

## SECTION 2.15: OVERLAY ZONES

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### Section 2.15.A: Purposes

Because of their special or unique characteristics and the need to implement specific sections of the Comprehensive Plan, the following Overlay Zones are established:

SECTION		ZONE	PAGE
23.2	FPM	Floodplain Management Overlay .....	23-2
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### Section 2.15.B: FPM--Floodplain Management Overlay Zone

1. Statutory Authorization, Findings of Fact, Purpose and Methods
  - a. Statutory Authorization: The Legislature of the State of Arizona has in ARS § 48-3601 through 48-3628 delegated the responsibility to each County Flood Control District to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Directors of the Flood Control District of Coconino County, Arizona, do ordain as follows:
  - b. Findings of Fact:
    1. The Flood hazard areas of Coconino County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for Flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
    2. These Flood losses are caused by the cumulative effect of obstructions in Special Flood Hazard Areas 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. Statement of Purpose: It is the purpose of this Ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to Flood conditions in specific areas by provisions designed:
    1. To protect human life and health;
    2. To minimize expenditure of public money for costly Flood control projects;
    3. To minimize the need for rescue and relief efforts associated with Flooding and generally undertaken at the expense of the general public;
    4. To minimize prolonged business interruptions;
    5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, Streets and bridges located in Special Flood Hazard Areas;
    6. To help maintain a stable tax base by providing for the sound use and development of Special Flood Hazard Areas so as to minimize future Flood

blight areas;

7. To insure that potential buyers are notified that property is in a Special Flood Hazard Area;
  8. To insure that those who occupy the Special Flood Hazard Areas assume responsibility for their actions; and
  9. To maintain eligibility for disaster relief.
- d. Methods of Reducing Flood Losses: In order to accomplish its purposes, this Ordinance includes methods and provisions for:
1. Restricting and prohibiting Uses which are dangerous to health, safety, and property due to water or Erosion hazards, or which result in damaging increases in Erosion or in Flood heights or velocities;
  2. Requiring that Uses vulnerable to Floods, including facilities which serve such Uses, be protected against Flood damage at the time of initial construction;
  3. Controlling the alteration of natural Floodplains, stream channels, and natural protective barriers, which help accommodate or channel Flood waters;
  4. Controlling filling, grading, dredging, and other development which may increase Flood damage; and;
  5. Preventing or regulating the construction of Flood barriers which will unnaturally divert Flood waters or which may increase Flood hazards in other areas.

## 2. General Provisions--FPM Zone

- a. Lands to Which This Ordinance Applies: This ordinance shall apply to all Special Flood Hazard Areas within the boundaries of Coconino County except those incorporated cities and town which have adopted a resolution in accordance with ARS § 48-3610.
- b. Basis for Establishing the Special Flood Hazard Areas: The Special Flood Hazard Areas identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Coconino County, dated September 3, 2010 with accompanying Flood Insurance Rate Maps (FIRMs), dated September 3, 2010 and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this Ordinance. This Flood Insurance Study and attendant mapping is the minimum area of applicability of this Ordinance and may be supplemented by studies for other areas which allow implementation of this Ordinance and which are recommended to the Floodplain Board by the Floodplain Administrator. The Board, within its area of jurisdiction shall delineate (or may by rule require developers of land to delineate) for areas where development is ongoing or imminent, and thereafter as development becomes imminent, Floodplains consistent with the criteria developed by the Federal Emergency Management Agency and the Director of Water Resources. The FIS and FIRMs are on file

at the Department of Community Development, 2500 N. Fort Valley Road, Flagstaff.

- c. Compliance: All development of land, construction of residential, commercial or industrial Structures or future development, or Uses of any kind conducted on land areas located within the Floodplain Management Overlay Zone shall be accomplished in complete conformance with the provisions of this Section and other applicable regulations. Proposed actions which may divert, retard or obstruct Flood waters or in any way threaten public health, safety or the general welfare must first be reviewed and approved by the County Engineer and may be initiated only after a finding has been made that serious detrimental impacts will not occur.
- d. Abrogation and Greater Restrictions: This Ordinance is not intended to repeal, abrogate, or impair any existing Easements, covenants, or deed restrictions. However, where this Ordinance and another ordinance, Easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- e. Interpretation: In the interpretation and application of this Ordinance, all provisions shall be:
  - 1. Considered as minimum requirements;
  - 2. Liberally construed in favor of the governing body; and,
  - 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- f. Warning and Disclaimer of Liability: The degree of Flood Protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger Floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This Ordinance does not imply that land outside the Special Flood Hazard Areas or Uses permitted within such areas will be free from Flooding or Flood damages. This Ordinance shall not create liability on the part of Coconino County, any officer or employee thereof, the State of Arizona, the Federal Insurance Administration, or the Federal Emergency Management Agency, for any Flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.
- g. Statutory Exemptions:
  - 1. In accordance with ARS § 48-3609.H, regulations herein adopted for the FPM Overlay Zone shall not affect:
    - i. Existing legal Uses of property or the right to continuation of such legal Uses. However, if a nonconforming Use of land, Building or Structure is discontinued for 12 months or destroyed to the extent of 50 percent of its value, as determined by a competent appraiser, any further Use shall comply with this Ordinance and regulations of Coconino County.

- ii. Reasonable repair or alteration of property for the purposes for which the property was legally used on May 6, 1978, or the effective date of any regulations affecting such property, except that any alteration, addition or repair to a nonconforming Building or Structure which would result in increasing its Flood damage potential by fifty per cent or more shall be either Floodproofed or elevated to or above the regulatory Base Flood Elevation.
  - iii. Reasonable repair of Structures constructed with the written authorization required by ARS §48-3613.
  - iv. Facilities constructed or installed pursuant to a certificate of environmental compatibility issued pursuant to Title 40, Chapter 2, Article 6.2.
2. In accordance with ARS § 48-3613, written authorization shall not be required, nor shall the Floodplain Board prohibit:
- i. The construction of bridges, culverts, dikes and other Structures necessary to the construction of public highways, Roads and Streets intersecting or crossing a Watercourse.
  - ii. The 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 Flood waters as permitted by ARS Title 45, Chapter 6.
  - iii. 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 which will divert, retard or obstruct the flow of waters in any Watercourse from complying with and acquiring authorization from the Board pursuant to regulations adopted by the Board under this Section.
  - iv. Other construction if it is determined by the Board that written authorization is unnecessary.
  - v. Any Flood control district, county, city, town, or other political subdivision, from exercising powers granted to it under Title 48, Chapter 21, Article 1.
  - vi. The 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.
  - vii. The 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. Before any construction authorized by subsection 23.1-3.G.2 of this Section may begin, the responsible person must submit plans for the construction to the Floodplain Board for review and comment.

4. In addition to other penalties or remedies otherwise provided by law, 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 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 Section or regulations adopted pursuant to ARS Title 45, Chapter 10. If a person is found to be in violation of this section, the court shall require the violator to either comply with this section 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.

h. Declaration of Public Nuisance:

Every new Structure, Building, fill, excavation or development located or maintained within any Special Flood Hazard Area after August 8, 1973 in violation of this Ordinance is a public nuisance per se and may be abated, prevented or restrained by action of this political subdivision.

i. Abatement of Violations:

Within 30 days of discovery of a Violation of this Ordinance, the Floodplain Administrator shall submit a report to the Floodplain Board which shall include all information available to the Floodplain Administrator which is pertinent to said Violation. Within 30 days of receipt of this report, the Floodplain Board shall either:

- i. Take any necessary action to effect the abatement of such Violation; or
- ii. Issue a Variance to this Ordinance in accordance with the provisions of Section 23.1-8 herein; or
- iii. Order the owner of the property upon which the Violation exists to provide whatever additional information may be required for their determination. Such information must be provided to the Floodplain Administrator within 30 days of such order, and they shall submit an amended report to the Floodplain Board within 20 days. At their next regularly scheduled public meeting, the Floodplain Board shall either order the abatement of said Violation or they shall grant a Variance in accordance with the provisions herein established; or
- iv. Submit to the Administrator of the Federal Insurance Administration a declaration for denial of insurance, stating that the property is in Violation of a cited State or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.

j. Unlawful Acts

1. It is unlawful for any person to engage in any development or to divert, retard or obstruct the flow of waters in any Watercourse whenever
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it creates a hazard to life or property without securing the written authorization of the Floodplain Board per ARS 48-3613. Where the Watercourse is a delineated Floodplain, it is unlawful to excavate or build any Structure affecting the flow of waters without securing written authorization of the Floodplain Board.

2. 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.

k. Severability:

1. These Floodplain Management Regulations and the various parts thereof are hereby declared to be severable. Should any Section of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

3. Permitted and Conditional Uses--FPM Zone

Within the Floodplain Overlay Zone, the following Uses shall be permitted where the symbol "P" appears and shall be permitted subject to the granting of a Conditional Use permit where the symbol "C" appears unless otherwise prohibited by the underlying Zoning District:

AGRICULTURAL USES		FPM Zone
1.	Agriculture Gardening <b>Animal Keeping subject to the provisions of Section and further limited below</b>	P
3.	Agricultural experimental facilities	P
4.	Agricultural Uses wherein a building or structure is proposed within a Floodplain	C
5.	Agricultural Uses conducted for commercial purposes on parcels of less than 5 acres	C

OTHER USES		FPM Zone
6.	Flood Control Facilities (subject to the conditions as outlined in Section 23.1-3.C)	P
7.	Dredging and filling subject to the approval of the County Engineer. On federal designated waterways, such operations also shall be subject to the approval of the Army Corps of Engineers	P
8.	Parking Lots	P
9.	Parks and outdoor Recreational Facilities	P
10.	All other Uses permitted in the underlying zone with which the FPM Zone is combined except that Single Family Residences in the G, AR, RR and RS Zones shall be permitted subject to compliance with these regulations	C

4. Administration

- a. Establishment of Floodplain Permit: A Floodplain Permit shall be obtained

before, grading or placing fill, installation of utilities, construction or development, including the installation of wastewater systems and the placement of Manufactured Homes, begins within any Special Flood Hazard Areas established in Section 23.1-3.B. Application for a Floodplain Permit **shall follow Administrative Permit requirements and procedures and in addition** shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to:

1. A completed Coconino County Floodplain Permit application form including engineer or surveyor information, assessor's parcel number, identification of possible flood hazards, and identification of methods of construction.
2. Three copies of a scaled site plan drawn to standard engineer scale showing the nature, location, dimensions, and elevation of the area in question; north arrow, means of access, easements, topography, watercourses, walls or fences, wastewater systems, utilities and existing or proposed Structures, fill, storage of materials, and drainage facilities; and the location of the foregoing. Specifically, the following information is required:
  - i. Proposed elevation and method of elevation in relation to mean sea level, of the lowest floor (including Basement) of all Structures provided by a Certified Professional Engineer or Registered Land Surveyor; in Zone AO, elevation of existing highest adjacent natural grade and proposed elevation of lowest floor of all Structures;
  - ii. Proposed elevation in relation to mean sea level to which any non-residential Structure will be Floodproofed;
  - iii. Certification by a registered professional engineer or architect that the Floodproofing methods for any nonresidential Structure meet the Floodproofing criteria in Section 23.1-6.A.3.c; and
  - iv. Description of the extent to which any Watercourse will be altered or relocated as a result of proposed development.
  - v. Base Flood Elevation data for subdivision proposals or other development greater than 50 lots or 5 acres.
- b. Designation of the Floodplain Administrator: The Director of the Department of Community Development is hereby appointed to administer, implement, and enforce this Ordinance by granting or denying Development Permits in accordance with its provisions
- c. Duties and Responsibilities of the Floodplain Administrator: Duties of the Floodplain Administrator shall include, but not be limited to:
  1. Review all Development Permits to determine that:
    - i. The permit requirements of this Ordinance have been satisfied;
    - ii. All other required state and federal permits have been obtained;
    - iii. The site is reasonably safe from Flooding;

- iv. The proposed development does not adversely affect the carrying capacity of areas where Base Flood Elevations have been determined but a Floodway has not been designated. For purposes of this Ordinance, “adversely affects” means that the cumulative effect of the proposed development when combined with all other existing and anticipated development, will increase the Water Surface Elevation of the Base Flood more than one foot at any point.
2. Substantial Improvement and Substantial Damage Procedure. Using FEMA publication FEMA 213, “Answers to Questions about Substantially Damaged Buildings,” develop detailed procedures for identifying and administering requirements for Substantial Improvement and Substantial Damage, to include defining “Market Value.” Assure procedures are coordinated with other departments and divisions and implemented by community staff.
  3. Use of Other Base Flood Data. When Base Flood Elevation data has not been provided in accordance with Section 23.1-3.B, for example in A Zones for which detailed studies have not been done, or areas subject to Flooding which have not been designated by FEMA on FIRM’s, the Floodplain Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state or other source, in order to administer Section 23.1-6. The Floodplain Administrator may require that a hydrologic study which determines Base Flood Elevation be prepared by a Professional Engineer and be submitted by the property owner prior to the submission of a development or Building Permit application. Any such information shall be consistent with the requirements of the Federal Emergency Management Agency and the Director of Water Resources and shall be submitted to the Floodplain Board for adoption.
  4. Obtain and maintain for public inspection and make available as needed for Flood Insurance Policies or effecting Increased Cost of Construction Coverage for Repetitive Loss Structures:
    - i. The certified Regulatory Flood Elevation required in Section 23.1-6.A.3.a;
    - ii. The Floodproofing certification required in Section 23.1-6.A.3.c.i;
    - iii. The Flood vent certification required in Section 23.1-6.A.3.d; and
    - iv. The elevation certification required for additional development standards, including Subdivisions, in Section 23.1-6.D.
    - v. The Floodway encroachment certification required in Section 23.1-6.G.
    - vi. Maintain a record of all Variance actions, including justification for their issuance, and report such Variances issued in it biennial report submitted to the Federal Emergency Management Agency.
    - vii. Obtain and maintain improvement calculations.
  5. Whenever a Watercourse is to be altered or relocated:
    - i. Notify adjacent communities and the Arizona Department of Water

- Resources prior to such alteration or relocation of a Watercourse, and submit evidence of such notification to the Federal Insurance Administration through appropriate notification means;
- ii. Require that the Flood carrying capacity of the altered or relocated portion of said Watercourse is maintained.
  - iii. Prior to the alteration of any Watercourse the County Engineer shall review and revise as necessary all plans for proposed stream modifications.
6. Base Flood Elevation and rate of flow due to physical alterations:
- i. Base Flood Elevations may increase or decrease resulting from physical changes affecting Flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting Flooding conditions, risk premium rates and Floodplain Management Requirements will be based upon current data.
  - ii. Within one hundred twenty days after completion of construction of any Flood control protective works which change the rate of flow during the Flood or the configuration of the Floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all Floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the Director of Water Resources.
7. Advise in writing and provide a copy of any development plan, to any city or town which has assumed jurisdiction over its Floodplains in accordance with ARS § 48-3610, of any application for a Floodplain use permit or Variance to develop land in a Floodplain or Floodway within one mile of the corporate limits of such city or town. The District shall also advise such city or town in writing and provide a copy of any development plan of any major development proposed within a Floodplain or Floodway which could affect Floodplains, Floodways, or Watercourses within such city's or town's area of jurisdiction. Written notice and a copy of the plan of development shall be sent to such city or town no later than three working days after having been received by the District.
8. Make interpretations where needed, as to the exact location of the boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 23.1-8.

9. Take actions on Violations of this Ordinance as required in Section 23.1-3.I herein.
10. Notify the Administrator and Director of Water Resources of acquisition by means of annexation, incorporation, or otherwise, of additional areas of jurisdiction.

5. Provisions for Flood Hazard Reduction

In all Special Flood Hazard Areas the following standards are required:

a. Standards of Construction:

1. Anchoring

- i. All New Construction and Substantial Improvements shall be anchored to prevent flotation, collapse, or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- ii. All Manufactured Homes shall meet the anchoring standards of Section 23.1-6.E below.

2. Construction Materials and Methods

- i. All New Construction and Substantial Improvements shall be constructed with materials and utility equipment resistant to Flood damage.
- ii. All New Construction and Substantial Improvements shall be constructed using methods and practices that minimize Flood damage.
- iii. All New Construction, Substantial Improvement and other proposed new development shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of Flooding.
- iv. Require within Zones AH or AO that adequate drainage paths around Structures on slopes guide Flood waters around and away from proposed or existing Structures.

3. Elevation and Floodproofing

- i. New residential Construction and Substantial Improvement of any Structure in Zones AE, AH and A1-30 shall have the lowest floor, including Basement, elevated to or above the Regulatory Flood Elevation. In an A Zone where a BFE has not been determined, any Structure shall be elevated to or above the regulatory flood elevation or be elevated in accordance with the criteria developed by the Director of the Arizona Department of Water Resources. Nonresidential Structures may meet the standards of Section 3.c below. Upon the completion of the Structure the elevation of the lowest floor, including Basement, shall be certified by a registered

- professional engineer or registered land surveyor verified by the community building inspector and provided to the Floodplain Administrator.
- ii. New residential Construction and Substantial Improvement of any Structure in Zone AO shall have the lowest floor, including Basement, higher than the highest adjacent Grade at least one foot higher than the depth number on the FIRM, or at least two feet if no depth number is specified. Nonresidential Structures may meet the standards in Subsection 23.1-6.A.3.c below. Upon completion of the Structure a registered professional engineer or registered land surveyor shall certify to the Floodplain Administrator that the elevation of the Structure meets this standard verified by the community building inspector.
  - iii. Nonresidential construction, New or Substantial Improvement, shall either be elevated in conformance with Subsections a or b above or together with attendant utility and sanitary facilities:
    - a. be Floodproofed so that below the regulatory flood level the Structure is watertight with walls substantially impermeable to the passage of water;
    - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
    - c. be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator.
  - iv. Require, for all New Construction and Substantial Improvements, that fully enclosed areas below the lowest floor that are useable 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. Designs for meeting this requirement must be certified by either a registered professional engineer or architect to meet or exceed the following minimum criteria:
    - a. A minimum of two openings on different side of each enclosed area, with a total net area of not less than one square inch for every square foot of enclosed area subject to Flooding shall be provided.
    - b. The bottom of all openings shall be no higher than one foot above Grade.
    - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of Floodwaters.
    - d. If it is not feasible or desirable to meet the openings criteria stated above, a registered engineer or architect may design and

certify the openings.

- v. Manufactured Homes shall meet the above standards and also the standards in Section 23.1-6.E.
  - vi. A Garage attached to a residential Structure, constructed with the Garage floor slab below the Regulatory Flood Elevation, must be designed to allow for the automatic entry of Flood waters. See Section 23.1-6.3.d. Areas of the Garage below the Regulatory Flood Elevation must be constructed with Flood resistant materials. See Section 23.1-6.2. A Garage attached to a nonresidential Structure must meet the above requirements or be dry Floodproofed.
  - vii. Detached Accessory Structures used solely for parking (2 car detached Garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 23.1-2, may be constructed such that its floor is below the regulatory flood elevation, provided the structure is designed and constructed in accordance with the following requirements:
    - a. Use of the Accessory Structure must be limited to parking or limited storage.
    - b. The portions of the Accessory Structure located below the Regulatory Flood Elevation must be built using Flood-resistant materials.
    - c. The Accessory Structure must be adequately anchored to prevent floatation, collapse or lateral movement.
    - d. Any mechanical and utility equipment in the Accessory Structure must be elevated or Floodproofed to or above the Regulatory Flood Elevation.
    - e. The Accessory Structure must comply with Floodplain encroachment provisions in Section 23.1-6.G.
    - f. The Accessory Structure must be designed to allow for the automatic entry of Flood waters in accordance with Section 23.1-3.d.
    - g. Detached Garages and Accessory Structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 23.1-6.
- b. Standards for Storage of Materials and Equipment:
- 1. The storage or processing of materials that are, in time of Flooding, buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
  - 2. Storage of other material or equipment may be allowed if not subject to major damage by Floods, and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after Flood warning.

c. Standards for Utilities:

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1. All new or replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of Flood waters into the system and discharge from systems into Flood waters.
  2. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during Flooding.
  3. All new and replacement sanitary sewage systems for development projects in identified Floodplain areas shall meet all requirements of the State and/or County Health Departments and shall be designed to minimize or eliminate infiltration of Flood waters. On-site effluent disposal systems shall not be installed wholly or partially within the designated regulatory Floodway. On-site waste disposal systems shall be located so as to avoid their impairment during Flood conditions as well as to preclude contamination from them during Flooding. Waste disposal systems shall not be installed in a regulatory Floodway.
- d. Standards for Subdivisions:
- All new Subdivision proposals and other proposed development (including proposals for Manufactured Home Parks and Subdivisions), greater than 50 lots or 5 acres, whichever is the lesser, shall:
- i. Identify the Special Flood Hazard Areas and the elevation of the Base Flood.
  - ii. Identify on the final plans the elevations(s) of the proposed Structure(s) and pads. If the site is filled above the Base Flood Elevation, the final lowest floor and Grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
    - a. All Subdivision proposals and other proposed development shall be consistent with the need to minimize Flood damage.
    - b. All Subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize Flood damage.
    - c. All Subdivision proposals and other proposed development shall provide adequate drainage to reduce exposure to Flood hazards.
- e. Standards for Manufactured Homes: All Manufactured Homes that are placed or Substantially Improved shall:
1. Be elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at or above the Regulatory Flood Elevation; and
  2. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and

Local anchoring requirements for resisting wind forces.

- f. Standards for Recreational Vehicles: All Recreational Vehicles placed on site will either:
  - 1. Be on site for fewer than 180 consecutive days, and be fully licensed and ready for highway use. A Recreational Vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
  - 2. Meet the permit requirements of Section 23.1-5 of this Ordinance and the elevation and anchoring requirements for Manufactured Homes in Section 23.1-6.E (or 23.1-6.A.3.e).
- g. Floodways: Located within Special Flood Hazard Areas established in Section 23.1-3.B are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of Flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
  - 1. Prohibit encroachments, including fill, New Construction, Substantial Improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in Flood levels during the occurrence of the Base Flood discharge.
  - 2. If Section 23.1-6.G.1 is satisfied, all New Construction and Substantial Improvements shall comply with all other applicable Flood hazard reduction provisions of Section 23.1-6.
- h. Flood-related Erosion-prone Areas:
  - 1. The Floodplain Administrator shall require permits for proposed construction and other development within all Flood-Related Erosion-prone areas as known to the community.
  - 2. Permit applications shall be reviewed to determine whether the proposed Site alterations and improvements will be reasonably safe from Flood-Related Erosion and will not cause Flood-Related Erosion hazards or otherwise aggravate the existing hazard.
  - 3. If a proposed development is found to be in the path of Flood-Related Erosion or would increase the Erosion hazard, such improvements shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing Erosion hazard.
  - 4. Within Zone E on the Flood Insurance Rate Map, a Setback is required for all new development from the lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the Flood-Related Erosion hazard and Erosion rate, in relation to the anticipated “useful life” of Structures, and depending upon the geologic, hydrologic, topographic, and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation

and wildlife habitat areas, and for other activities using temporary and portable Structures only.

6. Property Development Standards--FPM Zone

- a. All performance, development and maintenance standards, including screening and Landscaping, off-street parking and Sign regulations, shall be as set forth in the underlying zone with which the FPM Zone is combined.
- b. Such other performance, development and maintenance standards as may be specified in a conditional use permit required for any use also shall be applicable.
- c. In a Floodplain where no Floodway is identified, all Structures, except as authorized by Section 23.1-3.C, shall be set back five feet from the bank(s) of the Watercourse as determined by the County Engineer.
- d. All development proposals for land areas greater than five acres, wherein at least a portion of the subject property is located in an identified Floodplain area, shall clearly indicate the Base Flood Elevation data as shown on the Flood Insurance Rate Maps (FIRMs).
- e. Flood retarding or protection Structures such as walls or berms may be constructed in identified Floodplain areas if, in the opinion of the County Engineer, such Structures will ensure the protection of properties, Buildings and public safety. Such Structures shall be constructed in accordance with plans and specifications prepared by an engineer registered and licensed to practice in the State of Arizona and as approved by the County Engineer. Such Structures shall not create any detrimental impact or increase Flood hazards on upstream or downstream properties.

7. Variance Procedure

- a. Nature of Variances:
  1. The Variance criteria set forth in this section of the Ordinance are based on the general principle of zoning law that Variances pertain to a piece of property and are not personal in nature. A Variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the Structure, its inhabitants, or the property owners.
  2. It is the duty of Coconino County to help protect its citizens from Flooding. This need is so compelling and the implications of the cost of insuring a Structure built below the Regulatory Flood Elevation are so serious that Variances from the Flood elevation or from other requirements in the Flood Ordinance are quite rare. The long-term goal of preventing and reducing Flood loss and damage can only be met if Variances are strictly limited. Therefore, the Variance guidelines provided in this ordinance are

more detailed and contain multiple provisions that must be met before a Variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a Variance are more appropriate.

3. Variances from the provisions of this Section shall be issued only upon consideration and review of technical documentation, prepared by a registered engineer and acceptable to the Floodplain Administrator showing that the objectives of Flood hazard reduction would not be contradicted by the granting of a Variance and that the Variance is the minimum necessary, considering the Flood hazard, to afford relief.
- b. Appeal Board:
1. The following information shall be submitted when applying for a Floodplain Variance:
    - i. A completed Coconino County Floodplain Variance application form including name and address of the applicant, name of contact person, phone number, fax number and email address, Assessor's Parcel Number, Subdivision/unit/lot, site address/location, zoning, existing land use, lot size, variance request description, and property owner's authorization by their signature.
    - ii. A typewritten narrative describing the precise nature of the Variance requested.
    - iii. Seven (7) copies of a site plan drawn to scale using accurate dimensions showing property boundaries and any adjacent property affected.
    - iv. A list of all owners of property within three hundred feet (300') of the exterior boundaries of the subject property; the list shall be keyed to a map showing the location of these properties.
    - v. A survey of the property subject to the request may be required based on the specific Variance.
  2. The Floodplain Board of Coconino County shall hear and decide appeals and requests for Variances from the requirements of this Ordinance.
  3. The Floodplain Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Ordinance.
  4. In passing upon such applications, the Floodplain Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Ordinance, and:
    - i. the danger that materials may be swept onto other lands to the injury of others;
    - ii. the danger of life and property due to Flooding or Erosion damage;
    - iii. the susceptibility of the proposed facility and its contents to Flood damage and the effect of such damage on the individual owner;
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- iv. the importance of services provided by the proposed facility to the community;
  - v. the necessity to the facility of a waterfront location, where applicable;
  - vi. the availability of alternative locations for the proposed Use which are not subject to Flooding or Erosion damage;
  - vii. the compatibility of the proposed Use with existing and anticipated development;
  - viii. the relationship of the proposed Use to the Comprehensive Plan and Floodplain Management program for that area;
  - ix. the safety of access to the property in time of Flood for ordinary and emergency vehicles;
  - x. the expected heights, velocity, duration, rate of rise, and sediment transport of the Flood waters expected at the Site; and,
  - xi. the costs of providing governmental services during and after Flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and Streets and bridges.
5. Upon consideration of the factors of Section 23.1-8.B.4 and the purposes of this Ordinance, the Floodplain Board may attach such conditions to the granting of Variances as it deems necessary to further the purposes of this Ordinance.
6. Any applicant to whom a Variance is granted shall be given written notice over the signature of a County official that:
- i. the issuance of a Variance to construct a structure below the Base Flood level will result in increased premium rates for Flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
  - ii. such construction below the Base Flood level increases risks to life and property.
  - iii. Such notification shall be maintained with a record of all Variance actions as required in Section 23.1-8.B.7 of this Ordinance. Such notice will also state that the land upon which the Variance is granted shall be ineligible for exchange of land pursuant to any Flood relocation and land exchange program. A copy of the notice shall be recorded by the Floodplain Board in the office of the Coconino County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
7. The Floodplain Administrator shall maintain a record of all Variance actions, including justification for their issuance, and report such Variances issued in its biennial report submitted to the Federal Emergency Management Agency.
- c. Conditions for Variances:
- 1. Generally, Variances may be issued for New Construction and Substantial

Improvements to be erected on a Lot of one-half acre or less in size contiguous to and surrounded by Lots with existing Structures constructed below the Base Flood level, providing the procedures of Sections 23.1-5 and 23.1-6 of this Ordinance have been fully considered. As the Lot size increases beyond one-half acre, the technical justification required for issuing the Variance increases.

2. Variances may be issued 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 Structure's continued designation as a Historic Structure and the Variance is the minimum necessary to preserve the historic character and design of the Structure.
  3. Variances shall not be issued within any designated Floodway if any increase in Flood levels during the Base Flood discharge would result.
  4. Variances shall only be issued upon a determination that the Variance is the minimum necessary, considering the Flood hazard, to afford relief.
  5. Variances shall only be issued upon:
    - i. A showing of good and sufficient cause;
    - ii. A determination that failure to grant the Variance would result in exceptional hardship to the applicant;
    - iii. A showing that the Use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 23.1-2 of this Ordinance in the definition of "Functionally Dependent Use"; and
    - iv. A determination that the granting of a Variance will not result in increased Flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- d. Variance Review Timeframes
1. **Timeframes shall be subject to the standards for Permits requiring Hearing.**

FPM - FLOODPLAIN MANAGEMENT ZONE

