

## CHAPTER 20 - PLANNING AND DEVELOPMENT

### 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 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

## CHAPTER 20 - PLANNING AND DEVELOPMENT

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 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 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.

## CHAPTER 20 - PLANNING AND DEVELOPMENT

*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 the 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 approval 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.

## CHAPTER 20 - PLANNING AND DEVELOPMENT

*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 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.

## CHAPTER 20 - PLANNING AND DEVELOPMENT

*Selected floodway* - means the limits, as determined by the 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 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:

## CHAPTER 20 - PLANNING AND DEVELOPMENT

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 through which waters flow at least periodically. The term may include specifically designated areas in which flood damage may occur.

State Law Reference, A.R.S. §48-3601. Definitions.  
(Ord. No. 98-102, 9/22/98, enacted)  
(Ord. No. 2013-15, 9/3/13, Amended) SUPP 2013-3