

LINDON CITY CODE

**Chapter 17.62
FLOOD DAMAGE PREVENTION**

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Section 17.62.010 Statutory authorization.
The Legislature of the State of Utah has, in Title 10, UCA, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council of the city does ordain as set forth in this chapter. (Ord. no. 110 §1.1, 1984.)

Section 17.62.020 Findings.

1. The flood hazard areas of the city are subject to periodic inundation which results in 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 the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. no. 110 §1.2, 1984.)

Section 17.62.030 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 in specific areas by provisions designed:

- 1. To protect human life and health;
- 2. To minimize expenditure of public money for costly flood control projects;
- 3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 4. To minimize prolonged business interruptions;
- 5. To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; streets; and bridges located in areas of special flood hazard;
- 6. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- 7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- 8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. no. 110 §1.3, 1984.)

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Section 17.62.040 Definitions.

Unless specifically defined in this section, 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. "Area of special flood hazard" means the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.
2. "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.
3. "Development" means any 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 located within the areas of special flood hazard.
4. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters; and/or surface waters from any source.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
5. "Flood Insurance Rate Map (FIRM)" means the official map issued by the Federal Emergency Management Agency where the areas of special flood hazard have been designated Zone A.
6. "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.
7. "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 flood plain 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, and other similar vehicles.
8. "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.
9. "Structure" means a walled and roofed building or mobile home that is principally above ground.
10. Substantial Improvement.
 - a. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:
 - i. Before the improvement or repair is started; or
 - ii. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
 - b. The term does not, however, include either:
 - i. Any project for improvement of a

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structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

- ii. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places. (Ord. no. 160 §12, 1987.)

Section 17.62.050 Flood loss reduction--
Methods.

In order to accomplish its purposes, this chapter 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 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 flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood water;
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 water or which may increase flood hazards in other areas. (Ord. no. 110 §1.4, 1984.)

Section 17.62.060 Applicability.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city. (Ord. no. 110 §3.1, 1984.)

Section 17.62.070 Flood hazard areas--
Basis for
establishment.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map (FIRM), No. 4902100005-C, dated February 19, 1986, are adopted by reference and declared to be a part of this chapter as if set out in full. The FIRM is on file at 383 West 300 North Lakeview Road, Lindon, Utah. (Ord. no. 160 §12, 1987.)

Section 17.62.080 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. (Ord. no. 110 §3.3, 1984.)

Section 17.62.090 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 ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. no. 110 §3.4, 1984.)

Section 17.62.100 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. (Ord. no. 110 §3.5, 1984.)

Section 17.62.110 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 manmade or natural cause. This chapter does not imply that land outside the areas of special flood hazards or uses permitted

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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 the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. no. 160 §12, 1987.)

Section 17.62.120 Permit--Establishment--Information required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 17.62.070.

Application for a development permit shall be made on forms furnished by the building and zoning officer 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; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been flood-proofed;
3. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in Section 17.62.280; and
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. no. 110 §4.1, 1984.)

Section 17.62.130 Building and zoning officer--Authority.

The building and zoning officer is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(Ord. no. 110 §4.2, 1984.)

Section 17.62.140 Building and zoning officer--Duties.

Duties of the building and zoning officer shall include, but not be limited to those provisions set out in Sections 17.62.150 through 17.62.190. (Ord. no. 110 §4.3, 1984.)

Section 17.62.150 Permit--Review.

The building and zoning officer 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 from which prior approval is required;
3. Review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For the purposes of this chapter, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
 - a. 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.
 - b. If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer) for the proposed development shall be required.
 - c. If the proposed development is a building, then the provisions of this chapter shall apply. (Ord. no. 110 §4.3-1, 1984.)

Section 17.62.160 Use of other base flood data.

When the base flood elevation data has not been

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provided in accordance with Section 17.62.070, Flood hazard areas--Basis for establishment, the building and zoning officer shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Section 17.62.260, Standards--Specifically. (Ord. no. 110 §4.3-2, 1984.)

Section 17.62.170 Information to be obtained and maintained.

The building and zoning officer 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 flood-proofed structures:
 - a. Obtain and record the actual elevation (in relation to mean sea level) to which the structure has been flood-proofed.
 - b. Maintain the flood-proofing certifications required in Section 17.62.120 C;
3. Maintain for public inspection all records pertaining to the provisions of this chapter. (Ord. no. 160 §12, 1987.)

Section 17.62.180 Alteration of watercourses.

The building and zoning officer shall:

1. Notify adjacent communities and the Utah Division of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
2. Require that maintenance is provided within the altered or relocated portion of such watercourse so that the flood-carrying capacity is not diminished. (Ord. no. 160 §12, 1987.)

Section 17.62.190 Interpretation of FHBM boundaries.

The building and zoning officer 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). (Ord. no. 160 §12, 1987.)

Section 17.62.200 Standards--Generally.

In all areas of special flood hazards, the standards set out in Sections 17.62.210 through 17.62.280 are required. (Ord. no. 110 §5.1, 1984.)

Section 17.62.210 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 to be placed within Zone A on Lindon City's 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. 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. (Ord. no. 160 §12, 1987.)

Section 17.62.220 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. (Ord. no. 110 §5.1-2, 1984.)

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Section 17.62.230 Utilities and equipment.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood-waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood-waters into the systems and discharge from the systems into flood-waters;
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
4. 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. (Ord. no. 149 §1.3, 1986.)

Section 17.62.240 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 sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty lots or five acres (whichever is less). (Ord. no. 110 §5.1-4, 1984.)

Section 17.62.250 Encroachments.

Any proposed development shall be analyzed to determine effects on the flood-carrying capacity of the area of special flood hazard as set forth in Section 17.62.150C, Permit --Review. (Ord. no. 110 §5.1-5, 1984.)

Section 17.62.260 Standards--Specifically.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 17.62.160, Use of other base flood data, the standards set out in Sections 17.62.270 and 17.62.280 are required. (Ord. no. 110 §5.2, 1984.)

Section 17.62.270 Residential construction and non-residential construction.

The Lindon City Building and Zoning Officer shall obtain, review, and reasonably utilize any base flood elevation and flood-way data available from a Federal, State, or other source as criteria for requiring within Zone A the following:

1. New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
2. New construction and substantial improvement of any nonresidential structure shall either have the lowest floor, including basement, elevated to or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - a. Be flood proofed so that below the base flood elevation 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; and
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph.
3. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any flood-way unless a technical evaluation

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demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge. (Ord. no. 149 §1.4, 1986.)