilty of a separate offense for each day during which any portion of any violation of this Title is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

CHAPTER 4 - ADMINISTRATION

SECTION:

- 11A-4-1 Development Permit
- 11A-4-2 Floodplains Administrator
- 11A-4-3 Variance and Appeals Procedure

11A-4-1 Development Permit

1. A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 11A-3-2.
 - a. Application. Application for a Development Permit shall be made on forms furnished by the City.
 - b. Plans. In addition to the application form, the applicant shall provide plans for the proposed construction and development. The plans shall be drawn to scale and shall include:
 - i. The nature, location, dimensions, and elevations of the area proposed for construction or development;
 - ii. Any existing or proposed structures, existing or proposed fill areas, existing or proposed areas for the storage of materials, and any existing or proposed drainage facilities;
 - iii. The elevation in relation to mean sea level of the lowest floor (including basement) of all existing or proposed structures;
 - iv. The elevation in relation to mean sea level to which any existing structure has been flood proofed and the elevation to which any proposed structure will be flood proofed; and
 - v. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development
 - c. For non-residential development or construction, the applicant shall also present a certification by a registered professional engineer or architect that the proposed flood-proofing methods meet the requirements of section 11A-5-2.
 - d. The applicant shall also provide sufficient data to identify a base flood in the area proposed for construction or development.
 - e. The application shall be accompanied by an application fee which the City may set by resolution.
2. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Title and the following relevant factors:
 - a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - c. The danger that materials may be swept onto other lands to the injury of others;
 - d. The compatibility of the proposed use with existing and anticipated development;
 - e. The safety of access to the property in times of flood for ordinary and emergency vehicles;

- f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
- g. 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;
- h. The necessity to the facility of a waterfront location, where applicable;
- i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
- j. The relationship of the proposed use to the comprehensive plan for that area.

11A-4-2 Floodplain Administrator

1. The City's Floodplain Administrator is hereby appointed to administer and implement this Title by granting or denying development permit applications in accordance with its provisions.
2. Duties of the City's Floodplain Administrator shall include, but not be limited to:
 - a. Permit Review:
 - i. Maintain and hold open for public inspection all records pertaining to the provisions of this Title.
 - ii. Review permit applications to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
 - iii. Review, approve, or deny all applications for development permits required by adoption of this Title.
 - iv. Review all applications for development permits to determine that the permit requirements of this Title have been satisfied.
 - v. Review all applications for development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
 - vi. Review all development permits to determine if the proposed development is located in the Floodway, assure that the encroachment provisions of Section 11A-5-3 a, are met.
 - b. The Floodplain Administration shall approve an application if the building inspector determines that the application meets the requirements of this Title.
 - c. Use of other Base Flood Data. The Floodplain Administrator may compare base flood data provided by the applicant with base flood data available from a federal, state, or other source. If the building inspector determines that the base flood data provided by an applicant is substantially different from the base flood data available from other sources, he shall notify the applicant of the discrepancy and the applicant may either
 - i. Submit revised base flood data, or
 - ii. Submit data indicating that the base flood data obtained by the building inspector is in error.
 - d. Information to be Obtained and Maintained:
 - i. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
 - ii. For all new or substantially improved flood proofed structures, verify and record the actual elevation (in relation to mean sea level), and
 - iii. Maintain the flood proofing certifications required in Section 11A-4-1 2 iii.
 - iv. Maintain for public inspection all records pertaining to the provisions of this Title.
 - e. Alteration of Watercourses.
 - i. Notify adjacent communities, the State Coordinating Agency which is the Utah Division of Water Rights and the Utah State Office of Emergency Management prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - ii. Require that maintenance be provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

- f. Interpretation of FIRM Boundaries.
 - i. Make interpretations where needed, as to the exact location of the boundaries of the area of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
 - ii. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 11A-4-3.

11A-4-3 Appeal and Variance Procedures

- 1. Appeal Board:
 - a. The Board of Adjustment as established by Uintah City shall hear and decide appeals and requests for variances from the requirements of this Title.
 - b. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City's Floodplain Administrator in the enforcement or administration of this Title. The Board of Adjustments shall issue a written decision on all appeals within 15 days of the final hearing on the appeal.
 - c. Those aggrieved by the decision of the Board of Adjustment may appeal such decision to the Second District Court, as provided in Utah Code Annotated, Section 10-9a-801.
 - d. In passing upon such applications, the Board of Adjustment shall consider
 - i. all technical evaluations, all relevant factors, standards specified in other sections of this Title, and;
 - ii. the danger that materials may be swept onto other lands to the injury of others;
 - iii. the danger to life and property due to flooding or erosion damage;
 - iv. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - v. the importance of the services provided by the proposed facility to the community;
 - vi. the necessity to the facility of a waterfront location, where applicable;
 - vii. the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
 - viii. the compatibility of the proposed use with existing and anticipated development;
 - ix. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - x. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - xi. 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,
 - xii. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
 - e. The City's Floodplain Administrator shall maintain the records of all appeal actions, and report any variances to the Federal Emergency Management Agency upon request.
- 2. Conditions for Variances:
 - a. Generally, variances may be used for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing all items in subsection 11A-4-3 1d of this section have been fully considered. As the lot size increases beyond the one-half acre, the justification required for issuing the variance increases.
 - b. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

- c. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e. Variances shall only be issued upon:
 - i. a showing of good and sufficient cause;
 - ii. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- f. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor (including basement) elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting with the reduced lowest floor (including basement) elevation.
- g. Upon consideration of the factors of Section 11A-4-3 1d and the purposes of this Title, the City's Floodplain Administrator, Building Inspector, or Uintah City Planning Commission may attach such conditions to the granting of variances, as it deems necessary to further the purposes of this Title.

CHAPTER 5 – PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION:

- 11A-5-1 General Standards
- 11A-5-2 Specific Standards
- 11A-5-3 Floodways

11A-5-1 General Standards

1. All manufactured and/or mobile homes to be placed in existing manufactured and/or mobile home parks in areas of special flood hazard which are not subject to paragraph 2 below, shall be installed using methods and practices which minimize flood damage.
 - a. At a minimum, manufactured and/or mobile homes to be installed in areas of special flood hazard must be:
 - i. elevated; and
 - ii. anchored to resist flotation, collapse, and lateral movement.
 - b. Methods of anchoring may include, but are not limited to:
 - i. Over the top ties to ground anchors, or
 - ii. Frame ties to ground anchors.
 - c. The owner of a manufactured and/or mobile home to be placed in an area of special flood hazard who desires to use a method of anchoring other than one described in subparagraph b. above shall submit a description of the anchoring method with their permit application. The method for anchoring shall be certified by a licensed engineer as meeting the requirements of 44 CFR Section 60.3.
2. Manufactured and/or mobile home placed in new developments or new manufactured and/or mobile homes placed in existing developments with a history of having substantial damaged in previous floods.
 - a. The following manufactured and/or mobile homes shall meet the provisions of this subparagraph 2 when placed in Zones A1-30, AH or AE on the City's Flood Insurance Rate Map ("FIRM"):
 - i. Manufactured and/or mobile homes to be placed outside a manufactured and/or mobile home park or subdivision;

- ii. Manufactured and/or mobile homes to be placed in a new manufactured and/or mobile home or subdivision;
 - iii. Manufactured and/or mobile homes to be placed in an expansion of an existing manufactured and/or mobile home park or subdivision; or
 - iv. Manufactured and/or mobile homes to be placed in an existing mobile home park or subdivision in which a manufactured and/or mobile home has incurred substantial damage as the result of a flood.
- b. For purposes of this subparagraph 2 “substantial damage as the result of a flood” shall mean damage caused by a flood sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- c. A manufactured and/or mobile home subject to this subparagraph 2 shall be:
- i. Elevated on a permanent foundation such that the lowest floor (including basement) of the manufactured and/or mobile home is elevated to or above the base flood elevation; and
 - ii. Securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement.

11A-5-2 Specific Standards

1. The following specific standards apply to residential construction or substantial improvement in areas of special flood hazards:
 - a. New construction and substantial improvement of any residential structure in areas of special flood hazards other than AO or AH, zones on the FIRM shall have the lowest floor (including basement) above base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this Title is satisfied.
 - b. Within any AO or AH Zones on the FIRM, all new construction and substantial improvements of residential structures shall:
 - i. have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM; or
 - ii. If no depth number is specified on the FIRM, have the lowest floor (including basement) elevated at least 2 feet above the highest adjacent grade; or
 - iii. Be completely flood proofed (including attendant utility and sanitary facilities) to the standard described in paragraph 11A-5-2 1b ii.
 - c. The following specific standards apply to non-residential construction or substantial improvement in areas of special flood hazards:
 - i. The new construction and substantial improvement shall have the lowest floor (including basement) elevated at least one foot above the level of the base flood elevation; or
 - ii. The new construction or substantial improvement shall be flood proofed so that below the base flood level the structure is watertight with walls substantially impervious to the passage of water, which shall be certified by a licensed professional engineer or architect. Copies of all designs, specification, and plan for the construction shall be provided to the City; or
 - iii. The new construction or substantial improvement shall have structural components capable of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
 1. Fully enclosed areas below the lowest floor (including basement) 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 flood waters.
 2. A minimum of two openings having a total net area of not less than one square inch for each square foot of enclosed area subject to flooding shall be provided.

3. The bottom of all openings shall be no higher than one (1) foot above grade.
 4. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
 5. Plans for these structures shall be presented to the City and a registered professional engineer or architect shall certify that the plans comply with the standards of this subsection.
- iv. The following standards shall apply to recreational vehicles in areas of special flood hazards:
1. The recreational vehicle shall be on the site less than 180 consecutive days; or
 2. The recreational vehicle shall be fully licensed and ready for highway use, or
 3. The recreational vehicle shall meet the permit requirements, elevation, and anchoring requirements for a manufactured and/or mobile home under this Title.

11A-5-3 Floodways

1. Located within areas of special flood hazard established in Section 11A-3-2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
 - a. All encroachments, including fill, new construction, substantial improvements, and other development is prohibited unless a registered professional engineer or architect certifies that the encroachments shall not result in any increase in flood levels during a base flood.
 - b. If Section 11A-5-3 1 a, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions in this Title.
2. Upon the approval and recording of any subdivision, the subdivider of any property containing a floodway as defined in this Title shall convey to Uintah City either an easement or dedication of right-of-way of the area so designated as the floodway. Such easement shall grant to Uintah City the right of entry by its agents, employees, and contractors to survey, plan, construct, and maintain such improvements as may be necessary to insure adequate flood control.

Section 3: Effective Date. This Ordinance shall become effective immediately upon publication or posting.

PASSED AND ADOPTED this _____ day of December 2005.

MAYOR:

CRAIG KENDELL

ATTEST:

Sherma Mildon, Clerk/Recorder