

[Title 19 ZONING](#)

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**Chapter 19.74 FLOODPLAIN HAZARD REGULATIONS**[19.74.010 Findings.](#)[19.74.020 Purpose of provisions.](#)[19.74.030 Methods of reducing flood losses.](#)[19.74.040 Areas of special flood hazard.](#)[19.74.050 Floodways.](#)[19.74.060 Relationship of floodplain hazard regulations to zones.](#)[19.74.070 Conditional use permits required when.](#)[19.74.080 Construction or development--Special approval required.](#)[19.74.090 Construction or development--Duties of director of development services division.](#)[19.74.100 Protective standards generally.](#)[19.74.110 Anchoring.](#)[19.74.120 Construction materials and methods.](#)[19.74.130 Utilities.](#)[19.74.140 Subdivision proposals.](#)[19.74.150 Specific protective standards.](#)[19.74.160 Residential construction.](#)[19.74.170 Nonresidential construction.](#)[19.74.180 Manufactured homes.](#)[19.74.190 Variances and appeal procedures.](#)[19.74.200 Warning and liability disclaimer.](#)[19.74.210 Definitions.](#)

### **19.74.010 Findings.**

A. Flood hazard areas of Salt Lake 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.

B. The inundation is caused by the cumulative effect of channel obstructions which increase flood heights and velocities. Uses that are inadequately floodproofed, elevated or otherwise protected from floodwater also contribute to flood loss. (§ 1 (part) of Ord. passed 11/13/85: prior code § 22-39-1)

### **19.74.020 Purpose of provisions.**

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions by provisions designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for flood-control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazard;

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood-blight areas;

G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. Ensure that those who occupy the areas of special flood hazards assume responsibility for their actions. (§ 1 (part) of Ord. passed 11/13/85: prior code § 22-39-2)

### **19.74.030 Methods of reducing flood losses.**

In order to accomplish its purposes, this chapter 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 of erosion, 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;

C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;

D. Controlling filling, grading, dredging and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will divert floodwaters or which may increase flood hazards in other areas. (§ 1 (part) of Ord. passed 11/13/85: prior code § 22-39-3)

### **19.74.040 Areas of special flood hazard.**

A. This chapter shall apply to all areas of special flood hazards within the jurisdiction of unincorporated Salt Lake County. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, Salt Lake County, Utah, Unincorporated Areas," December 18, 1985, with accompanying Flood Insurance Rate Maps, Flood Boundary-Floodway Maps, and any revisions thereto, are adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the Salt Lake County Development Services Division, 2001 South State Street, Salt Lake City, Utah 84190-4090.

B. The director of development services shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, or other development in zone A meet the provisions of

Sections 19.74.050, 19.74.150, 19.74.160, 19.74.170 and 19.74.180. Such other source base flood elevation data shall be more specifically provided by the developer as determined by a registered professional engineer for subdivision and other proposed developments which contain at least fifty lots or five acres (whichever is less). (Ord. 1029 § 2, 1988; Ord. 994 § 2, 1987; § 1 (part) of Ord. passed 11/13/85: prior code § 22-39-4)

#### **19.74.050 Floodways.**

Located within areas of special flood hazard established in Section 19.74.040 are areas designated as “floodways.” Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Encroachments, including fill, new construction, substantial improvements, placement of manufactured homes, and other developments, are prohibited unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If subsection A of this section is satisfied, all new construction and substantial improvements and placement of manufactured homes shall comply with all applicable flood-hazard reduction provisions of Sections 19.74.100 through 19.74.180. (Ord. 994 §§ 3, 4, 1987; § 1 (part) of Ord. passed 11/13/85: prior code § 22-39-5)

#### **19.74.060 Relationship of floodplain hazard regulations to zones.**

The floodplain hazard regulations of this chapter shall be supplemental to, and not in lieu of, the applicable zoning provisions of the zone in which the land is located, and/or general provisions under Title 19 of this code, as amended. Property located within such areas of special flood hazard shall be developed only in conformance with the provisions set forth herein. In cases of conflict between such zone classifications and the floodplain hazard regulations, the most restrictive provisions shall govern. Permitted and conditional uses permitted in the areas of special flood hazard shall be developed only in conformance with the provisions set forth herein. All uses involving development, as defined in this chapter, shall further meet the supplemental conditions and standards set forth in this chapter. (§ 1 (part) of Ord. passed 11/13/85: prior code § 22-39-6)

#### **19.74.070 Conditional use permits required when.**

A conditional use permit, if required by this title, shall be obtained prior to special flood hazard area approval under Section 19.74.080. Prior to issuance of a conditional use permit, the planning commission shall insure that requirements of this chapter are met. (§ 1 (part) of Ord. passed 11/13/85: prior code § 22-39-7)

#### **19.74.080 Construction or development--Special approval required.**

A. Approval by the development services division shall be obtained before construction or development begins within an area of special flood hazard established in Section 19.74.040. Application for such approval shall be made on forms furnished by the development services division, and may include, but not be limited to: Plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

B. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor, including basement, of all structures except those located in zone A where base flood elevation data was not available nor required by this chapter;
2. Elevation in relation to mean sea level to which any structure has been floodproofed except those located in zone A where base flood elevation data was not available nor required by this chapter;
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Sections 19.74.150 through 19.74.180; and
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 994 § 5, 1987; § 1 (part) of Ord. passed 11/13/85: prior code § 22-39-8)

### **19.74.090 Construction or development--Duties of director of development services division.**

The director of development services division shall be responsible to:

**A. Review Applications.**

1. Review all applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 19.74.050 are met,
2. Review all applications to determine that the requirements of this chapter have been satisfied,
3. Review all applications to determine that all necessary permits have been obtained from federal, state or local governmental agencies from which prior approval is required;

**B. Maintain Information File.**

1. Obtain and record the actual elevation provided by the developer (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures except those located in zone A where base flood elevation data was not available nor required by this chapter,
2. For all new or substantially improved floodproofed structures except those located in zone A where base flood elevation data was not available nor required by this chapter:
  - a. Verify and record the actual elevation provided by the developer (in relation to mean sea level), and
  - b. Maintain the floodproofing certifications required in subsection B3 of Section 19.74.080,
3. Maintain for public inspection all records pertaining to the provisions of this chapter;

**C. Verify Alteration of Watercourses. Verify that:**

1. A permit has been obtained from the division of flood control and water quality for any alteration of a watercourse identified as a flood-control facility in Section 17.08.040 of this code,
2. A permit has been obtained from the State Engineer for alteration of a natural stream channel,
3. Maintenance is provided for within the altered or relocated portion of such watercourse so the flood-carrying capacity is not diminished,
4. Notification has been made to cities adjacent to the watercourse and to the State Division of Comprehensive Emergency Management, prior to any alteration or relocation of a watercourse, and evidence of such notification has been submitted to the Federal Emergency Management Agency. (Ord. 994 § 6, 1987; § 1 (part) of Ord. passed 11/13/85: prior code § 22-39-9)

### **19.74.100 Protective standards generally.**

In all areas of special flood hazards, the following standards, set out in Sections 19.74.110 through 19.74.140, are required. (§ 1 (part) of Ord. passed 11/13/85: prior code § 22-39-10(part))

#### **19.74.110 Anchoring.**

- A.** All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- B.** All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, over-the-top and frame ties to ground anchors. This requirement is in addition to applicable anchoring requirements for resisting wind forces. (Ord. 994 § 7, 1987; § 1 (part) of Ord. passed 11/13/85: prior code § 22-39-10(1))

#### **19.74.120 Construction materials and methods.**

- A.** All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- B.** All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. Fully enclosed

areas below the lowest floor that 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 either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings 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, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. (Ord. 994 § 8, 1987: § 1 (part) of Ord. passed 11/13/85: prior code § 22-39-10(2))

#### **19.74.130 Utilities.**

- A. All new and replacement water-supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems, and discharge from the systems into floodwaters; and
- C. On-site waste-disposal systems shall be located to avoid impairment to them or contamination from them during the flooding. (§ 1 (part) of Ord. passed 11/13/85: prior code § 22-39-10(3))

#### **19.74.140 Subdivision proposals.**

- A. All subdivision proposals shall minimize flood damage;
- B. All subdivision proposals 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 shall have adequate drainage provided to reduce exposure to flood damage. (Ord. 994 § 9, 1987; § 1 (part) of Ord. passed 11/13/85: prior code § 22-39-10(4))

#### **19.74.150 Specific protective standards.**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 19.74.040, the following provisions set out in Sections 19.74.160 through 19.74.180 are required. (§ 1 (part) of Ord. passed 11/13/85: prior code § 22-39-11 (part))

#### **19.74.160 Residential construction.**

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation. (§ 1 (part) of Ord. passed 11/13/85: prior code § 22-39-11(1))

#### **19.74.170 Nonresidential construction.**

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- A. Be floodproofed so that below one foot above the base 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 affects of buoyancy; and
- C. Provide that where a nonresidential structure is intended to be made watertight below the base flood level:
  - 1. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this section, and

2. A record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be provided to the director of development services as set forth in Section 19.74.090(B)(2). (Ord. 994 § 10, 1987; § 1 (part) of Ord. passed 11/13/85: prior code § 22-39-11(2))

### **19.74.180 Manufactured homes.**

All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is a minimum of one foot above the base flood elevation and is securely anchored to an adequately anchored foundation system in accordance with Section 19.74.110. (Ord. 994 §§ 11, 12, 1987: § 1 (part) of Ord. passed 11/13/85: prior code § 22-39-11(3))

### **19.74.190 Variances and appeal procedures.**

The board of adjustment, as designated by the zoning ordinance of the county, shall hear and decide all appeals and requests for variances from the requirements of this chapter, as provided in Chapter 19.92 of this title, as amended. The following conditions shall apply, in addition to the provisions of Chapter 19.92:

A. 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 one foot above the base level, providing the board of adjustment has considered all technical evaluations, all relevant factors, and standards specified in other sections of this chapter, providing the following items have been considered:

1. The danger that materials may be swept onto other land to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with the existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
11. 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 systems, and streets and bridges.

B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional and undue hardship to the applicant; and
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, as identified in subsection A1 of this section, or conflict with existing local laws or ordinances.

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below one foot above the base flood elevation and that the cost of flood insurance will be commensurate with the increased flood risk resulting from the reduced lowest floor elevation.

G. The board of adjustment shall maintain the record of all appeal actions and report any variances to the Federal Emergency Management Agency

upon request. (§ 1 (part) of Ord. passed 11/13/85: prior code § 22-39-12)

### **19.74.200 Warning and liability disclaimer.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the county, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (§ 1 (part) of Ord. passed 11/13/85: prior code § 22-39-13)

### **19.74.210 Definitions.**

As used in this chapter:

“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 nonelevation design requirements of this title.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. (Ord. 994 § 13, 1987)

[<< previous](#) | [next >>](#)