Memorandum

To: Tammy Folkman, Land Use Specialist
Plain City Corporation

From: Brad C. Jensen, P.E.
Wasatch Civil Consulting Engineering

Date: October 26, 2023

Subject: **Sunset Estates – Preliminary Plan Review**

We have reviewed the revised plan for the revised for Sunset Estates Subdivision and have the following comments:

1. The proposed Typical Roadway Expansion Detail should be revised per Plain City Standards (see redlines). This revision is minor and can be done on the final drawings.

2. The Developer should be prepared to describe how the lots will be developed with the existing irrigation pipe in-place.

Once any Planning Commission issues have been resolved, we recommend the Sunset Estates Subdivision be granted preliminary approval. If you have any questions or require additional information, feel free to contact me.

APPLICATION FOR A PLAIN CITY SUBDIVISION

Subdivision Name Sunset Estates Zone RE-20 Date Submitted 9/25/2023

Address of Subdivision 2650 N. 3975 W. Plain City, UT No. of Units or Lots 4

List all Parcel Numbers included in development: 24053005O

Owner Name Jim & Kathy East Trust Full Address 2650 N. 3975 W. Plain City

Phone # 801-731-1289 Cell # same Email

Subdivider's Name Heritage Craft Homes Full Address 2396 N. 4350 W. Plain City UT 84404

Phone # 801-458-4868 Cell # 801-388-4091 Email cody@heritagecrafthomes.com

Name of Intended Escrow Holder Exsisting Palmer Address

Contact Name Cody Rhees Phone # 801-458-4868 Email Cody@heritagecrafthomes.com

Surveyor's Name Mike Wangeman Address Phone # 801-725-8395

Engineer's Name Hansen & Associates Address Phone # 801-398-4905

Have all property taxes, interests and penalties been paid? Y **(no approval given until paid in full.)** UCA 10-9a-603(3)

Secondary Water Available? Y Contact Pine View Water Phone #

Secondary Water System in Place? Y Type Pine View Water Phone #

Culinary Water Available? Y Type Bona Vista Water Phone #

Sewer Connection Available? Y Contact Plain City Corp (Dan) Type

Is Property in a Flood Hazard Area? NO Flood Zone None Lowest Elevation

Access Road above 4215' Elevation? Yes, 4,235' Source Google Earth

Please describe any agreements, rights-of-way, easements etc, which could affect this site: (Use other side if needed)

NONE

Describe history of parcel being subdivided, approximate dates and acreage of past land divisions: (Use other side if needed)

The above information is true and accurate to the best of my knowledge.

9/25/2023
Date

Signature

Office Use Only

Subdivision Filing Fee: 400.00
Subdivision Engineering Fee: 456.00
Number of Copies:

PC Preliminary Approval Date:
PC Final Approval Date:
CC Final Approval Date:

AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH)
) ss
COUNTY OF WEBER)

I (we), Jimmy K & Kathlee East, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I also acknowledge that I have received written instructions regarding the process for which I am applying and the Plain City Planning staff has indicated they are available to assist me in making this application.

Jimmy K. East
(Property Owner)

Kathleen A. East
(Property Owner)

Subscribed and sworn to me this 13 day of July, 2023.

MICHELLE GEE
Notary Public - State of Utah
My Commission Expires
April 9, 2025
Commission #717695

(Notary)
Residing in Weber County, Utah

My commission expires: 4/9/25

AGENT AUTHORIZATION

I (we), Jim & Kathy East, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Cody Rhees to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Jimmy K. East
(Property Owner)

(Agent)

Kathleen A. East
(Property Owner)

Dated this 13 day of July, 2023, personally appeared before me Cody Rhees, the signer(s) of the above agent authorization who duly acknowledged to me that they executed the same.

(Notary)

MICHELLE GEE
Notary Public - State of Utah
My Commission Expires
April 9, 2025
Commission #717695

Residing in Weber County, Utah

My commission expires: 4/9/25

September 25th, 2023

To: Plain City Corporation Planning Commission

From: Cody Rhees, Cody Rhees Construction, Inc.

RE: Sunset Estates, Extension of Palmer Heritage Subdivision

Plain City Planning Commission,

I have submitted the attached application for the proposed Sunset Estates (Part of Palmer Heritage) Subdivision following a plan and presentation consistent with all applicable Plain City Ordinances. I am requesting at this time a preliminary and Final subdivision approval consistent with the requirements by ordinance. I am requesting to be placed on the next planning commission agenda scheduled for November 12th, 2023.

This subdivision plat has already been preliminary platted and the construction of infrastructure was completed with the Palmer Heritage Subdivision. Please let me know if you have any questions on this, as this plat approval should be very simple.

This Subdivision is inclusive of a 1 property tax ID Number which are currently zoned accordingly consistent with the General Plan of Plain City. The parcel acreage total is 2.6 Acres, and was platted into 4 building lots. The footage for every lot is over the required minimum lot sizes for the current zoning, and we feel that this will be a very nice addition to the city.

I am committed to work accordingly with your city engineer and public work department to get this subdivision approved in a timely and complete fashion. If you have any questions as you are going through this packet, or notice anything that you see may be a red flag, or hold up, please let me know at your earliest convince. I am also happy to assist you with any questions you have.

As seen in Chapter 11-3-4 (c), I am asking that the Planning Commission review this application and recommend to approve this submitted plat. I am asking that you please advise me of outstanding items or concerns, or extra things to work on, as we can efficiently proceed with a final plat. I would like to remind you as you look over this plat, that to the best of my knowledge, this plat meets every ordinance outlined in Plain City Code, general plan, and future land use maps. I appreciate your comments and concerns, and look forward to meeting with you all.

Thank You,

Cody Rhees, President, Cody Rhees Construction, Heritage Craft Homes

Submitted
3-17-21

WEBER-BOX ELDER CONSERVATION DISTRICT

Unit K

DATE: 3/17/2021

471 West 2nd Street
Ogden, UT 84404
Phone 801-621-6555 Fax 801-621-6558

Secondary Water Connection Estimate For:

Name or Subdivision: Sunset Estates (Jim Knight) East

Lot #: 1 – 4

Address: Aprox. 4004 W 2600 N Plain City, UT 84404

Land Number: 24-053-0033, 24-053-0047
24-053-0016, 24-053-0014

Water Number:

Acres: 2.50

DESCRIPTION	AMOUNT
Connection Fee	
Meter Fee	
Impact Fee.....	
Inclusion Fee Single Property.....	
Inclusion Fee For Subdivision.....	400.00
Street Crossing Fee.....	
25 Shares Plain City Irrigation	
Additional requirements:	
Complete inclusion application	
Federal Tax Identification Number: 87-6122964	
TOTAL	$ 400.00

Estimate valid for 90 days.

We accept cash or checks only

Please make checks payable to **Weber-Box Elder Conservation District**
Please contact our office with any questions or concerns regarding this estimate.

5

WEBER-BOX ELDER™ CONSERVATION DISTRICT

471 West 2nd Street Ogden, UT 84404

Phone: (801) 621-6555

Receipt

Phone Number: 801-731-1289

Date: 03/17/2021

Received From: Jimmy East

For: Unit: K Email:

Subdivision Name: Sunset Estates

Lot Number: Inclusion

Address:

Land Number:

Water Number:

Acres: 2.50

Check/Cash: Check Check #: 105

Inclusion Fee:	$400.00

Total Amount Received: **$400.00**

Payer hereby requests the Weber-Box Elder Conservation District make a new connection to its distribution system for property owner's use. Property owner will maintain the master valve at their expense and agrees to abide by the rules and regulations of the Conservation District. A copy of the rules and regulations can be found at pineviewwater.com. The Weber-Box Elder Conservation District acknowledges receipt of the connection fee and/or other fees associated with this permit as listed on the above receipt.

Customer Copy

000015193

Bona Vista Water Improvement District

2020 West 1300 North, Farr West, Utah 84404
Phone (801) 621-0474 Fax (801) 621-0475

September 26, 2023

Plain City
2200 North 4100 West
Plain City Ut, 84404

To Whom it May Concern:

RE: **WILL SERVE LETTER** – Sunset Estates

Bona Vista Water Improvement District does have culinary water available for the above project located at approximately 3975 West 2650 North consisting of 4 lots.

Bona Vista water supplies culinary drinking water for domestic use only. Applicable connection fees are required. Proof of a secondary water source must be provided. Prior to occupancy, a residential application must be filled out and submitted to the District.

The owner or contractor will need to furnish all materials and labor to run the service line. The District will furnish and set the water meter. All materials and workmanship must be in accordance with the District's specifications which are available online at www.bonavistawater.com or in the office.

If you have any questions, please feel free to call me. I can be reached at 801-621-0474 ext. 207, Monday through Friday, 9am – 5pm.

Sincerely,

Matt Fox
Assistant Manager

Board of Directors
Scott VanLeeuwen, Chairman – Marriott/Slaterville
Michelle Tait, Vice Chairwoman - Harrisville
Z. Lee Dickemore – Farr West
Jon Beesley – Plain City
Ronald Stratford – Unincorporated Area

Management
Blake Carlin, Manager
Matt Fox, Assistant Manager
Marci Doolan, Office Manager

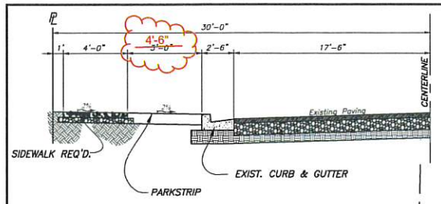
10-26-23

Sunset Estates

Plain City, Weber County, Utah

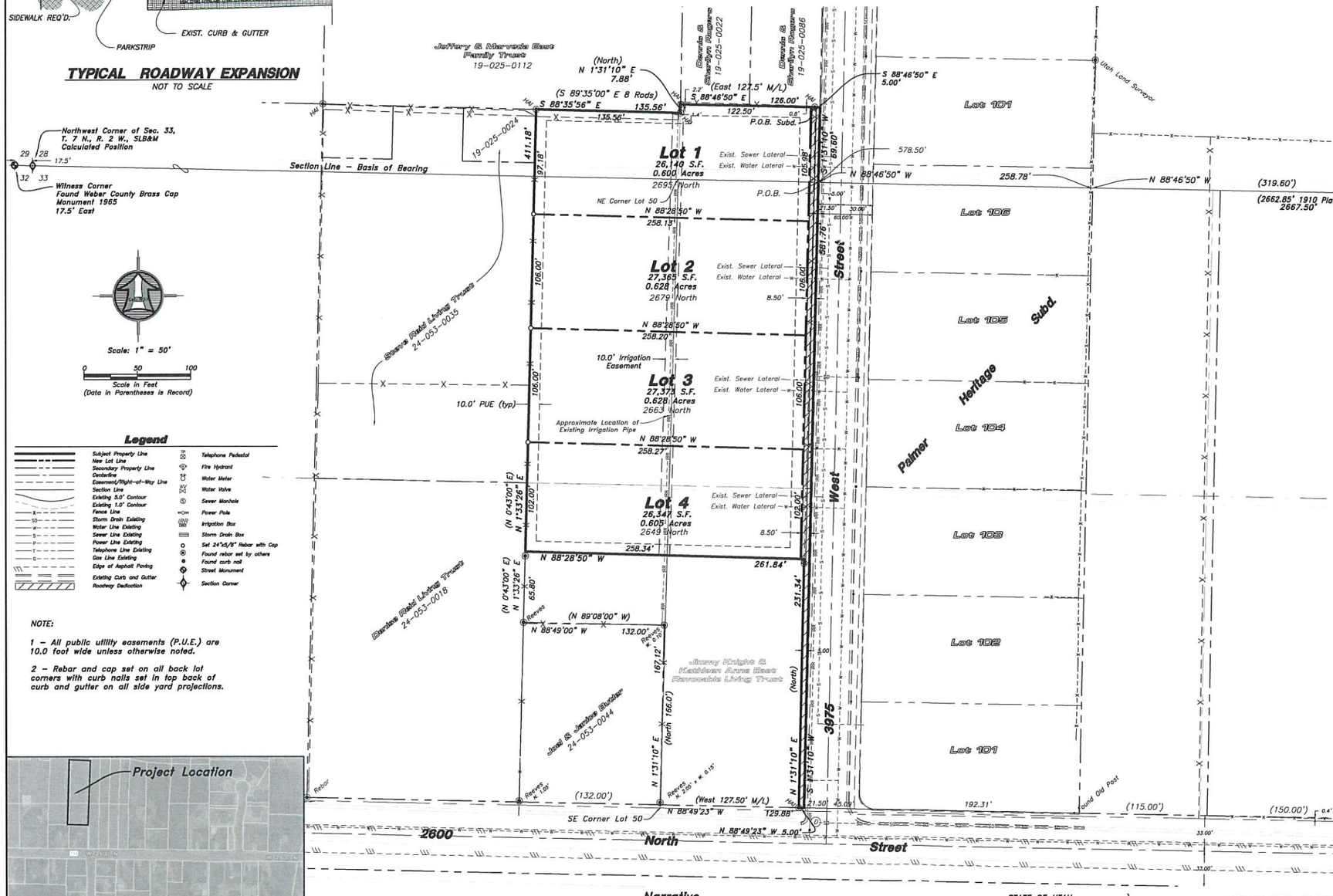
A PART OF THE NW QUARTER OF SECTION 33 AND A PART OF THE SW QUARTER OF SECTION 28, TOWNSHIP 7 NORTH, RANGE 2 WEST, S.L.B.&M.

August 2023



TYPICAL ROADWAY EXPANSION

NOT TO SCALE



Scale: 1" = 50'

0 50 100

Scale in Feet

(Data in Parentheses is Record)

Legend

- Subject Property Line
- New Lot Line
- Secondary Property Line
- Centerline
- Easement/Right-of-Way Line
- Section Line
- Existing 5.0' Contour
- Existing 1.0' Contour
- Fence Line
- Storm Drain Existing
- Water Line Existing
- Sewer Line Existing
- Power Line Existing
- Telephone Line Existing
- Gas Line Existing
- Edge of Asphalt Paving
- Existing Curb and Gutter
- Roadway Dedication
- Telephone Pedestal
- Fire Hydrant
- Water Meter
- Water Valve
- Sewer Manhole
- Power Pole
- Irrigation Box
- Storm Drain Box
- Set 24"x5/8" Rebar with Cap
- Found rebar set by others
- Found curb nail
- Street Monument
- Section Corner

NOTE:

1 – All public utility easements (P.U.E.) are 10.0 foot wide unless otherwise noted.

2 – Rebar and cap set on all back lot corners with curb nails set in top back of curb and gutter on all side yard projections.

SURVEYOR'S CERTIFICATE

I, K. Greg Hansen, do hereby certify that I am a Registered Professional Land Surveyor in the State of Utah in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Act: and I have completed a Survey of the property described on this plat in accordance with Section 17–23–17 and have verified all measurements, and have placed monuments as represented on this plat, and have hereby Subdivided said tract into four (4) Lots, know hereafter as Sunset Estates located in Plain City, Weber County, Utah, and has been correctly drawn to the designated scale and is true and correct representation of the herein described lands included in said Subdivision, based upon data compiled from records in the Weber County Recorder's Office and from said survey made by me on the ground.

Signed this _____ day of _____, 2023.

REGISTERED LAND SURVEYOR 167819 K. GREG HANSEN STATE OF UTAH

K. Greg Hansen P.L.S.
Utah Land Surveyor License No. 167819

SUBDIVISION BOUNDARY DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 33 AND A PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 7 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID NORTHWEST QUARTER AND THE WEST BOUNDARY LINE OF PALMER HERITAGE SUBDIVISION FILED AS ENTRY NO. 3151998 IN THE FILES OF THE WEBER COUNTY RECORDER LOCATED 319.72 FEET (319.60 FEET BY RECORD) NORTH 88°46'50" WEST ALONG SAID NORTH LINE TO THE EAST BOUNDARY LINE OF SAID PALMER HERITAGE SUBDIVISION AS STAKED ON THE GROUND AND THEN CONTINUING 258.78 FEET NORTH 88°46'50" WEST ALONG SAID NORTH LINE FROM THE NORTH QUARTER CORNER OF SAID SECTION 33;

RUNNING THENCE SOUTH 01°31'10" WEST 581.76 FEET ALONG SAID WEST BOUNDARY LINE TO THE SOUTHWEST CORNER OF SAID PALMER HERITAGE SUBDIVISION BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 2600 NORTH STREET; THENCE NORTH 88°49'23" WEST 5.00 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE SOUTHEAST CORNER OF THE JIMMY KNIGHT & KATHLEEN ANNE EAST REVOCABLE LIVING TRUST PROPERTY BEING AN EXISTING FENCE LINE OF RECORD; THENCE NORTH 01°31'10" EAST (NORTH BY RECORD) 227.34 FEET ALONG SAID FENCE LINE BEING THE EAST BOUNDARY LINE OF SAID JIMMY KNIGHT & KATHLEEN ANNE EAST REVOCABLE LIVING TRUST PROPERTY; THENCE NORTH 88°28'50" WEST 261.84 FEET TO AN EXISTING FENCE LINE; THENCE NORTH 01°33'26" EAST (NORTH 00°43'00" EAST BY RECORD) 415.18 FEET; THENCE SOUTH 88°35'56" EAST 135.56 FEET (SOUTH 89°35'00" EAST 8 RODS BY RECORD); THENCE NORTH 01°31'10" EAST (NORTH BY RECORD) 7.88 FEET TO A POINT 69.60 FEET NORTH OF THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 88°46'50" EAST 126.00 FEET (EAST 127.50 FEET MORE OR LESS BY RECORD) PARALLEL TO SAID NORTH LINE; THENCE SOUTH 88°46'50" EAST 5.00 FEET TO THE WEST BOUNDARY LINE OF SAID PALMER HERITAGE SUBDIVISION; THENCE SOUTH 01°31'10" WEST 69.60 FEET ALONG SAID WEST BOUNDARY LINE TO THE POINT OF BEGINNING. CONTAINING 2.594 ACRES.

OWNER'S DEDICATION AND CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS AS SHOWN ON THIS PLAT AND NAME SAID TRACT SUNSET ESTATES AND HEREBY DEDICATE, GRANT AND CONVEY, IN PERPETUITY, PURSUANT TO THE PROVISIONS OF 17–27A–607, UTAH CODE, WITHOUT CONDITION, RESTRICTION OR RESERVATION TO PLAIN CITY, WEBER COUNTY, UTAH, THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND ALSO DEDICATE, GRANT AND CONVEY THOSE CERTAIN STRIPS DESIGNATED AS PUBLIC UTILITY EASEMENTS FOR PUBLIC UTILITIES AS SHOWN HEREON. THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES, DRAINAGE AND IRRIGATION AS MAY BE AUTHORIZED BY PLAIN CITY. THE PLAT NOTES SHOWN HEREON ARE HEREBY DECLARED EFFECTIVE AND BINDING. IN WITNESS WE HAVE HERE UNTO SET OUR SIGNATURE THIS_____DAY OF 2023.

Jimmy Knight — Date:

Kathleen Anne East — Date:

Cody Rhees, Officer of Cody Rhees Construction, Inc. — Date:

TRUST ACKNOWLEDGMENT

STATE OF UTAH)
§
COUNTY OF WEBER)

On this_____day of_____, 2023, Jimmy Knight East and Kathleen Anne East, Trustees for the Jimmy Knight & Kathleen Anne East Revocable Living Trust, personally appeared before me, the undersigned notary public in and for said county of Weber, in the state of Utah, the signers of the attached owners dedication, two in numbers, who duly acknowledged to me they signed it freely and voluntarily and for the purpose therein mentioned on behalf of said trust.

State of Utah Notary Public _____ Notary Printed Name _____

Commission Number _____

My Commission Expires _____

Narrative

The purpose of this survey was to do a four (4) Lot Subdivision as shown and described hereon. The survey was ordered by Jim East and Cody Rhees. The control used to establish the property corners was the existing fence lines and found rebar as shown heron, a copy of a 1966 Great Basin survey (dwg # PS–66–1457) which was provided by the client along with the existing Weber County Survey Monumentation surrounding Section 33, T7N, R2W, SLB&M. Existing fence lines fell in harmony with said Great Basin survey. The official 1910 plat of Plain City was used to determine the what we believe to be the true location of the north quarter corner of said section 33 along with Lots 49 & 50, Plat "B". That location for said quarter corner also fits in harmony with the existing occupation lines in the area. The basis of bearing is the North line of the Northwest Quarter of said Section which bears North 88°46'50" West, Utah North, State Plane, Calculated N.A.D.83 Bearing.

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH)
§
COUNTY OF WEBER)

On this _____day of _____, 2023, personally appeared before me, Cody Rhees, who being by me duly sworn did say and acknowledge that he is an officer of Cody Rhees Construction, Inc., a Utah Corporation, which Corporation is the Owner of the real property listed herein, and executed the foregoing instrument as the authorized agent of the Corporation, and that said authorization to sign on behalf of the Corporation came pursuant to a Resolution of the Board of Directors, the Articles of Incorporation, and/or the Corporate Bylaws.

State of Utah Notary Public_____ Printed Name_____ Commission Number _____ My Commission Expires_____

PLAIN CITY PLANNING COMMISSION

THIS IS TO CERTIFY PLAIN CITY PLANNING COMMISSION.

SIGNED THIS_____, DAY OF_____, 2023.

_____
CHAIRMAN, PLAIN PLANNING COMMISSION

PLAIN CITY ACCEPTANCE

THIS IS TO CERTIFY THAT THIS PLAT AND DEDICATION OF THIS PLAT WERE DULY APPROVED AND ACCEPTED BY THE PLAIN CITY COUNCIL.

SIGNED THIS_____, DAY OF_____, 2023.

MAYOR: _____

ATTEST: _____

PLAIN CITY ENGINEER

I HEREBY CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES PREREQUISITE TO APPROVAL BY THE ENGINEER OF THE FOREGOING PLAT AND DEDICATIONS HAVE BEEN COMPLIED WITH THIS_____DAY OF_____, 2023.

_____
CITY ENGINEER

PLAIN CITY ATTORNEY

I CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUES AND ORDINANCES PREREQUISITE TO THE APPROVAL BY THE ATTORNEY OF THE FOREGOING PLAT AND DEDICATIONS HAVE BEEN COMPLIED WITH.

DATED THIS _____DAY OF _____, 2023.

_____
SIGNATURE

WEBER COUNTY RECORDER

ENTRY NO._____FEE PAID _____FILED FOR RECORD AND RECORDED_____

_____IN BOOK_____OF OFFICIAL RECORDS, PAGE_____. RECORDED FOR_____

_____
COUNTY RECORDER

BY:_____
DEPUTY

Developer:
Jim East
4004 W 2600 N
Plain City, Utah 84404

HANSEN & ASSOCIATES, INC.
Consulting Engineers and Land Surveyors
538 North Main Street, Brigham, Utah 84302
Visit us at www.haies.net
Brigham City (435) 723–3491 Ogden (801) 399–4905 Logan (435) 752–8272
Celebrating over 67 Years of Business

23–119 VIP fp.DWG 10/24/23

CHAPTER 6

COMMERCIAL ZONES

SECTION:

10-6-1 : Uses

10-6-2 : Town Center

10-6-1 : USES:

A. Uses In Commercial Zones: In the following list of possible uses in the commercial zones, those designated in any zone as "P" will be permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in chapter 10 of this title. Uses designated "N" will not be allowed in that zone. If a specific business is not listed these uses apply C-1 Not Allowed (N) C-2 Not Allowed(N) C-3 Not Allowed (N)

Business	Neighborhood C-1[1]	General C-2	Transitional C-3
Business	**Neighborhood C-1[1]**	**General C-2**	**Transitional C-3**
Amusement enterprises (i.e., arcades, mini-golf course, batting cage)	N	C	C
Animal hospital, small animals only and provided conducted within completely enclosed building	C	C	C
Antique and import shop	C	P	P
Archery shop and range, provided conducted within completely enclosed building	C	C	C
Art and artists supply store	C	P	P
Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats or motors	C	P	P
Athletic and sporting goods store, including sale or repair of motor vehicles, motor boats or motors	N	C	C
Athletic club	N	P	P
Auction establishment	N	P	P
Automobile body repair	N	P	C
Automobile maintenance	N	C	C
Automobile new or used sales and service	N	P	P
Automobile rental	N	C	P
Automobile repair	C	P	P
Awning sales and service	C	P	P
Bakery goods manufacturing	N	N	P
Bakery manufacture limited to goods retailed on premises	C	P	N
Bank or financial institution	C	P	C
Barbershop	C	P	P
Beauty culture school	N	P	P
Beauty shop	P	P	P
Beer parlor, sale of draft beer	N	C	C
Bicycle sales and service	C	P	P
Billiard parlor	N	C	C
Blueprinting or copy center	C	P	P
Boarding or lodging house	N	N	N
Boat building	N	N	P

Boat sales and service	N	C	P
Bookbinding	C	P	P
Bookstore, retail	C	P	P
Bottling and distribution plant	N	N	P
Bowling alley	N	P	P
Building materials sales or yard	N	C	P
Cafe or cafeteria	C	P	P
Camera store	C	P	P
Candy manufacturer	C	P	P
Candy store, confectionery	C	P	P
Car wash - automatic	C	P	P
Car wash - manual	C	P	P
Carbonated water sales	C	P	P
Carpenter and cabinet shop	C	P	P
Carpet and rug cleaning	C	P	P
Carpet, rug, and linoleum service	C	P	P
Catering establishment	C	P	P
Childcare - daycare	P	P	P
Christmas tree sales	C	P	P
Church	C	C	C
Church, temporary revival	N	C	C
Circus, carnival or other transient amusement	N	C	C
Clinics, medical and dental	C	P	P
Clothing and accessory store	C	P	P
Construction of buildings to be sold and moved off of premises	N	N	P
Contractor shop, provided work conducted within a completely enclosed building	C	P	P
Convenience store	C	P	P
Costume rental	C	P	P
Dairy products	C	P	P
Dance hall - studio	C	P	P
Delicatessen	C	P	P
Dental practice	C	P	P
Department store	N	C	C
Drapery and curtain store	C	P	P
Drugstore Dumpster Rental	C N	P N	P C
Educational institution	C	C	C
Electrical and heating appliances and fixtures sales and service	N	P	P
Electronic appliances and/or electronic instruments assembly	N	N	P
Electronic equipment sales and service	C	P	P
Employment agency	N	P	P
Estate sales and one day auctions	C	P	P
Express and transfer service	N	P	P
Fabric and textile store	C	P	P
Farm implement sales	N	C	P
Farmers' market	C	P	N
Five and ten cent notions store	C	P	C
Florist shop	C	P	C

Fruit and vegetable store or stand	P	C	N
Fuel sales office	N	N	C
Furniture sales, repair and upholstery	C	P	P
Garden supplies and plant material sales	N	P	C
Gift store	C	P	C
Glass sales and service	N	P	C
Government buildings or uses, nonindustrial	C	C	C
Graphic designing	N	P	C
Greenhouse and nursery	C	P	P
Grocery	C	P	C
Gunsmith	C	P	P
Gymnasium	C	P	P
Hardware store	N	P	P
Health and fitness club	C	P	P
Health food store	C	P	P
Heating and air conditioning sales and service	N	C	C
Heliport	N	N	C
Hobby and crafts store	C	P	C
Home decor shop	C	P	P
Hospital supplies	N	C	C
Hotel	N	C	C
Household appliance sales and incidental service	N	P	P
Household cleaning and repair	N	P	P
Household pet boarding	N	P	P
Ice cream manufacture	N	C	P
Ice cream parlor	P	P	P
Ice manufacture and storage	N	C	P
Insulation sales	N	C	P
Insurance agency	P	P	P
Interior decorating and designing establishment	N	P	P
Janitor service and supply	N	P	P
Jewelry store sales and service	P	P	C
Knitting mills	N	P	P
Laboratory, dental or medical	C	P	P
Laundry and/or dry cleaning and/or laundromat	C	P	P
Laundry and/or dry cleaning pick up station	P	P	P
Lawn and garden equipment sales and service	C	P	P
Leather goods sales and service	P	P	P
Legal office	P	P	P
Library	P	P	P
Linen supply store	N	P	P
Liquor store	N	C	C
Locksmith	P	P	P
Lodge or social hall	N	N	P
Lounge	N	N	C
Machine shop operations	N	N	P

Manufacture of goods retailed on premises	N	C	C
Meat, fish and seafood store	N	P	P
Medical office	C	P	P
Mobile home sales lot and service	N	N	P
Monument works and sales	N	N	P
Mortuary	N	P	P
Motel	N	C	C
Motorcycle and motor scooter sales and service	N	P	P
Museum	C	C	C
Music store	C	C	C
Nightclub or social club	N	N	C
Novelty store	N	N	C
Office machines sales and service	N	P	P
Office supply	C	P	P
Optometrist, optician or oculist	C	P	P
Ornamental iron sales or repair	N	C	P
Outcall services (sexually oriented)	P	P	P
Paint or wallpaper store	N	P	P
Parking lot or garage for passenger automobiles	N	C	C
Pawnshop	N	C	P
Pest control and extermination	N	C	P
Pet and pet supply store	N	C	P
Pet grooming	C	P	P
Pharmacy	C	C	P
Photo studio	C	C	P
Photographic supplies	N	C	P
Physician or surgeon	C	P	P
Pie manufacture	N	C	P
Plumbing shop	N	C	C
Portable/Mobile Toilet Post Office or supply	N N	N C	C P
Preschool and/or nursery school	P	P	P
Private club	N	C	C
Professional office	C	P	P
Propane retail sales as an accessory use[2]:	N	C	P
1. Be located outside of any required setback;			
2. Not exceed 16 feet in length if tank is horizontal;			
3. Not exceed the primary building height or 10 feet, whichever is lower, if tank is vertical;			
4. Not exceed a volume of 1,100 gallons (or 4,664 lbs);			
5. Be limited to 1 tank per site;			
6. Meet the National Fire Protection Association (NFPA) standards per their title 58 and meet the minimum distance requirements for cylinders locations.			

Real estate agency	N	C	P

Reception center or wedding chapel	N	C	P
Recreational vehicle sales and service	N	N	C
Recreational vehicle storage	N	N	P
Rehabilitation Center	N	N	C
Rental agency for home and garden equipment	N	C	P
Residential dwellings in a Mixed Use Overlay Zone per chapter 19 of this title	P	P	N
Restaurant	C	C	P
Restaurant drive-in	C	C	P
Rollerskating rink	N	C	P
Roofing sales or shop	N	N	P
Sandblasting	N	N	P
Seamstress or tailor	P	P	P
Seed and feed store, retail	N	C	P
Self-storage - enclosed	N	C	C
Service station, automobile	C	C	P
Sewing machine sales and service	N	C	P
Sexually oriented business	N	N	P
Sheet metal shop and retinning, provided all operations conducted within completely enclosed building	N	N	C
Shoe store	N	P	C
Shooting gallery	N	N	C
Sign - graphic design	N	C	C
Sign manufacture or sign painting	N	N	C
Soil and lawn service	N	P	P
Souvenir shop	C	P	P
Spa and massage establishment	C	P	C
Supercenter (groceries and nonfood related items)	N	C	P
Tanning salon	N	P	P
Tavern	N	C	C
Taxicab and shuttle terminal	N	N	C
Taxidermist	N	C	C
Telecommunication tower	C	C	P
Theater, indoor	N	C	C
Theater, outdoor	N	N	P
Thrift store	N	C	P
Tire recapping or retreading sales and service	N	N	P
Tobacco shop	N	C	C
Tool design (precisions) repair and manufacture	N	N	C
Toy store, retail	N	C	C
Trade or industrial school	N	C	C
Travel agency	C	C	P
Ultra light aircraft manufacturing	N	N	P
Used car lot	N	C	C
Utility equipment building	C	P	P
Variety store	N	C	P
Ventilating equipment sales and service	N	N	C
Video arcade	N	C	P

Video shop	C	C	P

Warehouse storage	N	N	P
Welding shop	N	N	P
Wholesale business	N	N	C
Window washing establishment	N	C	P

Notes:

1. See also section 10-6A-4 of this chapter.
2. See subsection B of this section for minimum distance requirements.

(Ord. 2004-12, 8-5-2004, eff. 8-5-2004; amd. Ord. 2009-08, 9-3-2009, eff. 9-3-2009; Ord. 2018-04, 3-1-2018, eff. 3-1-2018; Ord. 2018-12, 10-4-2018, eff. 10-4-2018; Ord. 2019-04, 1-17-2019, eff. 1-17-2019)

B. Minimum Distance Requirements For Cylinder Locations:

DISTANCES FROM CYLINDERS IN STORAGE AND EXPOSURES

Quantity Of LP-Gas Stored	Horizontal Distance To Notes 1 And 2	Horizontal Distance To Notes 3 And 4	Horizontal Distance To Note 5
720 lb (327 kg) or less	0 ft (0 m)	0 ft (0 m)	5 ft (1.5 m)
721 to 2,500 lb (327+ to 1134 kg)	0 ft (0 m)	10 ft (3 m)	10 ft (3 m)
2,501 to 6,000 lb (1134+ to 2721 kg)	10 ft (3 m)	10 ft (3 m)	10 ft (3 m)

Notes:

1. Nearest important building or group of buildings.
2. Line of adjoining property that can be built upon.
3. Busy thoroughfares or sidewalks on other than private property.
4. Line of adjoining property occupied by schools, churches, hospitals, athletic fields or other points of public gathering.
5. Dispensing station.

(Ord. 2018-04, 3-1-2018, eff. 3-1-2018)

10-6-2 : TOWN CENTER:
The Town Center, as indicated on the Future Land Use Map of the General Plan, is established to provide a mix of residential uses and neighborhood (C-1) commercial uses while accomplishing the purpose and intent to design an integral, homogeneous component of the neighborhood, oriented to pedestrian use. The Town Center is an ideal place for mixed use development per chapter 19 of this title and various lots sizes in a Residential Overlay Zone per chapter 20 of this title. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019)

ARTICLE A. NEIGHBORHOOD COMMERCIAL ZONE C-1

SECTION:

10-6A-1: Purpose And Intent

10-6A-2: Site Development Standards

10-6A-3: Sign Regulations

10-6A-4: Special Regulations

10-6A-5: Site Plan Review Required

10-6A-6: Landscaping Standards

10-6A-1: PURPOSE AND INTENT:
A. The neighborhood commercial zone is established to provide locations for convenience shopping facilities which serve a neighborhood oriented market. Such shopping facilities would supply necessities which usually require frequent purchasing with a minimum of consumer travel.

B. Neighborhood commercial zones shall be located so that their distribution pattern throughout the city reflects their neighborhood orientation. Such zones shall not be so large or broad in scope of services as to attract substantial trade from outside the neighborhood. These zones shall not be located in close proximity to any other commercial zone.

C. Neighborhood commercial uses shall be encouraged to develop in compact centers reflecting unified designs that are architecturally compatible in terms of scale with the neighborhood in which they are located. They should be designed as an integral, homogeneous component of the neighborhood, oriented to pedestrian traffic, as well as vehicular traffic. Site selection development and uses for neighborhood commercial zones shall take into account potential impacts on surrounding residential uses and measures shall be taken to minimize these impacts. (Ord. 2004-12, 8-5-2004, eff. 8-5-2004)

10-6A-2: SITE DEVELOPMENT STANDARDS:

A.	Minimum lot area		None
B.	Minimum lot width		None
C.	Minimum yard setbacks:		
	1.	Front	20 feet for all buildings and walls or fences over 3 feet high
	2.	Side	None, except 10 feet adjacent to residential zone boundary
	3.	Side facing street on corner lot	20 feet
	4.	Rear	None, except 10 feet where building rears on a residential zone
D.	Building height:		
	1.	Minimum	1 story
	2.	Maximum	$2\frac{1}{2}$ stories or 35 feet
E.	Maximum lot coverage		Not over 60 percent of lot area by buildings or accessory buildings

(Ord., 11-14-1974)

10-6A-3: SIGN REGULATIONS:
The height, size and location of permitted signs shall be in accordance with the regulations set forth in chapter 12 of this title. (Ord., 11-14-1974)

10-6A-4: SPECIAL REGULATIONS:
A. Use Conditions: Hereinafter specified permitted and conditional uses shall be permitted only when the following conditions are complied with:

1. All manufacturing shall be done within a completely enclosed building and shall be clearly incidental to a use permitted in this chapter.

2. All uses shall be free from objection because of odor, dust, smoke or noise.

B. Car Wash Restrictions: A car wash shall be permitted subject to the following restrictions:

1. Such car wash shall be for automobiles and trucks of a maximum of one ton capacity.

2. There shall not be more than four (4) washing bays for a manual spray car wash.

3. Off street vehicle storage of not less than four (4) spaces in the approach lane for each wash bay shall be provided. (Ord., 11-14-1974)

C. Mobile Food Vendors:

1. Mobile food vendors shall only operate with a business license to operate as a mobile food vendor (food truck or trailer) obtained from Plain City through the business license application process and providing a current Health Department permit to operate a mobile food truck or trailer, or obtained from Plain City after providing:

a. A current business license from another jurisdiction within the State; and,

b. A current Health Department permit from a Health Department within the State.

2. Mobile food vendors are:

a. Permitted to operate in commercial/industrial zones with written permission from the property owner or authorized agent for each location in which the mobile food vendor shall operate;

b. Only to operate on hard surface (pavement, asphalt); and,

c. Operate in residential zones on private property with written permission from the property owner and notice

provided to property owners within two hundred feet (200').

d. Permitted to operate between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

3. Mobile food vendors are:

a. Not permitted to operate within two hundred feet (200') of any public park unless prior permission is given by the City.

b. Not permitted to operate within two hundred feet (200') of any public or private school during operational school hours unless prior written permission from the school or authorized agent is provided.

c. Not permitted to operate for more than twelve (12) hours within a twenty four (24) hour period at any one location.

4. Mobile food vendors shall adhere to the following:

a. Signage: All signage must be permanently attached to the mobile food vendor, except for one menu sign that shall not exceed three feet (3') by four feet (4') and shall be placed on a hard surface no more than ten feet (10') from the mobile food vendor. Signage must comply with clear view requirements at road intersections found in section 10-12-2 of this title (zoning, sign regulations).

b. No Inhibiting Access: The mobile food vendor may not in any way inhibit the access to and from or the safe use of the premises on which it is located, and may not reduce the required parking of the premises. Any canopy extensions must be integrated into the design of the vehicle and may not project onto public property in any way.

c. Trash Removal: Mobile food vendors will provide trash containers that shall be removed from the site when the vendor leaves the site.

d. No Drive-Throughs: Shall not operate as a drive-through.

e. Overnight Parking In Residential Zones: Shall only be allowed to park overnight in residential zones where the mobile food vendor operator has a home occupation business license for operation as a mobile food vendor.

f. If In Violation: Mobile food vendors will not be permitted to operate and a business license will be revoked if in violation of title 4, chapter 2, "Nuisances", of this Code. (Ord. 2018-01, 1-4-2018, eff. 1-4-2018)

10-6A-5: SITE PLAN REVIEW REQUIRED:
Permitted uses specified in this article require site plan approval by the Planning Commission before building permits are issued subject to section 10-8-16 of this title. Conditional uses are regulated by chapter 10 of this title. (Ord. 2017-08, 7-20-2017, eff. 7-20-2017)

10-6A-6: LANDSCAPING STANDARDS:
A landscape plan is required to be submitted as part of the site plan or conditional use permit review in section10-6A-5 of this article. Landscaping standards are specified in section 10-8-15, "Landscape Standards", of this title. (Ord. 2017-05, 2-16-2017, eff. 2-16-2017)

ARTICLE B. GENERAL COMMERCIAL ZONE C-2

SECTION:

10-6B-1: Purpose And Intent

10-6B-2: Use Regulations

10-6B-3: Site Development Standards

10-6B-4: Special Parking Requirements

10-6B-5: Protection Of Adjoining Residential Properties

10-6B-6: General Regulations

10-6B-7: Submission Of Application

10-6B-8: Planning Commission Approval

10-6B-9: City Council Action

10-6B-10: Building Permit Issuance

10-6B-11: Time Limitation

10-6B-12: Application To Existing Commercial Zones

10-6B-13: Sign Regulations

10-6B-14: Site Plan Review Required

10-6B-15: Landscaping Standards

10-6B-1: PURPOSE AND INTENT:

A. The general commercial zone is established to provide locations for a full range of office, retail commercial, and service uses which are oriented to serve the city as a whole, as well as a regional market in Plain City. A variety of activities are encouraged, especially those which promote both daytime and nighttime consumer activity.

B. The general commercial zone includes uses usually associated with central business district and shopping facilities which are not ordinarily compatible with single-family residential uses.

C. In order to stabilize, improve and protect the city's commercial areas, standards are established to ensure a quality urban environment with landscaping, light and air at street level, well defined urban spaces, and compatibility of building materials, colors, and textures. (Ord. 2004-12, 8-5-2004, eff. 8-5-2004)

10-6B-2: USE REGULATIONS:

Any permitted use or any conditional use allowed in the C-2 zone shall be permitted in their respective C-2 zone, provided, where applicable, a conditional use permit is obtained as provided in chapter 10 of this title. Such uses shall be indicated on the final development plan. (Ord. 2004-12, 8-5-2004, eff. 8-5-2004)

10-6B-3: SITE DEVELOPMENT STANDARDS:

A.	Minimum lot area		None
B.	Minimum yard setbacks:		
	1.	Front	20 feet for main building, walls or fences over 3 feet high
	2.	Side	None, except 10 feet adjoining a residential zone
	3.	Side, facing street on corner lot	20 feet
	4.	Rear	None, except 10 feet adjoining a residential zone
C.	Building height:		
	1.	Minimum	1 story
	2.	Maximum	35 feet
D.	Lot coverage		The aggregate area of all buildings shall not exceed 40 percent of the entire lot

(Ord. 2015-06, 11-19-2015, eff. 11-19-2015)

10-6B-4: SPECIAL PARKING REQUIREMENTS:

Off street parking facilities shall follow the provisions of chapter 9 of this title. (Ord. 2015-05, 11-19-2015, eff. 11-19-2015)

10-6B-5: PROTECTION OF ADJOINING RESIDENTIAL PROPERTIES:

Where a general commercial development adjoins any lot in any residential zone, there shall be provided and maintained along such property line an opaque fence of not less than six feet (6') in height; provided, however, that such fence shall be three and one-half feet ($3^1/_2$') in height along the property line which bounds the front yard of adjoining residential lots. At least fifty percent (50%) of such wall should be maintained with a minimum six foot (6') wide planting strip and landscaping with trees and shrubs. (Ord. 2004-12, 8-5-2004, eff. 8-5-2004)

10-6B-6: GENERAL REGULATIONS:

A. Ownership: A C-2 zone may be established only upon land held in single ownership or under unified control, or where the planning commission determines that commercial development on separate adjoining properties should be coordinated to form a physically unified commercial facility which will be compatible with the surrounding land uses. At the time a C-2 zone is established and before building permits are issued, deed restrictions on the properties covered under the zone change shall be filed by the applicant or owners of the subject property with the county recorder and shall provide that development take place on such property or properties in accordance with the final site development plan approved by the city council and on file with the city recorder.

B. Nonconformities Prohibited: A C-2 zone shall not be established upon a tract of land which would contain a nonconforming use or its integration into planned development.

C. Relationship To Master Plan: The location of the C-2 zone shall have an acceptable relationship to and further the purposes of the master plan of the city as determined by the planning commission. (Ord. 2004-12, 8-5-2004, eff. 8-5-2004)

10-6B-7: SUBMISSION OF APPLICATION:

A rezoning petition for a general commercial zone shall be submitted to the planning commission and shall be accompanied by a preliminary development plan for the commercial center showing a unified and organized arrangement of buildings and structures and their proposed uses, off street parking, internal and external traffic circulation and service facilities, and schematic architectural drawings, landscaping plans and sketches demonstrating the design and character of the proposed

development. The developer shall submit all evidence deemed necessary by the city council and/or planning commission of his ability to undertake the proposed project. (Ord. 2004-12, 8-5-2004, eff. 8-5-2004)

10-6B-8: PLANNING COMMISSION APPROVAL:
The planning commission shall recommend approval or denial of the zoning petition and preliminary development plan to the city council. The recommendation of the planning commission may contain conditions, limitations or amendments to the preliminary development plan to ensure that the general commercial development is integrated into its surroundings and serves the public interest to the greatest extent possible. The planning commission shall also recommend a reasonable amount to be provided by the developer by cash deposit or bond, to ensure the completion of the landscaping for the entire plan or phase thereof. (Ord. 2004-12, 8-5-2004, eff. 8-5-2004)

10-6B-9: CITY COUNCIL ACTION:
The city council, after holding a public hearing thereon, may approve or disapprove a petition for a general commercial zone. In approving a zoning petition, the city council shall concurrently approve a preliminary development plan, the amount required to ensure completion of the landscaping, together with whatever amendments, conditions or requirements as it may deem necessary to secure the purpose of this article. (Ord. 2004-12, 8-5-2004, eff. 8-5-2004)

10-6B-10: BUILDING PERMIT ISSUANCE:
After the rezoning of the site of a C-2 zone, a final development plan for the entire district or for the initial phase, if a stage plan development plan has been approved, shall be submitted to and approved by the planning commission as complying with the regulations and requirements attached thereto, prior to the issuance of any building or land use permits. The final development plan shall show in detail the proposed areas and locations of buildings, off street parking, internal and external traffic circulations, improvements, landscaping, signs and service facilities. No changes shall be made in the final development plan during the course of construction pursuant thereto without first obtaining prior approval of the planning commission. Copies of the approved final development plan shall be kept on file in the office of the planning commission, building inspector and city recorder, and only changes which may be subsequently approved shall be added thereto. (Ord. 2004-12, 8-5-2004, eff. 8-5-2004)

10-6B-11: TIME LIMITATION:
A. Time; Extension: Building permits shall be secured and construction begun in accordance with the approved final development plan within eighteen (18) months from the effective date of the ordinance establishing such zone or other period of time as determined by the City Council. Application may be made for not more than six (6) months' extension of the time limit for commencement of construction. Use and building permits shall be issued only for those uses and buildings indicated on the approved final development plan.

B. Loss Of Zoning Status: In the event that construction is not started within the specified time limit, the Planning Commission shall review the classification of the zone and the progress which has taken place and, if deemed necessary, revoke the plan approval and initiate proceedings to rezone said property to its prior classification or to a zone consistent with the Comprehensive Master Plan.

C. Completion Time: All construction authorized in the approved final development plan shall be completed within three (3) years of the date construction has commenced. A plan for stage development which will require more time than the limits contained herein may be approved by the City Council, after recommendation by the Planning Commission.

D. Failure To Complete: In the event that construction is not completed within the time limits specified, the Planning Commission shall review the development which has taken place and if necessary initiate proceedings to reclassify the property or part thereof in a manner consistent with the Comprehensive Master Plan. (Ord., 11-14-1974)

10-6B-12: APPLICATION TO EXISTING COMMERCIAL ZONES:
In the case of existing commercial zones, the Planning Commission and City Council may proceed to rezone such zones to an equivalent General Commercial Zone without the requirements of a preliminary development plan and other necessary information; but, after being so zoned to a General Commercial Zone, a preliminary and final development plan of each development shall be submitted to and approved by the Planning Commission and City Council in accordance with the provisions of this article prior to the issuance of building permits; provided, however, that improvements already in existence at the time of rezoning shall not be affected. (Ord. 2004-12, 8-5-2004, eff. 8-5-2004)

10-6B-13: SIGN REGULATIONS:
The height, type, size and location of signs shall be in accordance with the regulations as set forth in chapter 12 of this title, or as determined necessary by the Planning Commission. (Ord., 11-14-1974)

10-6B-14: SITE PLAN REVIEW REQUIRED:
Permitted uses specified in this article require site plan approval by the Planning Commission before building permits are issued subject to section 10-8-16 of this title. Conditional uses are regulated by chapter 10 of this title. (Ord. 2017-08, 7-20-2017, eff. 7-20-2017)

10-6B-15: LANDSCAPING STANDARDS:
A landscape plan is required to be submitted as part of the site plan or conditional use permit review in section10-6B-14 of this article. Landscaping standards are specified in section 10-8-15, "Landscape Standards", of this title. (Ord. 2017-05, 2-16-2017, eff. 2-16-2017)

ARTICLE C. TRANSITIONAL COMMERCIAL AND

MANUFACTURING ZONE C-3

SECTION:

10-6C-1: Purpose And Intent

10-6C-2: Permitted Uses

10-6C-3: Site Development Standards

10-6C-4: Sign Regulations

10-6C-5: Site Plan Review Required

10-6C-6: Landscaping Standards

10-6C-1: PURPOSE AND INTENT:

A. The Transitional Commercial and Manufacturing Zone is established to provide suitable locations for retail, wholesale, light manufacturing, service and outdoor recreation uses. These areas should serve as transition zones between General Commercial and Manufacturing Zones and should be located on arterial streets.

B. The C-3 Zone serves as the location of the heaviest type of commercial activities allowed in the City. For this reason, these zones should be located so as not to occur next to residential areas and so that the appearance from the highway frontage does not present a poor image of the City. (Ord. 2004-12, 8-5-2004, eff. 8-5-2004)

10-6C-2: PERMITTED USES:

For possible uses, see section 10-6-1 of this chapter. (Ord. 2004-12, 8-5-2004, eff. 8-5-2004)

10-6C-3: SITE DEVELOPMENT STANDARDS:

A.	Minimum lot area		20,000 square feet, except for single-family dwellings which require 5 acres
B.	Minimum lot width		100 feet
C.	Minimum yard setbacks:		
	1.	Front	30 feet on streets of less than 80 feet in width
	2.	Side	None, except 20 feet where adjacent to a residential boundary and for single-family dwellings
	3.	Rear	None, except 20 feet where building rears on a residential zone and 30 feet for single-family dwellings
D.	Building height:		
	1.	Minimum	1 story
	2.	Maximum	None
E.	Lot coverage		Not over 80 percent of lot area by buildings

(Ord. 2004-12, 8-5-2004, eff. 8-5-2004)

10-6C-4: SIGN REGULATIONS:

The type, height, size and location of signs shall be in accordance with the regulations as set forth in chapter 12 of this title. (Ord. 2004-12, 8-5-2004, eff. 8-5-2004)

10-6C-5: SITE PLAN REVIEW REQUIRED:

Permitted uses specified in this article require site plan approval by the Planning Commission before building permits are issued subject to section 10-8-16 of this title. Conditional uses are regulated by chapter 10 of this title. (Ord. 2017-08, 7-20-2017, eff. 7-20-2017)

10-6C-6: LANDSCAPING STANDARDS:

A landscape plan is required to be submitted as part of the site plan or conditional use permit review in section10-6C-5 of this article. Landscaping standards are specified in section 10-8-15, "Landscape Standards", of this title. (Ord. 2017-05, 2-16-2017, eff. 2-16-2017)

1.19.075 TATTOO/BODY ART BUSINESS REGULATIONS.

A. Purpose. A person shall not operate a Tattoo/Body Art Business within Tremonton City unless the person obtains a conditional use permit and business license. Tremonton City shall only issue a conditional use permit for a Tattoo/Body Art Business based upon compliance with the following provisions:

B. Population and Proximity Requirements. A Tattoo/Body Art Business conditional use or business license shall not be issued unless the Tattoo/Body Art Business meets the population and distance requirements listed below.

1. Population Requirement. Tremonton City shall permit one (1) Tattoo/Body Art Business per five-thousand population. For example, Tremonton City having a current population of approximately 8,000 people may permit one (1) Tattoo/Body Art Business, with the City permitting a second Tattoo/Body Art Business when the population reaches 10,001. Population requirements defined in the section shall be determined using the United States Census counts or estimates.

2. Distance Requirement. Tattoo/Body Art Business shall be prohibited from being located within three hundred (300) feet of any Residential Zone District's boundaries contained in Chapter 1.07. Tattoo/Body Art Business or similar use shall not be located within six-hundred (600) feet of any other Tattoo/Body Art Business. Distance requirements defined in this section shall be measured in a straight line, without regard to intervening structures in the zoning districts, from the entry door of each business.

C. Bear River Health Department Licenses & Permits. The Tattoo/Body Art Business shall obtain and comply with all the requirements of the Bear River Health Department licenses and permits.

D. Hours of Operation. Tattoo/Body Art Businesses hours of operation shall be limited to 9 AM thru 9 PM.

E. Consumption or Possession of Alcoholic Beverages. The consumption or possession of alcoholic beverages on the premises of Tattooing/Body Art Business shall be prohibited.

F. Loitering. That "No Loitering" signs shall be posted at the front and rear of a Tattoo/Body Art Business. Business owner and employees shall monitor premises to prevent and enforce the no loitering.

G. Compliance with Laws. Tattoo/Body Art Business shall comply with all federal, state, and local laws and regulations, including all factors, standards, and reasonable conditions imposed as allowed with the Tremonton City Land Use Code.

H. Suspension or Revoking of Conditional Use Permit or Business License. Tremonton City may suspend or revoke a conditional use permit and business license for a Tattooing/Body Art Business for the following reasons:

1. if an employee or licensee engages in a pattern of unlawful activity under Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act;
2. if an employee or licensee engages in the unlawful tattooing of a minor under Title 76, Chapter 10, Part 22, Section 2201 Unlawful body piercing and tattooing of a minor – Penalties;
3. noncompliance or violation of any requirement or condition associated with the issuance of the conditional use permit or business license;
4. upon the recommendation of the Bear River Health Department; and
5. under any other provision of state law or local ordinance.

CHAPTER 18
SENSITIVE LAND USE

SECTION:

10-18-1: Purpose

10-18-2: General Provisions

10-18-3: Definitions

10-18-4: Actions Prohibited

10-18-5: Presumption

10-18-6: Procedure To Develop Real Property

10-18-7: Preliminary Determination By City Engineer

10-18-8: Requirement To Submit Letter Report Or Geologic Report

10-18-9: Letter Report; Contents

10-18-10: Geologic Report

10-18-11: Engineer/Geologist Qualifications And Certificate

10-18-12: Postconstruction Inspection And Certification

10-18-13: Appeal From Decision Of City Engineer

10-18-14: Scope of Application

10-18-15: Restrictive Covenants Required

10-18-16: Civil and Criminal Fraud

10-18-17: River and Canal Development Standards

10-18-18: High Water Table, Floodplain, And Wetland Areas, Development Standards

10-18-19: Exceptions

10-18-1: PURPOSE:

The purpose of this chapter is to regulate development in sensitive areas in order to preserve the city of Plain City's unique visual character, conserve the public health, safety, and general welfare, and promote environmentally sound design and planning. In order to ensure the preservation of the land in flood areas, the regulations of this section are established to recognize that development of land in flood areas involves special considerations and unique situations which result from the topography of the land. These special considerations and unique situations include, but are not limited to, increased hazards to development from stormwater runoff and potential flood areas. In addition, steeply sloped land presents design limitations to roadways, cuts and fills, and buildings, and difficulties in providing public services.

A. With the enactment of this chapter, the city council of Plain City intends to:

1. Protect life and property from all potentially hazardous conditions particular to stormwater runoff, and potential flood areas;

2. Preserve and enhance the scenic and environmental resources of the landscape by encouraging the maximum retention of prominent natural topographic features, such as drainage swales, streams, slopes/bluffs, vistas, natural plant formations, and trees;

3. Encourage innovative site and architectural design and planning in order that the development adapts to the natural terrain and is harmonious with the character of the area;

4. Minimize grading and cut and fill operations consistent with the retention of the natural character of the land;

5. Minimize stormwater runoff and erosion problems incurred by the development on and off the site;

6. Preserve, where possible, natural streams, ponds and associated riparian vegetation;

7. Require the retention of trees and other vegetation which stabilizes and retains moisture, prevents erosion, and enhances the natural scenic beauty and to require additional landscaping where it is necessary;

8. Encourage the retention of trees and other vegetation throughout the site instead of just in the periphery area of the development and to require that graded areas be reasonably distributed throughout the project site;

9. Encourage minimal grading which relates to the natural contour of the land;

10. Encourage road design which follows the natural topography wherever possible in order to minimize cutting and grading;

11. Place the liability and expense of evaluating the condition of potentially unstable land, and determining restrictions which should be placed on its development, upon geologists or engineers employed by the landowner;

12. Implement the Plain City general plan and restrict the use of land to those uses which do not present unreasonable risks to persons or property because of geological and natural hazards and/or geotechnical limitations; within high water table, floodplain and wetland areas.

13. Protect unsuspecting buyers of property within listed areas and preventing fraud in land sales relating to the geologic or other condition of real property;

14. Authorize a governmental function of regulation within the Utah governmental immunity act; and

15. Require compliance with federal emergency management agency (FEMA) floodplain management plan. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-2: GENERAL PROVISIONS:

To ensure that a proposed development in sensitive land areas reflect the best interests of the city, all grading or other improvement of any land, including, but not limited to, land in approved subdivisions or other development plans, shall conform to the development standards, guidelines, and criteria of this chapter, the provisions of which are intended to minimize floods, erosion, and other environmental hazards; to protect the areas not suitable for development, and to ensure the efficient expenditure of public funds. The policies to be achieved by this chapter shall include, but not be limited to, the following:

A. Encourage only minimal grading which relates to the natural contour of the land and which will round off, in a natural manner.

B. Require retention and protection of trees and other vegetation and retain moisture, prevent erosion, enhance the natural scenic view, and where necessary, require additional landscaping to enhance the scenic and safety qualities of the canal or river.

C. Require immediate planting wherever appropriate to maintain necessary cut and fill slopes, to stabilize them with plant roots, to conceal the raw soil from view and to minimize erosion.

D. Preserve natural drainage channels as determined by the city.

E. Encourage retention of natural landmarks and prominent natural features, wildlife habitat, and open space.

F. Preserve and enhance the visual and environmental quality through the use of natural vegetation and prohibition of excessive excavation and terracing.

G. Protect the public from natural hazards of stormwater runoff and erosion by requiring drainage facilities.

H. Minimize the threat of fire damage by establishing fire protection measures.

I. Establish land use management that will encourage protection of natural elements while allowing a harmonious and satisfying residential environment.

J. Minimize public exposure to geological and natural hazards including, but not limited to, debris flow, debris floods, surface and ground water flooding, land sliding, surface fault rupturing and/or deformation along primary and secondary fault traces and ground failure associated with soil liquefaction, by identification, mitigation and/or avoidance of such hazards in conjunction with development proposals.

K. Minimize potential property losses related to geotechnical limitations including, but not limited to, expansive or collapsible soils, nonengineered fills and shallow groundwater conditions, excavation and construction adjacent to drainage irrigation, canals, and streams. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-3: DEFINITIONS:

ALLUVIAL FAN: Fan shaped area deposited by slowed river; a fan shaped area of alluvium deposited by a river when reaching flatter land.

BUILDABLE AREA: That portion of a lot or parcel which is eligible to place a building or structure and complies with the setbacks and other regulations of the zone where the property is located.

EXCAVATION: The mechanical removal of earth material.

FEMA: Federal Emergency Management Agency, the Federal agency under which the NFIP (National Flood Insurance Program) is administered.

FILL: A deposit of earth material by artificial means.

FLOODPLAIN: A relatively flat area or lowlands adjoining a river, stream watercourse, lake or other body of standing water that has been or may be covered by flood water.

FRENCH DRAIN: A sump or trench filled with crushed rock or gravel intended to receive stormwater discharge.

GEOLOGIC REPORT: Report that shall include maps and a report, as required by section 10-18-10 of this chapter.

GEOTECHNICAL ENGINEER: A civil engineer registered in the state of Utah with training and experience in soil engineering.

GRADING: Any excavating or filling or combination thereof.

GRADING PLANS: A topographic development plan prepared by a registered civil engineer showing contours for before and after grading which do not exceed one-foot (1') intervals.

HAZARDOUS CONDITIONS: Floodplain area, sensitive land, and land with a high-water table which if disturbed is likely to be detrimental to life or property.

LETTER REPORT: A simplified geologic report used in relation to areas of relatively stable soil and rock as required by section 10-18-9 of this chapter.

NATURAL FEATURES: No manmade land characteristics which include drainage swales, wetlands, streams, and concentrated native stands of large shrubs or trees.

NATURAL STATE: Portion of any lot or parcel which cannot be subjected to grading, removal of vegetation or building development.

OPEN SPACE: Primary and secondary conservation areas and other land conserved or set aside from development such as, but not limited to, public or private parks, trails, landscaped buffers, wetlands, meadows, forested areas, pastures, farm fields and other lands forming part of the ecologically connected matrix of natural areas significant due to wildlife habitat, water quality protection and other reasons.

SENSITIVE LANDS: Listed as high-water table, floodplain and wetland areas, are any land areas whose destruction or disturbance could immediately affect the life of the community by either:

A. Creating hazardous conditions such as flooding;

B. Destroying important public resources such as water supplies and the water quality of canals and rivers; or

C. Wasting important productive lands and renewable resources.

SITE: Any lot or parcel of land.

SLOPE/BLUFF: An inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance. In this chapter, slopes/bluffs are generally expressed as a percentage; percentage of slope refers to a given rise in elevation over a given run in distance. A fifty percent (50%) slope, for example, refers to a one hundred foot (100') rise in elevation over a distance of two hundred feet (200'). A fifty percent (50%) slope is expressed in engineering terms as a two to one (2:1) slope.

SUBSURFACE DRAINAGE: Any system of pipes, canals, ditches, moats, and the like that intercepts groundwater and carries it to a river or creek.

SURFACE DRAINAGE: Water runoff caused as a result of precipitation or irrigation.

WETLANDS: Lands that are generally inundated or saturated by surface or ground water at a frequency or duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-4: ACTIONS PROHIBITED:

Notwithstanding any other provision of this code, it shall be unlawful to grade, fill, or excavate any land in any manner which presents an unreasonable risk of erosion, flooding, or any other unsafe condition, and it shall be unlawful to erect any structure which will not be reasonably safe for use as a human habitation because of:

A. A high-water table (water close to the surface);

B. Surface water;

C. Expansive soils;

D. Collapsible soils;

E. Proximity to a secondary fault;

F. Proximity to an alluvial fan; or

G. Any other unsafe condition. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-5: PRESUMPTION:
Conditions described on geologic hazard maps and aerial topography maps maintained by the city engineer, together with explanatory material appurtenant thereto shall be presumed to exist. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-6: PROCEDURE TO DEVELOP REAL PROPERTY:
A. It shall be unlawful to grade, fill, or excavate land or to erect any structure without doing the following:

1. Obtaining the acknowledgment of the city that any letter report (a letter report is described in section 10-18-9 of this chapter), or geologic report (a geologic report is described in section 10-18-10 of this chapter), required by the city engineer pursuant to this chapter, has been received and meets the requirements of section 10-18-8 of this chapter. (The giving of this acknowledgment by the city engineer shall not be an approval of or acquiescence to the content or conclusions of the letter report or geologic report. A letter report or geologic report shall be considered part of the public record and may be copied by any person.)

2. Except as provided in section 10-18-11 of this chapter, by grading, filling, or excavating land or erecting a structure only as described in the letter report or geologic report which has been acknowledged by the city engineer. (A proposal for which a letter report or a geologic report is not required may be implemented as described in the proposal.)

3. By executing and recording the restrictive covenant required by section 10-18-15 of this chapter. (This subsection does not apply if no letter report or geologic report is required.)

B. Obtain permission from the city engineer of acceptable erosion control and revegetation plan.

C. In addition to the provisions of this chapter, all grading, filling, or excavation of land or erection of any structure shall comply with all other applicable provisions of these ordinances.

D. Those parts of any proposal to construct improvements such as roads, sewer lines, or water lines, or other improvements which are intended to be placed in public ownership shall be subject to the approval of the city engineer.

E. Those parts of any proposal to develop real property which jeopardizes the public's health, safety, or welfare or significantly interferes with established long term development plans of Plain City shall be subject to the approval of the city engineer after consultation with the appropriate city department.

F. No building permits shall be issued until the requirements of this chapter are met. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-7: PRELIMINARY DETERMINATION BY CITY ENGINEER:
All proposals to grade, fill, or excavate land or to erect a structure for human habitation (sometimes referred to herein as the "proposal") shall be referred to the city engineer who shall make a preliminary determination by reference to the maps and materials maintained in the city engineer's office if any of the unsafe physical conditions described in section 10-18-2 of this chapter appear to exist in relation to the real property which is included in the proposal. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-8: REQUIREMENT TO SUBMIT LETTER REPORT OR GEOLOGIC REPORT:

A. Except if the city engineer determines in the manner described in subsection 10-18-6A3 of this chapter that no physical condition described in section 10-18-2 of this chapter appears to exist in relation to the subject property, the proposal with respect to which the subject property is associated may proceed, as proposed, subject to the other requirements of these ordinances.

B. If the city engineer determines in the manner described in section 10-18-6 of this chapter any physical condition described in section 10-18-2 of this chapter appears to exist in relation to the subject property, the developer shall submit a report prepared by geotechnical engineer.

C. With respect to any proposal not requiring a geologic report, the city engineer may require the developer to submit a letter report to resolve issues with respect to the condition of the subject property. A letter report may be required even if the maps and materials maintained in the office of the city engineer do not show any of the unsafe conditions described in section 10-18-2 of this chapter. The city engineer may withhold the determination described in section 10-18-6 of this chapter until the letter report has been received, and based on information in the letter report, the city engineer may, for good cause, require the submission of a geologic report. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-9: LETTER REPORT; CONTENTS:

A. A letter report is a simplified geologic report used in relation to areas of relatively stable soil and rock. It shall contain not less than the following:

1. An analytical geologic description of the subject property in relation to the development which is proposed thereon, and in relation to adjoining property;

2. A description of any requirements or restrictions which should be imposed on the proposal to avoid violation of the provisions of section 10-18-2 of this chapter;

3. A geologic sketch map and/or a geologic structure section diagram, if relationships are complex and difficult to describe in writing; and

4. The letter report shall include other information as the city engineer shall reasonably require. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-10: GEOLOGIC REPORT:

A. A geologic report shall include current up to date maps and a report containing not less than the following information:

1. The maps shall include: Sensitive land maps (high-water table, floodplain and wetlands areas if applicable) including slopes & drainage for proposed sites)

a. The site location and regional setting of the subject property.

b. An overall site plan which illustrates exposure to geological and natural hazards identified in section 10-18-2 of this chapter and the geotechnical limitations identified in section 10-18-2 of this chapter. The map shall illustrate the proposed site modifications relative to geological and natural hazards and/or geotechnical limitations that may impact the site. Any corrective site modification actions necessary to mitigate or avoid hazards or limitations shall be clearly identified on the map.

c. Maps shall use a convenient scale of not more than one inch (1") equals one hundred feet (100') and a maximum contour interval of one foot (1'). Existing contours shall be shown by dashed lines and proposed contours shall be shown as solid lines. Boring logs, cross sections, test trench logs, soil sample descriptions, and test results shall be included.

d. The city engineer may require additional updated maps or additional detail on existing sensitive land use maps as reasonably necessary to evaluate actual or potential geologic hazards.

2. The report shall include:

a. A description of the proposed grading, filling, excavation, or structure;

b. An analysis of the effects of the proposed grading, filling, excavation, or erection of a structure in relation to the geologic conditions shown in the geologic maps;

c. With regard to a structure, an analysis of the manner in which the same, as constructed, will be made reasonably safe for human habitation;

d. Any corrective or remedial action necessary to avoid a violation of section 10-18-2 of this chapter, shall be described and analyzed in detail;

e. A list, including title, author and date, of all prior studies or reports which are relied upon to make this report; and

f. The city engineer may require additional information or analyses which are reasonably necessary to evaluate actual or potential geologic hazards. This includes submittal of reports to consultants or state agencies for review and comment. The cost of any additional reviews required by the city engineer shall be borne by the developer.

B. If the geologic report (maps and report) relates to land having a slope that exceeds ten percent (10%), the development proposal described in the geologic report shall conform to the provisions of section 10-18-17 of this chapter.

C. In the case of a proposal to grade, fill, or excavate, which is not directly or indirectly related to a proposal to erect a structure for human habitation, the city engineer may waive compliance with any requirement of this section not relevant to the proposed grading, filling, or excavating. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-11: ENGINEER/GEOLOGIST QUALIFICATIONS AND CERTIFICATE:

A. A letter report (described in section 10-18-9 of this chapter) or a geologic report (described in section 10-18-10 of this chapter) shall be approved and signed by a geotechnical engineer whose primary area of expertise is required to address issues related to soil mechanics, foundation investigations, slope stability, etc. If necessary, he or she shall also be capable of supervising other professionals who may address other specific issues related to site conditions.

B. A letter report or a geologic report shall contain the following certificate:

CERTIFICATE The signature and professional stamp attached to this report certify that I am a geotechnical engineer as defined in section 10-18-11, of the Ordinances of Plain City. I have examined the letter report/geologic report to which this certificate is attached and the information and conclusions contained therein are, without any reasonable reservation not stated therein, accurate and complete. All procedures and tests used in said letter report/geologic report meet minimum applicable professional standards.

_____

SIGNATURE

C. In addition to any applicable private civil remedies, it shall be unlawful to knowingly make a false, untrue, or incomplete statement in a letter report or a geologic report or to sign the certificate described above knowing the same to be materially false or not true.

D. It shall be the responsibility of the geotechnical engineer who stamps and signs the letter report or geologic report to ensure that experienced and qualified professionals perform the tasks required to complete each portion of the report. His or her signature indicates the applicable report was prepared under his or her direction and supervision. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-12: POSTCONSTRUCTION INSPECTION AND CERTIFICATION:
For any real property with respect to which development has proceeded on the basis of a letter report or a geologic report which has been acknowledged by the city engineer, no final inspection shall be completed or certificate of occupancy issued or performance bond released until the engineer or geologist who signed and approved that letter report or geologic report shall further certify that the completed improvements and structures conform to the descriptions and requirements contained in said letter or report. Provided, however, that improvements and structures may, with the consent of the city engineer, deviate from the descriptions and requirements contained in the letter report or geologic report because of conditions which are discovered after acknowledgment by the city engineer of the letter report or geologic report. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-13: APPEAL FROM DECISION OF CITY ENGINEER:
Any person dissatisfied with a decision of the city engineer made under this chapter, may appeal the same within ten (10) days thereof to the city council, which city council is by this chapter authorized to hear appeals from decisions of the city engineer, which city council shall affirm or reverse, either in whole or in part. Any person dissatisfied with a decision of the city council may appeal that decision within ten (10) days thereof to district court. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-14: SCOPE OF APPLICATION:
No subdivision or other development plat or plan with a slope between ten (10) and forty percent (40%) shall be approved without compliance with the provisions of this chapter. Every proposal to grade, fill, or excavate land, and every proposal to erect a structure for human habitation, garage or accessory building shall be subject to this chapter, including proposals related to land in subdivisions. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-15: RESTRICTIVE COVENANTS REQUIRED:
A. If a letter report or a geologic report has been submitted to the city engineer and planning commission, no subdivision or other development plat or plan shall be approved and no building permit shall be issued for construction of a structure until the owner(s) of the subject real property have signed and delivered to Plain City a restrictive covenant in a form suitable for recording containing not less than the following:

1. A complete description of the geologic condition of the subject real property, including references to relevant reports and studies;

2. A description of the grading, filling, or excavating or erection of a structure for human habitation, garage or accessory building approved in the letter report or geologic report which has been acknowledged by the city engineer, together with the requirements and restrictions imposed thereon;

3. A covenant and agreement enforceable by Plain City, adjoining landowners, and any subsequent owner of the subject real property that only the grading, filling, or excavating or erection of a structure in the acknowledged letter report or geologic report will be constructed or maintained without further compliance with this chapter, as it may be amended from time to time. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-16: CIVIL AND CRIMINAL FRAUD:
It shall be unlawful for any person, including the seller or the seller's representative, directly or indirectly in connection with the sale or offering for sale of real property located in Plain City, to make any untrue statement of a material fact related to the geologic condition of the subject property. This section shall be construed to create private and public civil causes of action in addition to creating criminal liability. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-17: RIVER AND CANAL DEVELOPMENT STANDARDS:
A. Grading:

1. No grading, filling, or excavation of any kind shall be accomplished adjacent to any canal or river without first obtaining approval from the city engineer.

2. Any land or parcel, or portion of any parcel having a slope of greater than ten percent (10%) shall not be graded to a slope that exceeds forty percent (40%). Development or grading in areas having slopes below forty percent (40%) shall be approved through a conditional use permit.

3. All preliminary street and site grading shall be completed prior to the installation of utilities.

4. Fills in areas intended as structural foundations, including roadways, shall be compacted to at least ninety five percent (95%) by ASTM D-1557. All other fills shall be compacted to at least ninety percent (90%) by ASTM D-1557. Test reports verifying compliance with this provision shall be submitted to the city engineer by the developer, at the developer's expense.

5. Borrowing for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan.

6. Cut slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured as necessary to blend with existing topography to the maximum extent possible. The city will not accept the dedication and maintenance of cut and fill slopes except those within the required street right of way. Where a cut or fill slope occurs between two (2) lots, the slope shall normally be made a part of the downhill lot.

7. Grading, cuts and fill to obtain access to developable property above a ten percent (10%) slope shall be approved through a conditional use permit by Plain City planning commission.

8. Sections of the international building code regulating excavation and grading shall be complied with, except the decisions described therein to be made by the "building official" may also be made by the city engineer.

B. Site Elements: Site elements shall include:

1. Retaining walls that blend with natural topography.

2. Planting near retaining walls.

3. Minimum lighting needed for pedestrian safety.

4. Large areas of formal landscaping are prohibited.

5. Grading should be minimized in areas where the slope is greater than thirty percent (30%).

6. Drainage channels should receive a naturalizing treatment including native rock and landscaping.

7. Use of natural building materials to blend in with the surroundings.

8. Smaller roof components so structure appears less intrusive.

9. The maximum height of buildings shall not exceed the height allowed in the zoning/overlay district.

10. Canals, rivers and streams are required to be fenced or piped if found to be detrimental to public health, safety or welfare.

C. Drainage:

1. Required stormwater runoff collection facilities shall be designed so as to retain stormwater runoff on development sites for a sufficient length of time so as to prevent flooding and erosion during stormwater runoff flow periods.

2. Required stormwater runoff collection facilities shall be so designed as to divert surface water away from cut faces or sloping surfaces of a fill. Subsurface drains are not acceptable.

3. Curb, gutter, and pavement designs shall be such that water on roadways is prevented from flowing off the roadways.

4. Natural drainages shall be riprapped or otherwise stabilized to the satisfaction of the city engineer below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.

5. Waste material from construction, including, soil and other solid materials, shall not be deposited within a natural or manmade drainage course or within irrigation channels.

6. Sediment retention facilities shall be constructed as part of each development as directed by the city engineer.

D. Vegetation And Revegetation:

1. Every effort shall be made to conserve topsoil which is removed during construction for later use on areas requiring vegetation or landscaping, e.g., cut and fill slopes.

2. New planting shall be protected.

3. All disturbed soil surfaces shall be stabilized before final acceptance of the development by the city.

4. The developer shall be fully responsible for any destruction of native vegetation which is required to be retained in all areas under the ownership and control of the developer. The developer shall carry the responsibility for such areas both for the developer's own employees and for all subcontractors from the first day of construction until final acceptance of the development by the city. The developer shall be responsible for replacing such destroyed vegetation.

5. Prior to the termination of the bonding period, any dead plant materials required to be installed by the developer shall be replaced and a new bond issued to assure establishment of the replaced materials.

E. Fire Protection:

1. Lot size and potential placement of buildings thereon shall be such that adequate clearance of hazardous, flammable vegetative cover may be accomplished.

2. All easements for firebreaks for safety of built-up areas shall encompass access for firefighting personnel and equipment and such easements shall be dedicated for this specific purpose by being recorded.

3. The inability to provide fire line water pressure consistent with the standards set by the Utah state division of drinking water, the international fire code and the Plain City fire marshal shall be justification for denial of a development request.

F. Streets:

1. All streets within a hillside area shall be designed to meet the standards required for streets in all other areas of the city except that sidewalks of not less than six feet (6') in width may be required on one side of streets within a hillside area. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-18: HIGH WATER TABLE, WETLAND AND FLOODPLAIN AREA DEVELOPMENT STANDARDS:

A. Development in high water table, floodplain or wetland areas shall be subject to the following standards:

1. Floodplain, wetland areas and natural drainages shall not be included as part of any buildable development unless allowed to be mitigated pursuant to applicable law. Lots within the residential or agricultural zones may include wetlands and flood zones as part of the lot provided there is sufficient buildable area to accommodate the proposed use.

2. Wetlands and floodplain areas may not be included in area requirements for lots or for calculation of density.

3. Where determined by the planning commission or designee, wetland and floodplain areas may be required to be fenced if found to be detrimental to public health, safety or welfare.

4. Prior to the acceptance by the city of a petition for rezoning of property in the designated area, or before the submission of an application for preliminary development plan in the designated area, it must be demonstrated to the satisfaction of the city engineer, public works director and planning commission that the conditions and requirements contained herein can be met. Such petition, submission, or application shall be made through the city. A predevelopment conference with the planning commission and developer shall be required to review any proposed plans.

5. Prior to acceptance by the city of an application for preliminary development plan in the specified areas, it must be demonstrated to the satisfaction of the city, (IBC) International Building Code (Section 1612) including appendix G - Relates to construction in flood hazard aeras, and the Plain City Flood Damage Prevention Ordinance, that all conditions specified in the listed chapters have been fully met and accomplished.

6. Surface or subsurface drainage from any development within the subject area shall be transported to either a canal, creek or river and shall not be deposited, collected, or stored upon the property being developed or upon other properties within the subject area.

7. Drainage water from the proposed new development will not be placed upon or pass-through other properties, except:

a. Where a preexisting drainage system of adequate capacity is legally available for use; or

b. Where a permanent drainage easement of a size sufficient to carry projected flows has been obtained and a statement from the owners of both the host and guest properties recorded on property deeds in the office of the county recorder specifying the following:

(1) That the city will be held harmless from all damages or injury resulting from water pollution and flooding from drainage crossing said property.

(2) That the property owner will allow the owner of the easement to enter onto said property to maintain the drainage facility on said easement.

(3) That the drainage channel can be placed in a pipe or culvert at such time as deemed appropriate by the owner of the easement.

8. Drainage from the proposed new development will not be placed in an irrigation ditch or irrigation canal, originally constructed for irrigation purposes, except where permission, in written and recorded instruments (i.e., easements) running with the land, has been granted by the subject irrigation company and/or all water users below the proposed development on the specific ditch or canal specifying the following:

a. That the city will be held harmless from all damage or injury resulting from flooding, water pollution, or high groundwater from drainage in the ditch or canal.

b. That the irrigation ditch or canal can be placed in a pipe or culvert at a time deemed necessary by the owner of the easement.

(1) That the owner(s) of property which is the subject of a development plan may be required to provide, and record with the county recorder, a statement holding the city harmless from all damage within the project resulting from flooding or high-water table.

(2) That a disclosure statement may be required to be placed upon all subdivision and development plats in the subject area, stating that the subdivision or development lots are in an area potentially subject to flooding from high water table.

(3) That drainage easements be granted to the city within the proposed development, as determined by the city engineer, and drainage facilities be installed as part of the development at developer's expense.

9. No building shall be allowed to be constructed in a high-water table or floodplain areas of the city where the building proposed to be built includes a basement. A basement shall be considered as any usable floor area below either the elevation of the fronting curb and gutter, or if there is no curb and gutter planned to be constructed, usable floor area below the existing ground surface. The following conditions must be met:

a. Prior to the issuance of the building permit, the owner(s) shall produce a statement which shall be recorded in the office of the county recorder and attached to the property stating that the city will be held harmless from all damages or injury resulting from flooding from groundwater in an identified high-water table or floodplain area.

b. Prior to the issuance of any building permit for a structure/residence with a basement within a new development, the developer shall submit to the city engineer for approval, a design that has been signed and stamped by a registered professional engineer indicating his or her method to minimize flooding from groundwater. Each lot owner may also still be required to produce a statement which shall be recorded in the office of the county recorder and attached to the property stating that the city will be held harmless from all damages or injury resulting from flooding from groundwater or existing water ways.

10. A comprehensive drainage and grading plan shall be submitted by the developer of any property within a high-water table, floodplain or wetland area and shall be approved by the city engineer, public works director and planning commission before preliminary development approval or approval for any residential, commercial or industrial development or building on a single lot or lots. In the case of subdivisions, such plan shall be submitted via the city engineer; or in the case of building development on a single lot or lots, the plan shall be submitted via the building inspector. Such plan shall be subject to the following requirements:

a. Pumps shall not be discharged into the sanitary sewer system; but shall require outfall into a storm drain or private ditch system, if permitted by the owners thereof. Approval of, and signatures by; all irrigation and canal companies if their ditches or canals cross the development areas, or if surface or subsurface drainage is to outfall into the ditch or canal or if modification to ditch or canal is proposed. Property owners should be aware that few ditch companies allow discharge into their systems.

b. Quantities of runoff shall be determined for the complete development area by the rational method or other method as approved by the city engineer.

c. At all outfall points from the development, quantities of runoff shall comply as approved by the city engineer.

d. The capacity of any irrigation ditch, storm drain, or other channel shall be determined from the inlet point to the outfall point of said channel if it is to be used for runoff. If there is an insufficient capacity to handle added flows, it will not be used.

e. A topographic map with updated wetlands and floodplain areas, if applicable shall be prepared to indicate sufficient slopes in all areas to take surface drainage and overflow waters into the designated street or storm drain. Water will not be allowed to pond any place other than a designated detention or retention basin.

f. No building permit shall be issued in any development in the described area until the required subsurface and storm drainage system has been constructed and is in operable condition unless a hold harmless agreement is entered into by the developer. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

10-18-19: EXCEPTIONS:

This chapter shall not apply to any lot or lots forming a part of a subdivision recorded prior to the effective date hereof. (Ord. 2013-04, 4-18-2013, eff. 4-19-2013)

(10-18-18 / 5.) PLAIN CITY FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE I
STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Utah Code. Ann. § 10-3-701 has in delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Plain City, Utah, does ordain as follows:

The city of Plain City elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program (NFIP) is a voluntary program administered by the Federal Emergency Management Agency (FEMA The National Flood Insurance Program, established in the aforesaid act, provides that areas of the town having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. The National Flood Insurance Program was broadened and modified with the passage of the Flood Disaster Protection Act of 1973 and other legislative measures. It was further modified by the National Flood Insurance Reform Act of 1994. The National Flood Insurance Program is administered by the Federal Emergency Management Agency, a component of the U.S. Department of Homeland Security.

SECTION B. FINDINGS OF FACT

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

These potential flood losses are caused by:

1. The cumulative effect of obstructions in floodplains that are known to cause increases in flood heights and velocities;
2. The occupancy of flood hazard areas by structures vulnerable to floods because they are inadequately elevated or otherwise unprotected from flood damages; and
3. Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

SECTION C. STATEMENT OF PURPOSE

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

1. Protect human life and health;

2. Minimize damage to public infrastructure, including but not limited to utilities, streets, and bridges that are susceptible to flooding;
3. Minimize prolonged business interruptions caused by flooding;
4. Minimize public expenditures on flood control projects;
5. Minimize the need for rescue and relief efforts associated with flooding and are generally undertaken at the expense of the public;
6. Protect and safeguard the welfare and safety of first responders should an emergency response is needed;
7. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and
8. Promote that potential buyers are notified if properties are in a flood area.

SECTION D. METHODS OF REDUCING FLOOD LOSSES

To accomplish the purposes outlined in **ARTICLE I, SECTION C. STATEMENT OF PURPOSE**, this ordinance applies the following methods:

1. Restricts or prohibits land uses that are dangerous to health, safety, or property in times of flooding, or cause excessive increases in flood heights or velocities;
2. Requires that land uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Controls the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Controls filling, grading, dredging and other developments that may increase flood damage; and
5. Prevents or regulates the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards to other lands.

ARTICLE II
DEFINITIONS

SECTION A. DEFINITIONS

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

100-Year Flood means a flood having a recurrence interval that has a 1-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "100-hundred-year flood" and "1-percent-annual-chance flood" are synonymous. The term does not imply that the flood will necessarily happen once every 100 hundred years. Mandatory flood insurance requirements may apply.

500-Year Flood means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-annual-chance flood). The term does not imply that the flood will necessarily happen once every 500 years and mandatory flood insurance requirement generally does not apply.

Accessory Structure is a structure that is on the same parcel of property as a principal structure. Its use is incidental to the use of the principal structure; the ownership of the accessory structure is the same owner as of the principal structure. An accessory structure is a non-residential structure of low value that is used solely for the parking of vehicles and storage of tools, materials, or equipment. No human habitation is allowed within an accessory structure. {If Higher Standard Option elected, refer to **ARTICLE V, SECTION B.8 APPURTENANT OR ACCESSORY STRUCTURE**}.

Addition is any improvement that expands the enclosed footprint or increases the square footage of an existing structure. This includes lateral additions added to the side, front, or rear of a structure; vertical additions added on top of a structure; and enclosures added underneath a structure.

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

Appurtenant Structure—see ***Accessory Structure***.

Area of Future-Conditions Flood Hazard means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood, based on future-conditions hydrology.

Area of Shallow Flooding means a designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 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-Related Erosion Hazard is the land within a community that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area, in preparation for publication of the FIRM, Zone E may be further refined.

Area of Special Flood Hazard is the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

Base Flood means the flood having a 1-percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) is the water surface elevation of the 1-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.

Basement means any area of the building having its floor subgrade (below ground level) on all sides. A walkout basement that does not require a step up to grade is not considered a basement.

Best Available Data is existing flood hazard information adopted by a community and reflected on an effective FIRM, FBFM, and/or within an FIS report; or draft or preliminary flood hazard information supplied by FEMA or from another source. Other sources may include, but are not limited to, the state, other federal agencies, or local studies, the more restrictive of which would be reasonably used by the community.

Breakaway Wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. Any walls below the lowest floor in a building in a V or VE Zone should give way under wind and water loads without causing collapse, displacement, or other damage to the elevated portion of the building of the supporting pilings or columns. Breakaway walls apply only to V or VE Zones.

Building—see ***Structure***.

Channelization means the artificial creation, enlargement, realignment, or alteration of a stream channel's slope, shape, or alignment. Streambank restoration may be deemed as channelization.

Code of Federal Regulations (CFR) is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, and/or the SFHA. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be recognized by FEMA.

Conditional Letter of Map Revision Based on Fill (CLOMR-F) is FEMA's comment on a proposed structure or property. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be removed from the floodplain.

Crawlspace means an under-floor space that has its interior floor area (finished or not) no more than 4 feet from the bottom floor joist the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of flood water, and is not used for habitation.

Critical Facility means a facility or building where even a slight chance of flooding is too great a threat. Typical critical facilities include hospitals, fire stations, police stations, schools, storage of critical records, assisted living and similar facilities. Reference \

Deed Restriction refers to a clause in a deed that limits the future use of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions. For example, they may limit the density of buildings, dictate the types of structures that can be erected, or prevent buildings from being used for specific purposes or from being used at all.

Detached Garage is a building that is used solely for storage of materials or vehicle parking for up to four housing occupants. If a detached garage is designed or used for habitation or conducting business, or has multiple stories, then the building is not considered a detached garage under the NFIP.

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

Elevated Building is a non-basement building built, in the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, to have the top of the elevated floor above the ground level by means of pilings, columns (post 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 a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, an "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.

Enclosure refers to an enclosed walled-in area below the lowest floor of an elevated building. Enclosures below the BFE may only be used for building access, vehicle parking, and storage.

Erosion means the process of the gradual wearing away of land masses by wind, water, or other natural agents.

Existing Construction refers to structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. It may also be referred to as ***Existing Structures***.

Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Existing Structures—see ***Existing Construction***.

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 manufacturing 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).

FEMA means the Federal Emergency Management Agency.

Fill refers to the placement of materials, such as dirt, sand, or rock to elevate a structure, property, or portion of a property above the natural elevation of the site, regardless of where the material was obtained from. The common practice of removing unsuitable material and replacing with engineered material is not considered fill if the elevations are returned to the existing conditions. Any fill placed or used prior to the area being mapped as a flood hazard area is not deemed as fill.

Flood or Flooding means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
    a. The overflow of inland or tidal waters.
    b. The unusual and rapid accumulation or runoff of surface waters from any source.
2. Mudslides (i.e., mudflows) that are proximately caused by flooding as defined in this ordinance and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this ordinance.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Administrator has delineated both the SFHAs and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) or Flood elevation study means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Floodplain Development Permit is a community issued permit or document that is used for any development that occurs within an SFHA identified by FEMA or the community. It is used to address the proposed development to ensure compliance with the community's ordinance.

Floodplain or Flood-Prone Area means any land area susceptible to being inundated by water from any source whether or not identified by FEMA (see definition of ***Flooding***).

Floodplain Management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, mitigation plans, and floodplain management regulations.

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

Flood Opening refers to an opening in the wall of an enclosed structure that allows floodwaters to automatically enter and exit the enclosure. Refer to FEMA Technical Bulletin 1.

Flood Protection System means 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 area within a community subject to an SFHA and to reduce 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. FEMA only accredits levees, both private and public, that have been certified by a professional engineer or firm in which the certification shows that the levee has met and continue to meet the minimum regulatory standards cited in Title 44, Chapter 1, Section 65.10 of the Code of Federal Regulations (44 CFR 65.10).

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Floodproofing can either be accomplished in the form of dry floodproofing in which the structure is watertight below the levels that need flood protection, or wet floodproofing in permanent or contingent measures applied to a structure that prevent or provide resistance to damage from flooding, while allowing floodwaters to enter the structure or area.

Floodway—see ***Regulatory Floodway***.

Floodway encroachment lines mean the lines marking the limits of floodways on federal, state, and local flood plain maps.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of flood plain 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, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally Dependent Use means a development that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and repair facilities. It does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade (HAG) means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. In AO Zones, the highest adjacent grade is utilized by comparing the lowest floor elevation to that of the highest adjacent grade and the depth of the AO Zone.

Historic Structure means 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 reservation programs that have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    a. By an approved state program as determined by the Secretary of the Interior, or
    b. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Amendment (LOMA) means an official amendment, by letter, to an effective FIRM. A LOMA establishes a property's location in relation to the SFHA. It is usually issued because a property or structure has been inadvertently mapped as being in the floodplain, when the property or structure is actually on natural high ground above the BFE.

Letter of Map Revision (LOMR) means FEMA's modification or revision to an entire or portion of the effective FIRM, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, or the SFHA.
Letter of Map Revision Based on Fill (LOMR-F) means FEMA's amendment, by letter, to an effective FIRM where fill was brought in or used to elevate a property, portion of property or structure above the BFE.

Levee means a man-made structure usually an earthen embankment, designed and constructed in accordance with 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 natural elevation of the ground surface prior to construction next to the proposed walls of a structure. For an existing structure, it means the lowest point where the structure and ground touch, including but not limited to attached garages, decks, stairs, and basement windows.

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 non-elevation design requirements of Section 60.3.

Manufactured Home 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 attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle"; however, a manufactured home may be used for both residential and non-residential use.

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
Map means the FHBM or the FIRM for a community issued by FEMA.

Mean Sea Level means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BFEs shown on a community's FIRM are referenced.

Mixed Use Structures are structures with both a business and a residential component, but where the area used for business is less than 50 percent of the total floor area of the structure.

New Construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

No-Rise Certifications are formal certifications signed and stamped by a professional engineer licensed to practice in the state, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase (0.00 feet) in flood levels within the community during the occurrence of a base flood event.

Physical Map Revision (PMR) is FEMA's action whereby one or more map panels are physically revised and republished.

Recreational Vehicle means a vehicle which 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 towable by a light duty truck; and
(d) Designed primarily, not for use as a permanent dwelling but, as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway 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 a designated height.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etcetera, which can be intermittent or perennial.

Section 1316 refers to the section of the National Flood Insurance Act of 1968, as amended, which provides for the denial of flood insurance coverage for any property that the Administrator finds has been declared by a duly constituted State or local authority to be in violation of State or local floodplain management regulations. Section 1316 is issued for a property, not a property owner, and remains with the property even after a change of ownership.

Special Flood Hazard Area—see *Area of Special Flood Hazard.*

Start of Construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means, for floodplain management purposes, a walled and roofed building, culvert, bridge, dam, or a gas or liquid storage tank that is principally above ground, as well as a manufactured home. ***Structure,*** for insurance purposes, means:

(1) A building with two or more outside rigid walls and a fully secured roof, which is affixed to a permanent site;

(2) A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or

(3) A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For insurance purposes, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

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

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. {If Higher Standard Option elected, refer to **ARTICLE V, SECTION A.3.1 SUBSTANTIAL IMPROVEMENT THRESHOLD**}.

The term does not, however, include:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure", if the alteration will not preclude the structure's continued designation as a "historic structure."

Variance means a grant of relief by a community from the terms of a flood plain management regulation.

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

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies, such as the 1-percent-annual-chance flood event, in the flood plains of coastal or riverine areas.

Watercourse means the channel and banks of an identifiable water in a creek, brook, stream, river, ditch or other similar feature.

ARTICLE III
GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard identified by FEMA or, if elected in areas of identified and documented flood risk supported using Best Available Data within the jurisdiction of Plain City.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this ordinance, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D. ABROGATION AND GREATER RESTRICTIONS

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

SECTION E. INTERPRETATION

In the interpretation and application of this ordinance, 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.

SECTION F. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by human-made or natural causes.

This ordinance 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 damage. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance, or any administrative decision lawfully made thereunder.

SECTION G. SEVERABILITY

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

SECTION H. COMPLIANCE

No structures or developments including buildings, recreation vehicles, or manufactured homes or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations. Nothing herein shall prevent the Plain City Council from taking such lawful action as is necessary to prevent or remedy any violations.

SECTION I. STOP WORK ORDER

1. Authority. Whenever the floodplain administrator or other community official discovers any work or activity regulated by this ordinance being performed in a manner contrary to the provision of this ordinance, the floodplain administrator is authorized to issue a stop work order.
2. Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

3. Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by local or state law including but not limited to the penalties outlined in **ARTICLE III, SECTION J. PENALTIES FOR NONCOMPLIANCE.**

SECTION J. PENALTIES FOR NONCOMPLIANCE

In accordance with Section 59.2(b) of CFR 44, Chapter 1, of the NFIP regulation, to qualify for the sale of federally subsidized flood insurance, a community must adopt floodplain management regulations that meet or exceed the minimum standards of Section 60. "These regulations must include effective enforcement provisions." In accordance with Section 60.1(b) of CFR 44, Chapter 1, of the NFIP regulations, "These regulations must be legally enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone (i.e. mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over less restrictive conflicting local laws, ordinances, or codes."

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned or both, for each violation assessed daily, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Plain City from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE IV
ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The City Engineer and Public Works Director are hereby appointed the Floodplain Administrators to administer and implement the provisions of this ordinance and other appropriate sections of the NFIP Regulations and 44 CFR pertaining to floodplain management.

SECTION B. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Uphold the goals of the community and the NFIP to reduce risk when possible and increase the community's resistance to future disasters.
2. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, including the actual elevation of the lowest floor (including basement or crawlspace) of all new or substantially improved

structures and any floodproofing certificates, including the data supporting such certificates.

3. Maintain and hold open for public inspection maps that identify and locate the boundaries of the SFHAs to which this ordinance applies, including, but not limited to, the FIRM.
4. Review development proposals to determine whether a proposed building site, including sites designed for the placement of manufactured homes, will be reasonably safe from flooding.
5. Review, approve, or deny all applications for development permits required by adoption of this ordinance.
6. Ensure that all necessary permits have been obtained from those federal, state, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334 and the Endangered Species Act of 1973) from which prior approval is required.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
9. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation.
10. When BFE data has not been provided by FEMA, the Floodplain Administrator shall obtain, review, and reasonably utilize any BFE data and floodway data available from a federal, state, or other source including data provided by the applicant, in order to administer the provisions of this ordinance.
11. When a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30, AE, and AH on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1.00* feet at any point within the community.
12. Under the provisions of 44 CFR Chapter 1, Section 65.12 of the NFIP Regulations, a community may approve certain development in Zones A1-30, AE, and AH on the community's FIRM, which increases the water surface elevation of the base flood by more than 1.00 foot, provided that the community first meets the requirements of Section 65.12 for a conditional FIRM revision through FEMA's CLOMR process.

SECTION C. Requirement to Submit New Technical Data

1. The property owner or developer shall notify FEMA by submittal of a LOMR within 6 months of project completion when an applicant has obtained a CLOMR from FEMA or when development altered a watercourse, modified floodplain boundaries, or modified BFE.

2. The property owner or developer shall be responsible for preparing technical data to support the CLOMR or LOMR application and paying any processing or application fees to FEMA. The property owner or developer is responsible for submitting the CLOMR and LOMR to FEMA and shall provide all necessary data to FEMA if requested during the review process to ensure the CLOMR or LOMR is issued.
3. The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this ordinance and all applicable state federal, and local laws.

SECTION D. PERMIT PROCEDURES

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to:

1. Duplicated plans drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations.
2. Duplicated plans drawn to scale showing the location, dimensions, and elevation of existing and proposed structures, including the placement of manufactured homes.
3. Location of the foregoing in relation to SFHAs.
4. Elevation (in relation to mean sea level), of the lowest floor (including basement and crawlspace) of all new and substantially improved structures, if applicable;
5. Elevation (in relation to mean sea level), to which any nonresidential structure (if applicable) shall be floodproofed.
6. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure (if applicable) shall meet the floodproofing criteria of this ordinance and the NFIP Regulations.
7. Description of the extent to which any watercourse or natural drainage will be altered or relocated because of proposed development, if applicable.
8. At the community's discretion, the community may charge a fee for issuance of floodplain development permits.
9. Copies of all floodplain development permits and the associated documents shall become property of the community and a permanent record.

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage.
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
3. The danger that materials may be swept onto other lands to the injury of others.
4. The compatibility of the proposed use with existing and anticipated development.
5. The safety of access to the property in times of flood for ordinary and emergency vehicles.
6. 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.

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 at the site.
8. The necessity to the facility of a waterfront location, where applicable.
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
10. The relationship of the proposed use to the comprehensive plan for that area.

SECTION E. VARIANCE PROCEDURES

The Appeal Board or Variance Board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this ordinance after a floodplain development permit has been denied.

1. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
2. The Appeal Board, as established by the community, shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement of administration of this ordinance.
3. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to FEMA and the State Coordinating Agency upon issuing a variance.
4. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, providing the relevant factors in **ARTICLE IV, SECTION E. VARIANCE PROCEDURES** have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
5. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.
6. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
7. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. The term ''substantial improvement' does not include any alteration of a structure or facility listed on the National Register of Historic Places or a State Inventory of Historic Places.

Prerequisites for granting variances:

1. 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 a good and sufficient cause.
    b. A determination that failure to grant the variance would result in exceptional hardship to the applicant.

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, conflict with existing local laws or ordinances, considers the need of ingress and egress during times of floods, and does not jeopardize first responders' health and welfare.

2. 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 elevation below the BFE, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
3. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
   a. The criteria outlined in **ARTICLE IV, SECTION E. VARIANCE PROCEDURES** are met; and
   b. The structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

ARTICLE V
PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage.
4. All new construction or 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 system and discharge from the systems into flood waters.
7. On-site waste disposal systems shall be designed or located to avoid impairment to them or contamination from them during flooding.

SECTION A.3. SUBSTANTIAL IMPROVEMENT

Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, if the cumulative cost of the entire project equals or exceeds 50 percent, unless a higher standard option is selected below, of the market value of the structure only (not of the structure and land value combined) before the improvement or repair is started then the work shall be considered as substantial improvement. If the structure has sustained substantial damage, any repairs are considered substantial improvements regardless of the actual repair work performed. For Substantial Damage, refer to **ARTICLE V, SECTION A.4. SUBSTANTIAL DAMAGE**. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

SECTION A.4. SUBSTANTIAL DAMAGE

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure only, unless a higher standard option is selected, before the damage occurred. This term also applies to structures which have incurred any damage that equals or exceeds 50 percent of the structure's market value regardless of the actual repair work performed. When a structure or building has been determined as substantially damaged, any work or repair on said structure or building will be considered as substantial improvement and will be required to meet the development requirements set forth within this ordinance for substantial improvement.

SECTION A.5. SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATION

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the applicable community officials and staff, shall:

1. Estimate the market value or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure only, not of land and building, before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure.

3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the **ARTICLE V, SECTION A.3. SUBSTANTIAL IMPROVEMENT**
4. Utilize FEMA's Substantial Improvement/Substantial Desk Reference when making any determination on Substantial Improvement and/or Substantial Damage.
5. The substantial improvement regulations apply to all of the work that is proposed as the improvement, even if multiple permits are issued. Therefore, the determination of the cost of the improvement should consider all costs of all phases of the work before issuance of the first permit.
6. Notify the applicant that if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood, this ordinance is required.

SECTION B. SPECIFIC STANDARDS
In all SFHAs, and if areas of known or suspected flood risk areas, the following provisions are required:

SECTION B.1. RESIDENTIAL CONSTRUCTION
New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to one foot above the base flood elevation, unless a freeboard option is noted below. If a freeboard option is noted, new construction and substantial improvement shall have the lowest floor (including basement) elevated to the freeboard elevation. A registered professional engineer, architect, or land surveyor shall submit certified elevations to the Floodplain Administrator to ensure that the standards of this ordinance are satisfied.

SECTION B.2 NONRESIDENTIAL CONSTRUCTION
New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to one foot above the base flood elevation or together with attendant utility and sanitary facilities, be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator. If the use or occupancy of the building changes in the future to residential, then the dry floodproofing of the structure cannot be used when determining compliance of the structure to the residential construction of this ordinance, **ARTICLE V, SECTION B.1 RESIDENTIAL CONSTRUCTION** and as such, the building will not be grandfathered

into compliance and will be required to be brought into compliance with the residential construction requirements of this ordinance.

SECTION B.4. ENCLOSURES

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are to be used solely for parking of vehicles, building access, or storage in an area other than a basement, and are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than 1 foot above grade.
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

The development and construction of the structure must conform with the provision in FEMA/Federal Insurance Administration (FIA)-Technical Bulletins 1 and 2. Certification and documentation from a professional, licensed engineer or architect is required if the structure's lowest floor is built below the BFE.

SECTION B.5. CRAWLSPACE

New construction and substantial improvements built on a crawlspace or sub-grade (below grade) crawlspace may be permitted if the development is designed and meets or exceeds the standards found in FEMA's Technical Bulletins 1, 2, and 11, which include but are not limited to the following:

1. The structure must be affixed to a permanent foundation, designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than 5 feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer.
2. The crawlspace is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than 1 foot above the LAG.
3. The crawlspace enclosure must have proper openings that allow equalization of hydrostatic pressure by allowing automatic entry and exit of floodwaters. To achieve this, a minimum of 1 square inch of flood opening is required per 1 square foot of the enclosed area subject to flooding.
4. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, piers, or other materials that extend below the BFE. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

5. Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
6. The interior grade of a crawlspace below the BFE must not be more than 2 feet below the LAG.
7. The height of the below-grade crawlspace, measured from the lowest interior grade of the crawlspace floor to the bottom of the floor joist of the next higher floor cannot exceed 4 feet at any point.
8. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
9. Buildings with below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation at or above the LAG.

SECTION B.6. MANUFACTURED HOMES

1. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
2. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites
    a. outside of a manufactured home park or subdivision;
    b. in a new manufactured home park or subdivision;
    c. in an expansion to an existing manufactured home park or subdivision;
    d. or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the BFE +1 foot of freeboard, unless a higher standard option was selected, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. In A-1-30, AH, AO and AE Zones, require that manufactured homes to be placed or substantially improved in an existing manufactured home park to be elevated so that
    a. the lowest floor is at or above the BFE +1 foot of freeboard, unless a higher standard option was selected;
    b. or the chassis is supported by reinforced piers no less than 36 inches in height above grade and securely anchored.

SECTION B.7. RECREATIONAL VEHICLES

Recreational Vehicle Standards

In all Areas of Special Flood Hazard, Recreational Vehicles, must either:

1. Be on the site for fewer than 180 consecutive days;
2. 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
3. The recreational vehicle must meet all the requirements for ARTICLE IV, SECTION D PERMIT PROCEDURES, including the anchoring and elevation requirements of "manufactured homes" of this ordinance.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

1. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of this ordinance to minimize flood damage.
2. All subdivision preliminary plats/development plans shall include the mapped flood hazard zones from the effective FIRM
3. BFE data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which is greater than 50 lots or 5 acres, or whichever is lesser.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the SFHAs established in **ARTICLE III, SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES**, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures 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 community's FIRM (at least 2 feet if no depth number is specified). If the community has elected a freeboard standard, then the lowest floor elevation must be elevated above the highest adjacent grade above the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified) plus the freeboard height option selected below.
2. All new construction and substantial improvements of non-residential structures:
    a. 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

CERTIFICATION
It is hereby found and declared by Plain City that

severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the NFIP; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

APPROVED; _____

(community official)

PASSED: _____

(date)

I, the undersigned, _____, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the

_____,

(community)

at a regular meeting duly convened on _____.

(date)

_____

(Secretary or responsible person)

(SEAL)

EFFECTIVE: _____

(date)