

ORDINANCE NO. 2013-15

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 5 OF THE PEORIA CITY CODE (1992) BY REPEALING SECTIONS 5-162 PERTAINING TO SPECIAL FLOOD HAZARD AREAS; STANDARDS FOR CONSTRUCTION; SECTION 5-163 PERTAINING TO STANDARDS FOR STORAGE OF MATERIALS AND EQUIPMENT; SECTION 5-164 PERTAINING TO FLOODWATERS; STANDARDS FOR UTILITIES; SECTION 5-165 PERTAINING TO FLOOD HAZARD AREAS; STANDARDS FOR SUBDIVISIONS; SECTION 5-166 PERTAINING TO FLOOD ELEVATIONS; STANDARDS FOR MANUFACTURED HOMES; SECTION 5-167 PERTAINING TO SPECIAL FLOOD HAZARD AREAS; REQUIREMENTS FOR FLOODWAYS; AND AMENDING CHAPTER 20 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 20-200 PERTAINING TO FLOODPLAIN MANAGEMENT; AUTHORITY; IMPLEMENTATION; SECTION 20-201 PERTAINING TO FLOODPLAIN MANAGEMENT; DEFINITIONS; SECTION 20-202 PERTAINING TO FLOODPLAIN MANAGEMENT; MAPS; SECTION 20-207 PERTAINING TO FLOODPLAIN MANAGEMENT: MANUFACTURED HOMES; SECTION 20-210 PERTAINING TO FLOODPLAIN MANAGEMENT; OPENINGS IN ENCLOSURES BELOW A STRUCTURE'S LOWEST FLOOR; SECTION 20-211 PERTAINING TO FLOODPLAIN MANAGEMENT; SAND AND GRAVEL OPERATIONS; SECTION 20-215 PERTAINING TO FLOODPLAIN MANAGEMENT; ESTABLISHMENT OF REQUIRED PERMIT; SECTION 20-216 PERTAINING TO FLOODPLAIN MANAGEMENT; REGULATIONS; VARIANCES; SECTION 20-219 PERTAINING TO FLOODPLAIN MANAGEMENT; DIVERSION OF WATER FLOW; SECTION 20-223 PERTAINING TO FLOODPLAIN MANAGEMENT; STANDARDS FOR CONSTRUCTION; SECTION 20-226 PERTAINING TO FLOODPLAIN MANAGEMENT; STANDARDS FOR SUBDIVISIONS; SECTION 20-227 PERTAINING TO FLOODPLAIN MANAGEMENT; STANDARDS FOR MANUFACTURED HOMES; SECTION 20-228 PERTAINING TO FLOODPLAIN MANAGEMENT; REQUIREMENTS FOR FLOODWAYS AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria, Arizona as follows:

SECTION 1. Chapter 5 of the Peoria City Code (1992) entitled "Building and Building Regulations" is amended by repealing Sections 5-162 through 5-167 and reserving Sections 5-162 through 5-167.

Sec. 5-162. ~~Special flood hazard areas; standards for construction.~~ Reserved.

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

~~(1) — Anchoring.~~

- ~~a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.~~
- ~~b. All manufactured homes shall meet the anchoring standards of section 5-166.~~

~~(2) Construction materials and methods.~~

- ~~a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.~~
- ~~b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.~~

~~(3) Elevation and floodproofing.~~

- ~~a. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the regulatory flood elevation. Nonresidential structures may meet the standards in subsection c. of this section. Upon the completion of the structure the elevation of the lowest floor including basement shall be certified a professional engineer or surveyor and provided to the floodplain administrator.~~
- ~~b. New construction and substantial improvement of any structure in zone AD shall have the lowest floor, including basement, higher than the highest adjacent grade at least one (1) foot higher than the depth number on the FIRM, or at least two (2) feet if no depth number is specified. Nonresidential structures may meet the standards in subsection c. of this section. Upon completion of the structure a registered professional engineer shall certify to the floodplain administrator that the elevation of the structure meets these standards.~~
- ~~c. Nonresidential construction shall either be elevated in conformance with subsection (3)a. or b. of this section or together with attendant utility and sanitary facilities complies with all of the following:
 - ~~1. Be floodproofed so that below the regulatory flood level 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.~~~~

- ~~3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the floodplain administrator.~~
- ~~d. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect to meet or exceed the following minimum criteria:
 - ~~1. A minimum of two (2) openings have a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.~~
 - ~~2. The bottom of all openings shall be no higher than one (1) foot above grade.~~
 - ~~3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.~~~~
- ~~e. Manufactured homes shall meet the above standards and also the standards in section 5-166.~~

Sec. 5-163. Standards for storage of materials and equipment. Reserved.

~~(a) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.~~

~~(b) Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.~~

Sec. 5-164. Floodwaters; standards for utilities. Reserved.

~~(a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into flood waters.~~

~~(b) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.~~

~~(c) Waste disposal systems shall not be installed wholly or partially in a floodway.
Cross reference(s) — Water, sewers and sewage disposal, Ch. 25.~~

Sec. 5-165. Flood hazard areas; standards for subdivisions. Reserved.

~~(a) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.~~

~~(b) All final subdivision plans will provide the elevation of proposed structures and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.~~

~~(c) All subdivision proposals shall be consistent with the need to minimize flood damage. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.~~

Sec. 5-166. Flood elevations; Standards for manufactured homes. Reserved.

~~All new and replacement manufactured homes and additions to manufactured homes shall:~~

- ~~(1) — Be elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at the regulatory flood elevation.~~
- ~~(2) — Be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.~~

Sec. 5-167. Special flood hazard areas; requirements for floodways. Reserved.

~~Located within areas of special flood hazard established in section 5-140 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:~~

- ~~(1) — Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.~~
- ~~(2) — All new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this division.~~

SECTION 2. Chapter 20 of the Peoria City Code (1992) entitled "Planning and Development" is amended by amending Sections 20-200, 20-201, 20-202, 20-207, 20-210, 20-211, 20-215, 20-216, 20-219, 20-223, 20-226, 20-227, and 20-228 to read as follows:

Sec. 20-200. Floodplain management; authority; implementation.

To implement the regulation of the floodplain areas in the City of Peoria, the City Manager or his designee is designated as the Floodplain Board and ~~the Engineering Director (or his designee)~~ is designated as the Administrative Agent for these regulations.

Sec. 20-201. Floodplain management; definitions.

For the purpose of this Chapter, the following words, terms and phrases shall have the following meaning ascribed to them, except where the context clearly indicates a different meaning:

Area of shallow flooding - means a designated AH or AO Zone ~~zone~~ in which the base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and high velocity flow may be evident.

Area of special flood hazard - means the land within a floodplain which is subject to inundation by the base flood. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. These areas are designated as Zone A, AE, AO, AH, AR and A1-30 on the FIRM and other areas determined by the criteria adopted by the Director of the Arizona Department of Water Resources. (See "Special flood hazard area")

Base flood - means the flood having a one percent chance of being equaled or exceeded in any given year, i.e., the 100 year flood.

Base Flood Elevation - (BFE). means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, AR, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Development - means any man-made change to improved or unimproved real estate, including, but not limited to, buildings and other structures, utilities, pipelines, mining, dredging, filling, grading, paving, berms, fences, walls, or excavation located within the area of special flood hazard.

Dwelling unit - means any structure usable for residential purposes and which may be located in a single or multiple-dwelling building, which includes working,

sleeping, eating, recreation facilities, or a combination thereof; except a structure used only for storage purposes.

Flood or flood waters - means a temporary overflow of water on land not normally covered by water.

Flood boundary and Floodway Maps (FBFM) - means the official map for the community on which the Federal Insurance Administration (FIA) or Federal Emergency Management Agency (FEMA) has delineated the area of special flood hazard and the selected floodway.

Flood Insurance Rate Maps (FIRM) - means the official map on which the Federal Insurance Administration (FIA) or Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium insurance rates applicable to the community.

Flood insurance study - means the official report provided by the Federal Insurance Administration (FIA) or Federal Emergency Management Agency (FEMA) that includes flood profiles, the Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and the water surface elevations of the base flood.

Floodplain - means the relatively flat area adjoining the channel of a watercourse, or areas where drainage is or may be restricted by natural or man-made structures which may have been or may be covered partially or wholly by floodwater from a base flood.

Floodplain Administrator - means the community official designated by title to administer and enforce the floodplain management regulations. For the purposes of this ordinance, the City Manager or his designee will serve as the Floodplain Administrator.

Floodplain Board or Board - means the City Manager or his designee acting as the Floodplain Board.

Floodplain management regulations - means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as ~~floodplain ordinance~~, grading and drainage ordinance) and other applications of police power which control development in flood-prone areas. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood-damage prevention and reduction of flood loss and damage.

Flood proofing - means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway – means the area 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. Also referred to as "Regulatory Floodway."

Floodway fringe area - means that portion of the area of special flood hazard that is not included in the selected floodway.

Functionally dependent use - means 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.

Historic structure - means any structure that is:

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

Lowest floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers or other similar vehicles.

Manufactured home park or subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

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

Obstruction - means including, but not limited to, any dam, wall, wharf, embankment, levee, dike, berm, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Person - means any individual or his agent, firm, partnership, association, corporation, or any agent of the aforementioned groups, or a federal, state, county or municipal government agency or political subdivision thereof.

Reasonable alteration or repair - means any modification or improvement to existing facilities in which the total cost does not exceed fifty percent of the real cash value assessed at the commencement of construction. A reasonable alteration, however, should not be construed to mean any improvement which would increase the flood hazard to that property or the properties of surrounding homes.

Recreational vehicle - means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
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.

Regulatory flood elevation - means the elevation which is one foot above the "base flood" elevation for a "watercourse" for which the "base flood" elevation has been determined and shall be as determined by the criteria developed by the Public Works Floodplain Administrator for all other watercourses.

Regulatory floodway – means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. See Selected Floodway.

Selected floodway - means the limits, as determined by the Public Works Floodplain Administrator, where the permitted encroachment in the floodplain will allow passage of the 100 year flood without increasing the flood heights more than one foot. Additional hydraulic criteria such as maximum flow velocities of five feet per second at the limits of the selected floodway, smooth transitions around developments, and equal conveyance removal from each side will be used in computing the lines of the selected floodway.

Special flood hazard area (SFHA)- means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on a Flood Boundary and Floodway Map or Flood Insurance Rate Map as Zone A, AO, AR, A1-A30, AE, A99, or, AH.

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

Structure - means a walled and roofed building or "manufactured home" that may or may not be habitable, may or may not be constructed on a permanent foundation, and was man-made and that is principally above ground. This includes a gas or liquid storage tank or a manufactured home.

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

Substantial improvement - means any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either before the improvement or if the structure was damaged and is being restored, before the damage occurred. A substantial improvement will not be permitted nor should it be construed to mean any modification which will increase flood hazard risk. The term does not, however, include either:

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

Violation - means 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 by this chapter is presumed to be in violation until such time as that documentation is provided.

Watercourse - means any lake, river, creek, stream, wash, arroyo, channel, or other body of water having banks and bed though which waters flow at least periodically. The term may include specifically designated areas in which flood damage may occur.

Sec. 20-202. Floodplain management; ~~maps~~ basis for establishing the areas of special flood hazard.

~~The areas of special flood hazard and the selected floodway for designated floodplains are shown on the current maps labeled firm and floodway, or as they may subsequently be amended, on file with the Engineering Director, which maps are incorporated herein by reference. The maps are consistent with the criteria established by the Arizona Department of Water Resources and Federal Emergency Management Agency. New or additional engineering data may be considered for re-evaluation of floodplain and floodway delineations if circumstances indicate such action is in the public interest. Any such scientific or technical data will be submitted to the office of the Engineering Director for review and conformance with established policy.~~

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Maricopa County, Arizona and Incorporated Areas dated September 30, 2005, with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs) dated September 30, 2005, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Floodplain Board by the Floodplain Administrator. The Floodplain Board, within its area of jurisdiction, shall delineate (or may, by rule, require developers of land to delineate) for areas where development is ongoing or imminent, and thereafter as development becomes imminent, floodplains consistent with the criteria developed by the Federal Emergency Management Agency and the Director of the Arizona Department of Water Resources. The FIS and FIRM panels are on file at City of Peoria, Engineering Department, Peoria, Arizona.

Sec. 20-207. Floodplain management; manufactured homes. Reserved.

~~Any manufactured home placed within the floodplain shall be elevated so that the bottom of the structural frame or the lowest point of any associated or attached appliances, whichever is lower, is at or above the "regulatory flood elevation" and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state requirements.~~

Sec. 20-210. Floodplain management; openings in enclosures below a structure's lowest floor. Reserved.

~~For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria.~~

~~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. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.~~

Sec. 20-211. Floodplain management; sand and gravel operations.

Sand and gravel operations are permitted within the floodplain subject to the following conditions:

(a) Within the Selected Floodway, sand and gravel operations may be conducted upon a permit issued by the Engineering Director or his designee. The permit may contain such conditions as deemed appropriate by the Engineering or his designee to ensure compatibility of the sand and gravel operation with adjacent uses and developments and to ensure restoration of the floodway upon termination of the sand and gravel operation. Operations within the Selected Floodway may be permitted provided that:

- (1) The operations are restricted to extraction of sand and gravel for commercial purposes; and
- (2) Excavations are not so located nor of such depth as to present a hazard to other development, including, but not limited to roads, bridges, culverts, and utilities.
- (3) No stockpiling, within the Selected Floodway, of material or tailings that may obstruct, divert, or retard the flow of floodwaters will be permitted except as reviewed and approved by the Public Works Director, on an individual permit basis.
- (4) Stockpiling of sand and gravel products within the Floodway Fringe Area may be done without permit provided that the operator furnishes the Engineering Director satisfactory evidence that such stockpiling is within the Floodway Fringe Area rather than in the Selected Floodway.

(b) Excavations for sand and gravel for commercial purposes within the Floodway Fringe Area which exceed the definitions contained in the Section, paragraph (Grading and Drainage)- Ordinance of the City Code will be permitted subject to review and approval by the Engineering Director, on an individual permit basis. The permit may contain such conditions as deemed appropriate by the Engineering Director or his designee to ensure compatibility of the sand and gravel operation with adjacent uses and developments and to ensure restoration of the floodway upon termination of the sand and gravel operation.

Sec 20-215. ~~Reserved.~~ Floodplain management; establishment of required permit.

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in this ordinance. Application for a Development Permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question, existing or proposed structures, berms, fences, walls, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

- (a) Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures. In Zone AO, elevation of existing highest adjacent natural grade and proposed elevation of lowest floor of all structures;
- (b) Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed;
- (c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in this ordinance;
- (d) Base flood elevation data for subdivision proposals or other development greater than 50 lots or 5 acres; and
- (e) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Sec. 20-216. Floodplain management; regulations; variances.

(a) The Engineering Director may authorize variances from the terms of this Chapter when a literal enforcement of any provisions of this ordinance would result in an unnecessary property hardship and when evidence is presented demonstrating to the satisfaction of the Engineering Director that all of the following conditions are fulfilled:

- (1) That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures within the same general area such as a new structure to be erected on a lot of one-half acre or less, contiguous to and surrounded by lots with existing structures built below the level of the base flood; and
- (2) That the alleged hardship caused by literal interpretation of the provisions of this Chapter are property hardships which include more than personal inconvenience and financial hardships, and do not result from the action of the owner or the applicant; and
- (3) That the variances will not be detrimental ~~determined~~ to persons residing or working in the vicinity and to adjacent property, to the neighborhood and to the public welfare in general; and
- (4) That the variance will not cause increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public; and
- (5) That the variance is the minimum variance necessary that will make possible the reasonable use of the land or structure; and
- (6) That appropriate and specific conditions have been stipulated by the Engineering Director in connection with the variances as may be deemed

necessary in order to fully carry out the intent of the Floodplain Ordinance. The stipulation may include, among other things, a requirement that the applicant insert a note on any future deed or other conveyance of the property stating that the property is located in a flood prone area. The notice will include the number of feet that the lowest non-floodproofed floor of the proposed structure is below the base flood level and a statement that the actuarial flood insurance rates increase as the first floor elevation decreases. A violation of any condition shall be considered a violation of the Floodplain Ordinance and such violation shall render the variance null and void; and

(7) That the burden of proof in all matters heard by the Engineering Director shall rest with the applicant. The granting of a variance is a matter of grace, resting on the discretion of the Engineering Director and a refusal is not a denial of a right, conditional or otherwise.

(b) A variance will be issued for the reconstruction, rehabilitation, or restoration of all structures listed on the national or state register of historic places or the state inventory of historic places, without regard to conflicting procedures and provisions set forth in this section.

Sec. 20-219. Floodplain management; diversion of water flow.

(a) It is unlawful for any person to engage in any development or to divert, retard, reduce the capacity or obstruct the flow of waters in any watercourse in the City of Peoria whenever such action creates a hazard to life or property without securing the written authorization required by the preceding regulations. A.R.S. § 48-3613. Where the watercourse is a delineated floodplain, it is unlawful to engage in any development affecting the flow of waters without securing written authorization required by A.R.S. § 48-3613.

(b) Any person found guilty of violating the provisions of this section shall be guilty of a class one misdemeanor.

Sec. 20-223. Floodplain management; standards for construction.

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

(a) *Anchoring.*

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All manufactured homes shall meet the anchoring standards of section 20-227.

(b) *Construction materials and methods.*

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) *Elevation and Flood proofing.*

(1) New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the regulatory flood elevation. Nonresidential structures may meet the standards in subsection c. of this section. Upon the completion of the structure the elevation of the lowest floor including basement shall be certified by a professional engineer or surveyor and provided to the Public Works Director

(2) New construction and substantial improvement of any structure shall have the lowest floor, including the basement, higher than the highest adjacent grade at least one (1) foot higher than the depth number on the FIRM, or at least two (2) feet if no depth number is specified. Nonresidential structures may meet the standards on subsection c. of this section. Upon completion of the structure a registered professional engineer shall certify to the floodplain administrator that the elevation of the structure meets these standards.

(3) Nonresidential construction shall either be elevated in conformance with subsection (c)(1) or (2) of this section or together with attendant utility and sanitary facilities complies with all of the following:

a. Be flood proofed so that below the regulatory flood level the structure is watertight with walls substantially impermeable to the passage of water.

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Engineering Director.

(4) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect to meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings have a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one (1) foot above grade.
- c. 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.

(54) Manufactured homes shall meet the above standards and also the standards in section 20-227.

Sec. 20-226. Floodplain management; standards for subdivisions.

All new subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions), greater than 50 lots or 5 acres, whichever is the lesser, shall:

(a) ~~All preliminary subdivision proposals shall~~ identify the special flood hazard area and the elevation of the base flood.

(b) ~~All final subdivision plans will provide~~ Identify on the final plans the elevation(s) of the proposed structure(s) and pads. If the site is filled above the base flood elevation, the final lowest floor and grade pad elevations shall be certified by a registered professional engineer or surveyor and provided to the Engineering Director Floodplain Administrator.

(c) All subdivision proposals shall be consistent with the need to minimize flood damage. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

Sec. 20-227. Floodplain management; standards for manufactured homes.

All new and replacement manufactured homes and additions to manufactured homes shall:

- (1) Be elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at the regulatory flood elevation.
- (2) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be 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.

Sec. 20-228 Floodplain management; requirements for floodways.

Located within areas of special flood hazard established in this Chapter section 5-140 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) All new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this division.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 3rd day of September, 2013

CITY OF PEORIA, Arizona, an Arizona municipal corporation

Bob Barrett
Bob Barrett, Mayor

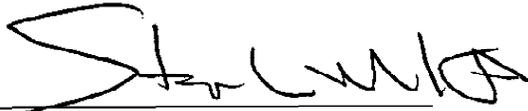
Date Signed: 9/6/13

ATTEST:

Rhonda Geriminsky
Rhonda Geriminsky, City Clerk



APPROVED AS TO FORM:



Stephen M. Kemp, City Attorney

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