AMERICAN FORK CITY
PLANNING COMMISSION AGENDA

Regular Session
July 8, 2026
Wednesday 6:30 PM

American Fork City Hall

31 North Church Street

American Fork City, UT 84003

https://www.americanfork.gov/AgendaCenter

Planning Commission Members

Christine Anderson, Chair

Chris Christiansen, Vice Chair

Geoff Dupaix

Rod Martin

David Bird

Harold Dudley

Claire Oldham

Notice is hereby given that the American Fork City Planning Commission will meet in regular session on June 8, 2026, at the American Fork City Hall, 31 North Church Street commencing at 6:30 PM. The agenda shall be as follows:

1. **Regular Session**
    a. Pledge of Allegiance
    b. Roll Call
2. **Public Comments**
    a. Up to a 20-minute public comment period to receive public comments. Each speaker is limited to two minutes.

3. **Common Consent Agenda** (Common Consent is that class of Commission action that requires no further discussion or which is routine in nature. All items on the Common Consent Agenda are adopted by a single motion unless removed from the Common Consent Agenda).
    a. Approval of the June 3, 2026, Planning Commission minutes

4. **Public Hearings** (Public Hearings is that class of Commission action that requires further discussion on General Plan changes, Zone changes, and Code Text Amendments that alter the land use characteristics of American Fork City. Public Hearing items will have the chance for the public to speak upon.)
    a. Public hearing on a proposed Code Text Amendment, known as Floodplain Management, of the American Fork City Municipal Code. Amending Section 15.16, the Code Text Amendment plans to amend the code related to Floodplain Management.
    b. Public hearing on a proposed Code Text Amendment, known as Easements, of the American Fork City Municipal Code. Amending Section 15.01.110, the Code Text Amendment plans to clarify the required conveyance documents for easements.
    c. Public hearing on a proposed Code Text Amendment, known as AF014-Natural Gas Regulator Station, of the American Fork City Municipal Code. Amending Section 17.4.601 PF Public Facilities Zone, the Code Text Amendment proposes Natural Gas Regulator Stations as a Conditional Use within the zone.
    d. Public hearing on a proposed Code Text Amendment, known as “N” Definitions, of the American Fork City Municipal Code. Amending Section 17.12.214, the Code Text Amendment plans to provide a definition to Natural Gas Regulator Stations.

5. **Action Items** (Action Items is that class of Commission action that requires further discussion on Site Plans and proposed zoning designation for annexing areas. The Planning Commission will have authority to approve Site Plans for final action and provide recommendations for the zone of annexing property.)
    a. Review and recommendation on a proposed Code Text Amendment, known as Floodplain Management, of the American Fork City Municipal Code. Amending Section 15.16, the Code Text Amendment plans to amend the code related to Floodplain Management.
    b. Review and recommendation on a proposed Code Text Amendment, known as Easements, of the American Fork City Municipal Code. Amending Section 15.01.110, the Code Text Amendment plans to clarify the required conveyance documents for easements.
    c. Review and recommendation on a proposed Code Text Amendment, known as AF014-Natural Gas Regulator Station, of the American Fork City Municipal Code. Amending Section 17.4.601 PF Public Facilities Zone, the Code Text Amendment proposes Natural Gas Regulator Stations as a Conditional Use within the zone.
    d. Review and recommendation on a proposed Code Text Amendment, known as "N" Definitions, of the American Fork City Municipal Code. Amending Section 17.12.214, the Code Text Amendment plans to provide a definition to Natural Gas Regulator Stations.

6. **Other Business**
    a. Upcoming Projects

7. **Adjournment**

Dated this 24th day of June 2026

Patrick O'Brien

Development Services Director

**The order of agenda items may change at the discretion of the Planning Commission Chair*

NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the American Fork City Planning Commission will hold a Public Hearing on July 8, 2026, in the City Hall, located at 31 N. Church Street, commencing at 6:30 PM.

The public and each affected entity is invited to provide information and comment for American Fork City to consider in the process of the proposed items.

- **Notice of public hearings and public meetings on adoption or modification of land use regulation.**

  - Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Floodplain Management, of the American Fork City Municipal Code. Amending Section 15.16, the Code Text Amendment plans to amend the code related to Floodplain Management.

    - Description: The proposed amendment seeks to amend the municipal code to ensure compliance with updated and revised FEMA maps and regulations.

  - Public hearing on a proposed Code Text Amendment, known as Easements, of the American Fork City Municipal Code. Amending Section 15.01.110, the Code Text Amendment plans to clarify the required conveyance documents for easements.

    - Description: The amendment establishes what document type must be used to convey easements, requiring conveyance on a plat when a plat is required, and a graphical exhibit tied to the Utah County Surveyor's monument system when a plat is not required.

- Public hearing, review, and recommendation on a proposed Code Text Amendment, known as AF014-Natural Gas Regulator Station, of the American Fork City Municipal Code. Amending Section 17.4.601 PF Public Facilities Zone, the Code Text Amendment proposes Natural Gas Regulator Stations as a Conditional Use within the zone.

    - Description: The Code Text Amendment looks to permit Natural Gas Regulator Stations within the PF Zone as a Conditional Use due to increase growth within American Fork City.

- Public hearing, review, and recommendation on a proposed Code Text Amendment, known as "N" Definitions, of the American Fork City Municipal Code. Amending Section 17.12.214, the Code Text Amendment plans to provide a definition to Natural Gas Regulator Stations.

    - Description: As Natural Gas Regulator Stations are not found within the definitions of the City's Code, the City proposes to create a definition to prevent ambiguity about what Natural Gas Regulator Station is.

Shortly before the public hearing, supporting documentation is posted on the city website at www.americanfork.gov or available by contacting the City Recorder at 801.763.3000.

Dated this 24th day of June 2026

AMERICAN FORK CITY

PLANNING COMMISSION REGULAR SESSION

June 3, 2026

The American Fork City Planning Commission met in a regular session on June 3, 2026, at the American Fork City Hall, 31 North Church Street, commencing at 6:30 p.m.

Commissioners Present: Claire Oldham, David Bird, Chris Christiansen, Rod Martin, Geoff Dupaix, Christine Anderson, Harold Dudley

Commissioners Absent:

Commissioner Late:

Staff Present:

Cody Opperman	Planner II
Kelvin Smith	Assistant City Engineer
Katelyn Wiese	Administrative Assistant II

Others Present:

Trent Vukich, Carol Bell, Laurie Rowley, Allyson Thompsa, Tom Lemke, Blake Heiman, Kaitlyn Liechty, Cynthia Miller, Summerisa Bell Stevens, John Bell, Valecia Green, Mark Bell

REGULAR SESSION

Christine Anderson led the "Pledge of Allegiance"

Roll Call

Public Comments: (20-minute public comment period. Limit of two minutes per speaker)

Open Comments:

Carol Bell, a resident of 106 E. 300 North, spoke on behalf of a group of approximately 26–27 residents who signed a petition expressing concerns about land use and zoning changes proposed within the General Plan Amendment along 300 North. Her primary concern was that the Future

Land Use Map appears to designate properties along 300 North for Professional Office use, extending to an area that has traditionally been residential and includes newer homes built within the last few years. She stated that residents were unaware of any proposed zoning or land use changes and stated they did not receive public notice regarding these changes. She provided background on the area, explaining that properties west of her home were historically maintained as a residential buffer between commercial and residential uses. She noted that residents supported the construction of 200 North in 2008 by granting right-of-way easements with the understanding that the residential character and buffer would remain. She also questioned whether the City complied with Utah's public notice requirements for zoning changes, stating that neighboring property owners should receive mailed notices. She indicated that residents had not received such notices. Ms. Bell asked how residents can receive feedback and updates regarding the process, noting that they had previously been told they would receive email communication but had not received any follow-up information. She requested clarification on the next steps and how residents can stay informed and involved.

Christine Anderson recommended that Carol Bell take this comment before City Council as well and asked Staff about how residents could receive updates.

Cody Opperman explained where the updates for the General Plan could be found on the American Fork City website and explained that the next step is a public hearing and open house to be held on June 24th, 2026, and that public noticing would go out 10-14 business days before the proposed action, as mandated by state and city code. He explained that contacts for noticing come from Utah County.

Carol Bell stated that in another meeting held in February or March, several people had stated that they didn't receive a notice and asked what should be done for that.

Cody Opperman stated that noticing requirements are typically 10-14 days before the proposed action, but that updates of general code and zoning are noticed differently than minor code text amendment changes.

Trent Vukich expressed frustration that he feels their concerns are being ignored as the hospital continues acquiring properties along 300 North. He noted that properties originally designated as single-family residential homes, including 1156 and the recently purchased 1188 property, have been acquired by IHC, raising concerns that the residential buffer between the hospital and surrounding neighborhoods is gradually disappearing.

Geoff Dupaix clarified that the property owners have a right to sell and the new property owners have a right to make changes to that property, so long as it meets the code. He recognized that it could feel frustrating, but emphasized that as long as they were meeting code requirements, there are certain things that are outside of their control, regardless of public sentiment.

Trent Vukich stated that he understood, but that the current property owners were about to tear down the residential property that he feels should be a barrier between the existing homes and the hospital.

Christine Anderson clarified that Public Comment is an open time for residents to make comments but that the commission was allowed only to listen. She emphasized that, going forward, the Planning Commission members would be listening only, not responding to comments. She recommended that residents reach out to speak with staff directly with concerns outside of Planning Commission meetings.

Rodney Martin recommended signing up for emails and notifications through the American Fork City website for updates on meetings, agendas, and action items.

Harold Dudley recommended that residents speak with staff to ensure addresses were included in the noticing process.

John Bell questioned whether the proposed land use amendment and rezoning efforts adequately consider and protect existing residents. While acknowledging the importance of economic development, he expressed concern that recent rezoning decisions appear to favor hospital expansion over neighborhood preservation. He noted that many homes in the area are relatively new and represent recent residential growth in American Fork. Although he recognized that property owners have the right to sell and the hospital has the right to purchase land, he asked how the City intends to protect those who remain in the neighborhood. Drawing on examples from other communities, he voiced concerns that rezoning can increase property values and taxes, ultimately making it difficult for long-time and multi-generational residents to remain in their homes. His central question was how the City plans to balance economic opportunity and growth with the protection and stability of existing residents and neighborhoods.

Another resident noted concerns about increased traffic, activity, and safety impacts near their home, where they live with two young children and two dogs.

Summer Bell Stevens expressed that this neighborhood is where she grew up and where her family has longstanding ties to the community and the hospital itself. While expressing appreciation for the hospital and its role in American Fork, she voiced concern that current zoning and planning decisions appear to prioritize the hospital's future growth over the interests of existing residents, and prior owners of the area. She also raised concerns about the condition of properties purchased by Intermountain Health, stating that several homes and lots appear neglected, with overgrown weeds, debris, and vacant structures that are not being properly maintained. She argued that these conditions negatively affect neighboring residents and contribute to a feeling that the surrounding neighborhood is being disregarded.

Closed Comments

COMMON CONSENT AGENDA

a. **Minutes of the May 6, 2026, Planning Commission Work Session.**

Rodney Martin motioned to approve the Common Consent agenda.

David Bird seconded the motion.

Voting was as follows:

Christine Anderson	**AYE**
Chris Christiansen	**AYE**
Claire Oldham	**AYE**
David Bird	**AYE**
Rod Martin	**AYE**
Geoff Dupaix	**AYE**
Harold Dudley	**AYE**

The motion passed

PUBLIC HEARING

a. **Public hearing, review, and recommendation on a proposed Land Use Map Amendment, known as 13:059:0130 & 13:059:0131 - LUMA, located at approximately 375 S 860 E, American Fork City. Consisting of 1.96 acres, the property proposes to change from the Planned Community land use designation to the Design Commercial land use designation.**

Cody Opperman presented the proposed agenda item by explaining that the property had been sitting vacant for quite some time and that the applicant was requesting a zone change from PC (Planned Commercial) to GC-1 (General Commercial) to support future economic development opportunities on the site. The property has remained undeveloped for some time, and the rezoning is intended to facilitate potential commercial development in the near future. Additionally, both 400 South and 860 West are designated as minor collector roads. As

development occurs, the property owner will be required to dedicate roadway improvements as necessary to bring adjacent streets up to current city standards.

Applicant Brian Fruit explained that he has been working through the rezoning process for over a year and that changing circumstances have affected the timing of the request. The proposed project would redevelop a currently underutilized corner property that contains debris, volunteer vegetation, and parked commercial vehicles and trailers. The development would consist of a single building with small office spaces in the front and storage areas in the rear, designed to accommodate small businesses such as contractors, tradespeople, online retailers, and similar operations. The applicant emphasized that the project is intended to serve small-scale businesses and is not expected to generate significant truck traffic, with deliveries primarily limited to standard carriers such as UPS and USPS. The building would not be excessively tall and would not include any residential uses. The applicant described the concept as a flexible office/storage or "retail flex" development, providing space for small businesses that may operate primarily online but still desire a physical location for customers. He noted that the project would be similar in concept to the Copper Ridge business complex, though with a different building design.

Public Hearing Open

No comments

Public Hearing Closed

Claire Oldham moved to recommend approval for the proposed Land Use Map Amendment, located at approximately 375 S 860 E, American Fork City, from the Planned Community land use designation to the Design Commercial land use designation.

Harold Dudley seconded the motion.

Voting was as follows:

Christine Anderson	**AYE**
Chris Christiansen	**AYE**
Claire Oldham	**AYE**

David Bird	**AYE**
Rod Martin	**AYE**
Geoff Dupaix	**AYE**
Harold Dudley	**AYE**

The motion passed

b. Public hearing, review, and recommendation on a proposed Zone Change, known as 13:059:0130 & 13:059:0131 – Zone Change, located at approximately 375 S 860 E, American Fork City. Consisting of 1.96 acres, the property proposes to change from the PC and GC-2 Zones to the GC-1 Zone.

Cody Opperman stated that the Zone Change would be following the Land Use Map Amendment as required, and that the GC-1 Zone fit within that land use.

Public Hearing Open

No Comments

Public Hearing Closed

Geoff Dupaix moved to recommend approval for the proposed Zone Change, located at approximately 375 S 860 E, American Fork City, from the PC and GC-2 Zones to the GC-1 Zone.

Rodney Martin seconded the motion.

Voting was as follows:

Christine Anderson	**AYE**
Chris Christiansen	**AYE**
Claire Oldham	**AYE**
David Bird	**AYE**
Rod Martin	**AYE**
Geoff Dupaix	**AYE**
Harold Dudley	**AYE**

The motion passed

c. Public hearing, review, and recommendation on a proposed Land Use Map Amendment, known as Dixie Well (943 S 900 W) – LUMA, located at approximately 943 S 900 W, American Fork City. Consisting of 0.78 acres, the property proposes to change from the Residential Very-Low Density land use designation to the Institutional Lands, Schools and Public Facilities land use designation.

Cody Opperman explained that the property is planned to serve as a future well site for American Fork City. To ensure the zoning aligns with its intended public utility use, the City proposed changing the zoning designation rather than retaining the existing PR 3.0 zoning. The site is located on the southeast corner near the future roundabout on 900 West. The well facility is anticipated to be located on the northern portion of the property, with details regarding screening, the well building, and site design to be addressed during a future site plan review. The zoning change was intended to make the property's zoning consistent with its future use as a municipal well site.

Christine Anderson asked whether, since this is a residential area, design choices would be made to match the style of a residential area.

Cody acknowledged that the proposed well site is in a sensitive location and stated that the City intends to minimize its visual impact. Plans include designing the facility to be compatible with the surrounding neighborhood by using materials similar to nearby homes, installing fencing for screening, and adding landscaping and vegetation along the street frontage. These measures are intended to help the well site blend into the area and reduce visual impacts on surrounding properties.

Kelvin Smith stated that the City is committed to being a good neighbor and is working with the City Council and engineers to develop designs that will allow the well site to blend in with the

surrounding area. Preliminary plans include evaluating durable and aesthetically pleasing fencing options, such as concrete or wrought iron, and incorporating residential-style architecture, colors, and materials so the facility is compatible with the surrounding neighborhood.

Geoff Dupaix encouraged staff to consider maintenance needs and keep that in mind when designing the area and discussing the budget.

David Bird asked to clarify whether the land use change would affect only the property itself or any other surrounding property.

Cody confirmed that it would only affect this property.

Public Hearing Open

No comments

Public Hearing Closed

Chris Christiansen moved to recommend approval for the proposed Land Use Map Amendment, located at approximately 943 S 900 W, American Fork City, from the Residential Very-Low Density land use designation to the Institutional Lands, Schools and Public Facilities land use designation.

Geoff Dupaix seconded the motion.

Voting was as follows:

Christine Anderson	**AYE**
Chris Christiansen	**AYE**
Claire Oldham	**AYE**
David Bird	**AYE**
Rod Martin	**AYE**
Geoff Dupaix	**AYE**
Harold Dudley	**AYE**

The motion passed

d. Public hearing, review, and recommendation on a proposed Zone Change, known as 13:059:0130 & 13:059:0131 – Zone Change, located at approximately 375 S 860 E, American Fork City. Consisting of 1.96 acres, the property proposes to change from the PC and GC-2 Zones to the GC-1 Zone.

Christine Anderson asked if there would be room on the property for some kind of community enhancement, like a community garden or some kind of green space.

Cody Opperman confirmed that the planned well would be on the north side of the site and that the bottom third could potentially be utilized for community enhancement. He clarified that the project is still in the design process and that such decisions would be made closer to the final stages of the site plan, but that they are not expecting to utilize the full area.

Planning Commission asked whether the site would have one access point or two.

Kelvin Smith explained that there would be one access point through 900 West, lining up with the road access across the street for best practices in access management.

Christine asked if the well site would be accessible to the public if there were some kind of community use space.

Kelvin explained that the well site would be secure and separate from any public community access.

Public Hearing Open

No comments

Public Hearing Closed

Chris Christiansen moved to recommend approval for the proposed Zone Change, located at approximately 943 S 900 W, American Fork City, from the PR-3.0 Zone to the PF Zone

Rodney Martin seconded the motion.

Voting was as follows:

Christine Anderson	**AYE**
Chris Christiansen	**AYE**
Claire Oldham	**AYE**
David Bird	**AYE**
Rod Martin	**AYE**
Geoff Dupaix	**AYE**
Harold Dudley	**AYE**

The motion passed

e. Public hearing, review, and recommendation on a proposed Zone Change, known as American Fork Hotel, located at approximately 714 S 600 E, American Fork City. Consisting of 3.13 acres, the property proposes to change from the PI-1 Zone to the GC-2 Zone.

Cody Opperman explained that the applicant proposed changing the property's zoning from Planned Industrial to General Commercial 2 to allow for the development of a hotel, which is not permitted in the current industrial zone. The site consisted of two separate lots that would be consolidated into one through an amended final plat as part of the development review process. The planner noted that the property had remained vacant for some time and that the proposed project would help complete development in the area. He also stated that the property's designated land use was commercial, which was consistent with the proposed GC-2 zoning, and pointed out that nearby properties to the northwest were already zoned GC-2.

The Planning Commission members expressed excitement at this area being developed.

Harold Dudley asked if the storm drain running along the property had prevented development on this parcel previously.

Kelvin Smith opined that the storm water was most likely not a hindering aspect to development on this property.

David Bird asked for more information on the future development of this property, whether the hotel brand had already been determined.

The applicant explained that it is yet to be determined, but that they are franchisees of Marriott, Hilton, and other major groups. He is unsure at this time what the brand identifier will be.

Christine Anderson asked whether the current infrastructure will have to change to accommodate this development.

Kelvin Smith answered that they don't anticipate any utility or public infrastructure expansion. He explained that the road is built out, meaning the curb, gutter, and sidewalk and utility connections are in place.

Public Hearing Open

No comments

Public Hearing Closed

Rodney Martin moved to recommend approval for the proposed Zone Change, located at approximately 714 S 600 E, American Fork City, from the PI-1 Zone to the GC-2 Zone.

Chris Christiansen seconded the motion.

Voting was as follows:

Christine Anderson	**AYE**
Chris Christiansen	**AYE**
Claire Oldham	**AYE**
David Bird	**AYE**
Rod Martin	**AYE**
Geoff Dupaix	**AYE**
Harold Dudley	**AYE**

The motion passed

Other Business

Planning Commission dinner will be held on June 25th 2026 at 6:00pm

Letter sent to all Planning Commission members by Carol Bell

Adjournment

Geoff Dupaix motioned to adjourn the meeting.

Harold Dudley seconded the motion.

Voting was as follows:

Christine Anderson	**AYE**
Chris Christiansen	**AYE**
Claire Oldham	**AYE**
David Bird	**AYE**
Rod Martin	**AYE**
Geoff Dupaix	**AYE**
Harold Dudley	**AYE**

The motion passed

Meeting adjourned at 7:33 PM

The order of agenda items may change to accommodate the needs of the commissioners, public and staff.

Planning Commission Staff Report
Meeting Date: July 8, 2026

Agenda Topic

Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Floodplain Management, of the American Fork City Municipal Code. Amending Section 15.16, the Code Text Amendment plans to amend the code related to Floodplain Management.

Background

The staff has initiated for a Code Text Amendment to amend Section 15.16 of the American Fork City Municipal Code. The proposed amendment seeks to amend the municipal code to ensure compliance with updated and revised FEMA regulations and maps which went effective June 23, 2026. The amendment adds definitions, adds requirements for floodplain permit applications and floodplain administrator duties, provides variance standards, adds sections about substantial damages, updates roadway and finished floor elevation requirements and adds coastal flood zones around Utah Lake into ordinance which are newly identified in the updated FEMA flood maps. It also creates stop work order authority for noncompliant violators of this ordinance.

Potential Motions – Code Text Amendment

Approval

I move to recommend approval for the proposed Code Text Amendment, amending Section 15.16, titled Floodplain Management, related to amending the municipal code to ensure compliance with updated and revised FEMA maps and regulations, and providing an effective date for the ordinance.

Denial

I move to recommend denial for the proposed Code Text Amendment, amending Section 15.16, titled Floodplain Management, related to amending the municipal code to ensure compliance with updated and revised FEMA maps and regulations.

Table

I move to table action for the proposed Code Text Amendment, amending Section 15.16, titled Floodplain Management, related to amending the municipal code to ensure compliance with updated and revised FEMA maps and regulations, and instruct staff/developer to……..

CHAPTER 15.16 FLOODPLAIN MANAGEMENT

Sec 15.16.000 Statutory Authorization

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

American Fork 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.

Sec 15.16.010 Findings Of Fact

1. The flood hazard areas of the ~~city~~City are subject to periodic inundation which results in potential loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by:
    1. ~~t~~The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities.
    2. ~~; and by t~~The occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately anchored, floodproofed, elevated or otherwise protected from flood damage.
    3. ~~2.~~3. Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

Sec 15.16.020 Statement Of Purpose

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

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and are generally undertak~~ening~~ at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities including but not limited to ~~such as~~ water, pressurized irrigation, sanitary sewer and gas mains~~;~~, electric, telephone and commuication~~sewer~~ lines~~;~~, streets, culverts, storm drain pipes and bridges located in areas of special flood hazard or that are susceptible to flooding;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and,
8. Ensure that those who occupy or own the areas of special flood hazards assume responsibility for their actions.
9. Minimize public expenditures on flood control projects.
10. ~~8.~~ Protect and safeguard the welfare and safety of first responders should an emergency response be needed.

Sec 15.16.030 Methods Of Reducing Flood Losses

In order to accomplish its purposes, this ordinance includes methods and provisions for:

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

Sec 15.16.040 Definitions

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

1. 100-Year Flood. 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.
2. 500-Year Flood. 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.
3. Accessory Structure. 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.
4. Addition. 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.
5. Area of Future-Conditions Flood Hazard. The land area that would be inundated by the 1-percent-annual-chance (100-year) flood, based on future-conditions hydrology.
6. Area of Special Flood-Related Erosion Hazard is the land within the City 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 F~~IRM~~IRM, Zone E may be further refined.

~~1.~~7. Area of shallow flooding. A designated AO, AH~~,~~ or VO zone on a ~~city~~City's ~~Flood Insurance Rate Map~~ (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

~~2.~~8. Area of special flood hazard. The land in the floodplain within a ~~city~~City subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, A1-30, AO, A~~1-~~99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A~~VO~~, 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".

~~3.~~9. Base flood. The flood having a one percent change of being equaled or exceeded in any given year.

~~4.~~10. Base Flood Elevation (BFE). 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-~~V~~30, 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.

11. Basement. 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.

12. Best Available Data. Existing flood hazard information adopted by the City 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 City.

13. Breakaway Wall. 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.

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

15. Coastal A Zone (CAZ). An area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped V zones. In a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to 1.5 feet. Coastal A Zones are not normally designated on FIRMs. (see Limit of Moderate Wave Action (LiMWA))
16. Coastal Barrier Resources System (CBRS). Consists of undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by Federal or State governments or private conservation organizations identified as Otherwise Protected Areas (OPA).
17. Coastal High Hazard Area. A Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as determined in Article 3, Section B of this ordinance, as Zone VE.
18. Code of Federal Regulations (CFR). The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.
19. Conditional Letter of Map Revision (CLOMR). 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.
20. Conditional Letter of Map Revision Based on Fill (CLOMR-F). 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.
21. Crawlspace. An under-floor space that has its interior floor area (finished or not) no more than 4 feet from the bottom floor joist of the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of flood water, and is not used for habitation.
22. Critical Facility. 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.
23. Deed Restriction. 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.
24. Detached Garage. 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.

~~5.~~25. Development. Any human-made~~manmade~~ change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

~~6.~~26. Elevated building. A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

27. Enclosure. 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.

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

~~7.~~29. Existing Construction. For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

~~8.~~30. Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a ~~city~~City.

~~9.~~31. Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

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

32. FEMA. The Federal Emergency Management Agency.
33. Fill. 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.
34. Flood or Flooding means:
    1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
        1. The overflow of inland or tidal waters.
        2. The unusual and rapid accumulation or runoff of surface waters from any source.
    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.

~~10.~~35. Flood Insurance Rate Map (FIRM). An official map of the City~~a community~~ on which the ~~Federal Emergency Management Agency~~FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the ~~city~~City. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

~~11.~~36. Flood Insurance Study (FIS) or Flood Elevation Study. 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. ~~The official report provided by the Federal Emergency Management Agency.~~ The FIS~~report~~ contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map (FBFM) (if applicable), FIRM~~Flood Insurance Rate Map~~ and supporting technical data.

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

~~12.~~38. Floodplain o~~fr f~~Flood-~~pP~~rone ~~aA~~rea. Any land area susceptible to being inundated by water from any source (see definition of flooding).

~~13.~~39. Floodplain ~~m~~Management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works mitigation plans and floodplain management regulations.

~~14.~~40. Floodplain ~~m~~Management ~~r~~Regulations. 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 the purpose of flood damage prevention and reduction.

41. Flood Opening. 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.

~~15.~~42. Flood ~~p~~Protection ~~s~~System. Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within ~~a~~the ~~city~~City subject to an SFHA ~~"special flood hazard"~~ and to reduce ~~the extent of~~ the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards. 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 have met and continue to meet the minimum regulatory standards cited in Title 44, Chapter 1, Section 65.10 of the CFR (44 CFR 65.10).

~~16.~~43. Flood-proofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. 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.

~~17.~~44. Floodway (also ~~r~~Regulatory ~~f~~Floodway). The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

45. Floodway Encroachment Lines. The lines marking the limits of floodways on federal, state, and local flood plain maps.

46. Freeboard. 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.

~~18.~~47. Functionally ~~d~~Dependent ~~u~~Use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

~~19.~~48. Highest adjacent grade. 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.

~~20.~~49. Historic Structure. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
    1. by an approved state program as determined by the Secretary of the Interior or;
    2. directly by the Secretary of the Interior in states without approved programs.

50. Letter of Map Amendment (LOMA). 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.
51. Letter of Map Revision (LOMR). 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.
52. Letter of Map Revision Based on Fill (LOMR-F). 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.
53. Levee. A human-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.

54. Levee System. 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.
55. Limit of Moderate Wave Action (LiMWA). The boundary line given by FEMA on coastal map studies marking the extents of Coastal A Zones (CAZ).
56. Lowest Adjacent Grade (LAG). 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.

~~21.~~57. Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance Program regulations.

~~22.~~58. Manufactured H~~h~~ome. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. Manufactured home does not include a “recreational vehicle".

~~23.~~59. Manufactured ~~h~~Home ~~p~~Park or ~~s~~Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

60. Map. The FHBM or the FIRM for the City issued by FEMA

~~24.~~61. Mean Sea Level. For purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 (NAVD 88) or other datum, to which ~~base flood elevation~~BFEs shown on the~~a city~~City's Flood Insurance Rate Map are referenced. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the NAVD 88, ~~pleased~~ refer to the FIRM.

62. Mixed Use Structures. 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.

~~25.~~63. New Construction. For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City~~a community~~ and includes any subsequent improvements to such structures.

~~26.~~64. New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted the City~~by a community~~.

65. No-Rise Certifications. 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 City during the occurrence of a base flood event.
66. Physical Map Revision (PMR). FEMA's action whereby one or more map panels are physically revised and republished.
~~27.~~67. Recreational Vehicle. A vehicle which is:
    1. ~~b~~Built on a single chassis;
    2. 400 square feet or less when measured at the largest horizontal projections;
    3. ~~d~~Designed to be self-propelled or permanently towable by a light duty truck; and
    4. ~~d~~Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
68. Regulatory Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
69. Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etcetera, which can be intermittent or perennial.
70. Section 1316. 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.
71. Special Flood Hazard Area—see Area of Special Flood Hazard.
~~28.~~72. 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 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.
73. Structure.

1. 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.

~~29.~~2. For insurance purposes is:

1. A building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site;
2. A manufactured home (also known as a mobile home) built on a permanent chassis transported to its site in one or more sections and affixed to a permanent foundation;
3. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the ~~community~~City's floodplain management and building ordinances or laws;
4. A gas or liquid storage tank, that is principally above ground and permanently affixed to a permanent site.

~~4.~~3. 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.

~~30.~~74. Substantial ~~d~~Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

~~31.~~75. Substantial ~~i~~Improvement. Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The Term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of~~comply with existing~~ state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and~~which~~ are the minimum~~solely~~ necessary requirements 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"~~listed on the National Register of Historic Places or a state inventory of historic places~~.

~~32.~~76. Variance. A grant of relief by the local code enforcement official from the regulations of the Floodoplain Management Ordinance.~~Permits construction or development in a manner otherwise prohibited by this ordinance.~~ (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.).

~~33.~~77. Violation. The failure of a structure or other development to be fully compliant with the City~~community~~'s ~~f~~Floodplain ~~m~~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) of the National Flood Insurance Program is presumed to be in violation until such time as that documentation is provided.

78. Water Surface Elevation. The height, in relation to the North American Vertical Datum of 1988 (NAVD 88) (or other datum, where specified), of floods of various magnitudes and frequencies, such as the 1-percent-annual-chance flood event, in the floodplains of coastal or riverine areas.

~~34.~~79. Watercourse. The channel and banks of an identifiable water in a creek, brook, stream, river, ditch or other similar feature.

Sec 15.16.050 Applicability

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the ~~city~~City as identified by FEMA or in areas of identified and documented flood risk supported using Best Available Data. When the ~~city~~City annexes any land from a neighboring jurisdiction or unincorporated, the annexed land shall also be managed and regulated by Section 15.16.

Sec 15.16.060 Basis For Establishing Areas Of Special Flood Hazard

The areas of special flood hazard identified by FEMA ~~the Federal Emergency Management Agency (FEMA)~~ as shown on ~~in scientific and engineering report entitled, "The Flood Insurance Study for Utah County, Utah and Incorporated Areas", dated June 19, 2020 with~~the accompanying ~~Flood Insurance Rate Maps (~~FIRMs~~S)~~ and ~~Flood Boundary-Floodway Maps (~~FBFMs~~)~~ or DFIRM and other supporting data including~~and~~ any revisions thereto are hereby adopted by reference and declared to be part of the ordinance codified in this chapter. The FIRMs~~S~~ referred to herein are on file at the office of the Floodplain Administrator and include the following FIRMs:~~:~~

1. FIRM Panels 49049C0164F, 49049C0166F, 49049C0168F, 49049C0169F and 49049C0307G effective 6/19/2020.
2. FIRM Panels 49049C0302G, 49049C0306G and 49049C0308G effective 6/23/2026.
3.

For areas along the American Fork River south of I-15 where specific floodplains, floodways and ~~base flood elevations (~~BFEs~~)~~ have not been established, it shall be the responsibility of the applicant for any development, construction or reconstruction within 1,800 feet on either side of the American Fork River to provide the necessary riverine studies, letters of map revisions (LOMR) and other related analysis or approvals from FEMA to determine the floodways, floodplains, and BFE's as it relates to their application and any necessary additional information to determine all special flood hazard areas impacting their application. Any improvements necessary along the American Fork River to provide sufficient conveyance of the 100-year flood event shall be required for all developments wherein the American Fork River traverses the property or is adjacent to the property. This may include, but is not limited to, dedicating additional width of right-of-way along the banks of the American Fork River to convey the 100-year flood event.

Where Base Level Engineering is available Base Level Engineering data shall be reviewed and reasonably used in FEMA-identified Special Flood Hazard Areas, where BFE and floodway data have not been identified and in areas where FEMA has not identified Special Flood Hazard Areas.

4. BFEs, floodway, and floodplain boundaries delineated by Base Level Engineering shall take precedence over BFEs, floodway, and floodplain boundaries delineated by effective FIRMs and in Flood Insurance Studies (FIS), if the Base Level Engineering shows increased floodplain or floodway boundaries and/or higher BFEs.
5. BFEs and designated floodway boundaries on effective FIRMs and in Flood Insurance Studies shall take precedence over BFE and floodway boundaries delineated by Base Level Engineering if the FIRMs and/or Flood Insurance Studies show reduce floodway width and/or lower BFEs.

Sec 15.16.070 Compliance

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

Sec 15.16.080 Abrogation And Greater Restrictions

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

Sec 15.16.090 Interpretation

In the interpretation and application of this chapter, 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.

Sec 15.16.100 Warning And Disclaimer Of Liability

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

This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the ~~city~~City, any officer or employee thereof, or ~~the Federal Emergency Management Agency~~FEMA for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Sec 15.16.110 Development Permit - Required - Contents

1. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.16.060. Application for a development permit shall be made on forms furnished by the ~~city~~City engineer's office and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question including existing or proposed structures, fill, storage of materials, drainage facilities, proposed landscape alterations, the placement of manufactured homes and the location of the foregoing in relation to areas of special flood hazard.
2. Specifically, the following information is required:
    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.
    ~~1.~~4. Elevation in relation to mean sea level of the lowest floor (including basement and crawlspace) of all new and substantially improved structures;
    ~~2.~~5. Elevation in relation to mean sea level to which any nonresidential structure shall be or has been floodproofed;
    ~~3.~~6. Certification by a registered professional engineer or architect that the nonresidential floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 15.16.270 and the NFIP Regulations; ~~and~~
    ~~4.~~7. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
3. All records of all such information shall become property of the City and be maintained as a permanent record at the office of the Floodplain Administrator.

Sec 15.16.120 Designation Of The Local Administrator

The ~~city~~City engineer's office is appointed as the Floodplain Administrator to administer and implement this chapter and other appropriate sections of 44 CFR ~~(National Flood Insurance Program Regulations)~~ pertaining to floodplain management.

Sec 15.16.130 Floodplain Administrator - Duties And Responsibilities

Duties of the Floodplain Administrator shall include but not be limited to those listed in this chapter~~Sections 15.16.140 through 15.16.180~~ and the following:~~.~~

1. Uphold the goals of the City and the NFIP to reduce risk when possible and increase the City'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. 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. In addition to utilizing the effective FIRMs, FIS, Flood Boundary and Floodway Map, all permit reviews will utilize Best Available Data.

Sec 15.16.135 Requirement to Submit New Technical Data

1. The property owner, applicant 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, applicant 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.
4. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the water course so that the flood carrying capacity will not be diminished.

Sec 15.16.140 Floodplain Administrator - Permit Review

The Floodplain Administrator shall:

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
2. Review all development permits to determine 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) from which prior approval is required.
3. Review all development permits to determine if the proposed development or altered or relocated portion of any watercourse adversely affects the flood carrying capacity of the area of special flood hazard. For the purpose of this chapter, "adversely affects" means damage to adjacent, upstream or downstream properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.

1. If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration
2. If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer's certification) for the proposed development shall be required.
3. If the proposed development is a building, then the provisions of this chapter shall apply.
4. If a regulatory floodway has not been designated, the Floodplain Administrator shall require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the FIRM maps adopted by the ~~city~~City, unless it is determined 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 one foot at any point within the ~~city~~City.
5. At the discretion of the Floodplain Administrator, the ~~city~~City may approve certain development in Zones A1-30, AE and AH on the ~~city~~City's FIRM which increases the water surface elevation of the base flood by more than one foot provided that the City first meets the requirements per the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Program regulations~~, provided that the city first applies~~ for a conditional FIRM revision~~s~~ through FEMA's CLOMR process ~~(Conditional Letter of Map Revision) and receives the appropriate approval from FEMA.~~

4. Notify, in riverine situations, adjacent communities and the State Floodplain Manager who is located in the Utah's Division of Emergency Management office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to the ~~Federal Emergency Management Agency~~FEMA as required.
5. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this chapter 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 floodwaters 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.

6. Variance Procedures. The appeal Board as established by the ~~city~~City shall hear and render judgement on requests for variances from the requirements of this ordinance.

    1. The Appeal Board 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 or administration of this ordinance.
    2. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
    3. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to ~~the Federal Emergency Management Agency~~FEMA and the State Coordinating Agency upon issuing a variance~~request~~.
    4. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this chapter.
    5. 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 level, providing the relevant factors in Section 15.16.110 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
    6. 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 chapter.
    7. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
    8. 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.

9. 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.
    2. Variances shall only be issued upon:
        1. Showing a good and sufficient cause;
        2. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
        3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, ~~or~~ conflict with existing local laws or ordinances, considers the need of ingress and egress during times of floods and does not jeopardize first responders' health and welfare.
    3. Any application 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~~base flood elevation~~, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
10. Variances may be issued by the ~~city~~City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
    1. ~~t~~The criteria outlined in Section~~s~~ 15.16.140.6.1-9 are met, and
    2. ~~t~~The structure or other development is protected by methods that minimize flood damage~~s~~ during the base flood and create no additional threats to public safety.

Sec 15.16.150 Use Of Other Base Flood Data

The Floodplain Administrator shall obtain, review, and reasonably utilize any ~~base flood elevation~~BFE and floodway data available from a federal, state, or other source as criteria for requiring that new construction, substantial improvements, or other development in SFHA~~zone A meets Section 15.16.250~~.

Sec 15.16.160 Information To Be Obtained And Maintained

The Floodplain Administrator shall:

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved non-residential floodproofed structures:
    1. Verify and record the actual elevation (in relation to mean sea level) to which the non-residential structure has been floodproofed;
    2. Maintain the floodproofing certifications required in Section 15.16.110(B)(C);

3. Maintain for public inspection all records pertaining to the provisions of this chapter.

Sec 15.16.170 Alteration Of Watercourses

The Floodplain Administrator shall:

1. Notify adjacent communities and the ~~Federal Emergency Management Agency~~FEMA prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the ~~Federal Emergency Management Agency~~FEMA.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Sec 15.16.180 Interpretation Of FIRM Boundaries

The Floodplain Administrator shall make interpretations, where 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).

Sec 15.16.190 General Standards

In all areas of special flood hazards, the following standards in Sections 15.16.200 through 15.16.270 are required for all development, new construction and substantial improvements. All flood permit applications and supportive documents shall be submitted by the applicant and shall demonstrate that the sites are reasonably safe from flooding. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

Sec 15.16.191 Substantial Improvement

If the structure has sustained substantial damage, any repairs are considered substantial improvements regardless of the actual repair work performed. 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

Sec 15.16.192 Substantial Damage

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.

Sec 15.16.193 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 City 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. ~~Any~~ 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 Section 15.16.191; and
    1. Utilize FEMA's Substantial Improvement/Substantial Desk Reference when making any determination on Substantial Improvement and/or Substantial Damage.
    2. 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.
    3. 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.

Sec 15.16.200 Anchoring

1. All new construction and substantial improvements shall be designed, modified and constructed to be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy.
2. All manufactured homes to be placed within Zone A on the ~~city~~City's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads, including the effects of buoyancy. 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. Specific requirements may be:
    1. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate

locations, with manufactured homes less than fifty feet long requiring one additional tie per side;

2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;
3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and,
4. Any additions to the manufactured home be similarly anchored.

3. Manufactured homes that are placed or substantially improved within Zones A1-30, AH, ~~and~~ AE, V and VE on the ~~city~~City's FIRM on sites

1. ~~(i) o~~Outside of a manufactured home park or subdivision~~;~~;
2. ~~(ii) i~~In a new manufactured home park or subdivision~~;~~;
3. ~~(iii) i~~In an expansion to an existing manufactured home park or subdivision~~;~~ or
4. ~~(iv) i~~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 ~~base flood elevation~~BFE and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

~~3.~~4.

~~4.~~5. Manufactured homes shall be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH, AO, ~~and~~ AE, V and VE on the ~~city~~City's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

1. ~~t~~The lowest floor of the manufactured home is at or above the ~~base flood elevation~~BFE, or
2. ~~t~~The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

~~5.~~6. Recreational Vehicles placed on sites within Zones A1-30, AH, AO, ~~and~~ AE, V and VE on the ~~city~~City's FIRM either:

1. ~~b~~Be on the site for fewer than 180 consecutive days,
2. ~~b~~Be fully licensed and ready for highway use, or
3. ~~m~~Meet the permit requirements of this ordinance~~Article 4, Section C(1)~~, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Sec 15.16.210 Construction Materials And Methods

All new construction and substantial improvements shall be designed, modified and constructed with materials and utility equipment resistant to flood damage.

1. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
2. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Sec 15.16.220 Utilities

1. All new and replacement water supply systems shall be designed, modified and constructed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed, modified and constructed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Sec 15.16.230 Subdivision Proposals

1. All subdivision proposals including, but not limited to, the placement of manufactured home parks and subdivisions shall be consistent with the need to minimize flood damage and shall comply with the requirements of this ordinance~~Sections 15.16.010 through 15.16.030, Section 15.16.060 and Section 15.16.110~~;
2. All subdivision proposals including, but not limited to, 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;
3. All subdivision proposals including, but not limited to, the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood damage; and,
4. ~~Base flood elevation~~BFE data shall be provided for subdivision proposals including the placement of manufactured home parks and subdivisions and other proposed development which contain at least fifty lots or five acres (whichever is less).

Sec 15.16.240 Encroachments

Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

Sec 15.16.250 Specific Standards

In all areas of special flood hazards where ~~base flood elevation~~BFE data has been provided as set forth in Sections 15.16.060 and 15.16.150 and in areas of known or suspected flood risk areas, the standards in Sections 15.16.260 and 15.16.270 shall apply. Additionally, all

roadways constructed within areas of special flood hazards shall be constructed so that the top back of curb is at least one foot above the BFE. Where the ~~base flood elevation~~BFE has not been determined, it shall be required to establish the ~~base flood elevation~~BFE prior to construction of the roadway. All finished floor elevations and garage floor slabs shall be constructed at least one foot above the top back of curb elevation of all roadways adjacent to the structure or at least two feet above the BFE, whichever is greater.

Sec 15.16.260 Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one foot above the ~~base flood elevation~~BFE and at least one foot above the average elevation of the edge of asphalt on the roadway(s) adjacent to the building lot or parcel. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this section as proposed in Section 15.16.110 is satisfied.

Sec 15.16.270 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated at least one foot above the level of the ~~base flood elevation~~BFE and at least one foot above the average elevation of the edge of asphalt on the roadway(s) adjacent to the building lot or parcel; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the ~~base flood elevation~~BFE the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be developed and/or reviewed and certified by a registered professional engineer or architect that the design, specifications, plans and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certifications which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be provided to the Floodplain Administrator who shall maintain such records. 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 including Section 15.16.260. 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.

Sec 15.16.280 Enclosures

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which 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 meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one 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 flood waters.

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.

Sec 15.16.284 **Crawlspace for Zones A1-30, A and AE**

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.

Sec 15.16.290 Standards For Areas Of Shallow Flooding (AO/AH Zones)

Located within the areas of special flood hazard established in Section 15.16.060 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. Within Zones AO/AH all new construction and substantial improvements of residential structures shall 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 ~~city~~City's FIRM (at least two feet if no depth number is specified) plus an additional 1 foot of freeboard.
2. Within Zone AO all new construction and substantial improvements of non-residential structures shall;

    1. ~~h~~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 ~~city~~City's FIRM (at least two feet if no depth number is specified) plus an additional 1 foot of freeboard, or;
    2. ~~t~~Together with attendant utility and sanitary facilities be designed so that below the base flood level 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 of effects of buoyancy.
3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 15.16.140, are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

Sec 15.16.300 Floodways

Floodways - located within areas of special flood hazard established in Section 15.16.060, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Designate a regulatory floodway that will not increase the base flood elevation more than 1 foot.

~~1.~~2. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase greater than 0.00 feet in flood levels within the ~~city~~City during the occurrence of the base flood discharge.

~~2.~~3. If Section 15.16.300.1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.

~~3.~~4. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a ~~city~~City may permit encroachments within the adopted regulatory floodway that would result in an increase in ~~base flood elevation~~BFEs, provided that the ~~city~~City first applies for a conditional FIRM and floodway revision through FEMA.

Sec 15.16.310 Coastal High Hazard Area (Zone V and/or VE)

Coastal High Hazard Areas are SFHA established in Section 15.16.060 that have special flood hazards associated with high velocity waters from storm surges or seismic activity and, therefore, all new construction and substantial improvements shall meet the following provisions in addition to the provisions of this chapter:

1. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and maintain a record of all such information.
2. Provide that all new construction and substantial improvements within Zones V1–30, VE, and V on the City's FIRM is located landward of the reach of mean high tide;
3. All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is elevated to one foot above the base flood elevation. Floodproofing shall not be utilized on any structures in Coastal High Hazard Areas to satisfy the regulatory flood protection elevation requirements. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of standards of practice as outlined in this subsection.
4. All new construction and substantial improvements shall have the space below the bottom of the lowest horizontal structural member of the lowest floor either be free of obstruction or constructed with breakaway walls, open wood latticework or insect screening, provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action without causing damage to the elevated portion of the building or supporting

foundation system or otherwise jeopardizing the structural integrity of the building. The following design specifications shall be met:

1. Breakaway walls shall meet the following design specifications:
    1. Design safe loading resistance shall be not less than 10 nor more than 20 pounds per square foot; or
    2. Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the Utah State Building Code.

5. All new construction and substantial improvements shall be securely anchored to pile or column foundations. All pilings and columns and the structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of standards of practice as outlined in this subsection.
    1. Water loading values used shall be those associated with the base flood plus one foot of freeboard.
    2. Wind loading values used shall be those required by the current edition of the Utah State Building Code.
6. Prohibit the use of fill for structural support of buildings within Zones V1–30, VE, and V on the City's FIRM.
7. Prohibit human-made alteration of sand dunes and mangrove stands within Zones V1–30, VE, and V on the City's FIRM which would increase potential flood damage.

Sec 15.16.320 Elevated Buildings

Enclosed areas of elevated buildings, of new construction and substantially improved structures, which is below the lowest floor or below the lowest horizontal structural member in V/VE zones shall meet all requirements of this chapter.

1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area

(stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
2. Shall be constructed entirely of flood resistant materials at least to the Regulatory Base Flood Elevation. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood opening as outlined above.
3. Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space. The community will have the right to inspect the enclosed area. This agreement shall be recorded with the Utah County Recorder's Office and shall transfer with the property in perpetuity.
4. Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submission of confirming documentation.

Sec 15.16.390 Stop Work Order

1. Authority. Whenever the floodplain administrator or other City 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

Sec 15.16.400 Penalty

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 not more than $300 or imprisoned for not more than six (6) months, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the ~~city~~City from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec 15.16.500 Severability

If any provision of this chapter is declared invalid by a court of competent jurisdiction the remainder of this chapter shall not be effected.

CHAPTER 15.16 FLOODPLAIN MANAGEMENT

Sec 15.16.000 Statutory Authorization

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

American Fork 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.

Sec 15.16.010 Findings Of Fact

1. The flood hazard areas of the City are subject to periodic inundation which results in potential loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by:
    1. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities.
    2. The occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately anchored, floodproofed, elevated or otherwise protected from flood damage.
    3. Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

Sec 15.16.020 Statement Of Purpose

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

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and are generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities including but not limited to water, pressurized irrigation, sanitary sewer and gas mains; electric, telephone and commuication lines; streets, culverts, storm drain pipes and bridges located in areas of special flood hazard or that are susceptible to flooding;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and,
8. Ensure that those who occupy or own the areas of special flood hazards assume responsibility for their actions.
9. Minimize public expenditures on flood control projects.
10. Protect and safeguard the welfare and safety of first responders should an emergency response be needed.

Sec 15.16.030 Methods Of Reducing Flood Losses

In order to accomplish its purposes, this ordinance includes methods and provisions for:

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

Sec 15.16.040 Definitions

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

1. 100-Year Flood. 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.
2. 500-Year Flood. 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.
3. Accessory Structure. 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.
4. Addition. 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.
5. Area of Future-Conditions Flood Hazard. The land area that would be inundated by the 1-percent-annual-chance (100-year) flood, based on future-conditions hydrology.
6. Area of Special Flood-Related Erosion Hazard is the land within the City 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.

7. Area of shallow flooding. A designated AO, AH or VO zone on a City's (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
8. Area of special flood hazard. The land in the floodplain within a City subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, A1-30, AO, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, 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”.
9. Base flood. The flood having a one percent change of being equaled or exceeded in any given year.
10. Base Flood Elevation (BFE). 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, V1-30, 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.
11. Basement. 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.
12. Best Available Data. Existing flood hazard information adopted by the City 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 City.
13. Breakaway Wall. 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.
14. Channelization. The artificial creation, enlargement, realignment, or alteration of a stream channel’s slope, shape, or alignment. Streambank restoration may be deemed as channelization.
15. Coastal A Zone (CAZ). An area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped V zones. In a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches,

or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to 1.5 feet. Coastal A Zones are not normally designated on FIRMs. (see Limit of Moderate Wave Action (LiMWA))

16. Coastal Barrier Resources System (CBRS). Consists of undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by Federal or State governments or private conservation organizations identified as Otherwise Protected Areas (OPA).
17. Coastal High Hazard Area. A Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as determined in Article 3, Section B of this ordinance, as Zone VE.
18. Code of Federal Regulations (CFR). The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.
19. Conditional Letter of Map Revision (CLOMR). 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.
20. Conditional Letter of Map Revision Based on Fill (CLOMR-F). 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.
21. Crawlspace. An under-floor space that has its interior floor area (finished or not) no more than 4 feet from the bottom floor joist of the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of flood water, and is not used for habitation.
22. Critical Facility. 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.
23. Deed Restriction. 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.
24. Detached Garage. 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.
25. Development. Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling,

grading, paving, excavation or drilling operations or storage of equipment or materials.

26. Elevated building. A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.
27. Enclosure. 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.
28. Erosion. The process of the gradual wearing away of land masses by wind, water, or other natural agents.
29. Existing Construction. For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."
30. Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a City.
31. Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:
    1. The overflow of inland or tidal waters, and/or
    2. the unusual and rapid accumulation or runoff of surface waters from any source.
32. FEMA. The Federal Emergency Management Agency.
33. Fill. 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.

34. Flood or Flooding means:
    1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
        1. The overflow of inland or tidal waters.
        2. The unusual and rapid accumulation or runoff of surface waters from any source.
    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.
35. Flood Insurance Rate Map (FIRM). An official map of the City on which the FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the City. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
36. Flood Insurance Study (FIS) or Flood Elevation Study. 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. The FIS contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map (FBFM) (if applicable), FIRM and supporting technical data.
37. Floodplain Development Permit. A City issued permit or document that is used for any development that occurs within an SFHA identified by FEMA or the City. It is used to address the proposed development to ensure compliance with the City's ordinance.
38. Floodplain or Flood-Prone Area. Any land area susceptible to being inundated by water from any source (see definition of flooding).
39. Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works mitigation plans and floodplain management regulations.
40. Floodplain Management Regulations. 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 the purpose of flood damage prevention and reduction.

41. Flood Opening. 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.
42. Flood Protection System. Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within the City 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 have met and continue to meet the minimum regulatory standards cited in Title 44, Chapter 1, Section 65.10 of the CFR (44 CFR 65.10).
43. Floodproofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. 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.
44. Floodway (also Regulatory Floodway). The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
45. Floodway Encroachment Lines. The lines marking the limits of floodways on federal, state, and local flood plain maps.
46. Freeboard. 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.
47. Functionally Dependent Use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
48. Highest adjacent grade. 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.
49. Historic Structure. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
    1. by an approved state program as determined by the Secretary of the Interior or;
    2. directly by the Secretary of the Interior in states without approved programs.

50. Letter of Map Amendment (LOMA). 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.
51. Letter of Map Revision (LOMR). 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.
52. Letter of Map Revision Based on Fill (LOMR-F). 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.
53. Levee. A human-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.
54. Levee System. 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.
55. Limit of Moderate Wave Action (LiMWA). The boundary line given by FEMA on coastal map studies marking the extents of Coastal A Zones (CAZ).
56. Lowest Adjacent Grade (LAG). 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.
57. Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles,

building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance Program regulations.

58. Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. Manufactured home does not include a “recreational vehicle".
59. Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
60. Map. The FHBM or the FIRM for the City issued by FEMA
61. Mean Sea Level. For purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 (NAVD 88) or other datum, to which BFEs shown on the City's Flood Insurance Rate Map are referenced. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the NAVD 88, refer to the FIRM.
62. Mixed Use Structures. 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.
63. New Construction. For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City and includes any subsequent improvements to such structures.
64. New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted the City.
65. No-Rise Certifications. 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 City during the occurrence of a base flood event.
66. Physical Map Revision (PMR). FEMA’s action whereby one or more map panels are physically revised and republished.
67. Recreational Vehicle. A vehicle which is:
    1. Built on a single chassis;
    2. 400 square feet or less when measured at the largest horizontal projections;

3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

68. Regulatory Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
69. Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etcetera, which can be intermittent or perennial.
70. Section 1316. 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.
71. Special Flood Hazard Area—see Area of Special Flood Hazard.
72. 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 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.
73. Structure.
    1. 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.
    2. For insurance purposes is:
        1. A building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site;
        2. A manufactured home (also known as a mobile home) built on a permanent chassis transported to its site in one or more sections and affixed to a permanent foundation;

3. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the City's floodplain management and building ordinances or laws;
4. A gas or liquid storage tank, that is principally above ground and permanently affixed to a permanent site.

3. 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.

74. Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
75. Substantial Improvement. Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The Term does not, however, include either:
    1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and are the minimum necessary requirements 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".
76. Variance. A grant of relief by the local code enforcement official from the regulations of the Floodoplain Management Ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.).
77. Violation. The failure of a structure or other development to be fully compliant with the City's Floodplain 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) of the National Flood Insurance Program is presumed to be in violation until such time as that documentation is provided.
78. Water Surface Elevation. The height, in relation to the North American Vertical Datum of 1988 (NAVD 88) (or other datum, where specified), of floods of various magnitudes and frequencies, such as the 1-percent-annual-chance flood event, in the floodplains of coastal or riverine areas.
79. Watercourse. The channel and banks of an identifiable water in a creek, brook, stream, river, ditch or other similar feature.

Sec 15.16.050 Applicability

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City as identified by FEMA or in areas of identified and documented flood risk supported using Best Available Data. When the City annexes any land from a neighboring jurisdiction

or unincorporated, the annexed land shall also be managed and regulated by Section 15.16.

Sec 15.16.060 Basis For Establishing Areas Of Special Flood Hazard

The areas of special flood hazard identified by FEMA as shown on the accompanying FIRMs and FBFMs or DFIRM and other supporting data including any revisions thereto are hereby adopted by reference and declared to be part of the ordinance codified in this chapter. The FIRMs referred to herein are on file at the office of the Floodplain Administrator and include the following FIRMs:

1. FIRM Panels 49049C0164F, 49049C0166F, 49049C0168F, 49049C0169F and 49049C0307G effective 6/19/2020.
2. FIRM Panels 49049C0302G, 49049C0306G and 49049C0308G effective 6/23/2026.
3.

For areas along the American Fork River south of I-15 where specific floodplains, floodways and BFEs have not been established, it shall be the responsibility of the applicant for any development, construction or reconstruction within 1,800 feet on either side of the American Fork River to provide the necessary riverine studies, letters of map revisions (LOMR) and other related analysis or approvals from FEMA to determine the floodways, floodplains, and BFE's as it relates to their application and any necessary additional information to determine all special flood hazard areas impacting their application. Any improvements necessary along the American Fork River to provide sufficient conveyance of the 100-year flood event shall be required for all developments wherein the American Fork River traverses the property or is adjacent to the property. This may include, but is not limited to, dedicating additional width of right-of-way along the banks of the American Fork River to convey the 100-year flood event.

Where Base Level Engineering is available Base Level Engineering data shall be reviewed and reasonably used in FEMA-identified Special Flood Hazard Areas, where BFE and floodway data have not been identified and in areas where FEMA has not identified Special Flood Hazard Areas.

4. BFEs, floodway, and floodplain boundaries delineated by Base Level Engineering shall take precedence over BFEs, floodway, and floodplain boundaries delineated by effective FIRMs and in Flood Insurance Studies (FIS), if the Base Level Engineering shows increased floodplain or floodway boundaries and/or higher BFEs.
5. BFEs and designated floodway boundaries on effective FIRMs and in Flood Insurance Studies shall take precedence over BFE and floodway boundaries delineated by Base Level Engineering if the FIRMs and/or Flood Insurance Studies show reduce floodway width and/or lower BFEs.

Sec 15.16.070 Compliance

No structures or development including buildings, recreation vehicles, manufactured homes or land shall hereafter be constructed, located, extended, or altered, or have its use changed without full compliance with the terms of this chapter and other applicable

regulations. Nothing herein shall prevent the City from taking such lawful action as is necessary to prevent or remedy any violations.

Sec 15.16.080 Abrogation And Greater Restrictions

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

Sec 15.16.090 Interpretation

In the interpretation and application of this chapter, 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.

Sec 15.16.100 Warning And Disclaimer Of Liability

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

This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City, any officer or employee thereof, or FEMA for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Sec 15.16.110 Development Permit - Required - Contents

1. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.16.060. Application for a development permit shall be made on forms furnished by the City engineer's office and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question including existing or proposed structures, fill, storage of materials, drainage facilities, proposed landscape alterations, the placement of manufactured homes and the location of the foregoing in relation to areas of special flood hazard.
2. Specifically, the following information is required:
    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;
5. Elevation in relation to mean sea level to which any nonresidential structure shall be or has been floodproofed;
6. Certification by a registered professional engineer or architect that the nonresidential floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 15.16.270 and the NFIP Regulations;
7. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

3. All records of all such information shall become property of the City and be maintained as a permanent record at the office of the Floodplain Administrator.

Sec 15.16.120 Designation Of The Local Administrator

The City engineer's office is appointed as the Floodplain Administrator to administer and implement this chapter and other appropriate sections of 44 CFR pertaining to floodplain management.

Sec 15.16.130 Floodplain Administrator - Duties And Responsibilities

Duties of the Floodplain Administrator shall include but not be limited to those listed in this chapter and the following:

1. Uphold the goals of the City and the NFIP to reduce risk when possible and increase the City'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. 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. In addition to utilizing the effective FIRMs, FIS, Flood Boundary and Floodway Map, all permit reviews will utilize Best Available Data.

Sec 15.16.135 Requirement to Submit New Technical Data

1. The property owner, applicant 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, applicant 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.
4. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the water course so that the flood carrying capacity will not be diminished.

Sec 15.16.140 Floodplain Administrator - Permit Review

The Floodplain Administrator shall:

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
2. Review all development permits to determine 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) from which prior approval is required.
3. Review all development permits to determine if the proposed development or altered or relocated portion of any watercourse adversely affects the flood carrying capacity of the area of special flood hazard. For the purpose of this chapter, "adversely affects" means damage to adjacent, upstream or downstream properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
    1. If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration
    2. If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer's certification) for the proposed development shall be required.
    3. If the proposed development is a building, then the provisions of this chapter shall apply.
    4. If a regulatory floodway has not been designated, the Floodplain Administrator shall require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the FIRM maps adopted by the City, unless it is determined 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 one foot at any point within the City.
    5. At the discretion of the Floodplain Administrator, the City may approve certain development in Zones A1-30, AE and AH on the City's FIRM which

increases the water surface elevation of the base flood by more than one foot provided that the City first meets the requirements per the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Program regulations for a conditional FIRM revision through FEMA's CLOMR process

4. Notify, in riverine situations, adjacent communities and the State Floodplain Manager who is located in the Utah's Division of Emergency Management office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to the FEMA as required.
5. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this chapter 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 floodwaters 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.
6. Variance Procedures. The appeal Board as established by the City shall hear and render judgement on requests for variances from the requirements of this ordinance.

    1. The Appeal Board 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 or administration of this ordinance.
    2. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
    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 the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this chapter.
5. 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 level, providing the relevant factors in Section 15.16.110 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
6. 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 chapter.
7. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
8. 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.
9. 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.
    2. Variances shall only be issued upon:
        1. Showing a good and sufficient cause;
        2. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
        3. 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.
    3. Any application 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.

10. Variances may be issued by the City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
    1. The criteria outlined in Sections 15.16.140.6.1-9 are met, and
    2. 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.

Sec 15.16.150 Use Of Other Base Flood Data

The Floodplain Administrator shall obtain, review, and reasonably utilize any BFE and floodway data available from a federal, state, or other source as criteria for requiring that new construction, substantial improvements, or other development in SFHA.

Sec 15.16.160 Information To Be Obtained And Maintained

The Floodplain Administrator shall:

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved non-residential floodproofed structures:
    1. Verify and record the actual elevation (in relation to mean sea level) to which the non-residential structure has been floodproofed;
    2. Maintain the floodproofing certifications required in Section 15.16.110(B)(C);
3. Maintain for public inspection all records pertaining to the provisions of this chapter.

Sec 15.16.170 Alteration Of Watercourses

The Floodplain Administrator shall:

1. Notify adjacent communities and the FEMA prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the FEMA.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Sec 15.16.180 Interpretation Of FIRM Boundaries

The Floodplain Administrator shall make interpretations, where 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).

Sec 15.16.190 General Standards

In all areas of special flood hazards, the following standards in Sections 15.16.200 through 15.16.270 are required for all development, new construction and substantial improvements. All flood permit applications and supportive documents shall be submitted by the applicant and shall demonstrate that the sites are reasonably safe from flooding. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

Sec 15.16.191 Substantial Improvement

If the structure has sustained substantial damage, any repairs are considered substantial improvements regardless of the actual repair work performed. 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

Sec 15.16.192 Substantial Damage

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.

Sec 15.16.193 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 City 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 Section 15.16.191; and
    1. Utilize FEMA's Substantial Improvement/Substantial Desk Reference when making any determination on Substantial Improvement and/or Substantial Damage.
    2. 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.

3. 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.

Sec 15.16.200 Anchoring

1. All new construction and substantial improvements shall be designed, modified and constructed to be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy.
2. All manufactured homes to be placed within Zone A on the City's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads, including the effects of buoyancy. 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. Specific requirements may be:
    1. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty feet long requiring one additional tie per side;
    2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;
    3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and,
    4. Any additions to the manufactured home be similarly anchored.
3. Manufactured homes that are placed or substantially improved within Zones A1-30, AH, AE, V and VE on the City's FIRM on sites
    1. Outside of a manufactured home park or subdivision;
    2. In a new manufactured home park or subdivision;
    3. In an expansion to an existing manufactured home park or subdivisionor
    4. 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 and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
    4.
5. Manufactured homes shall be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH, AO, AE, V and VE on the City's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

1. The lowest floor of the manufactured home is at or above the BFE, or
2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

6. Recreational Vehicles placed on sites within Zones A1-30, AH, AO, AE, V and VE on the City's FIRM either:
    1. Be on the site for fewer than 180 consecutive days,
    2. Be fully licensed and ready for highway use, or
    3. Meet the permit requirements of this ordinance, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Sec 15.16.210 Construction Materials And Methods

All new construction and substantial improvements shall be designed, modified and constructed with materials and utility equipment resistant to flood damage.

1. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
2. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Sec 15.16.220 Utilities

1. All new and replacement water supply systems shall be designed, modified and constructed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed, modified and constructed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Sec 15.16.230 Subdivision Proposals

1. All subdivision proposals including, but not limited to, the placement of manufactured home parks and subdivisions shall be consistent with the need to minimize flood damage and shall comply with the requirements of this ordinance;
2. All subdivision proposals including, but not limited to, 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;

3. All subdivision proposals including, but not limited to, the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood damage; and,
4. BFE data shall be provided for subdivision proposals including the placement of manufactured home parks and subdivisions and other proposed development which contain at least fifty lots or five acres (whichever is less).

Sec 15.16.240 Encroachments

Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

Sec 15.16.250 Specific Standards

In all areas of special flood hazards where BFE data has been provided as set forth in Sections 15.16.060 and 15.16.150 and in areas of known or suspected flood risk areas, the standards in Sections 15.16.260 and 15.16.270 shall apply. Additionally, all roadways constructed within areas of special flood hazards shall be constructed so that the top back of curb is at least one foot above the BFE. Where the BFE has not been determined, it shall be required to establish the BFE prior to construction of the roadway. All finished floor elevations and garage floor slabs shall be constructed at least one foot above the top back of curb elevation of all roadways adjacent to the structure or at least two feet above the BFE, whichever is greater.

Sec 15.16.260 Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one foot above the BFE and at least one foot above the average elevation of the edge of asphalt on the roadway(s) adjacent to the building lot or parcel. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this section as proposed in Section 15.16.110 is satisfied.

Sec 15.16.270 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated at least one foot above the level of the BFE and at least one foot above the average elevation of the edge of asphalt on the roadway(s) adjacent to the building lot or parcel; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the BFE the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be developed and/or reviewed and certified by a registered professional engineer or architect that the design, specifications, plans and methods of construction are in

accordance with accepted standards of practice for meeting the provisions of this section. Such certifications which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be provided to the Floodplain Administrator who shall maintain such records. 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 including Section 15.16.260. 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.

Sec 15.16.280 Enclosures

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which 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 meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one 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 flood waters.

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.

Sec 15.16.284 **Crawlspace for Zones A1-30, A and AE**

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.

Sec 15.16.290 Standards For Areas Of Shallow Flooding (AO/AH Zones)

Located within the areas of special flood hazard established in Section 15.16.060 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. Within Zones AO/AH all new construction and substantial improvements of residential structures shall 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 City's FIRM (at least two feet if no depth number is specified) plus an additional 1 foot of freeboard.
2. Within Zone AO all new construction and substantial improvements of non-residential structures shall;

    1. 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 City's FIRM (at least two feet if no depth number is specified) plus an additional 1 foot of freeboard, or;

2. Together with attendant utility and sanitary facilities be designed so that below the base flood level 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 of effects of buoyancy.

3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 15.16.140, are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

Sec 15.16.300 Floodways

Floodways - located within areas of special flood hazard established in Section 15.16.060, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Designate a regulatory floodway that will not increase the base flood elevation more than 1 foot.
2. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase greater than 0.00 feet in flood levels within the City during the occurrence of the base flood discharge.
3. If Section 15.16.300.1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.
4. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a City may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs, provided that the City first applies for a conditional FIRM and floodway revision through FEMA.

Sec 15.16.310 Coastal High Hazard Area (Zone V and/or VE)

Coastal High Hazard Areas are SFHA established in Section 15.16.060 that have special flood hazards associated with high velocity waters from storm surges or seismic activity and, therefore, all new construction and substantial improvements shall meet the following provisions in addition to the provisions of this chapter:

1. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and maintain a record of all such information.
2. Provide that all new construction and substantial improvements within Zones V1–30, VE, and V on the City's FIRM is located landward of the reach of mean high tide;

3. All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is elevated to one foot above the base flood elevation. Floodproofing shall not be utilized on any structures in Coastal High Hazard Areas to satisfy the regulatory flood protection elevation requirements. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of standards of practice as outlined in this subsection.
4. All new construction and substantial improvements shall have the space below the bottom of the lowest horizontal structural member of the lowest floor either be free of obstruction or constructed with breakaway walls, open wood latticework or insect screening, provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action without causing damage to the elevated portion of the building or supporting foundation system or otherwise jeopardizing the structural integrity of the building. The following design specifications shall be met:
    1. Breakaway walls shall meet the following design specifications:
        1. Design safe loading resistance shall be not less than 10 nor more than 20 pounds per square foot; or
        2. Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the Utah State Building Code.
5. All new construction and substantial improvements shall be securely anchored to pile or column foundations. All pilings and columns and the structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of standards of practice as outlined in this subsection.
    1. Water loading values used shall be those associated with the base flood plus one foot of freeboard.

2. Wind loading values used shall be those required by the current edition of the Utah State Building Code.

6. Prohibit the use of fill for structural support of buildings within Zones V1–30, VE, and V on the City's FIRM.
7. Prohibit human-made alteration of sand dunes and mangrove stands within Zones V1–30, VE, and V on the City's FIRM which would increase potential flood damage.

Sec 15.16.320 Elevated Buildings

Enclosed areas of elevated buildings, of new construction and substantially improved structures, which is below the lowest floor or below the lowest horizontal structural member in V/VE zones shall meet all requirements of this chapter.

1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
2. Shall be constructed entirely of flood resistant materials at least to the Regulatory Base Flood Elevation. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood opening as outlined above.
3. Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space. The community will have the right to inspect the enclosed area. This agreement shall be recorded with the Utah County Recorder's Office and shall transfer with the property in perpetuity.
4. Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submission of confirming documentation.

Sec 15.16.390 Stop Work Order

1. Authority. Whenever the floodplain administrator or other City 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

Sec 15.16.400 Penalty

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 not more than $300 or imprisoned for not more than six (6) months, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec 15.16.500 Severability

If any provision of this chapter is declared invalid by a court of competent jurisdiction the remainder of this chapter shall not be effected.

Planning Commission Staff Report
Meeting Date: July 8, 2026

Agenda Topic

Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Easements, of the American Fork City Municipal Code. Amending Section 15.01.110, the Code Text Amendment plans to clarify the required conveyance documents for easements.

Background

The staff has initiated for a Code Text Amendment to amend Section 15.01.110 of the American Fork City Municipal Code. The proposed amendment looks to establish what document type must be used to convey easements, requiring conveyance on a plat when a plat is required, and a graphical exhibit tied to the Utah County Surveyor's monument system when a plat is not required.

Potential Motions – Code Text Amendment

Approval

I move to recommend approval for the proposed Code Text Amendment, amending Section 15.01.110, titled Easements, related to clarifying the required conveyance documents for easements, and providing an effective date for the ordinance.

Denial

I move to recommend denial for the proposed Code Text Amendment, amending Section 15.01.110, titled Easements, related to clarifying the required conveyance documents for easements.

Table

I move to table action for the proposed Code Text Amendment, amending Section 15.01.110, titled Easements, related to clarifying the required conveyance documents for easements, and instruct staff/developer to……..

Sec 15.01.110 Easements

A. Public Utility Easements of not less than five feet of all rear lot and parcel of record lines shall be required. Public Utility Easements on lot lines adjacent to the public right of way shall be required and shall be no less than ten feet unless otherwise determined appropriate by the City Engineer. Easements that are twenty feet wide may be required where deemed necessary by City Engineer or Planning Commission for the purpose of storm drains, sewer lines, water mains, canals, public utilities, etc.

B. Sewer, water, pressurized irrigation, or storm drainage lines which are deeper than five feet to flowline shall be placed in a minimum of a twenty-five-foot wide easement. Where said utility lines are deeper than twelve feet or greater than twelve inches in diameter, the pipe shall be placed in a thirty-foot-wide easement or greater as determined by the City Engineer.

C. Where reduced building setbacks are allowed by other sections of the American Fork City Municipal Code, Applicant shall provide accommodations for utilities through easements and/or connections to adjacent properties as approved by the utility providers and the City Engineer.

D. Where an existing improved site is proposed by the Applicant to be retrofitted, remodeled or redeveloped, Applicant shall provide easements as required by this section. In areas where existing improvements and conditions prohibit the Applicant from complying with all easement requirements, Applicant shall provide alternative easements to meet the intent of this section for City Engineer's review. City Engineer may approve alternative locations for easements as deemed appropriate and necessary by City Engineer.

E. When subdivision plats or amended subdivision plats are required, all easements shall be identified and conveyed on the plat or amended plat. Any public utility easement dedicated or conveyed to the City and not required to be conveyed on a plat or amended plat, including parcels of record, shall include a graphical exhibit depicting the location and dimensions of the easement in relation to the affected

property that can be retraced by surveying means and tied into the Utah County Surveyor's monument system. The exhibit shall be prepared in a form acceptable to the City Engineer and shall~~may~~ be required to be prepared by a licensed professional land surveyor, unless otherwise approved by the City Engineer. Nothing in this section modifies or replaces any subdivision, subdivision amendment, boundary adjustment or other approval otherwise required by law or this Code.

~~(Ord. No. 2007-07-31, § 1.3, 7-10-2007; Ord. No. 2011-06-17, § 1, 6-28-2011)~~

Sec 15.01.110 Easements

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property that can be retraced by surveying means and tied into the Utah County Surveyor's monument system. The exhibit shall be prepared in a form acceptable to the City Engineer and shall be required to be prepared by a licensed professional land surveyor, unless otherwise approved by the City Engineer. Nothing in this section modifies or replaces any subdivision, subdivision amendment, boundary adjustment or other approval otherwise required by law or this Code.

Planning Commission Staff Report
Meeting Date: July 8, 2026

Agenda Topic

Public hearing, review, and recommendation on a proposed Code Text Amendment, known as AF014-Natural Gas Regulator Station, of the American Fork City Municipal Code. Amending Section 17.4.601 PF Public Facilities Zone, the Code Text Amendment proposes Natural Gas Regulator Stations as a Conditional Use within the zone.

Background

The applicant has applied for a Code Text Amendment to amend Section 17.4.601 PF Public Facilities Zone of the American Fork City Municipal Code. The proposed amendment looks to provide Natural Gas Regulator Stations as a conditional use within the PF Zone.

Two options are presented to the Planning Commission, and later on to the City Council, for their determination. Option "A" provides a Code Text Amendment where "natural gas facilities" are identified within the permitted uses of the PF Zone. Option "B" provides a Code Text Amendment where "natural gas regulator stations" are a conditional use.

Potential Motions – Code Text Amendment

Approval

I move to recommend approval for [Option "A" or Option "B"] of the proposed Code Text Amendment, amending Section 17.4.601, titled PF Public Facilities Zone, relating to Natural Gas Regulator Stations and providing an effective date for the ordinance.

Denial

I move to recommend denial for both options of the proposed Code Text Amendment, amending Section 17.4.601, titled PF Public Facilities Zone, relating to Natural Gas Regulator Stations.

Table

I move to table action for the proposed Code Text Amendment, amending Section17.4.601, titled PF Public Facilities Zone, relating to Natural Gas Regulator Stations and instruct staff/developer to……..

OPTION A

Sec 17.4.601 PF Public Facilities Zone

A. Intent. The PF public facilities zone is established to provide areas for the location and establishment of facilities owned and maintained by public and quasi public entities and which utilize relatively large areas of land. It is the intent of this zone district provide for effective regulation in the placement and construction of major public systems and facilities within the city in order to ensure that said facilities will be consistent with the purposes of the general plan and be located, constructed and maintained in a manner that will further the interest of the city and its residents and facilitate the implementation of the Sections 10-9-106 and 10-9-305, Utah Code Annotated, 1953, as amended.

B. Permitted and conditional uses. The following buildings, structures, and uses of land shall be permitted upon compliance with applicable requirements of the code:

1. Schools.
2. Parks.
3. Electric substations.
4. Municipal buildings and public works buildings and facilities.
5. Water reservoirs and storage tanks.
6. Major electric transmission lines (above forty-five KV capacity).
7. Cemeteries.
~~7.~~8. Natural Gas Facilities

C. Approval procedure. Approval for the placement of the zone district and for the location and layout of uses within this zone shall be obtained from the city council, following recommendation of the planning commission in the manner required for an amendment of the development code.

To facilitate evaluation of the potential impact from the zoning of the property and the placement of proposed use(s) thereon, the planning commission and/or the city council may require the submittal of a site plan showing the area proposed to be included in the zone district, the proposed placement of major building and facilities to be located on the site and provisions intended to minimize adverse impacts resulting from the construction or operation of said use.

OPTION A

Sec 17.4.601 PF Public Facilities Zone

A. Intent. The PF public facilities zone is established to provide areas for the location and establishment of facilities owned and maintained by public and quasi public entities and which utilize relatively large areas of land. It is the intent of this zone district provide for effective regulation in the placement and construction of major public systems and facilities within the city in order to ensure that said facilities will be consistent with the purposes of the general plan and be located, constructed and maintained in a manner that will further the interest of the city and its residents and facilitate the implementation of the Sections 10-9-106 and 10-9-305, Utah Code Annotated, 1953, as amended.

B. Permitted and conditional uses. The following buildings, structures, and uses of land shall be permitted upon compliance with applicable requirements of the code:

1. Schools.
2. Parks.
3. Electric substations.
4. Municipal buildings and public works buildings and facilities.
5. Water reservoirs and storage tanks.
6. Major electric transmission lines (above forty-five KV capacity).
7. Cemeteries.
8. Natural Gas Facilities

C. Approval procedure. Approval for the placement of the zone district and for the location and layout of uses within this zone shall be obtained from the city council, following recommendation of the planning commission in the manner required for an amendment of the development code.

To facilitate evaluation of the potential impact from the zoning of the property and the placement of proposed use(s) thereon, the planning commission and/or the city council may require the submittal of a site plan showing the area proposed to be included in the zone district, the proposed placement of major building and facilities to be located on the site and provisions intended to minimize adverse impacts resulting from the construction or operation of said use.

OPTION B

Sec 17.4.601 PF Public Facilities Zone

A. Intent. The PF public facilities zone is established to provide areas for the location and establishment of facilities owned and maintained by public, ~~and~~ quasi public, and utility infrastructure ~~entities and~~entities which utilize relatively large areas of land. It is the intent of this zone district provide for effective regulation in the placement and construction of major public systems and facilities within the city in order to ensure that said facilities will be consistent with the purposes of the general plan and be located, constructed and maintained in a manner that will further the interest of the city and its residents and facilitate the implementation of the Sections 10-20~~9~~-101 ~~6~~ and 10-20~~9~~-401~~305~~, Utah Code Annotated, 1953, as amended.

B. Permitted and conditional uses. The following buildings, structures, and uses of land shall be permitted upon compliance with applicable requirements of the code:

1. Schools.
2. Parks.
3. Electric substations.
4. Municipal buildings and public works buildings and facilities.
5. Water reservoirs and storage tanks.
6. Major electric transmission lines (above forty-five KV capacity).
7. Cemeteries

C. Conditional Uses:

1. Natural Gas Regulator Stations.
    a. Natural Gas Regulator Stations shall be enclosed by visually obstructive and/or nontransparent fencing approved by the City Council upon recommendation from the Planning Commission. Such fencing may be topped with appropriate security wire or apparatuses to deter theft. No advertisements shall be incorporated into the fencing, or the fencing material. The maximum height of the fence shall be 8 ft. tall;
        i. Natural Gas Regulator Stations shall be enclosed with an 8' high masonry wall when placed within 150 feet of a public right-of-way, residential zone, planned residential zone, or residential agricultural zone.
    b. No structure shall be higher than 15 feet in height at it's highest point;

c. The total area used as the Natural Gas Regulator Station shall be landscaped in accordance with Section 17.5.121 and Section 17.21 of the City's code;

~~a.~~ Outdoor storage of materials and equipment are prohibited.

~~C.~~D. Approval procedure. Approval for the placement of the zone district and for the location and layout of uses within this zone shall be obtained from the city council, following recommendation of the planning commission in the manner required for an amendment of the development code.

To facilitate evaluation of the potential impact from the zoning of the property and the placement of proposed use(s) thereon, the planning commission and/or the city council may require the submittal of a site plan showing the area proposed to be included in the zone district, the proposed placement of major building and facilities to be located on the site and provisions intended to minimize adverse impacts resulting from the construction or operation of said use.

OPTION B

Sec 17.4.601 PF Public Facilities Zone

A. Intent. The PF public facilities zone is established to provide areas for the location and establishment of facilities owned and maintained by public, quasi public, and utility infrastructure entities which utilize relatively large areas of land. It is the intent of this zone district provide for effective regulation in the placement and construction of major public systems and facilities within the city in order to ensure that said facilities will be consistent with the purposes of the general plan and be located, constructed and maintained in a manner that will further the interest of the city and its residents and facilitate the implementation of the Sections 10-20-101 and 10-20-401, Utah Code Annotated, 1953, as amended.

B. Permitted and conditional uses. The following buildings, structures, and uses of land shall be permitted upon compliance with applicable requirements of the code:

1. Schools.
2. Parks.
3. Electric substations.
4. Municipal buildings and public works buildings and facilities.
5. Water reservoirs and storage tanks.
6. Major electric transmission lines (above forty-five KV capacity).
7. Cemeteries

C. Conditional Uses:

1. Natural Gas Regulator Stations.
    a. Natural Gas Regulator Stations shall be enclosed by visually obstructive and/or nontransparent fencing approved by the City Council upon recommendation from the Planning Commission. Such fencing may be topped with appropriate security wire or apparatuses to deter theft. No advertisements shall be incorporated into the fencing, or the fencing material. The maximum height of the fence shall be 8 ft. tall;
        i. Natural Gas Regulator Stations shall be enclosed with an 8’ high masonry wall when placed within 150 feet of a public right-of-way, residential zone, planned residential zone, or residential agricultural zone.
    b. No structure shall be higher than 15 feet in height at it’s highest point;

c. The total area used as the Natural Gas Regulator Station shall be landscaped in accordance with Section 17.5.121 and Section 17.21 of the City's code;

Outdoor storage of materials and equipment are prohibited.

D. Approval procedure. Approval for the placement of the zone district and for the location and layout of uses within this zone shall be obtained from the city council, following recommendation of the planning commission in the manner required for an amendment of the development code.

To facilitate evaluation of the potential impact from the zoning of the property and the placement of proposed use(s) thereon, the planning commission and/or the city council may require the submittal of a site plan showing the area proposed to be included in the zone district, the proposed placement of major building and facilities to be located on the site and provisions intended to minimize adverse impacts resulting from the construction or operation of said use.

Planning Commission Staff Report
Meeting Date: July 8, 2026

Agenda Topic

Public hearing, review, and recommendation on a proposed Code Text Amendment, known as "N" Definitions, of the American Fork City Municipal Code. Amending Section 17.12.214, the Code Text Amendment plans to provide a definition to Natural Gas Regulator Stations.

Background

Staff has initiated a Code Text Amendment to amend Section 17.12.214 "N" Definitions of the American Fork City Municipal Code. The proposed amendment looks to provide a definition for Natural Gas Regulator Stations.

Potential Motions – Code Text Amendment

Approval

I move to recommend approval for the proposed Code Text Amendment, amending Section 17.12.214, titled "N" Definitions, relating to Natural Gas Regulator Stations and providing an effective date for the ordinance.

Denial

I move to recommend denial for the proposed Code Text Amendment, amending Section 17.12.214, titled "N" Definitions, relating to Natural Gas Regulator Stations.

Table

I move to table action for the proposed Code Text Amendment, amending Section 17.12.214, titled "N" Definitions, relating to Natural Gas Regulator Stations and instruct staff/developer to……..

Sec 17.12.214 "N" Definitions

A. Natural Gas Regulator Stations. An area designated for a station to control and maintain a uniform supply of pressure for natural gas. Natural Gas Regulator Stations shall not be interpreted as a natural gas facility.

~~A.~~B. Nonconforming building or structure. A building, or structure, or portion thereof which does not conform with the current setback, height or other zoning regulations applicable to the structure, but which legally existed before the effective date of the now controlling regulations.

~~B.~~C. Nonconforming lot of record. a parcel of land which does not conform to the area, frontage, and/or width requirements for a zoning lot, but which was shown on the records of the county recorder as an independent lot prior to the effective date of the now controlling provision.

~~C.~~D. Nonconforming use. A use of land that:

1. Does not conform with the current zoning regulations applicable to the use, but which legally existed before the effective date of the now controlling regulations; and
2. Has been maintained continuously since the time the zoning regulations governing the use changed.

Sec 17.12.214 "N" Definitions

A. Natural Gas Regulator Stations. An area designated for a station to control and maintain a uniform supply of pressure for natural gas. Natural Gas Regulator Stations shall not be interpreted as a natural gas facility.
B. Nonconforming building or structure. A building, or structure, or portion thereof which does not conform with the current setback, height or other zoning regulations applicable to the structure, but which legally existed before the effective date of the now controlling regulations.
C. Nonconforming lot of record. a parcel of land which does not conform to the area, frontage, and/or width requirements for a zoning lot, but which was shown on the records of the county recorder as an independent lot prior to the effective date of the now controlling provision.
D. Nonconforming use. A use of land that:
    1. Does not conform with the current zoning regulations applicable to the use, but which legally existed before the effective date of the now controlling regulations; and
    2. Has been maintained continuously since the time the zoning regulations governing the use changed.