

CHAPTER 5

OVERLAY ZONES

(Ordinance Modification 011-99 04/13/99)

SECTION:

- 10-5-1: Conditional Use Permit Required
- 10-5-2: Hazard Flood Zone (HF)
- 10-5-3: Hazard Slope Zone (HS)
- 10-5-4: Hazard Water Table Zone (HW)
- 10-5-5: Hazard Earthquake Primary Fault Zone (HE)
- 10-5-6: Lot Downsize Zone (LD) (Ordinance Modification 011-99 04/13/99)

10-5-1: **CONDITIONAL USE PERMIT REQUIRED:** All requests for permits involving a lot, parcel or site located wholly or partially within an area designated on the Zoning Map as an overlay zone including; Hazard Flood Zone (HF), Hazard Slope Zone (HS), Hazard Water Table Zone (HW) or Hazard Earthquake Primary Fault Zone (HE), Lot Downsize Zone (LD), shall be dealt with as a request for a conditional use permit under the provisions of Section 10-3-5 of this Title. All applications shall comply with the following regulations before any permit shall be issued. (Zon. Ord., 5-8-1991) (Ordinance Modification 011-99 04/13/99)

10-5-2: **HAZARD FLOOD ZONE (HF):**

A. Applicability; Scope:

1. The flood hazard areas of the City may be subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commercial and City services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which could adversely affect the public health, safety and general welfare of the citizens of the City. The Hazard Flood Zone (HF) as shown on the Zoning Map is based upon the 100-year flood plain as determined by the Department of the Army Corps of Engineers.
2. These flood losses are caused by the cumulative effect of obstructions in areas of potential flooding hazard. These obstructions increase flood heights and

velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage may also contribute to flood loss.

B. Methods of Reducing Flood Losses: In order to decrease flood loss, this Section includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion, 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 flood plains, stream channels and natural protective barriers, all of which help accommodate of channel flood waters;

4. Controlling filling, grading, dredging and other development which may affect flood damage; and

5. Preventing or regulating the construction of flood barriers which could unnaturally divert flood waters or which may increase flood hazards in other areas.

C. Building Regulations: No dwelling unit, accessory building, church, school, public building, health care facility, residence or nursing home for the elderly or handicapped, nor any commercial, retail or industrial structure shall be constructed within a minimum distance as determined by the City from the top inside edge of the bank of any natural or manmade waterway that is located in a Hazard Flood Zone (HF). Under no circumstance shall any structure be permitted or constructed within thirty feet (30') of the top inside edge of the bank of any natural or manmade waterway that is located in a Hazard Flood Zone (HF).

D. Construction Standards: For all construction beyond thirty feet (30') of the top inside edge of the bank of any waterway, yet within a Hazard Flood Zone (HF), the following standards are required:

1. Anchoring

a. New Construction: All new construction and any substantial improvements on existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structures.

b. Mobile Homes: All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(1) Over-the-top ties be provided at each of the four (4) corners of the mobile home with two (2) additional ties per side at intermediate locations. With mobile homes less than fifty feet (50') in length, only one additional tie per side shall be required;

(2) Frame ties be provided at each corner of the mobile home with five (5) additional ties per side at intermediate locations. With mobile homes less than fifty feet (50') in length, only four (4) additional ties per side shall be required;

(3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

(4) Any additions made to the mobile home be so anchored.

2. Materials And Methods:

a. All new construction and substantial improvements made shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements made shall be constructed using methods and practices that minimize flood damage.

3. Utilities:

a. All new and replacement water supply systems shall be designated to eliminate infiltration of flood waters into the system;

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters; and

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

E. Subdivision Proposals:

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as water, sewer, gas and electrical systems located and constructed to minimize flood damage; and
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage and shall be in conformance with all drainage requirements of the Subdivision Title (see Section 11-4-6 of this Code).

F. General Provisions:

1. **Applicability:** This Section shall apply to all areas of Hazard Flood Zone (HF) within the jurisdiction of the City.
2. **Compliance Required:** No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Section and any other applicable ordinance.
3. **Repeal:** This Section is not intended to repeal, abrogate or impair any existing easement, covenant or deed restriction. Where this Section and any other ordinance, easement, covenant or deed, restriction conflict, the most restrictive shall prevail.
4. **Interpretation; Application:** In the interpretation and application of this Section, all provisions shall be:
 - a. Considered as minimum requirements;
 - b. Liberally construed in favor of the City Council; and
 - c. Deemed neither to limit nor repeal any other powers granted under State statutes.

5. Degree Of Protection: The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based upon scientific and engineering considerations. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Section does not imply that land outside the areas designated as flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City, any officer, agent or employee thereof of the Federal Emergency Management Agency for any flood damage that results from reliance on this Section or any administrative decision lawfully made thereunder. (Zon. Ord., 5-8-1991)

10-5-3: **HAZARD SLOPE ZONE (HS):**

- A. Conditional Use Permit Required: No construction or earth moving activity in any Hazard Slope Zone (HS) shall occur until a conditional use permit has been obtained in compliance with the provisions of Section 10-3-5 of this Title. Said conditional use permit shall not be given to the applicant until adequate plans and engineering data are delivered to the City showing that:
1. No building or structure is to be located on any existing slope with an average gradient through the building zone of thirty percent (30%) or greater, nor within thirty feet (30') of any slope falling away at a grade of thirty percent (30%) or greater; and
 2. A detailed erosion control, revegetation and bank stabilization plan has been approved by the City Engineer for any disturbances planned to existing slopes within the Hazard Slope Zone; and
 3. A detailed site plan for any buildings or earth moving activities (roads, driveways, sewer or water lines, etc.) that show the location of the planned facilities and how they would fit in with the existing slope and landscape of the area (as shown by before and after contours) has been approved by the Planning and Zoning Commission.
- B. New Subdivisions: In the case of new subdivisions, these conditional use permit requirements for all public facilities (roads, sewer and water lines, etc.) within a Hazard Slope Zone (HS) shall be included in the final plat and construction drawing phases of the approval process and approval of the final plat shall serve as the conditional use permit for uses within the Hazard Slope Zone. (1998 Code)

10-5-4: **HAZARD WATER TABLE ZONE (HW):** No permit shall be issued for any construction or use in any Hazard Water Table Zone (HW) until a conditional use permit has been obtained in compliance with the provisions of Section 10-3-5 of this Title. Said conditional use permit shall not be given to the applicant until adequate plans and engineering data are delivered to the City showing that no basement or cellar is to be built, that the percentage of the lot, parcel or site to be covered by buildings, parking spaces and paved surfaces does not exceed forty percent (40%) of the area of the lot, parcel or site and that the proposed use is not of a character to increase quantities of chemicals, fertilizers, pesticides or minerals or in any other way likely to contaminate the ground water. (Zon. Ord., 5-8-1991)

10-5-5: **HAZARD EARTHQUAKE PRIMARY FAULT ZONE (HE):** No construction shall be permitted in any identified Hazard Earthquake Primary Fault Zone (HE) and/or landslide area until a conditional use permit has been obtained in compliance with the provisions of Section 10-3-5 of this Title. Said conditional use permit shall not be given until adequate plans and engineering data are provided showing:

A. Location of Structures: Where public facilities, occupancy facilities, large structures and sewer and water systems are to be constructed. Detailed geotechnical investigations may be required so as to accurately and very specifically locate faults and/or landslide areas;

B. Lines and Systems: Any sewer lines or disposal systems located beneath culinary water facilities; and

C. Ground Response Map: Ground response maps identifying the areas most susceptible to ground motion. (Zon. Ord., 5-8-1991)

10-5-6: Repealed (OM 001-2007, 01/09/2007)