

19.6.25 FP-O Floodplain Overlay Zone

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19.6.25.1 Purpose and Intent

In accordance with §10-9a-501 Utah Code Annotated, 1953, as amended, the FP-O Floodplain Overlay Zone has been established to provide an environment in and around flood plains which will protect the natural environment, human life and minimize property losses. (1-18-06)

Regulations in this zone shall be in addition to the regulations established under the provisions of the underlying zone. Property within the FP-O Zone shall be developed only in conformance with the provisions of this Section. The flood hazard areas of Payson City are subject to periodic inundation which could result 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.

It is the purpose of this Section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions. This Section shall apply to all areas of special flood hazards within the jurisdiction of Payson City and any areas of special flood hazard identified by the Federal Emergency Management Agency. (7-6-05)

This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Section and any other law, ordinance, resolution, easement, covenant, or deed restriction conflict or overlap, the regulation that imposes the more stringent restrictions shall prevail. (7-6-05)

19.6.25.2 Permitted Uses

Uses permitted in the FP-O Zone are those permitted in the underlying zone except that all uses involving construction of permanent buildings or structures, or

placement of fill materials shall require the issuance of a Conditional Use Permit in accordance with Chapter 19.13 herein. All uses established in the FP-O Zone shall meet the conditions and standards set forth in this Section using the following as criteria for any conditions:

1. The proposal conforms to the legislative intent of this Section. (7-6-05)
2. All proposals for new construction or for substantial improvements to existing structures in the FP-O Zone must be adequately protected against flood damage, designed (or modified) and anchored to prevent floatation, collapse, or lateral movement of the structure. All construction methods and practices utilized will be designed to minimize potential flood damage. (7-6-05)
3. New construction or improvements to existing water supply systems will be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood water. (7-6-05)
4. New construction or substantial improvements of existing structures in the area of special flood hazards shall have the lowest floor (including basements) elevated to, or above, the level of the one hundred (100) year flood. (7-6-05)
5. Fill or encroachments within the designated floodway will not impair ability to carry and discharge the water resulting from the one hundred (100) year flood, except where the effect on flood heights is fully offset by stream improvements. (7-6-05)
6. Any use, placement of any structure, or any other modification of the floodway shall be consistent with the regulations of the Federal Emergency Management Agency. (7-6-05)

19.6.25.3 Official Flood Plain Overlay Map

The FP-O applies to all lands within the City that have been shown as being located within the boundaries of the floodplain on the Official Zone Map of the City or on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency. It is reasonable to assume that the precise location of the one hundred (100) year floodplain is subject to change overtime. Therefore, it is hereby stated that it is the intention of the City Council by enacting the regulations of this Section to protect the one hundred (100) year floodplain. The boundaries of the floodplain shall be determined by scaling distances on the Official Zone Map, which is subject to change upon the presentation of new or more accurate data. Where interpretation is needed as to the exact location of the boundaries of the floodplain, the Planning Commission shall make the necessary interpretation. Any person contesting the location of the

zone boundary shall be given a reasonable opportunity to present technical evidence. (7-6-05)

19.6.25.4 Disclaimer of Liability

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or flood heights may be increased by manmade or natural causes, such as bridge and culvert openings restricted by debris.

This Section does not imply that areas outside of the boundaries of the floodplain or land uses permitted within such zones will be free from flooding or flood damages. Further, this Section shall not create liability on the part of the City or any officer or employee for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder. (7-6-05)

19.6.25.5 Development Standards

All construction within floodplain boundaries shall comply with City standards as established by the City Council. Any development in the FP-O Zone shall satisfy the following requirements: (7-6-05)

1. 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 are prohibited.
2. Uses vulnerable to floods, including facilities which serve the uses, shall be protected against flood damage at the time of initial construction.
3. Alteration of the natural floodplain, stream channels, and natural protective barriers, which help accommodate or channel flood waters is not permitted.
4. The construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas are prohibited.

A development permit shall be obtained before construction or development begins within any area of special flood hazard. Application for a development permit shall be made on forms furnished by the Development Services Department and may include, but is not limited to:

1. Plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question.
2. Existing and proposed structures, fill, storage of materials, and drainage facilities.
3. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.

4. Certification by a registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet adequate flood criteria. (7-6-05)
5. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

When base flood elevation data has not been provided, staff shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any Federal, State, or other source as criteria for requiring that new construction, substantial improvements, or other developments are reviewed properly.

19.6.25.6 Specific Definitions

The following definitions are specific to this Section:

1. Area of special flood hazard means the land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year.
2. Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.
3. 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 or drilling operations located within the area of special flood hazard.
4. Flood insurance study means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood. (7-6-05)
5. 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.
6. New construction means structures for which the start of construction commenced on or after the effective date of this Section.
7. Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure.

19.6.25.7 Alteration of Watercourses

Prior to any alteration of a watercourse, the City shall, at the applicant's expense:

1. Notify the Federal Emergency Management Agency, adjacent communities and the Utah Office of Comprehensive Emergency Management Agency prior to any alteration or relocation of a watercourse. (7-6-05)
2. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood capacity is not diminished. (7-6-05)

19.6.25.8 Variance Procedure

The Board of Adjustment shall hear and decide appeals and request for variances when it is alleged there is an error in any requirement, decision, or determination made by staff in the enforcement or administration of this Section.

The Board of Adjustment shall consider statutory regulations of variances listed the Utah Code Annotated, all technical evaluations, all relevant factors, standards specified in this Section, and: (7-6-05)

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed structure and its contents to flood damage and the effect of such damage on the individual owners.
4. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
5. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
6. The safety of access to the property in times of flood for ordinary and emergency vehicles.
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected on site.
8. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.

Upon consideration of these factors and the purposes of this Section, the Board of Adjustment may attach conditions to the granting of variances as it deems necessary to further the purposes of this Section. Staff shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship to the applicant, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public.

19.6.25.9 Provisions for Flood Hazard Reduction.

In all areas of special flood hazards, the following standards are required:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.
2. All manufactured homes must be elevated and anchored to resist floatation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
3. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
4. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

19.6.25.10 Subdivision Proposals

All subdivision proposals shall be consistent with the need to minimize flood damage, have public utilities and facilities such as sewer, gas electrical, and water systems located and constructed to minimize flood damage, and base flood elevation data shall be provided for subdivision proposals and other proposed development which contain five (5) or more acres. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation.

19.6.25.11 Floodways

Located within areas of special flood hazard 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 provision shall apply:

1. Encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge are prohibited.