

**ORDINANCE NUMBER 14-01**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, PERTAINING TO THE NATIONAL FLOOD INSURANCE PROGRAM, ADOPTING BY REFERENCE REVISED FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS, AND FLOODPLAIN MANAGEMENT REGULATIONS; REPEALING CHAPTER 15 OF THE CITY CODE REGARDING FLOOD DAMAGE PREVENTION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.**

**WHEREAS**, pursuant to Ordinance 04-02, the Maricopa City Council adopted the City Code, including Chapter 15 related to Flood Damage Prevention, on June 1, 2004; and

**WHEREAS**, pursuant to Ordinance 05-15, the Maricopa City Council adopted the 1990 Flood Insurance Study and Flood Insurance Rate Maps and the 1982 Floodplain Management Regulations for Pinal County on December 20, 2005; and

**WHEREAS**, the City of Maricopa, Arizona joined the National Flood Insurance Program (NFIP) as a separate community on December 27, 2007; and,

**WHEREAS**, the City of Maricopa, under the National Flood Insurance Program is the entity responsible for floodplain administration within the City; and,

**WHEREAS**, the continued participation in the National Flood Insurance Program is in the best interest of the citizens of the City; and,

**WHEREAS**, the Federal Emergency Management Agency published an updated Flood Insurance Study and Flood Insurance Rate Maps titled "Pinal County, Arizona and Incorporated Areas" on December 4, 2007; and,

**WHEREAS**, each community that participates in the National Flood Insurance Program is required to adopt floodplain management regulations consistent with Federal and State criteria; and,

**WHEREAS**, the City of Maricopa has delegated the responsibility of floodplain management to the Pinal County Flood Control District as provided for in A.R.S. Section 48-3610; and,

**WHEREAS**, the Pinal County Flood Control District has adopted Floodplain Regulations that meet the requirements of the National Flood Insurance Program; and

**WHEREAS**, those certain documents entitled "Flood Insurance Study for Pinal County, Arizona and Incorporated Areas" and "Pinal County, Arizona and Incorporated Areas Flood

Insurance Rate Maps” dated December 4, 2007, and “Pinal County Floodplain Management Ordinance” dated August 16, 2006, and all subsequent amendments and/or revisions are hereby designated as public records.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, AS FOLLOWS:**

**SECTION 1.** The City of Maricopa continues to delegate the responsibility of floodplain management to the Pinal County Flood Control District as provided for in A.R.S. Section 48-3610. The City Engineer is designated as the National Flood Insurance Program Floodplain Administrator for the City and is responsible for coordinating with the Pinal County Flood Control District and will serve as the community point of contact on National Flood Insurance Program issues for County, State and Federal officials.

**SECTION 2.** Those public records entitled “Flood Insurance Study (FIS) for Pinal County, Arizona and Incorporated Areas” dated December 4, 2007 with accompanying Flood Insurance Rate Maps (FIRMs) dated December 4, 2007 and all subsequent amendments and/or revisions, three copies of which shall be kept on file in the office of the City Clerk, are hereby adopted by reference, as the basis for establishing the special flood hazard areas for floodplain management in the City of Maricopa. The special flood hazard areas documented in the Flood Insurance Study and Flood Insurance Rate Maps are the minimum area of applicability of the floodplain management regulations and may be supplemented by studies for other areas as allowed in the regulations.

**SECTION 3.** That public record designated as “Pinal County Floodplain Management Ordinance” dated August 16, 2006, and all subsequent amendments and/or revisions, three copies of which shall be kept on file in the office of the City Clerk, is hereby adopted as the legal basis for implementing floodplain management in this community.

**SECTION 4.** Chapter 15 of the Maricopa City Code regarding Flood Damage Prevention, and all amendment thereto, are hereby repealed in their entirety.

**SECTION 5.** All ordinances and parts of ordinances in conflict with this ordinance including, but not limited to, Ordinance 05-15 are hereby repealed.

**SECTION 6.** If any portion of this ordinance is determined by a court of competent jurisdiction to be invalid, all remaining portions of this ordinance shall remain in full force and effect.


**SECTION 7.** Violation; Penalties.

A. It is unlawful for a person to engage in any development or to divert, retard or obstruct the flows of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by A.R.S. § 48-3613. Where the watercourse is delineated floodplain, it is unlawful to engage in any development affecting the flows of waters without securing written authorization required by A.R.S. § 48-3613.


B. Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed two thousand five hundred dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

**PASSED AND ADOPTED** by the Mayor and Council of the City of Maricopa, Arizona, this 1<sup>st</sup> day of April, 2014.

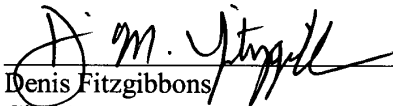
APPROVED:

  
\_\_\_\_\_  
Christian Price  
Mayor

ATTEST:

  
\_\_\_\_\_  
Vanessa Bueras, CMC  
City Clerk

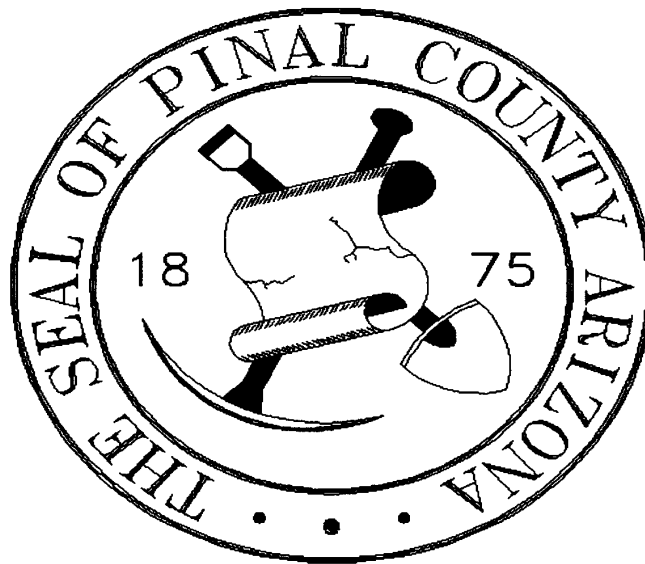
APPROVED AS TO FORM:

  
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Denis Fitzgibbons  
City Attorney

# Pinal County

## FLOODPLAIN MANAGEMENT

### ORDINANCE



August 2006

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**FLOOD DAMAGE PREVENTION ORDINANCE**  
**SECTION 1.0**  
**STATUTORY AUTHORIZATION, FINDINGS OF FACT,**  
**PURPOSE AND METHODS**

**Article I. Authority, Purpose and Title**

**SECTION 1.1        STATUTORY AUTHORIZATION**

In A.R.S. §§ 48-3603 through 48-3627, the Arizona State Legislature has delegated the responsibility to each county flood control district to adopt regulations consistent with criteria adopted by the Director of Arizona Department of Water Resources pursuant to A.R.S. § 48-3605, designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Pinal County Flood Control District of Pinal County, Arizona, does ordain as follows:

**FINDINGS OF FACT**

- A. The flood hazard areas of Pinal County are subject to periodic inundation which may result 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.
- B. These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, cause damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage, also contribute to the flood loss.
- C. Pursuant to the authority granted in A.R.S. §48-3609 (B), judicious floodplain management requires the permitting of development within a watercourse or contributing watershed that have flows greater than 200 cfs (cubic feet per second) during a 100-year flood event so as not to cause obstruction retardation or diversion of flows.

**SECTION 1.2        STATEMENT OF PURPOSE**

It is the purpose of this ordinance to comply with the directive of A.R.S. §48-3609 and 44 CFR Ch.1. et seq. (pertaining to the National Flood Insurance Program) to promote and protect the health, peace, safety, comfort, convenience, and general welfare of the residents within the jurisdictional area of Pinal County, Arizona, to minimize public and private losses due to flood conditions in specific areas, and to enable Pinal County and its residents to participate in the National Flood Insurance Program, receive Federal Disaster Assistance, obtain flood insurance and reduce the cost of flood insurance by provisions designed:

- A. To protect human life and health, and property of County residents;

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- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, fiber optics and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by regulating development of areas of special flood hazard so as to minimize future flood blight areas;
- G. Take all reasonable action so that potential buyers have notice that property is in an area of special flood hazard;
- H. Take all reasonable action so that those who occupy the areas of special flood hazard assume responsibility for their actions;
- I. Minimize flood damages and reduce the height and violence of floods which are caused by obstructions restricting the capacity of floodways;
- J. Prevent unwise encroachment and building development within floodplain areas;
- K. Reduce the financial burden imposed on the community, its governmental units and its residents when such land is flooded;
- L. Protect the natural and beneficial function of the floodplains; and
- M. To maintain eligibility for disaster relief.

**SECTION 1.3 TITLE**

**This Ordinance may be referred to as the Pinal County Floodplain Ordinance.**

**SECTION 1.4 METHODS OF REDUCING FLOOD LOSSES**

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

- A. 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;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;



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- C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and
- E. Preventing or regulating the construction of obstructions which will unnaturally divert flood waters or which may increase flood hazards in other areas.
- F. Protecting the integrity of the floodplains, by making it necessary to regulate development in the unincorporated county which would affect the delineated floodplains, by requiring a Floodplain Use Permit of Clearance for development within a watercourse or contributing watershed that has flows greater than 200 cfs (cubic feet per second) during a 100-year flood event, unless a drainage clearance has been issued.

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**Article II. Rules, General Provisions, and Construction and Interpretation**

**SECTION 2.1 RULES**

When not inconsistent with the context, words used in the present tense include the future tense, words in the singular include the plural; words in the plural include the singular. Words or phrases used in this Regulation shall be interpreted so as to give them the meaning they have in common usage. The word "shall" is mandatory and the word "may" is permissive. No provision of this Regulation shall be construed to require written authorization for those exemptions set forth in A.R.S §48-3613 (B) nor shall the Board of Directors of the Pinal County Flood Control District prohibit said exemptions; However, those exempt uses must comply with A.R.S §48-3613(C) which states: Before any construction authorized by subsection B of this section may begin, the person must submit plans for the construction to the Board for review and comment.

**SECTION 2.2 GENERAL PROVISIONS**

The areas of special flood hazard identified by FEMA in a scientific and engineering report entitled "The Flood Insurance Study for **Pinal County, Arizona Dated: April 18, 1983**" with accompanying FIRMs, Flood Boundary and Floodway maps dated **August 15, 1983**, 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 Board of Directors by the floodplain administrator. The Board of Directors, 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 (FEMA) and the Director of the Arizona Department of Water Resources. The FIS and FIRM panels are on file at **the offices of Pinal County Public Works**.

**SECTION 2.3 CONSTRUCTION AND INTERPRETATION**

This Regulation shall be liberally construed to effectuate its purposes. The requirements set out herein shall be construed as minimum requirements.

2. Nothing contained in this Regulation shall be construed to limit or repeal any powers granted to the Pinal County Flood Control District of Pinal County under state statute. If the provisions of this Regulation conflict with or overlap with other regulations, ordinances and statutes, the regulation, ordinance or statute which imposes the more stringent requirement or restriction shall prevail.

**[Remainder of page intentionally left blank]**

**Article III Definitions**

**SECTION 3.0 DEFINITIONS**

**A Zone:** means an approximate delineation of a Special Flood Hazard Area in which floodway boundaries and Base Flood Elevations have not been established.

**Accessory Use:** means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

**Accessory structure, low-cost and small.** A structure that is:

1. Solely for the parking of no more than 2 cars; or limited storage (small, low cost sheds); and
2. the structure is less than 1000 square feet in size.

**Active Alluvial Fan Hazard:** means an active alluvial fan flooding is a type of flood hazard that occurs only on alluvial fans. It is characterized by flow path uncertainty so great that this uncertainty cannot be set aside in realistic assessments of flood risk or in the reliable mitigation of the hazard. An active alluvial fan flooding hazard is indicated by three related criteria: (A) Flow path uncertainty below the hydrographic apex, (B) Abrupt deposition and ensuing erosion of sediment as a stream or debris flow loses its competence to carry material eroded from a steeper, upstream source area, and (C) An environment where the combination of sediment availability, slope and topography creates a hazardous condition for which elevation on fill will not reliably mitigate the risk.

**Alluvial Fan:** means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel and fine sediments that have been eroded from mountain slopes, transported by flood flows and then deposited in the valley floors and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition and channel migration.

**Alluvial Fan Flooding:** means flooding occurring on the surface of an alluvial fan which originates at the apex and is characterized by high-velocity flows, sediment transport and deposition, and unpredictable flow paths.

**Alluvial Fan High Hazard Area (AFHH):** means an area of active alluvial fan flooding that is reserved to convey and receive sediment and floodwater without altering and thereby increasing the distribution of hazard across the fan to inactive areas and to areas downslope.

**Alluvial Fan Uncertain Flow Distribution Area (AFUFD):** means a transitional area for sheet flooding and channelized flow located below the AFHH area.

**Approximate Alluvial Fan Floodways (AAFF):** means a major conveyance corridors defined within AFUFD and AFZA areas for unimpeded through flow of floodwater and sediment.

**Alluvial Fan Zone A (AFZA):** means an area of inactive alluvial fan flood characterized by flooding along stable flow paths and sheet flow or sheet flooding. These stable flow paths may still be subject to erosion hazards, channel bed and bank scour, and fill.

**Approximate Study:** means a graphic illustration of a delineation of the floodplain by the Floodplain Administrator made from the most reliable sources available where neither a floodplain nor a floodway has been determined by detailed methodology.

**Apex:** means a point on an alluvial fan below which the flow of the major stream that formed the fan becomes unpredictable and alluvial fan flooding may occur.

**Appeal.** means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

**Area Drainage Master Study (ADMS):** means a study to develop hydrology for a watershed, to define watercourses, identify potential flood problem areas, drainage problems and recommend solutions and standards for sound floodplain and stormwater management. The ADMS will identify alternative solutions to a given flooding or drainage problem.

**Area Drainage Master Plan (ADMP):** means a plan which identifies the preferred alternatives of those identified in an ADMS. An ADMP provides minimum criteria and standards for flood control and drainage relating to land use and development.

**Area of Jurisdiction:** means the 100-year delineated floodplains in the incorporated and unincorporated areas of Pinal County, including public lands, excluding those incorporated areas of cities or towns which have elected to assume floodplain management powers and duties pursuant to A.R.S §48-3610. For floodplain Management purposes, area of jurisdiction includes watercourses and contributing watersheds with flows greater than 200 cfs (cubic feet per second) in the unincorporated areas of the county.

**Area of Shallow Flooding.** means an area with flood depths from one to three feet where a clearly defined channel does not exist, the path of flooding is indeterminate, and where ponding may be evident.

**Area of Special Flood Hazard.** means 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 and A1-30 on the Flood Insurance Rate Map and other areas determined by the criteria adopted by the director of ADWR. (*See " Special Flood Hazard Area "*)

**Base Flood.** means the flood having a one percent chance of being equaled or exceeded in any given year.

**Basement.** Any area of the building having its floor sub-grade - i.e., below ground level - on all sides.

**Board:** means the Board of Directors of the Pinal County Flood Control District.

**Clearing/Grubbing:** means removal of vegetation without disturbance of existing land surface contours.

**Delineated Floodplain:** means a graphic illustration of the area susceptible to inundation by a 100-year flood based upon the results of an authorized study and which is included on either the Flood Management Maps for Pinal County or the Flood Insurance Rate Maps, or both.

**Community.** means any state, area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

**Development.** means any man-made change to property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of materials or equipment.

**District:** means the Pinal County Flood Control District.

**Encroachment.** means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**Erosion Control Zone:** means a land area adjoining a body of water or adjacent to or located partially or wholly within a delineated floodplain which due to the soil instability, is likely to suffer flood-related erosion damage.

**Erosion Setback:** means the minimum horizontal distance between a structure and a channel bank necessary to protect the structure from flood related erosion damage.

**Exempt Use:** means any use of the delineated floodplain specifically exempted from this Regulation by applicable law.

**Fill:** means the placement of fill material at a specified location to bring the ground surface up to a desired elevation.

**Fill Material:** means natural sands, dirt, soil and rock. For the purposes of floodplain management, fill material may include concrete, cement, soil cement, brick or similar material as approved by the Floodplain Administrator on a case by case basis.

**Flood or Flooding.** means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of flood waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and/or (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 by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

**Flood Boundary and Floodway Map (FBFM)-** The floodplain management map issued by FEMA that depicts, based on detailed flood hazard analyses, the boundaries of the 1-percent-annual-chance (100-year) and the 0.2-percent-annual-chance (500-year) floodplains and, when appropriate, the regulatory floodway. The FBFM does not show flood insurance risk zones or BFEs

**Flood Hazard Zone:** means any land area located partially or wholly within a delineated floodplain susceptible to flood related damage as designated on the Flood Management Maps. Such flood hazard zones may include but not be limited to areas highly susceptible to erosion, stream meander sensitivity, moveable bed, scour, wave action, and subsidence.

**Flood Insurance Rate Map (FIRM).** means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS).** means the official report provided by the Federal Insurance Administration. The report includes flood profiles, FIRM, FBFM and the water surface elevation of the base flood.

**Floodplain or Flood-Prone Area.** means any land area susceptible to being inundated by water from any source. (*See Flood or Flooding*)

**Floodplain Administrator.** means the community official designated by title to administer and enforce the floodplain management regulations.

**Floodplain Management.** means 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 and floodplain management regulations.

**Floodproofing.** means 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.

**Flood-Related Erosion.** means the collapse or subsidence of land along the shore of a lake or other body of water as a result of 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 a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

**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 one foot. Also referred to as "Regulatory Floodway."

**Floodway Fringe.** means that area of the floodplain on either side of the “Regulatory Floodway” where encroachment may be permitted.

**Grading:** means disturbance of existing land contours.

**Hazardous Waste:** means garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, or other discarded materials, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining, and agricultural operations or from community activities which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating irreversible illness or pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of or otherwise managed or any waste identified as hazardous pursuant to A.R.S. §49-922. Hazardous waste does not include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under §402 of the Federal Water Pollution Control Act (P.L. 92-500; 86 STAT. 816) as amended, or source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954 (68 STAT. 919), as amended.

**Hardship.** Related to Section 6.0 “*Variances*”, of this ordinance means the exceptional hardship which would result from a failure to grant the requested variance. The governing body requires that the variance be exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**Highest Adjacent Grade.** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Structure.** means any structure that is:

- A. 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 (Secretary) as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary 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;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary; or

- D. 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; or
  - b. directly by the Secretary in states without approved programs.

**Inactive Alluvial Fan:** means an alluvial fan where flood water typically is along incised channels and adjacent stable land.

**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.

**Mobile/ 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 "Mobile/ Manufactured Home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For flood insurance purposes the term "Mobile/Manufactured Home" does not include park trailers, travel trailers, and other similar vehicles.

**Natural and Beneficial Functions of Floodplains:** Includes, but is not limited to the following: natural flood and sediment storage and conveyance, water quality maintenance, groundwater recharge, biological productivity, fish and wildlife habitat, harvest of natural and agricultural products, recreation opportunities, and areas for scientific study and outdoor education. Effective date of the adopted floodplain delineation in which the land, building or permanent structure is located, or August 3, 1984, the effective date of A.R.S. §48-3601 ET SEQ., whichever is the earliest date.

**New Construction.** means for the purposes 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 a community and includes any subsequent improvements to such structures.

**Obstruction.** means anything, including but is not limited to, any dam, wall, wharf, embankment, levee, dike, 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.



**One-Hundred Year Flood.** means the flood having a one percent chance of being equaled or exceeded in any given year.

**Person.** means an individual or the individual's agent, a firm, partnership, association or corporation, municipality, or an agent of the aforementioned groups, or this state or its agencies or political subdivisions.

**Recreation Vehicle:** means any vehicle or portable unit designed for living, sleeping, housekeeping or office purposes which is: a) not more than forty (40) feet in length or eight (8) feet in width; b) transportable on its own chassis; and c) maintained in a readily transportable condition at all times. d) Be on site for fewer than 180 consecutive days. This definition includes motorized and non-motorized vehicles, travel trailers, camping trailers, but does not include mobile/manufactured homes or buildings as defined by this Regulation.

**Regulatory Flood Elevation.** means an elevation one foot above the base flood elevation for a watercourse for which the base flood elevation has been determined and shall be determined by the criteria developed by the director of water resources for all other watercourses.

**Solid Waste:** means any garbage, trash, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant or pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material but not including domestic sewage or hazardous waste.

**Solid Waste Landfill:** means either a public or private facility at which solid waste is placed on or in land for the purpose of long-range storage or disposal. Solid waste landfill does not include a land application unit, surface impoundment, injection well, compost pile or agricultural on-site disposal areas covered under A.R.S §49-766.

**Special Flood Hazard Area.** means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year or an area with flood related erosion hazards. It is shown on a Flood Boundary and Floodway Map or Flood Insurance Rate Map as Zone A, AO, A1-A30, AE, A99, or, AH.

**Start of Construction.** 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 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, including a gas or liquid storage tank, which is principally above ground, as well as 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 %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 estimated cost of each repair which as determined by a licensed contractor equals or exceeds 50 percent of the fair market value or the appraised value as determined by a competent appraiser whichever may be higher of the building or structure either: 1) before the improvement or rehabilitation is started, or 2) if the building or structure has been damaged by any origin and is being restored, before the damage occurred. In the case of structures which have been damaged, the value of the rehabilitation or restoration must include the fair market cost of all material and labor required to return the structure to its pre-damaged condition, regardless of the actual work performed. "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building or structure commences, whether or not that alteration affects the external dimensions of the building or structure. The term does not include any project for improvement of a building or structure which has been identified by the local building official to correct violations of existing state and local health, sanitary or safety code requirements; nor does it include any alteration of a building or structure listed on the National Register of Historic Places or State Inventory of Historical Places.

**Variance.** means a grant of relief from the requirements of this ordinance that permits construction or other uses of property in a manner that would otherwise be prohibited by this ordinance.

**Violation.** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**Watercourse.** means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**Watercourse Master Plan:** means a hydraulic plan for a watercourse that examines the cumulative impacts of existing development and future encroachment in the floodplain and future development in the watershed on potential flood damages, and establishes technical criteria for subsequent development so as to minimize potential flood damages for all flood events up to and including the one hundred-year flood.

**ARTICLE IV APPLICATION**

This Ordinance is applicable to all lands located within a delineated floodplain and watercourses or contributing watersheds that have flows greater than 200 cfs (cubic feet per second) during a 100-year flood event which are within the area of jurisdiction of the Pinal County Flood Control District.

**ARTICLE V ADMINISTRATION**

**SECTION 5.1 FLOODPLAIN ADMINISTRATOR**

1. The Pinal County Engineer or his designee is hereby appointed to administer, implement and enforce this ordinance by granting or denying development permits in accordance with its provisions.
2. Violators of any provision of this Ordinance shall be notified by the Floodplain Administrator who shall state the nature of the violation and order corrective action.
3. Failure to comply with ordered corrective action may result in submission of a declaration for denial of flood insurance for otherwise insurable structures to the Administrator of the Federal Insurance Administration pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.
4. Failure to appeal the order of the Floodplain Administrator within the time period set forth in Section 6.2 shall render the order of the Floodplain Administrator final and enforceable as provided in Article XVI of this Regulation.

**SECTION 5.2 FLOODPLAIN USE PERMIT**

1. A Floodplain Use Permit shall be obtained prior to commencing any proposed addition, alteration or change of any building, structure, land or other use within a delineated flood plain, except as exempted by applicable law and within the unincorporated county when a watercourse or contributing watershed has flows greater than 200 cfs (cubic feet per second) during a 100-year flood event unless a Drainage Clearance has been issued.
2. The Floodplain Administrator may place a time limit and any other conditions or restrictions designed to reduce or eliminate potential hazards to life or property.
3. The applicant may be required to execute deed restrictions running with the land or to post performance bonds, assurances or other security to guarantee the performance of the conditions and restrictions imposed.

4. The applicant shall submit any information the Floodplain Administrator considered necessary in making determinations required by this Regulation. The applicant may also be required to provide certification that all requirements of the Floodplain Use Permit have been met.

5. Floodplain Use Permits for improvements, modifications, or additions to existing buildings is counted cumulatively for at least five (5) years and reconstruction and repairs to damaged buildings is counted cumulatively for at least five (5) years. When the improvements, modifications, additions, reconstruction or repairs reach the 50% substantial improvement threshold, the structure must be brought into compliance.

### **SECTION 5.3 APPLICATIONS TO FEMA REQUIRING COMMUNITY SIGNATURE**

Any applications to FEMA that require the signature of the Community Official, such as applications for Letter of Map revision (LOMR) and Conditional Letter of Map Revision (CLOMR), shall be submitted to the Floodplain Administrator for review. They shall then be recommended by the Floodplain Administrator for approval or denial to the Board of Directors.

If approved, the Chair of the Board shall sign as the Community Official on behalf of Pinal County Flood Control District.

### **SECTION 5.4 ELEVATION/ FLOODPROOFING CERTIFICATE**

An Elevation/Floodproofing Certificate by an Arizona Registered Professional Engineer, or Land Surveyor shall be submitted in a form acceptable to the Floodplain Administrator prior to occupancy or use of any building within a flood hazard zone designated on the Flood Management Maps, except those uses exempted by applicable law.

The required Elevation Certificate within a Zone AO may be completed by District Staff as approved by the Floodplain Administrator.

The Floodplain Administrator shall maintain a record of all Elevation and Floodproofing Certificates and may record such certification with the office of the Pinal County Recorder in a manner so that it appears in the chain of title of the affected parcel of land.

### **SECTION 5.5 COORDINATION**

1. The Board and the Floodplain Administrator shall coordinate the provisions of this Regulation with all other interested and affected political subdivisions, federal and state agencies, as required by A.R.S §§48-3609 and 48-3610.

2. The Floodplain Administrator shall review proposed development to assure that all other permits required by state and federal laws have been obtained for such development prior to issuance of any clearances, permits or variances authorized by state statute or this Ordinance.

### **SECTION 5.6 STATUTORY EXEMPTIONS**

1. In accordance with A.R.S. § 48-3609, unless expressly provided, this and any regulation adopted pursuant to this article do not affect:

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- A. Existing legal uses of property or the right to continuation of such legal use. However, if a legal nonconforming use of land or a building or structure is discontinued for twelve months, or destroyed to the extent of fifty percent of its value as determined by a competent appraiser, any further use shall comply with this article and regulations of Pinal County;
  - B. Reasonable repair or alteration of property for the purposes for which the property was legally used on August 3, 1984, or on the date any regulations affecting such property takes effect, except that any alteration, addition, rehabilitation or repair to a legal nonconforming building or structure regardless of the cost as determined by a licensed contractor of the work performed which would result in increasing its flood damage potential by fifty percent or more of the value of such building or structure prior to alteration, addition, rehabilitation or repair as determined by a competent appraiser shall be either floodproofed or elevated to or above the regulatory flood elevation;
  - C. Reasonable repair of structures constructed with the written authorization required by A.R.S. § 48-3613; and
  - D. Facilities constructed or installed pursuant to a Certificate of Environmental Compatibility issued pursuant to A.R.S. Title 40, Chapter 2, Article 6.2 of the Arizona Revised Statutes.
2. In accordance with A.R.S §48-3613, written authorization shall not be required, nor shall the Board prohibit the following except that before any construction authorized by this subsection may begin, the person shall submit plans for the construction to the Floodplain Administrator for review and comment.
- A. The construction of bridges, culverts, dikes and other structures necessary to the construction of public highways, roads and streets intersecting or crossing a watercourse;
  - B. Construction of dams for the conservation of flood waters as permitted by Title 45, Chapter 6 of the Arizona Revised Statutes and construction of storage dams for watering livestock or wildlife, structures on banks of a watercourse to prevent erosion of or damage to adjoining land if the structure will not divert, retard or obstruct the natural channel of the watercourse or dams for the conservation of floodwaters as permitted by A.R.S. Title 45, Chapter 6;
  - C. Construction of tailing dams and waste disposal areas for use in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations that shall divert, retard or obstruct the flow of waters in any watercourse from complying with and acquiring authorization from the floodplain board pursuant to regulations adopted by the floodplain board under this article;
  - D. Any political subdivision from exercising powers granted to it under A.R.S. Title 48, Chapter 18, Article 10;

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- E. Construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision; and
  - F. Construction and erection of poles, towers, foundations, support structures, guy wires and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision.
3. In addition to the statutory exemptions, any other use or development within the jurisdiction of this Regulation as may be determined by the Floodplain Administrator to be exempt if the applicant for the exemption satisfies the Floodplain Administrator that such use is not prohibited by any other regulation, code or ordinance, and has a low flood damage potential, shall not cause a change in watercourse mechanics including but not limited to obstruction, diversion or other changes detrimental to the natural flow of water and shall not cause a hazard to life or property.

**SECTION 5.7 FLOODPLAIN CLEARANCE.**

Before any construction authorized under Section 5.6 may begin, the person shall submit plans for construction to the Floodplain Administrator for review and comment and to determine whether a floodplain clearance or any of the exemptions set forth in this Section are applicable. A Floodplain Clearance may be issued for the review of plans to determine that structures are located outside the floodplain and the erosion control zone; or for other incidental uses not requiring a Floodplain Use Permit.

**SECTION 5.8 PERSONAL LIABILITY.**

The exemptions contained in Section 5.6 do not relieve any person from liability if that person's actions cause flood damage to any other person or property.

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**ARTICLE VI. APPEALS AND VARIANCES**

**SECTION 6.1 APPEALS**

1. Appeals of any decision of the Floodplain Administrator to the Board of Directors shall be filed with the Floodplain Administrator within 30 days from the receipt of notice of the decision to be appealed and shall be in writing on a form provided by the Floodplain Administrator. The notice of appeal shall specify the grounds for said appeal.

2. While the appeal is pending, all existing floodplain delineations shall remain in effect. All other matters regarding the proceeding shall be stayed during its pendency unless the Administrator certifies to the Floodplain Review Board that by reason of facts surrounding the application the stay would, in his opinion, cause imminent peril to life or property. In such cases the other matters shall not be stayed.

3. The Board of Directors shall fix a time for hearing the appeal and give notice to the parties in interest and to the public as set forth herein. The Board of Directors shall hear and decide the appeal within a reasonable time.

**SECTION 6.2 FLOODPLAIN VARIANCE**

Conditions for the issuance of a variance:

1. A variance shall be issued by the Board of Directors when all of the following criteria are met:

- a. That no increase in the base flood elevation would result;
- b. That special circumstances, such as size, shape, topography, location or surroundings of the property, would cause the strict application of the Regulation to deprive the property of privileges enjoyed by similar property in the jurisdictional floodplain;
- c. That the variance does not constitute a grant of special privileges inconsistent with the limitations on similar property in the jurisdictional floodplain;
- d. That the variance requested is the minimum necessary, considering the flood hazard, to afford relief;
- e. That there is a showing of good and sufficient cause;
- f. That the variance requested is for the repair, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, upon a determination that the proposed repair or rehabilitation will not preclude the structures continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
- g. That a determination that failure to grant the variance would result in exceptional hardship to the applicant;
- h. That granting the variance shall not result in additional threats to public safety, extraordinary public expense, create a nuisance, the victimization of or fraud on the public; and
- i. That the variance does not conflict with existing local laws or ordinances.

2. In addition to the above requirements, the Board of Directors, may attach such conditions or restrictions to the granting of a variance as it determines necessary to reduce or eliminate potential threats to public safety or to public or private property resulting from the granting of the variance. The applicant, among other things, may be required to post performance bonds, assurances or other security to guarantee compliance with the conditions and restrictions imposed.

3. The burden of proof of compliance with the above conditions shall be on the applicant.

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**ARTICLE VII. RECORDATION/NOTIFICATION**

**SECTION 7.1 RECORDATION/NOTIFICATION OF VARIANCE.**

Upon the granting of a variance for the construction of a dwelling unit or commercial or industrial structure, where the construction of such unit or structure is otherwise contrary to this Regulation, the Board shall notify the grantee in writing that:

1. The issuance of the variance may result in increased premium rates for flood insurance;
2. Construction below the Regulatory Flood Elevation will increase risks to life and property and flooding may occur by channel meander or by a more frequent flood or a larger flood than the 100-year flood event;
3. If the structure is a dwelling unit or business, as defined by A.R.S. §26-321, the land upon which the structure is located is ineligible for exchange of land pursuant to the flood relocation and land exchange program provided for by Title 26, Chapter 2, Article 2 of the Arizona Revised Statutes.
4. The original of the above written notice shall be recorded with the Pinal County Recorder in a manner so that it appears in the chain of title of the affected parcel of land. Proof of such recordation shall be maintained on file with the District and be available to any agency requiring any subsequent permits.
5. The Floodplain Administrator shall maintain a record of all variance actions. This record shall be included in the biennial report to the Federal Emergency Management Agency.

**SECTION 7.2. RECORDATION OF FLOOD HAZARD DETERMINATION.**

Upon approval of a Floodplain Use Permit, or when through the course of performing other authorized duties it is determined that any portion of a parcel of land is within a delineated Flood Hazard Zone, or a previously noticed parcel has been removed from the delineated Flood Hazard Zone, a notice of such determination may be recorded with the office of the Pinal County Recorder in a manner so that it appears in the chain of title of the affected parcel of land.

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**ARTICLE VIII. FLOOD HAZARD BOUNDARIES**

**SECTION 8.1. MINIMUM AREA FOR FLOODPLAIN DELINEATION.**

All zones designated A, AH, AO, AE or A1 through A30 on the current Flood Insurance Study, the Flood Insurance Rate Maps and Flood Boundary and Floodway Maps for Pinal County, Arizona, shall constitute the minimum area for management under this Regulation.

**SECTION 8.2. OTHER DELINEATIONS.**

In areas without delineated flood hazard zones A, AH, AO, AE or A1 through A30, where development is imminent or ongoing, the District may require developers of land to delineate floodplains to be administered under this Regulation. For subdivision and master plan development, the developer shall delineate the 100-year floodplains and erosion setbacks per Arizona State Standards. Such delineations shall be consistent with criteria established by the Director, State Department of Water Resources and may be forwarded to the Federal Emergency Management Agency for adoption. Per 44 CFR Ch.1 et seq., if the State of Arizona has not adopted floodplain regulations, any development on State land shall comply with local regulations. The District may forward to the Federal Emergency Management Agency other delineations obtained from other sources, provided they are determined to be consistent with criteria established by the Director, of the Arizona Department of Water Resources.

Other sources include but are not limited to

- (1) a developer of floodplain property,
- (2) State or County agency,
- (3) any agency which must delineate a floodplain as a result of completion of a flood control structure, or (4) the Federal Emergency Management Agency.

1. Such delineations shall be submitted to the Floodplain Administrator to be reviewed for technical adequacy. The Floodplain Administrator may forward such delineations to the Arizona Department of Water Resources and to the Federal Emergency Management Agency with a recommendation for approval or denial.

2. All delineations approved by the Federal Emergency Management Agency are hereby adopted as referenced and shall be included on the Flood Management Maps for Pinal County.

**SECTION 8.3 OTHER FLOOD HAZARD BOUNDARIES.**

Whenever the District determines through a flood hazard study, watercourse master plan or other flood related study authorized by the Board that a flood related hazard exists due to such factors as high-velocity flows, erosion, sediment transport, deposition, unstable soil conditions or land subsidence, the Floodplain Administrator shall designate such hazard areas on the Flood Management Maps for Pinal County. The Floodplain Administrator shall establish technical criteria and enforce rules and regulations for subsequent development that meet or exceed criteria adopted by the Director, Arizona Department of Water Resources and when appropriate such studies may be forwarded to the Federal Emergency Management Agency.

**SECTION 8.4 PUBLICATION OF FLOOD HAZARD BOUNDARIES.**

All flood hazard designations as authorized by this Regulation including but not limited to erosion control zones, watercourse master plans, moveable bed watercourses and other special flood related designations and, including all A, AH, AO, AE and A1 through A30 zones on the Flood Insurance Rate Maps for Pinal County, Arizona, shall be shown on the official Flood Management Maps for Pinal County.

For floodplain management purposes, areas which are under current flood hazard study shall be designated by the Floodplain Administrator as preliminary delineations on the Flood Management Maps for Pinal County as the best technical data available pending final approval of the study by the Federal Emergency Management Agency.

**SECTION 8.5. PUBLIC NOTICE.**

Whenever a flood hazard identification study has been authorized by the Board, the District shall publish a notice concerning the intent and scope of the study and notify affected adjacent political jurisdictions. The District shall also mail information concerning the study or hold a public meeting for the affected property owners.

**SECTION 8.6 DETERMINATION IN CASE OF DISPUTE.**

If the boundary of any floodplain with an A Zone Delineation, Floodway, Floodway Fringe , Area of Shallow Flooding including Ponding Areas, Alluvial Fans or other flood hazard boundaries is in dispute the Floodplain Administrator shall determine the boundary using the best technical data available. In cases where a revision of the Floodway becomes necessary, the required public notice and public hearing process shall be followed and the necessary information shall be submitted to the Federal Emergency Management Agency.

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**ARTICLE IX. FLOODWAY**

**SECTION 9.1 FLOODPLAIN USE PERMIT.**

All new uses or substantial improvements to existing structures within a floodway (A1-30 and AE Zones) not exempt from this Regulation require a Floodplain Use Permit issued by the Floodplain Administrator and are subject to the provisions of Section 9.2. Issuance of a Floodplain Use Permit does not exempt the holder of the Floodplain Use Permit from any additional requirements necessary to obtain flood insurance.

Uses for which a Floodplain Use Permit may be granted are:

1. Operations for extraction of sand, gravel and other materials.
2. Marinas, boat rentals, docks, piers and wharves.
3. Railroads, privately owned and maintained streets, bridges, utility transmission lines and pipelines.
4. Stockyards, and corrals.
5. Private and public recreational uses including, but not limited to, golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
6. Agricultural uses including, but not limited to, general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, sod farming, and wild crop harvesting.
7. Industrial-commercial uses including, but not limited to, loading areas, airport landing strips, and parking areas.
8. Accessory residential uses including, but not limited to, lawns, gardens, parking areas and play areas.
9. Other uses similar in nature to uses described in this section which are consistent with the standards set forth in Section 9.2.

**SECTION 9.2. FLOODWAY DEVELOPMENT STANDARDS**

No structure, excavation or fill material (including fill material for private roads, dikes, and levees per ARS §48-3613(B)(1)), deposit, obstruction, storage of material or equipment or other uses shall be permitted which alone or in combination with existing or future uses, in the opinion of the Floodplain Administrator, would cause an increase in the base flood elevations or flood damage potential. The following Floodway Development standards apply:

1. Septic systems, whether public or privately owned, shall not be located wholly or partially within a Floodway.
2. In accordance with A.R.S §49-767(B)(2) solid waste landfills or any part of such facility, whether public or privately owned, shall not be located wholly or partially within a Floodway or within one-half mile of a one hundred year floodplain that has one hundred year flows in excess of twenty-five thousand cubic feet per second, as determined by the Federal Emergency Management Agency.

3. Any fill material proposed in the Floodway must be shown by the applicant to have no detrimental effect on the purposes of this Regulation. The amount of fill material shall not be greater than is necessary to achieve the purpose for which it is intended as demonstrated by a plan submitted by the applicant indicating the uses to which the filled land will be put the final dimensions, and the extent of the proposed fill material. Such fill material shall not include junk, trash, tires, garbage, wood or other buoyant materials, nor hazardous, toxic or deleterious materials, and shall be protected against scour and erosion.

4. Structures and uses permitted within the Floodway shall not include buildings and shall have a low flood damage potential, shall be located so as to minimize obstruction to flood flows with any utilities floodproofed, and shall not be designed or utilized for human habitation.

5. The processing or the outside storage of materials and equipment may be permitted if flooding would cause minimal damage to the material or equipment and such material or equipment is either non-buoyant or firmly anchored or located so as to prevent floatation or is maintained in a readily transportable condition so as to be readily removed from the area within the time available after flood warning.

6. In order to control erosion and preserve the natural and beneficial functions of the floodplain, removal of vegetation shall be the minimum necessary for development.

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7. Sand and Gravel Extraction.

- a. A Floodplain Use Permit for the extraction of sand and gravel or other materials within the Floodway shall be granted if the applicant shows that excavations shall not have cumulative adverse impact nor be of such depth, width, length, or location as to present a hazard to life or property or to the watercourse in which they are located and that they shall comply with any applicable Watercourse Master Plan adopted by the Board of Directors.
- b. Excavations shall not be permitted so close to any floodway crossings, utility structures or facilities as to cause or have the potential to cause an adverse effect on such crossings, utilities or similar facilities.
- c. No stockpiling of tailings, overburden or sand and gravel which may obstruct, divert or retard the natural flow of water shall be permitted, except as approved by the Floodplain Administrator in a Floodplain Use Permit.
- c. A plan of development shall be submitted with an application for a Floodplain Use Permit to the Floodplain Administrator. The Floodplain Administrator shall determine whether an engineered plan shall be required and whether a sediment transport analysis is necessary.
- d. The plan of development shall be required to include a plan of reclamation to leave the land when the approved use is terminated in such a condition as to maintain stability of the floodway by backfilling, contouring, leveling, removal of equipment and materials or other appropriate means.
- f. Any significant change, as determined by the Floodplain Administrator, in a previously approved plan of development shall require an application to amend the approved plan of development.
- g. In order to control erosion and preserve the natural and beneficial functions of the floodplain, removal of vegetation shall be the minimum necessary for the development.
- h. The plan of development is subject to post-flood review and possible modification if necessary due to flood related changes in river morphology.
- i. Erosion setbacks shall meet Arizona State Standards or as determined by the Floodplain Administrator.

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**ARTICLE X. FLOODWAY FRINGE**

**SECTION 10.1. FLOODPLAIN USE PERMIT**

All new uses and substantial improvements to existing structures within a Floodway Fringe (A1-30 and AE Zones) specified in 10.1.1 through 10.1.6 below require a Floodplain Use Permit issued by the Floodplain Administrator subject to the provisions of Section 10.2. Issuance of a Floodplain Use Permit does not exempt the holder of the Floodplain Use Permit from any additional requirements necessary to obtain flood insurance. Uses for which a Floodplain Use Permit may be granted are:

1. Any use permitted in Section 9.1.
2. Structures and buildings, including dwellings and mobile/manufactured homes, recreational vehicles and other residential uses.
3. New and replacement water supply systems, water treatment and sewage collection and disposal systems provided that they are designed to prevent or minimize floodwater contamination during the base flood.
4. New and replacement sanitary sewage systems, provided that they are designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, unless otherwise allowed by a permit in conformance with the Federal Water Pollution Control Act.
5. Septic systems and solid waste landfills, whether public or privately owned, provided that they are located in such a way as to avoid impairment to them or contamination from them during flooding and provided that no part of a solid waste landfill is within one-half mile of a one-hundred year floodplain that has one-hundred year flows in excess of twenty-five thousand cubic feet per second as determined by the Federal Emergency Management Agency.
6. Any other uses which will not be subject to substantial flood damage and which will not cause a hazard to life or property or to the public. These may include uses which can be readily removed from delineated floodplain areas during times of flooding.

**SECTION 10.2. FLOODWAY FRINGE DEVELOPMENT STANDARDS**

1. New construction or substantial improvement to any existing structure shall be constructed with methods which minimize flood damage with materials and utilities resistant to flood damage.
2. In order to control erosion and preserve the natural and beneficial functions of the floodplain, removal of vegetation shall be the minimum necessary for the development.
3. Erosion setbacks shall meet applicable Arizona State Standards or as determined by the Floodplain Administrator.
4. Dwellings other than mobile/manufactured homes shall have the lowest floor elevated and all utilities elevated or floodproofed up to or above the Regulatory Flood Elevation. The applicant shall provide an Elevation/Floodproofing Certificate by an Arizona Registered Professional Engineer or Land Surveyor certifying that the elevation or floodproofing requirement has been met.
5. Mobile/manufactured homes including permanently placed recreation vehicles shall be elevated so that the bottom of the structural frame is at or above the Regulatory Flood Elevation

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and is anchored to prevent floatation, collapse or movement. Methods of anchoring may include, but not be limited to, use of over-the-top or frame ties to ground or foundation anchors. Specific requirements shall be as follows:

- a. Over-the-top or frame ties shall be provided at each of the four corners of the mobile/manufactured home, with additional ties on each side at intermediate locations;
  - b. Mobile/manufactured homes more than 50 feet long require one additional tie per side;
  - c. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds;
  - d. Adequate surface drainage and access for a hauler are provided;
  - e. In the instance of elevating on piers, setbacks are sufficient to permit steps, pier foundations are placed in stable soil no more than ten feet apart, and reinforcement is provided for piers more than six feet above ground level. A scour analysis may be required when elevating on piers;
  - f. Any additions to the mobile/manufactured home must be similarly anchored; and
  - g. Attached appliances and all utilities shall be either elevated or floodproofed up to the Regulatory Flood Elevation.
  - h. The above requirements do not apply to units in storage, and may be waived by the Floodplain Administrator on a case by case basis for units placed for less than 180 consecutive days, which are properly licensed and ready for highway use, or are on jacks or wheels with quick disconnect of utilities and have no permanently attached additions.
6. For all mobile/manufactured home parks and mobile/manufactured home subdivisions an evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Pinal County Office of Emergency Management.
7. Fill material, if used to elevate structures, shall meet all of the following standards:
- a. The top of such fill material shall be at no point lower than the Regulatory Flood Elevation.
  - b. Such fill material shall extend at least 25 feet beyond the walls or supporting frame of the structure, or as approved by the Floodplain Administrator.
  - c. Fill material shall be placed and compacted in accordance with the applicable building code.
  - d. Fill material shall not interfere with local drainage or tributary flow of the channel of any watercourse.
  - e. Fill material proposed in excess of the amount and extent required herein shall be shown by the applicant to have no detrimental effect on the purposes of this Regulation and the amount of fill material shall not be greater than is necessary to achieve the purpose for which it is intended as demonstrated by a plan submitted by the applicant indicating the uses to which the filled land will be put and the final dimensions and extent of the proposed fill material.
8. Fill material for purposes other than solid waste landfills shall not include junk, trash, tires, garbage, wood or other buoyant materials nor hazardous, toxic or deleterious material and shall be protected as needed against scour and erosion by riprap or other protective measures as approved by the Floodplain Administrator.
9. Permitted landfills shall be protected against scour, erosion and contamination by and contamination of the 100-year flood event.



10. Buildings, except dwellings or any type of residence may have the lowest floor below the Regulatory Flood Elevation provided that they shall be watertight with walls substantially impermeable to the passage of water and structural components and utilities having the capacity of resisting the effects associated with a base flood. Designs for meeting this criteria shall either be certified on a Floodproofing Certificate by an Arizona Registered Professional Engineer or the design must meet or exceed the following minimum criteria: A minimum of two openings, on at least two sides, 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, valves, or other coverings or devices provided they allow the automatic entry and exit of floodwaters.

11. All new construction and substantial improvements that fully enclose 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. The applicant shall provide a Floodproofing Certificate by an Arizona Registered Professional Engineer certifying that the floodproofing requirements have been met, or the design shall meet the provisions of Section 10.2.10

12. Sand and Gravel Extraction.

A Floodplain Use Permit for the extraction of sand and gravel or other materials within the floodway fringe shall be granted if the applicant shows that excavations shall not have a cumulative adverse impact nor be of such depth, width, length, or location as to present a hazard to life or property or to the watercourse in which they are located and comply with any applicable Watercourse Master Plan adopted by the Board of Directors subject to the following conditions:

- a. Unprotected excavations shall not be permitted so close to any floodplain crossings, utility structures or facilities as to cause or have the potential to cause an adverse effect on such crossings, utilities or similar facilities.
- b. No stockpiling of tailings, overburden or sand and gravel which may obstruct, divert or retard the natural flow of tributaries to the main watercourse except as specifically approved by the Floodplain Administrator in a particular Floodplain Use Permit shall be permitted.
- c. Dikes or levees are permitted provided it can be shown by the applicant that such dikes or levees shall not adversely effect structures, road or utility crossings, other public or private property, shall not cause erosion or diversion of flood flows onto property outside the delineated floodplain, and shall not create a danger to life or property.
- d. The plan of development shall include a plan of reclamation to leave the land when the approved use is terminated in such a condition as to maintain stability of the delineated floodplain or to an improved condition to enhance higher use of the land.
- e. A plan of development shall be submitted with an application for a Floodplain Use Permit to the Floodplain Administrator. The Floodplain Administrator shall determine whether an engineered plan shall be required and whether a sediment transport analysis is necessary.
- f. Any significant change, as determined by the Floodplain Administrator, in a previously approved plan of development shall require an application to amend the approved plan of development.

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- g. In order to control erosion and preserve the natural and beneficial functions of the floodplain, removal of vegetation shall be the minimum necessary for development.
- h. The plan of development is subject to post-flood review and possible modification if necessary due to flood related changes in river morphology.
- i. Erosion setbacks shall meet Arizona State Standards or as approved by the Floodplain Administrator.

**[Remainder of page intentionally left blank]**

**ARTICLE XI. ZONE A DELINEATIONS**

**SECTION 11.1. FLOODPLAIN USE PERMIT.**

The uses and structures in a Zone A Delineation specified in 11.1.1 through 11.1.3 below require a Floodplain Use Permit subject to the provisions of Section 11.2. Issuance of a Floodplain Use Permit does not exempt the holder of the Floodplain Use Permit from any additional requirements for flood insurance. Uses for which a Floodplain Use Permit may be granted are:

1. Any use permitted in Section 9.1 which will not increase the threat of flooding to surrounding property.
2. Any use permitted in Section 10.1, subject to the provisions of Section 10.2, which will not increase the threat of flooding to surrounding property.
3. Any other use not specifically named in Sections 9.1 or 10.1 provided the applicant submits an analysis of the Zone A Floodplain consistent with Article VIII. Such delineations shall be subject to review and approval by the Floodplain Administrator prior to issuance of a Floodplain Use Permit and may be forwarded to the State Department of Water Resources and the Federal Emergency Management Agency in the manner described in Article VIII, Section 8.2.

**SECTION 11.2 ZONE A DELINEATION DEVELOPMENT STANDARDS.**

1. Uses shall be permitted within the Zone A Delineations as set forth above, provided that the base flood elevation is not more than two (2) feet above the existing ground elevation either at the site of the proposed use or along a line perpendicular to the direction of flow between such site and the limit of the delineated floodplain.
2. In Zones AE, and A, without a delineated Floodway, development shall be permitted provided that the base flood elevation is not more than two (2) feet above the existing ground elevation and provided it is demonstrated that the cumulative effect when combined with existing and anticipated development shall not increase the water surface elevation beyond the allowable one foot rise.
3. In order to control erosion and preserve the natural and beneficial functions of the floodplain, removal of vegetation shall be the minimum necessary for development.
4. Erosion setbacks shall meet Arizona State Standards or as approved by the Floodplain Administrator.
5. The lowest floor of dwellings other than mobile/manufactured homes shall be elevated and all utilities floodproofed at least (2) two feet above the base flood elevation.
6. Mobile/manufactured homes are permitted subject to the provisions of Section 10.2.5 except that the bottom of the structural frame shall be elevated at least (1) one foot above the base flood elevation.
7. The applicant shall provide an Elevation/Floodproofing Certificate by an Arizona Registered Professional Engineer or Land Surveyor to the Floodplain Administrator stating that the elevation or floodproofing requirement has been met.
8. All nonresidential buildings and substantial improvements thereto shall have the lowest floor elevated or the structure shall be floodproofed one (1) foot above the base flood elevation. Such buildings and substantial improvements thereto shall be watertight with walls substantially impermeable to the passage of water and structural components and utilities having the capacity of resisting the effects associated with a base flood. The applicant shall provide an Elevation

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certificate completed by an Arizona Registered Land Surveyor or Engineer or, a Floodproofing Certificate by an Arizona Registered Professional Engineer stating that the floodproofing requirement has been met or the design shall meet the provisions of Section 10.2.10.

9. All new construction and substantial improvements, that fully enclose 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. The applicant shall provide Floodproofing Certificate by an Arizona Registered Professional Engineer certifying that the floodproofing requirement has been met or the design shall meet the provisions of Section 10.2.10.

10. If fill material is to be used to elevate buildings, such fill material shall meet the requirements of Section 10.2.7.

11. Fill material for purposes other than solid waste landfills shall meet the requirements of Section 10.2.8.

12. All subdivision proposals and other proposed new developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall include within such proposals base flood elevation data.

**[Remainder of page intentionally left blank]**

**ARTICLE XII. PONDING AREAS AND AREAS OF SHALLOW FLOODING.**

**SECTION 12.1. FLOODPLAIN USE PERMIT.**

Uses, new buildings and substantial improvements thereto which are permitted elsewhere in this Regulation may be permitted in Ponding Areas and Areas of Shallow Flooding. A Floodplain Use Permit issued by the Floodplain Administrator shall be required, subject to the applicable provisions set forth below. Issuance of a Floodplain Use Permit does not exempt the holder of the Floodplain Use Permit from any additional requirements for flood insurance.

**SECTION 12.2. ZONE AO PONDING AREA.**

1. Any volume displacement shall be equally compensated for from within the same Ponding Area.
2. New or substantially improved residential buildings shall have the lowest floor elevated at least one foot above the regulatory flood elevation or at least two feet above the highest adjacent grade if no depth number is specified.
3. New or substantially improved nonresidential buildings shall have the lowest floor either elevated or, together with the building contents and utilities floodproofed, using flood resistant materials, at least one foot above the flood depth at the high point of the natural building pad elevation, and with watertight walls substantially impermeable to the passage of water and structural components and utilities having the capacity of resisting the effects associated with a base flood, or the design shall meet the provisions of Section 10.2.10.
4. Mobile/manufactured homes and recreation vehicles shall be permitted subject to the provisions of Section 10.2.5.
5. The effective lateral conveyance shall be preserved.
6. If fill material is to be used to elevate buildings, such fill material shall meet the requirements of Section 10.2.7.
7. Fill material for purposes other than solid waste landfills shall meet the requirements of Section 10.2.8.
8. All new construction and substantial improvements that fully enclose 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. The applicant shall provide a Floodproofing certificate by an Arizona Registered Professional Engineer certifying that the floodproofing requirement has been met, or the design shall meet the provisions of Section 10.2.10.
9. All new residential buildings and substantial improvements to residential buildings shall have an Elevation Certificate which may be completed by District staff as approved by the Floodplain Administrator.
10. Whenever an elevation or floodproofing certificate is required, a separate certificate shall be furnished for each building.

**SECTION 12.3      ZONE AH PONDING AREA.**

1. Any volume displacement shall be equally compensated for from within the same Ponding Area.
2. Residential buildings shall have the lowest floor elevated at least one foot above the base flood elevation.
3. Nonresidential buildings shall have the lowest floor either elevated or, together with the building contents and utilities, shall be floodproofed, using base flood resistant materials, up to at least one foot above the flood elevation with watertight walls substantially impermeable to the passage of water and structural components and utilities having the capacity of resisting the effects associated with a base flood, or the design shall meet the provisions of Section 10.2.10
4. Mobile/manufactured homes and recreation vehicles shall be permitted subject to the provisions of Section 10.2.5.
5. The effective lateral conveyance shall be preserved.
6. If fill material is to be used to elevate buildings, such fill material shall meet the requirements of Section 10.2.7.
7. Fill material for purposes other than solid waste landfills shall meet the requirements of Section 10.2.8.
8. All new construction and substantial improvements that fully enclose 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. The applicant shall provide a Floodproofing Certificate by an Arizona Registered Professional Engineer certifying that the floodproofing requirement has been met or the design shall meet the provisions of Section 10.2.10.
9. Whenever an elevation or floodproofing certificate is required, a separate certificate shall be furnished for each building.

**SECTION 12.4.      ZONE A PONDING AREA.**

1. Any volume displacement shall be equally compensated for from within the same Ponding Area.
2. In Areas of Shallow Flooding designated as a Zone A, new or substantially improved residential buildings shall have the lowest floor elevated at least one foot above the height of the effective outfall or the height of the feature causing the ponding.
3. New or substantially improved nonresidential buildings shall have the lowest floor either elevated or, together with the building contents and utilities, floodproofed, using flood resistant materials, up to at least one foot above the height of the effective outfall or the height of the feature causing the ponding with watertight walls substantially impermeable to the passage of water and structural components and utilities having the capacity of resisting the effects associated with a base flood, or the design shall meet the provisions of Section 10.2.10.
4. Mobile/manufactured homes and recreation vehicles shall be permitted subject to the provisions of Section 10.2.5.
5. The effective lateral conveyance shall be preserved.
6. If fill material is to be used to elevate buildings, such fill material shall meet the requirements of Section 10.2.7.

7. Fill material for purposes other than solid waste landfills shall meet the requirements of Section 10.2.8.

8. All new construction and substantial improvements that fully enclose 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. The applicant shall provide a Floodproofing Certificate by an Arizona Registered Professional Engineer certifying that the floodproofing requirement has been met or the design shall meet the provisions of Section 10.2.10.9. Whenever an elevation or floodproofing certificate is required, a separate certificate shall be furnished for each building.

**SECTION 12.5. ZONE A AREA OF SHALLOW FLOODING.**

1. In Areas of Shallow Flooding other than Ponding Areas, new or substantially improved residential buildings shall have the lowest floor elevated at least one (1) foot above the regulatory flood depth.

2. New or substantially improved nonresidential buildings shall have the lowest floor either elevated or, together with the building contents and utilities, be floodproofed, using flood resistant materials, up to at least one foot above the base flood elevation, with watertight walls substantially impermeable to the passage of water and structural components and utilities having the capacity of resisting the effects associated with a base flood, or the design shall meet the provisions of Section 10.2.10.

3. Mobile/manufactured homes and recreation vehicles shall be permitted subject to the provisions of Section 10.2.5.

4. If fill material is to be used to elevate buildings, such fill material shall meet the requirements of Section 10.2.7.

5. Fill material for purposes other than solid waste landfills shall meet the requirements of Section 10.2.8.

6. All new construction and substantial improvements that fully enclose 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. The applicant shall provide a Floodproofing Certificate by an Arizona Registered Professional Engineer certifying that the flood proofing requirement has been met or the design shall meet the provisions of Section 10.2.10.

7. Whenever an elevation or floodproofing certificate is required, a separate certificate shall be furnished for each building.

**[Remainder of page intentionally left blank]**

**ARTICLE XIII. ALLUVIAL FAN AREAS.**

**SECTION 13.1 DEVELOPMENT IN ALLUVIAL FAN ZONE A**

1. Where alluvial fans have been designated as Zone A's using the standards contained in the Flood Control District of Maricopa County's Piedmont Assessment Manual, the following shall apply:

a. Development within an Alluvial Fan High Hazard area (AFHH), Alluvial Fan Uncertain Flow Distribution Area (AFUFD), and Alluvial Fan Floodway (AAFF) shall be regulated in a manner similar to a floodway. Only major engineering measures as outlined in 44 CFR 65.13 can be used to mitigate the alluvial fan flood hazard in these areas.

b. Development within an Alluvial Fan Zone A (AFZA): shall be regulated in a manner similar to a Zone A riverine floodplain. Development may require an engineered plan.

(1). Development requirements in these areas shall include:

- (a). Lowest floor elevations;
- (b). Ingress and egress; and
- (c). Non-disruption of the water/sediment system.

(2). The following shall be consistent with Arizona State Standards:

- (a). Watercourse bank stabilization;
- (b). Lateral Migration and channel degradation; and
- (c). Lateral migration setback allowance may be used for flood damage prevention providing these methods recognize the uncertain distribution of floodwater across the areas.

2. Where alluvial fans have been designated without use of the Piedmont Assessment Manual, development permitted in other sections of this Regulation is permitted in Alluvial Fan Areas with an A Zone designation as defined in Section 11.2 of this Regulation.

3. In order to control erosion and preserve the natural and beneficial functions of the floodplain, removal of vegetation shall be the minimum necessary for development.

4. The applicant shall submit a plan of development prepared by an Arizona Registered Professional Engineer. The plan shall include engineering analysis to mitigate all hazards associated with Alluvial Fan flooding including inundation, ground erosion, scour around structures, debris and sediment flow and accumulation in addition to aggradation and degradation of conveyance systems. The plan shall also include building pad and lowest floor elevations.

5. Nonresidential buildings are permitted in Alluvial Fan Areas with a Zone A designation provided the lowest floor is either elevated or, together with the building contents and utilities, is floodproofed, using flood resistant materials, up to one (1) foot above the base flood elevation with watertight walls substantially impermeable to the passage of water and structural components and utilities having the capacity of resisting the effects associated with a base flood, or the design shall meet the provisions of Section 10.2.10.

6. Mobile/manufactured homes and recreation vehicles shall be permitted subject to the provisions of Section 10.2.6.

7. If fill material is to be used to elevate buildings, such fill material shall meet the requirements of Section 10.2.7.

8. Fill material for purposes other than solid waste landfills shall meet the requirements of Section 10.2.8.



9. All new construction and substantial improvements that fully enclose 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. The applicant shall provide an Elevation/Floodproofing Certificate by an Arizona Registered Professional Engineer certifying that the flood proofing requirement has been met, or the design shall meet the provisions of Section 10.2.10.10. Whenever an elevation or floodproofing certificate is required, a separate certificate shall be furnished for each building.

**SECTION 13.2 DEVELOPMENT IN ALLUVIAL FAN ZONE AO.**

1. In Alluvial Fan Areas with an Zone AO designation, new or substantially improved residential buildings shall have the lowest floor elevated at least one foot above the flood depth at the high point of the natural building pad.
2. The applicant shall make adequate provisions to maintain all natural and improved drainage or flood conveyance systems.
3. The applicant shall submit a plan of development acceptable to the Floodplain Administrator. The plan may include engineering analysis to mitigate all hazards associated with Alluvial Fan flooding including inundation, ground erosion, scour around structures, debris and sediment flow and accumulation in addition to aggradation and degradation of conveyance systems. The plan shall also include building pad and lowest floor elevations.
4. New or substantially improved nonresidential buildings in Alluvial Fan Areas with an Zone AO designation, shall have the lowest floor either elevated or, together with the building contents and utilities, floodproofed, using flood resistant materials, at least one foot above the flood depth with watertight walls substantially impermeable to the passage of water and structural components and utilities having the capacity of resisting the effects associated with a base flood or the design shall meet the provisions of Section 10.2.11.
5. Mobile/manufactured homes and recreation vehicles shall be permitted subject to the provisions of Section 10.2.5.
6. All new construction and substantial improvements that fully enclose 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. The applicant shall provide a Floodproofing Certificate by an Arizona Registered Professional Engineer certifying that the floodproofing requirement has been met, or the design shall meet the provisions of Section 10.2.10.
7. If fill material is to be used to elevate buildings, such fill material shall meet the requirements of Section 10.2.7.
8. Fill material for purposes other than solid waste landfills shall meet the requirements of Section 10.2.9.
9. All new residential buildings and substantial improvements to residential buildings shall have an elevation certificate which may be completed by District staff as approved by the Floodplain Administrator.
10. Whenever an elevation or floodproofing certificate is required, a separate certificate shall be furnished for each building.

**ARTICLE XIV. OTHER FLOOD HAZARD ZONES**

**SECTION 14.1 FLOODPLAIN USE PERMIT.**

This article regulates uses located in flood hazard zones designated by the Floodplain Administrator not specifically regulated elsewhere in this Regulation including but not limited to Erosion Control Zones, Watercourse Master Plans, Area Master Drainage Studies, Moveable Bed Watercourses and other special flood related designations determined based upon authorized studies.

New uses and substantial improvement to existing uses shall require a Floodplain Use Permit issued by the Floodplain Administrator and subject to the following provisions. Issuance of a Floodplain Use Permit does not exempt the holder of the Floodplain Use Permit from any additional requirements necessary to obtain flood insurance.

Uses for which a Floodplain Use Permit may be granted are: Uses permitted elsewhere in this Regulation provided the applicant submits technical information which demonstrates that neither the use nor the specific flood hazard shall be adversely affected by such use.

**SECTION 14.2 FLOOD HAZARD DEVELOPMENT STANDARDS.**

1. Standards adopted for development contained in a Watercourse Master Plan, Area Drainage Master Plan or other hydrologically oriented master plan shall be consistent with sound floodplain management practices and this Regulation.
2. The applicant for any proposed use may be required to provide against encroachment into or protection from the delineated flood hazard.
3. The placement of fill material or extraction of materials may require Floodplain Administrator approval of plans prepared by an Arizona Registered Professional Engineer.
4. Whenever a proposed use is located within a delineated floodplain regulated elsewhere in this Regulation as well as another designated flood hazard zone regulated by this article, the article with the most stringent requirements shall take precedence.
5. The standards, provisions, criteria and requirements for development in flood hazard zones imposed by an authorized master plan shall meet or exceed the requirements of this Ordinance.

**[Remainder of page intentionally left blank]**

**ARTICLE XV. WATERCOURSE MASTER PLANS**

**SECTION 15.1. AUTHORIZATION.**

Pursuant to A.R.S. §48-3609.01, the District, whenever it has completed a Watercourse Master Plan, may submit the plan, including uniform rules for development, to the Board for adoption. If adopted by the Board, the District shall enforce the Watercourse Master Plan under this Regulation.

**SECTION 15.2 PUBLIC NOTIFICATION.**

During the preparation of a Watercourse Master Plan, the owners of record of real property within and immediately contiguous to the watercourse or watercourses included in the planning shall be publicly notified by the District so that the owners may have input to the planning process. In addition, the Sand and Gravel Recommendations Committees organized pursuant to A.R.S. §11-830 (D), if any, shall be notified.

**SECTION 15.3 RECHARGE TECHNIQUES.**

All Watercourse Master Plans shall consider recharge techniques including but not limited to gabions, swales, dry wells, sand tanks and small dams.

**SECTION 15.4 MINIMUM STANDARDS.**

Requirements for a Watercourse Master Plan shall meet or exceed the minimum requirements under the National Flood Insurance Program or the criteria adopted by the Director of The Arizona Department of Water Resources or this Regulation. In case of conflict the most stringent requirements shall prevail.

**[Remainder of page intentionally left blank]**

**ARTICLE XVI. VIOLATIONS**

**SECTION 16.1 CIVIL REMEDIES.**

As provided for by A.R.S. §48-3613 (D) this State, a political subdivision or a person who may be damaged or has been damaged as a result of the unauthorized diversion, retardation or obstruction of a watercourse, or the Flood Control District in the case of any violation of this Regulation, has the right to commence, maintain and prosecute any appropriate action or pursue any remedy to enjoin, abate or otherwise prevent any person from violating or continuing to violate this Regulation. If a person is found by the court to be in violation of this Regulation, the court shall require the violator to either comply with this Regulation, if authorized by the Board, or remove the obstruction and restore the watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured parties resulting from the violation including reasonable costs and attorney fees.

**SECTION 16.2 DECLARATION OF PUBLIC NUISANCE; ABATEMENT.**

Pursuant to A.R.S. §48-3614 every new structure, building, fill, excavation, or development located or maintained in a floodplain since August 8, 1973 in violation of Title 48, Chapter 21, Article 1 of the Arizona Revised Statutes or this Regulation and without written authorization is a public nuisance per se and may be abated, prevented or restrained by action of the state or any of its political subdivisions.

**Section 16.3 Violation; Classification.**

- A. It is unlawful for a person to engage in any development or to divert, retard or obstruct the flow of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by 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 any provision of this ordinance shall be guilty of a misdemeanor. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

**[Remainder of page intentionally left blank]**

**ARTICLE XVII. WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this Regulation is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Compliance with this Regulation does not insure complete protection from flooding and is not to be construed as a warranty. Larger floods may occur or the flood height may be increased by man-made or natural causes, such as bridge openings restricted by debris, natural erosion, streambed meander or man-made obstructions and diversions. This Regulation is not intended to imply that areas outside the floodplain or land uses permitted within such areas shall be free from flooding or flood damage. This Ordinance shall not create liability on the part of the Pinal County Flood Control District or any officer or employee thereof for any flood damages that may result from reliance on this Regulation or any administrative decision lawfully made there under.

**[Remainder of page intentionally left blank]**

**ARTICLE XVIII. SEVERABILITY**

This Regulation and the various parts thereof are hereby declared to be severable. Should any section of this Regulation be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Regulation as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

**[Remainder of page intentionally left blank]**

Pinal County Floodplain Management Ordinance

**ARTICLE XIX. EFFECTIVE DATE**

This Ordinance is adopted by the Board of Directors of the Pinal County Flood Control District, Pinal County, Arizona, this day of 2006.

CLERK OF THE BOARD DATE

**[Remainder of page intentionally left blank]**

**FEE SCHEDULE**

**FLOODPLAIN REGULATION**

**for**

**Pinal County, ARIZONA**

The following administrative fees shall be charged for the processing of Appeals, Floodplain Use Permits, Floodplain Variances, plans review and performance bonds with no provision for refund:

**FLOODPLAIN USE PERMITS**

**Category 1:** Permits which require a minimum of technical review.

PERMIT FEE: \$40.00

Single Family Residence

Mobile/Manufactured Buildings

Commercial/Industrial

\$150.00 – When site inspection is required

**Category 2:** Permits which require technical hydrologic or engineering review.

PERMIT FEE: The fee will be no less than \$2800 for Category 2 review or amendment to submittal. If the Floodplain administrator needs to send the review to an outside reviewer, the fee will be the quoted fee of the outside reviewer for the project, plus an additional 15% administration fee.

Residential Subdivisions

Commercial including strips and centers

Industrial including parks

Sand and Gravel operations

Floodplain Delineation Review (LOMRs)

**OTHER FEES**

Floodplain Clearance..... \$ 20.00

Sand and Gravel Renewal (Five Year) ..... \$500.00

Appeals/Variances (Floodplain Board of Review or Board of Directors)

Residential, Commercial, Industrial(posting required) .....\$ 400.00

Site Inspection of lot grading including PAD, Category 1 Amendment, each lot (requires minimum of 2 site visits) .....\$75.00/ visit

Continuance of Hearing – Applicant’s Request .....\$ 50.00

(If new posting is required) ..... \$160.00

Regulation (per copy).....\$ 7.50

Performance Bond: 100% cost of required improvement or cost to abate violation, or 50% of value at risk, whichever is higher.



