

**SPANISH FORK CITY
ORDINANCE 07-20**

**AMENDING TITLE 15, CHAPTER 4, OF THE SPANISH FORK MUNICIPAL CODE
RELATED TO FLOOD DAMAGE PREVENTION**

WHEREAS, Spanish Fork City has enacted an ordinance to prevent damage from flooding;

WHEREAS, pursuant to Utah Code Ann. § 10-3-701, the Legislature of the State of Utah has delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses;

WHEREAS, severe flooding has occurred within Spanish Fork City in the past and may occur in the future;

WHEREAS, flooding is likely to result in the infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property;

WHEREAS, the City desires to comply with minimum standards for coverage under the National Flood Insurance Program (“NFIP”);

WHEREAS, the City desires to adopt this ordinance to effectively address the dangers of flood damage; and

WHEREAS, a public hearing was held before the Spanish Fork City Planning Commission on June 3, 2020, whereat public comment was received;

WHEREAS, a public hearing was held before the Spanish Fork City Council on June 16, 2020, whereat additional public comment was received;

NOW THEREFORE, be it enacted and ordained by the Spanish Fork City Council as follows:

SECTION 1: **REPEAL** “15.4.20.010 Warning And Disclaimer Of Liability” of the Spanish Fork Municipal Code is hereby *repealed* as follows:

R E P E A L

~~15.4.20.010 Warning And Disclaimer Of Liability~~ (*Repealed*)

~~The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance 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 ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.~~

SECTION 2: **REPEAL** “15.4.20.020 General Provisions” of the Spanish Fork Municipal Code is hereby *repealed* as follows:

REPEAL

~~15.4.20.020 General Provisions (Repealed)~~

- ~~A. The ordinance shall apply to all areas with defined flood hazards within the jurisdiction of the City.~~
- ~~B. The flood hazard areas, for the purposes of this ordinance, are those flood hazard areas in the City that are identified by the current Federal Emergency Management Agency on Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto and any accompanying scientific and engineering Flood Insurance Study Report are hereby adopted by reference and declared to be a part of this ordinance.~~
- ~~C. Preliminary Plat approval, Site Plan approval, or a Building Permit shall be required to ensure conformance with the provisions of this ordinance.~~
- ~~D. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.~~
- ~~E. 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.~~
- ~~F. 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.~~
 - ~~3. Deemed neither to limit nor repeal any other powers granted under State statutes.~~~~
- ~~G. All properties adjacent to the Spanish Fork River shall dedicate 40 feet of land adjacent to the River for access and the installation, maintenance, repair, and replacement of roadway access for the following public purposes:
 - ~~1. Access to the Spanish Fork River.~~
 - ~~2. The right to do necessary work in and adjacent to the Spanish Fork River to preserve the river corridor buffer in an effort to reduce erosion and potential future flooding.~~
 - ~~3. The right to install and maintain armor along the Spanish Fork River bank.~~
 - ~~4. The right to maintain and repair the river bank and bed, and monitor river flow capacities.~~~~

5. The right to survey the area as needed for installation of armor and for periodic monitoring of the River.
6. The right to construct a trail for public access and use.

The City may require additional land be dedicated to provide an access corridor from developed areas to the River.

~~(Ord. No. 14-12, Amended 09/18/2012) (Ord. No. 04-14, Amended 04/01/2014)~~

SECTION 3: **REPEAL** “15.4.20.030 Administration” of the Spanish Fork Municipal Code is hereby *repealed* as follows:

REPEAL

~~15.4.20.030 Administration~~ *(Repealed)*

- A. The Spanish Fork City Engineer or his/her appointee is hereby appointed the Floodplain Administrator, with the City Surveyor appointed as the Assistant Floodplain Administrator, to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.
- B. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:
 1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
 2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding from both surface and groundwater as well as from flood-related erosion.
 3. Review, approve or deny all applications for development permits required by adoption of this ordinance.
 4. Review permits for proposed development to assure that all necessary City permits have been obtained.
 5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
 6. Notify, in riverine situations, adjacent communities and the State Engineer’s office prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
 7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
 8. When base flood elevation data has not been provided in accordance with §030(B) the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of §050.

9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on City's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City.
- C. Application for a Preliminary Plat, Site Plan, or Building Permit within a special floodplain hazard area shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the construction of fences, and the location of the foregoing in relation to areas of special flood hazard and areas of special erosion hazard. Additionally, the following information is required:
1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures.
 2. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed.
 3. A certificate from a licensed professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of §050(B)(2).
 4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
 5. A bank stability/erosion hazard analysis performed by a licensed professional engineer, including site photographs, that evaluates potential flood-related erosion hazards and identifies appropriate erosion hazard mitigation measures to protect any structural improvements proposed in the area of special erosion hazard.
 6. A geotechnical report that includes: at least one (1) measurement of the ambient groundwater surface elevation on the site of proposed development collected between May 1 and May 31 (unless otherwise approved by the Floodplain Administrator); an engineer's estimate of the maximum anticipated groundwater elevation anticipated on the site during periods of flooding on the Spanish Fork River, referencing nearby base flood elevations on the current FIRM and all other available sources; and an engineer's recommendation with regard to the lowest elevation(s) that the lowest floor(s) (including basement) of all new and substantially improved structures should be constructed to be protected from flooding from groundwater and groundwater that could be influenced by surface water during periods of flooding.
 7. A grading permit shall be obtained from the Floodplain Administrator before any excavation or fill work that could modify the flood hazards defined on the community's FIRM is completed in the area of special erosion hazard area.
 8. Maintain record of all such information in accordance with §040(B)(1).
- D. Approval or denial of a Preliminary Plat, Site Plan, or any permit required by City shall be based on all of the provisions of this ordinance and the following relevant factors:
1. The danger to life and property due to flooding or erosion damage.
 2. The susceptibility of the proposed facility and its contents to flood and/or erosion

- damage and the effect of such damage on the individual owner.
3. The danger that materials may be swept onto other lands to the injury of others.
 4. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 5. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems.
 6. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
 7. The necessity to the facility of a waterfront location, where applicable.
 8. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
 9. The relationship of the proposed use to the Comprehensive General Plan for that area.

~~(Ord. No. 23-10, Amended 11/16/2010)~~

SECTION 4: **REPEAL** “15.4.20.040 Provisions For Flood Hazard Reduction” of the Spanish Fork Municipal Code is hereby *repealed* as follows:

R E P E A L

~~15.4.20.040 Provisions For Flood Hazard Reduction (Repealed)~~

A. General Standards.

1. In all areas of special flood hazards the following provisions are required for all new construction or substantial improvements:
 - a. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - c. All new construction or substantial improvements shall be constructed with materials resistant to flood damage.
 - d. All new construction or substantial improvements 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.
 - e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - f. All new construction shall be required to connect to City’s sanitary sewer system.

impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. 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 as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.

3. Enclosures - new construction or substantial improvements, with fully enclosed 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. Designs for meeting this requirement must either be certified by a licensed professional engineer or meet or exceed the following minimum criteria:
 - a. 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.
 - 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.
4. Manufactured Homes.
 - a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not 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.
 - b. Require that manufactured homes that are placed or substantially improved on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph four (4) of this section be elevated so that either:
 - (1) The lowest floor of the manufactured home is at least two (2) feet above the base flood elevation.
 - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely

anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. Recreational vehicles, trailers, or motor homes placed on sites within Zones A1-30, AH, and AE on the community's FIRM must meet one of the following criteria:
 - a. Be on the site for fewer than 30 consecutive days.
 - b. Be fully licensed and ready for highway use.
 - c. Meet the permit requirements of §040(C)(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph four (4) of this section. A recreational vehicle, trailer, or motor home 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.

C. Standards for Subdivision Proposals.

1. All subdivision proposals shall be consistent with this ordinance.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet the Development Permit requirements of §030, §040 and the provisions of §050 of this ordinance.
3. Base flood elevation data shall be generated for subdivision proposals and other proposed development (including the placement of manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to §030(B), or §040(B)(8) of this ordinance.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards from both surface water and groundwater.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

D. Standards for Areas of Shallow Flooding.

1. Located within the areas of special flood hazard established in §030(B), are areas designated as shallow flooding (AO and AH Zones). These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:
 - a. All new construction or substantial improvements of residential structures shall have the lowest floor (including basement) elevated at least two (2) feet above the base flood level.
 - b. All new construction or substantial improvements of non-residential structures:
 - (1) Have the lowest floor (including basement) elevated at least two (2) feet above the base flood level.
 - (2) Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with

structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

- c. A licensed professional engineer shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in §040(C)(5) and §040(C)(6), are satisfied.
 - d. Require within Zones AH or AO adequate drainage paths around structures on sloping ground, to guide flood waters around and away from proposed structures.
2. City's FIRM may also identify areas of shallow flooding hazards with an average depth less than one (1) foot deep (shaded Zone X), as established in §030(B). These areas may be between the flood hazard boundaries defined for the 1 - and 0.2-percent-chance-annual-flood or associated with base flood depths less than one (1) foot where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity may be evident. Such flooding is generally characterized by sheet flow; therefore, the following provisions apply:
- a. All new construction or substantial improvements of residential and non-residential structures.
 - (1) All new construction or substantial improvements have the lowest floor (including basement) elevated above the estimated depth of the base flood and above the highest groundwater level that is anticipated to occur during periods of flooding.
 - (2) Require within shaded X Zones positive ground slopes away from structures and adequate drainage paths around structures on sloping ground to guide flood water around and away from proposed structures.
 - (3) A registered professional engineer shall submit certification to the Floodplain Administrator that the standards of this Section, as proposed in §040(C)(5) and §040(C)(6) are satisfied.
- E. Floodways. Floodways (located within areas of special flood hazard established in §030(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 shall apply:
1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 2. If §050(A)(7) above is satisfied, all new construction or substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
- F. Standards for Areas of Special Erosion Hazard. In order to prevent damage to structures in areas subject to special erosion hazards, the following provisions shall apply:
1. No structural development will be allowed to be constructed in an area of special erosion hazard unless the potential erosion hazards have been evaluated and mitigated and buildings meet minimum setback requirements in accordance with

- §050(A)(2).
2. No excavation or fill that could modify flood hazard boundaries defined on the FIRM shall be performed in areas of special erosion hazard without a grading permit, in accordance with §050(C)(7).
 3. No solid walls, solid fences, or other structures that could disrupt flowing water in an area of special flood hazard or special erosion hazard shall be constructed in a position or direction contrary to the direction of flowing water to create additional flooding and erosion hazards.

SECTION 5: **REPEAL** “15.4.20.050 Penalties For Violation” of the Spanish Fork Municipal Code is hereby *repealed* as follows:

R E P E A L

~~15.4.20.050 Penalties For Violation~~ (*Repealed*)

- A. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.
- B. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a class B misdemeanor. In addition to any fine, a violator shall pay all costs and expenses involved in the case.
- C. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

~~(Ord. 07-09, Enacted 02/20/2009)~~

SECTION 6: **AMENDMENT** “15.1.04.020 Definitions” of the Spanish Fork Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.1.04.020 Definitions

"Accessory Use or Building": A subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or buildings.

"Accessory Apartment": A self-contained dwelling incorporated within an existing owner-occupied structure that is designed as a single-family dwelling and does not substantially alter the structure or appearance of the existing structure.

"Adult Day Care": Continuous care and supervision for three or more adults for at least four but

less than 24 hours a day, that meets the needs of functionally impaired adults through a comprehensive program that provides a variety of health, social, recreational, and related support services in a protective setting.

"Affected Entity": A government entity, school district, public utility, interlocal cooperative entity, or a service or similar district, whose facilities are likely to require expansion or significant modification because of an intended use of land, or the entity's facilities or boundaries are within one mile of land which is the subject of the land use ordinance change.

"Alluvial Fan Flooding": means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

"Apex": means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Area of Shallow Flooding": means a designated AO, AH, AR/AO, AR/AH or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Erosion Hazard": Is land that is adjacent to or within 200 feet of the centerline of the Spanish Fork River or within 100 feet of any other open channel facility that conveys runoff water located within the corporate limits of City.

"Area of Special Flood Hazard": Is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special food hazard".

"Assisted Living Facility": A residential facility, licensed by the State of Utah, with a home-like setting that provides an array of coordinated supportive personal and health care services, available 24-hours per day, to residents who have been assessed under Utah Department of Health or the Utah Department of Human Services rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include: (1) specified services of intermittent nursing care; (2) administration of medication; and (3) support services promoting the resident's independence and self-sufficiency. Such facility does not include adult day care provided in conjunction with a residential facility for persons with a disability.

"Attached Structure": Any structure that is attached to another structure by a common wall, or by

a footing or foundation and roof combination. This does not include an open breeze way.

"Automotive Repair": A facility which services motor vehicles with all types of repair work, including major engine and transmission repairs, body work, painting, and similar activities.

"Automotive Service Station": A facility having pumps and storage tanks from which fuel is dispensed into motor vehicles. Minor automotive repair may also be included as an incidental use.

"Base Flood": means the flood having a 1 percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation: (BFE)": Is the water surface elevation of the 1 percent annual chance flood. The height in relation to mean seal level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

"Basement": A story of a building, partly or wholly underground. For floodplain management purposes, "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Bed and Breakfast": A dwelling in which five (5) or fewer guest rooms are provided for overnight lodging of travelers.

"Blade Sweep": The diameter of the wind turbine blades as determined by the blade rotation.

"Building": A structure. For floodplain management purposes, a walled and roofed building that is principally above ground, as well as a manufactured home. For insurance purposes, "Building" means:

- A. A structure with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; or
- B. A manufactured home (a "manufactured home," also known as a mobile home, is a structure built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
- C. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

"Building Height": The vertical distance from the average finished grade surface of the building to the peak of the roof.

"Building Setback Line": The required distance between the property line and closest point of any building.

"Caretaker Dwelling": A dwelling which is ancillary to the principal use of a property which is exclusively occupied by an individual or individuals who are in charge of the maintenance of a building or business. Caretaker dwellings shall not have more than one bedroom.

"Carwash (full service)": A carwash that is completely mechanized (drive-thru operation) and that

is ancillary to another use or an operation where the cleaning services are exclusively performed by employees of the establishment without the aid of the patron or coin operated devices.

"Carwash (self-serve)": A business establishment which provides car cleaning services where part or all of the cleaning is performed by the patron with the aid of coin operated cleaning devices.

"Child Care Center": Any facility in which child care is provided to 13 or more children, including the provider's own pre-school age children, on the premises at the same time.

"Church": A structure which is intended for conducting organized religious services for organizations with tax-exempt status, with no overnight facilities. Secondary uses such as child care, senior services, professional counseling, rehabilitation services, or similar uses are not included in the definition. A church does not include organizations that violate Federal, State, or City laws or codes.

"City": Spanish Fork City.

"City Council": The governing body of the City, consisting of five elected council persons and the Mayor.

"Civil Engineer": A person licensed with the State of Utah to practice as a professional engineer.

"Clinics, Emergency Medical Care Facilities": A medical facility for the diagnosis and treatment of human patients which may include emergency services, but not overnight housing of patients.

"Commercial Child Care Center": Any facility located in a non-residential or non-industrial zone in which child care is provided on the premises.

"Commission": The Planning Commission of Spanish Fork City, unless indicated otherwise.

"Completion Date": The date the entire subdivision, development, or construction is completed and an approved final inspection statement is given.

"Comprehensive General Plan" or "General Plan": The land use element of the Comprehensive General Plan document as approved by the City Council.

"Conditional Letter of Map Revision": means FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations, or the Special Flood Hazard Area. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be recognized by FEMA. A CLOMR does not replace a floodplain development permit.

"Construction Plans and Profiles": Plans drawn by a civil engineer or land surveyor showing all required improvements including the location, size, grade and elevations.

"Convenience Store": A building or use which is primarily engaged in the provision of frequently needed, day to day retail goods including gasoline, food and non-food products.

"Council": The City Council.

"Crawlspace": is that area below an elevated building that is typically built on a solid (perimeter) wall foundation and is used to access utilities and/or the building is elevated over unsuitable foundation materials. Height limitations apply.

"Critical Feature": means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

"Design and Development Standards": The standards as referred to in this Title and adopted by the Council.

"Development": Any man-made change in improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Developer": Person, Partnership, Limited Liability Company, Corporation, or other legal entity developing residential, commercial or industrial property.

"Development": means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, demolition of buildings or structures, fences, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Development Review Committee" or "DRC": A committee that provides technical review, analysis, and recommendations to the Planning Commission and City Council related to the City's Comprehensive General Plan, Zoning Ordinance, subdivisions, capital facilities plans and site plans.

"Disability": A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. A "disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802 or successor law.

- A. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- B. "Has a record of such an impairment" means has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.

"Duplex": A building designed for two (2) family units living independently of each other on the same lot.

"Dwelling, Multiple-Family": A building arranged or designed to include three (3) or more homes, each to be occupied by one (1) family.

"Dwelling, Single-family": A detached building designed for one family unit and having one main

kitchen.

"Elderly Person": A person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

"Elevated Building": means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "Elevated Building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"Enclosed Area": is that portion of an elevated building below the lowest elevated floor that is either partially or fully enclosed by rigid walls. For the purposes of the NFIP, enclosed areas can be an enclosure, crawlspace, subgrade crawlspace, or attached garage.

"Enclosure": is the area below an elevated building that is partially or fully enclosed and over 5' in height from enclosure floor to finish floor elevation of the floor immediately above the enclosed area. That portion of an elevated building below the lowest elevated floor that is either partially or fully enclosed by rigid walls.

"Engineer": The person appointed by the City to be the City Engineer.

"Erosion": means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.

"Event Center": A place with indoor or outdoor facilities that provides for gatherings of individuals assembled for purposes such as a weddings, receptions, meetings or parties.

"Existing Construction": means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing Construction" may also be referred to as "existing structures".

"Fence": A structure serving as an enclosure, a barrier, or a boundary, usually made of posts or stakes joined together by boards, wire, vinyl panels or fiberglass encapsulated foam panels.

"Final Decision": A decision by a land use authority which approves, approves with conditions, or denies a land use application. A final decision is made by motion and majority vote in a public meeting, or by a written decision if no vote is taken in the public meeting. When the land use authority is a staff member, it is their decision, granting or denying a land use application in

writing.

"Final Plat": An original map or plat drawn on mylar in a form as approved by the City, showing all lots, streets, utility easements, etc.

"Flag Lot": A lot of irregular configuration in which an access strip (a strip of land of a width less than the required lot width) connects the main body of the lot to the street frontage.

"Flag Pole": A staff or pole that is no greater than 24 inches in diameter that exists for the primary purpose of displaying a flag.

"Flood Insurance Rate Map (FIRM)": Means an official map of the City, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study": The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

"Flood" or "Flooding": means

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters; or
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source; or
 - 3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- B. 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 force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

"Flood Elevation Determination": means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater change of occurrence in any given year.

"Flood Insurance Rate Map (FIRM)": means an official map of the City, on which the Administrator has delineated both the special hazards areas and the risk premium zones applicable to the community.

"Flood Insurance Study": or Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood related erosion hazards.

"Flood Proofing": 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. Wet floodproofing includes permanent or contingent measures applied to a structure or its contents that prevent or provide resistance to damage from flooding while allowing floodwaters to enter the structure or area and may be applied to residential or non-residential structures. Dry floodproofing is making a structure watertight below the level that needs flood protection to prevent floodwaters from entering. Making the structure watertight requires sealing the walls with waterproof coatings, impermeable membranes, or a supplemental layer of masonry or concrete and can only be used for non-residential structures.

"Flood Protection System": means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodplain" or "flood-prone area": means any land area susceptible to being inundated by water from an source (see definition of "flooding").

"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.

"Floodplain Management Regulations": means zoning Ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Floodway (Regulatory 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 a designated height.

"Floodway Encroachment Lines": means the lines marking the limits of the floodways on Federal, State and local flood plain maps.

"Formally Initiated": An act taken to change or modify a land use ordinance by application or by motion of the Planning Commission or City Council, made in a public meeting.

"Freeboard": means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use": means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"**Funeral Home**": The provision of services including storing and preparing human remains for burial, cremation, and arranging, managing, and conducting funerals.

"**Garage**": A building or indoor area with four walls, a roof and at least one door, of which the primary purpose is to provide an enclosed space for parking or storing motor vehicles. Required garages must have an unobstructed area that is at least nine (9) feet wide by 18 feet deep.

"**General Plan**": The Comprehensive General Plan of Spanish Fork City.

"**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 as meeting the requirements for individual listing on the National Register.
- B. Certified or preliminarily determined by the Secretary of the Interior 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 of the Interior, or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior.
 2. Directly by the Secretary of the Interior in states without approved programs.

"**Home Child Care Center**": Any single home in which child care is provided for seven (7) to 12 children, including the provider's own pre-school age children, on the premises at the same time.

"**Home Occupation**": An occupation, profession, activity, or use that is clearly incidental and secondary to the use of a residential home.

"**Hospital**": A facility used for inpatient or outpatient medical and healthcare-related uses or services (one of which provides emergency medical services) or any incidental, ancillary or related uses or services including but not limited to medical office, research and/or development, information technology, warehouse and distribution, hospitality, food service and lodging.

"**Hotel/Motel**": A building which provides guest rooms for the overnight lodging of travelers. It may include customarily incidental uses such as meeting rooms, restaurants, and gift shops.

"**Impound Yard**": A facility that provides for the secured storage of automobiles with or without the permission of the owners by a person who is licensed to hold the automobiles.

"Improved Lot": A lot which has all the improvements required in Part 4 of this Title.

"Improvements": Includes roads, streets, curbs, gutters, sidewalks, grading, landscaping, water systems, sewer systems, irrigation systems, drainage systems, power systems, fences, public facilities, trees, and/or other items required by this Title.

"Instructional Studio": A facility in which instruction is offered for piano, gymnastics, voice, art, or similar activities.

"Jail": A place of incarceration owned and operated by the County or State.

"Juvenile Detention Facility": A place of temporary detention for delinquent juveniles, which either is owned and operated by the State of Utah or is under contract with the State of Utah.

"Juvenile Secure Facility": A place of incarceration for delinquent juveniles, which either is owned and operated by the State of Utah or is under contract with the State of Utah.

"Land Surveyor": A person licensed by the State of Utah to practice as a land surveyor.

"Land Use Authority": A person, board, commission, agency, or other body designated by ordinance to act upon a land use application.

"Land Use Ordinance": A planning, zoning, development, or subdivision ordinance of the City, but does not include the Comprehensive General Plan.

"Large Wind Energy System": Wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of more than 100 kW.

"Letter of Map Amendment": means an official amendment, by letter, to an effective map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area and are usually issued because a property has been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation.

"Letter of Map Revision": means FEMA's modification to an effective Flood Insurance Rate Map, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations, or the Special Flood Hazard Area.

"Letter of Map Revision Based on Fill": means FEMA's modification of the Special Flood Hazard Area shown on the Flood Insurance Rate Map based on the placement of fill outside the existing regulatory floodway.

"Levee": means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. Only levees that are recognized by FEMA will be

shown on the FIRMs as providing protection from the 1% annual chance flood.

"Levee System": means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"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 Sec. 60.3.

"Lot": A parcel of land with frontage or other approved access to a public street, occupied or designed to be occupied by a building and its accessory uses, and which has been subdivided or otherwise lawfully permitted.

"Lot, Corner": A lot located at the intersection of two or more streets.

"Lot, Depth": The shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line.

"Lot, Interior": A lot other than a corner lot.

"Lot, Irregular": A building lot whose rear property line is not generally parallel to the front property line such as a pie-shaped lot on a cul-de-sac, or where the side property lines are not parallel to each other.

"Lot, Through" or **"Double Frontage"**: A lot which abuts upon two parallel or approximately parallel streets.

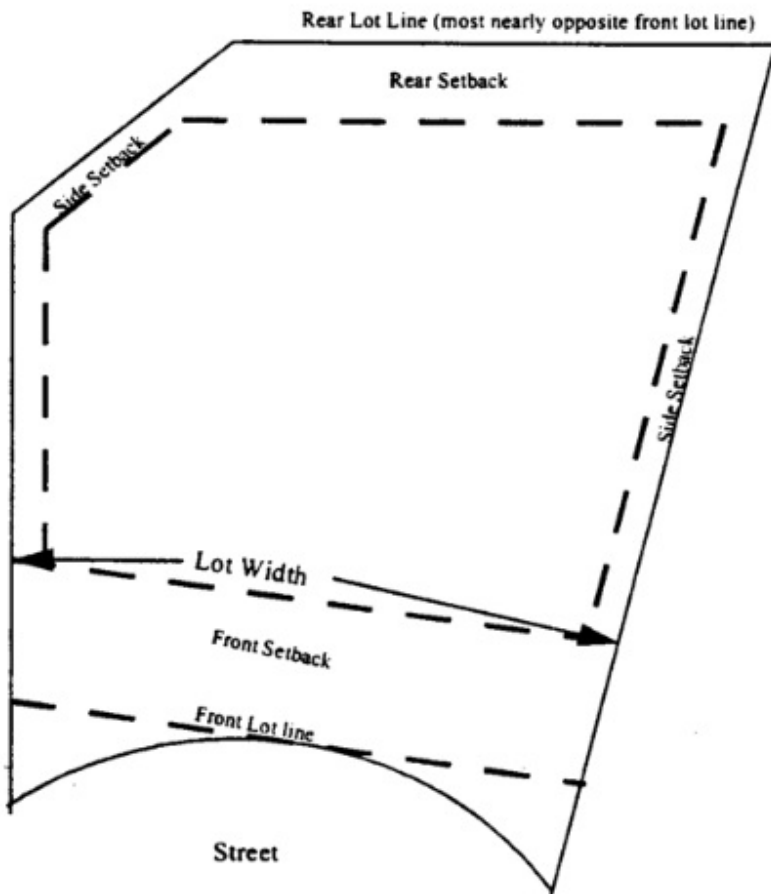
"Lot Line":

- A. Front: The lot line adjacent to a street, except as follows:
 1. Corner Lot. The front property line is determined by which direction the required setbacks for the front and rear can both be met. If all applicable setbacks can be met either way, the front setback shall be located on the same side as the front door of the structure and the other frontage shall be the side-street side.
 2. Through or Double Frontage Lot. The lot line which is obviously the front by reason of the prevailing custom of the other buildings on the block. The other street frontage shall be a rear lot line. Where such property line is not obviously evident, the Community Development Director shall determine the front property line.
- B. Rear: The lot line most nearly opposite the front property line or, if the front property is a curved line, to a line tangent to the front property line at its midpoint.
- C. Side: Those other lot lines not defined as a front or rear lot line.

"Lot Width": If the side lot lines are parallel, the shortest distance between these side lines. If the

side property lines are not parallel, the width shall be the distance between the side lines at the front setback line, as in the following illustration: "**Lube Center**": A facility which primarily provides oil change and similar servicing or performs minor mechanical repair of motor vehicles. The outdoor overnight storage of vehicles is not permitted in association with the Lube Center use.

"**Manufactured Home**": A transportable factory-built housing unit constructed on or after June 15, 1976, according to the National Manufactured Housing Construction and Safety Standards Act of 1974. For floodplain management purposes "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 attached to the required utilities. The term "manufactured home" does not include a recreation vehicle.



“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.

“Map”: For floodplain management purposes, “Map” means the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

"Master Planned Development (MPD or Planned Unit Development)": A residential development which typically contains common design elements, some variation in dwelling types, and common open space or parks.

“Mean Sea Level”: means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mother-in-law Apartment": See Accessory Apartment.

"Municipal Utility Easement": an easement which:

- A. Is not a public utility easement pursuant to Utah Code Ann. §54-3-27;
- B. Is entirely owned by Spanish Fork City; and
- C. Is either:
 1. Not being used or occupied; or
 2. Is being exclusively used and occupied by Spanish Fork City or its approved franchisees to provide utility services, such as sanitary sewer, culinary water, pressurized irrigation water, storm water, broadband, telecommunications, etc.

"Museum": A building or place where works of art, scientific specimens, historic artifacts or other objects of permanent value are kept and displayed.

"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.

"Non-complying Structure": A structure that (1) legally existed before its current land use designation; and (2) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulation excluding those regulations, which govern the use of land.

"Non-conforming Use": A use of land that:

- A. Legally existed before its current land use designation; and
- B. Has been maintained continuously since the time a land use ordinance governed the land; and
- C. Because of one or more subsequent land use ordinance changes, does not conform to regulations that now govern the use of the land.

"Nursing" or "Retirement Homes": A long term residential facility for elderly, or otherwise ill persons which may include some or all of the following: individual homes, living and sleeping rooms, a common dining room, skilled nursing care, recreational facilities, and transportation for social and medical purposes. Such facility does not include an adult day care facility or adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

"Office": A building or portion of a building where services are performed involving predominately administrative, professional, or clerical operations.

"Offsite Facilities": Facilities outside of the boundaries of the subdivision or development site which are designated and located to serve the needs of the subdivision or development or adjacent property, usually lying between a development and existing facilities.

"Onsite Facilities": Facilities installed within or on the perimeter of the subdivision or development site.

"Outdoor Commercial Recreation Facility": Enterprises which include such uses as miniature golf courses, batting cages, waterslides, swimming pools or other similar activities that do not involve motorized vehicles.

"Outdoor Display Area": An area that is designated on a Site Plan for the outdoor display of the following items that are available for retail sale or rent: new or used automobiles, trailers, boats, recreational vehicles, construction equipment, or other finished products.

"Outdoor Storage Area": An area that is designated on a Site Plan for the storage of raw materials, finished products, vehicles, trailers or other equipment.

"Parcel of Land": A contiguous area of land in the possession or ownership of one entity with one tax identification number.

"Pending Ordinance": A land use ordinance that has been placed on a DRC agenda for discussion or action. A pending ordinance is enforceable until it is enacted, declined, or modified by action of the Council, or six months, whichever time period is shorter.

"Personal Service Business": A business involved in a service that does not usually produce a commodity. Typical uses include beauty and barber shops, tanning salons, massage therapists, laundry and dry-cleaning establishments, shoe repair, tailors, insurance agents, lawyers, accountants, and medical providers.

"Planning Commission": The Planning Commission of Spanish Fork City.

"Porch": a covered approach on a platform to a pedestrian entrance to a building which is open on at least two sides. The purpose of a porch is to shelter persons, not to shelter cars, material, or other equipment.

"Preliminary Plat": A map or plat of a proposed subdivision or development with accompanying

supplementary documents.

"Principal Building": A primary building located upon a lot, or a building that provides services in direct support of a property's primary use. Properties that are developed in a campus fashion may have more than one principal building located on an individual parcel.

"Private School, Academic": A parochial or private institution offering academic or religious curriculum which is accredited to grant a degree or other indication of successful completion of an instructional program. The definition includes elementary, middle, junior, and high schools, colleges and universities. This does not include post high school educational facilities or educational facilities which include residential facilities for its students.

"Recreational Vehicle": Means a vehicle, which is:

- A. Built on a single chassis.
- B. 400 square feet or less when measured at the largest horizontal projections.
- C. Designed to be self-propelled or be permanently towable by a light duty truck.
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Rehabilitation/Treatment Facility": A facility owned and operated by a government entity to provide temporary occupancy and supervision of individuals (adults/juveniles) in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants.

"Residential Treatment Center": A 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, rehabilitation, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. In residential treatment, individuals are assisted in acquiring the social and behavioral skills necessary for living independently in the community. This does not include individuals who have been charged with the commission of any felony or who are sex offenders.

"Residential Facility for Persons with a Disability": A residence in which eight (8) or fewer persons with disability reside and which is:

- A. Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities.
- B. Licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

"Residential Facility for Elderly Persons": A facility that houses and provides at least some services that contribute towards the care of elderly residents.

"Retail Use": A business involved in the sale of commodities to ultimate consumers for personal or household consumption.

"Sensitive Lands": Lands having any of the following characteristics: slopes in excess of 30%, wetlands, 100-year floodplain, natural drainages, fault zones, streams, and lakes.

"Shelter Care Facility (Protective Housing Facility)": A facility either (1) operated, licensed or contracted by a governmental entity, or (2) operated by a charitable, non-profit organization, which, for no compensation provides temporary lodging, meals, and counseling to individuals and groups such as the homeless, pregnant teenagers, victims of domestic violence, neglected children, and runaways. Short-term care is typically less than 30 days.

"Sign": Any device used for visual communication which is intended to attract the attention of the public and is visible from the public rights-of-way or other properties. The term "sign" shall not include any flag, badge or insignia of any governmental unit nor shall it include any item of merchandise normally displayed within a show window of a business.

"Sign, Awning": Signs which are placed on or integrated into a fabric or other material canopies which are mounted on the exterior of a building.

"Sign, Billboard": A sign which is intended to advertise a business, commodity, service, entertainment, product, or attraction sold, offered, or existing elsewhere than on the property where the sign is located.

"Sign, Construction and Development": A temporary sign providing information about future development or current construction on a site, and the parties involved in the project.

"Sign, Directional": An on-premise sign that includes information assisting in the flow of pedestrian or vehicular traffic such as enter, exit, and one-way.

"Sign, Directory": A sign, other than an identification sign, listing the names, uses, or locations of the various businesses or activities conducted within a building or group of buildings, which is centrally located and intended to provide on-site directions.

"Sign, Fascia": A sign which is mounted against the horizontal piece covering the joint between the top of a wall and the projecting eaves of the roof.

"Sign, Freestanding": A sign which is erected on its own self-supporting permanent structure, detached from any supporting elements of a building.

"Sign, Identification": A sign that is designed and intended to identify only the business, place, organization, building, street address, or person on the property on which it is located.

"Sign, Mansard": A sign permanently affixed to a wall or surface designed to protect the edge of a roof, such surface being no more than 30 degrees from vertical.

"Sign, Menu Board": A permanently mounted sign displaying the menu and prices for a drive thru restaurant.

"Sign, Monument": A freestanding sign whose sign face extends to the ground or to a base.

"Sign, Noncommercial": A sign which does not contain information or advertising for any business, commodity, service, entertainment, product, or attraction.

"Sign, Nonconforming": A sign lawfully erected and maintained prior to the adoption of this ordinance which does not conform with the requirements of this ordinance.

"Sign, Pole or Pylon": A freestanding sign, other than a monument sign, erected and maintained on a mast(s) or pole(s) and not attached to any building.

"Sign, Political": A sign which supports any candidate for public office or urges action for or against any other matter on the ballot of primary, general, or special elections.

"Sign, Portable": Any sign not affixed to a structure or ground mounted on a site.

"Sign, Projecting": A sign attached to a building or other structure and extending in whole or in part more than 14 inches beyond the building.

"Sign, Reader Panel": A sign designed to permit immediate change of copy either manually or electronically.

"Sign, Roof": A sign erected on a roof, or signs that project above the highest point of the roof line, parapet, or fascia of the building.

"Sign, Shingle": A sign suspended from, and located entirely under a covered porch, covered walkway, or awning.

"Sign, Temporary": A sign not intended or designed for permanent display.

"Sign, Wall": A sign mounted flat against and projecting less than 14 inches from, or painted on the wall of a building with the exposed face of the sign parallel to the face of the wall.

"Sign, Window": A sign affixed to the interior or exterior of a window, or placed immediately behind a window pane so as to attract the attention of persons outside the building.

"Solid Waste Transfer Facility": A publicly owned facility for the drop off and temporary holding of refuse, green waste, compost, recyclables, and similar materials.

"Stacked Flat": One home attached to one or more homes by common horizontal and vertical walls.

"Start of Construction": (for other than new construction or substantial improvements under the Coastal Barrier Resources Act. (Pub. L. 97-348)), 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.

"Streets": A thoroughfare which has been dedicated and accepted by the City Council, which the City has acquired by prescriptive right or which the City owns, or is offered for dedication on an approved recorded

"Final Plat": For further explanation see the streets section of the Construction and Development Standards.

"Structure": Anything built, placed or constructed on a parcel of land including, but not limited to, portable buildings or storage containers. For floodplain management purposes, "Structure" means a designed and/or constructed system including but not limited to a building (walled and roofed building that is principally above ground), as well as a manufactured home, a gas or liquid storage tank, levee, road, culvert, or bridge.

"Subdivision": Any parcel of land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes:

- A. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and
- B. Divisions of land for all land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

"Substantial Damage": 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 reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before "Start of Construction" of the improvement. This term includes structures, which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
or

B. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Supervisory Care Facility": A facility with characteristics of a residential facility for persons with a disability or residential facility for elderly persons which has nine (9) or more individuals.

"Tire Care Center": A facility which primarily sells and services automotive tires, provides oil change and similar servicing, and performs minor mechanical repair of motor vehicles. The outdoor overnight storage of vehicles is not permitted in association with the Tire Care Center use.

"Tower Height": The height of a wind turbine measured from the grade level to the hub.

"Townhome": One single home constructed in a group of three or more attached homes in which each home extends from the foundation to roof and with open space on at least two (2) sides.

"Transfer Facility": A publicly owned facility for the drop-off and temporary holding of refuge. The facility is to be self-enclosed and completely fenced.

"Travel Center": A facility primarily engaged in the sale of fuel, accessories or equipment for over-the-road trucks and similar commercial vehicles, commonly referred to as a truck stop. A Travel Center may also include overnight accommodations, showers, vehicle scales, restaurant facilities, game rooms, and/or other services and diversions intended mainly for use by interregional travelers.

"Twin Home": One (1) single residence home attached to one (1) other single residence home by a common vertical wall, with each home located on a separate lot.

"Utilities": Includes culinary water lines; irrigation lines; sanitary and storm sewer lines; gas lines; electric power lines; telecommunication lines; underground conduits; and junction boxes and all appurtenances to the above.

"Wall": Barrier structure constructed of concrete, either precast or poured in place, or of individual concrete units that are adjoined with mortar.

"Water Surface Elevation": means the height, in relation to the National Geodetic Vertical Datum of 1929 (NGVD) (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Zoning Text Amendment": Change(s) to the wording of the comprehensive Zoning Ordinance, new zones, and changes to the zone map.

"Xeriscape": Landscaping that utilizes climate appropriate or native vegetation, rocks, minerals and other organic or non-organic materials to beautify property without creating a significant demand for water to maintain plant life in the landscape. (Ord. No. 07-09, Amended 02/10/2009) (Ord. No. 12-09, Amended 08/04/2009) (Ord. No. 02-10, Amended 02/16/2010) (Ord. No. 15-13, Amended 09/03/2013) (Ord. No. 04-14, Amended 04/01/2014) (Ord. No. 13-14, Amended 08/19/2014) (Ord. No. 15-14, Amended 10/07/2014) (Ord. No. 02-15, Amended 02/03/2015)

(Ord. No. 11-15, Amended 06/16/2015) (Ord. No. 15-15, Amended 09/15/2015) (Ord. No. 05-16, Amended 04/05/2016) (Ord. No. 14-16, Amended 09/20/2016) (Ord. No. 04-17, Amended 02/07/2017) (Ord. No. 20-18, Amended 11/20/2018)(Ord. No. 14-19, Amended 07/09/2019)

SECTION 7: ADOPTION “15.4.20.010 Statutory Authorization, Findings Of Fact, And Purpose And Methods” of the Spanish Fork Municipal Code is hereby *added* as follows:

ADOPTION

15.4.20.010 Statutory Authorization, Findings Of Fact, And Purpose And Methods(*Added*)

- A. Statutory Authorization. The City of Spanish Fork elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program (NFIP) is a voluntary program administered by the Federal Emergency Management Agency (FEMA), a component of the U.S. Department of Homeland Security, and City of Spanish Fork community officials have elected to join the program, participate, and enforce this Flood Damage Prevention Ordinance and the requirements and regulations of the NFIP. The NFIP, established in the aforesaid act, provides that areas of the City of Spanish Fork having a special flood hazard be identified by FEMA, and that floodplain management measures be applied in such flood hazard areas. Furthermore, City of Spanish Fork may elect to administer the Flood Damage Prevention Ordinance to areas not identified as Special Flood Hazard Areas (SFHAs) by FEMA on the community’s effective Flood Insurance Rate Map (FIRM), if the community has documentation to support that there is an inherent risk of flooding in such areas.
- B. Finding of Fact
1. The flood hazard areas of the City of Spanish Fork are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.
 2. These flood losses are created by the cumulative effect of obstructions in floodplains that cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed, or otherwise protected from flood damage.
- 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 to:
1. Protect human life and health;
 2. Minimize expenditure of public money for costly flood-control projects;
 3. Minimize the need for rescue and relief efforts associated with flooding that are generally undertaken at the expense of the general public;
 4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities, such as water and sewer mains, electric and telephone lines, and streets and bridges located in floodplains.
 6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize blight to future flood-prone areas;
 7. Ensure that potential buyers are notified that property is in a flood area.
- D. Methods of Reducing Flood Losses. In order to accomplish its purposes, this ordinance uses the following methods:
1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
 2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
 4. Control filling, grading, dredging and other development which may increase flood damage;
 5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION 8: **ADOPTION** “15.4.20.020 DEFINITIONS” of the Spanish Fork Municipal Code is hereby *added* as follows:

A D O P T I O N

15.4.20.020 Definitions(*Added*)

Unless specifically defined in Section 15.1.04.020, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

SECTION 9: **ADOPTION** “15.4.20.030 General Provisions” of the Spanish Fork Municipal Code is hereby *added* as follows:

A D O P T I O N

15.4.20.030 General Provisions(*Added*)

- A. Lands to which this Ordinance Applies. The ordinance shall apply to all areas of special flood hazard identified by FEMA within the jurisdiction of the City of Spanish Fork.
- B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Utah County and Incorporated

Communities," dated June 19, 2020, with accompanying FIRMs, and any revisions thereto are hereby automatically adopted by reference and declared to be a part of this ordinance.

- C. Annexation. When the community annexes any land from a neighboring jurisdiction, the City of Spanish Fork will manage and regulate the annexed land under this ordinance.
- D. Establishment of Development Permit. A Floodplain Development, preliminary plat approval, site plan approval, or a building permit, shall be required to ensure conformance with the provisions of this ordinance.
- E. Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.
- F. 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.
- G. 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
- H. Warning and Disclaimer. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance 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 ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
- I. Severability. If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

SECTION 10: **ADOPTION** "15.4.20.0400" of the Spanish Fork Municipal Code is hereby *added* as follows:

ADOPTION

15.4.20.0400 Administration(*Added*)

- A. Designation of the Floodplain Administrator. The City Engineer or his/her appointee is hereby appointed the Floodplain Administrator and implement the provisions of this

ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

B. Duties and Responsibilities of the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this ordinance.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is State Engineer's office, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of this ordinance.
9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

C. Permit Procedures. Application for a preliminary plat, site plan, or building permit within a special floodplain hazard area shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the

construction fences, and the location of the foregoing in relation to areas of special flood hazard and areas of special erosion hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 15.4.20.050(B);
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
5. A bank stability/erosion hazard analysis performed by a licensed professional engineer, including site photographs, that evaluates potential flood-related erosion hazards and identifies appropriate erosion hazard mitigation measures to protect any structural improvements proposed in the area of special erosion hazard.
6. A geotechnical report that includes: at least one measurement of the ambient groundwater surface elevation on the site of proposed development collected between May 1 and May 31 (unless otherwise approved by the Floodplain Administrator); an engineer's estimate of the maximum anticipated groundwater elevation anticipated on the site during periods of flooding on the Spanish Fork River, referencing nearby base flood elevations on the current FIRM and all other available sources; and an engineer's recommendation with regard to the lowest elevation(s) that the lowest floor(s) (including basement) of all new and substantially improved structures should be constructed to be protected from flooding from groundwater and groundwater that could be influenced by surface water during periods of flooding.
7. A grading permit shall be obtained from the Floodplain Administrator before any excavation or fill work that could modify the flood hazards defined on the community's FIRM is completed in the area of special erosion hazard area.
8. Maintain records of all such information.

D. FLOOD PLAIN PERMIT APPROVAL OR DENIAL. Approval or denial of a preliminary plat, site plan, or any permit required by shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The cost of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

8. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
 9. The relationship of the proposed use to the comprehensive plan for that area.
- E. Variance Procedures. The City Council shall act as the appeal authority and shall hear and render judgment on requests for variances from the requirements of this ordinance.
1. Any person or persons aggrieved by the decision of the City Council may appeal such decision in the courts of competent jurisdiction.
 2. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency and the State Office of Emergency Management upon issuing a variance.
 3. 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 relevant factors in Section C of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 4. Upon consideration of the factors noted above and the intent of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.
 5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 6. Variances may be issued for the repair or rehabilitation of historic structures 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.
 7. Prerequisites for granting variances:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b. Variances shall only be issues upon:
 - (1) showing a good and sufficient cause;
 - (2) a determination that failure to grant the variance would result in exceptional 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, or conflict with existing local laws or ordinances.
 - c. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 8. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- a. the criteria outlined in Section 15.4.20.040(D)(1)-(10) are met, and
- b. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

SECTION 11: **ADOPTION** “15.4.20.050 Provisions For Flood Hazard Reduction” of the Spanish Fork Municipal Code is hereby *added* as follows:

A D O P T I O N

15.4.20.050 Provisions For Flood Hazard Reduction(*Added*)

- A. General Standards. In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:
 1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage.
 4. All new construction or substantial improvements 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.
 5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 6. All new construction shall be required to connect to City's sanitary sewer system.
 7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 8. No solid walls, solid fences, or other structures that could disrupt flowing water in an area of special flood hazard shall be constructed in a position or direction contrary to the direction of flowing water.
- B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided, the following provisions are required:
 1. Residential and Nonresidential Construction - New residential and nonresidential construction and substantial improvement of any structure shall have the lowest floor (including basement), elevated to two feet above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a

certification to the Floodplain Administrator that the standards of this ordinance are satisfied.

2. Enclosed Areas – including enclosures, crawlspaces, subgrade crawlspaces, and attached garages - new construction and substantial improvements, with fully enclosed 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:

- a. automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
- b. Flood vents meeting ICC-ES standards may be used with the bottom of all openings shall be no higher than one foot above grade and a minimum of two openings, or
- c. Vents certified by a registered professional engineer or architect meet or exceed the following minimum criteria:
 - (1) 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.
 - (2) The bottom of all openings shall be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. Enclosures are areas that have a height greater than 5 feet from the enclosure floor to the finish floor elevation above. Crawlspaces have at least one side of the crawlspace floor at or above the exterior grade. The crawlspace floor must be less than 5 feet from the finish floor elevation above. Subgrade crawlspaces have an exterior grade that cannot be more than 2' above crawlspace floor elevation and a finish floor elevation of floor immediately above cannot be more than 5' above the crawlspace floor.

3. Manufactured Homes

- a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not 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.
- b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a

permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- c. In A-1-30, AH, and AE Zones, require that manufactured homes to be placed or substantially improved in an existing manufactured home park to be elevated so that the lowest floor is at or above the Base Flood Elevation; OR the chassis is supported by reinforced piers no less than 36 inches in height above grade and securely anchored.
4. Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
 - a. be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or
 - b. meet the permit requirements of Section 15.4.20.040(C), and the elevation and anchoring requirements for "manufactured homes" of this section. 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.
 5. Special Erosion Hazards - In all areas of special erosion hazards the following provisions are required for all new construction or substantial improvements:
 - a. Erosion Hazard. No new construction or substantial improvements shall be designed or constructed until a licensed professional engineer certifies that no erosion hazard exists on the reach of open channel adjacent to or upstream from the proposed site for a distance of at least 150 feet or until any potential erosion hazard is mitigated by measures designed by a registered professional engineer and accepted by the Floodplain Administrator.
 - b. Set Back. All permanent structures shall be set back a minimum of 60 feet from the top of bank of the nearest open channel that conveys runoff water.
 - c. Grading Permit. No excavation or fill that could modify the flood hazards defined on the FIRM shall be performed without applying for and receiving a grading permit from the Floodplain Administrator.
 - d. No solid walls, solid fences, or other structures that could disrupt flowing water in an area of special erosion hazard shall be constructed in a position or direction contrary to the direction of flowing water.
 - e. In all areas of special flood hazard, all areas of special erosion hazard, and areas with potentially high groundwater levels the following provisions are required for all new construction or substantial improvements: As part of the building or development permit process, a geotechnical report shall be completed that includes a licensed professional engineer's recommendation with regard to the lowest elevation(s) that the lowest floor(s) (including basement) of all new and substantially improved structures should be constructed to be protected from flooding from groundwater and groundwater that could be influenced by surface water during periods of flooding.

C. Standards for Subdivision Proposals.

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with the provisions of this ordinance.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of this ordinance.
3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

D. Standards for Areas of Shallow Flooding (AO/AH Zones) Located within the areas of special flood hazard established in Section 15.4.20.030(B), are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
2. All new construction and substantial improvements of non-residential structures
 - a. have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;
 - b. together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
3. A registered professional engineer shall submit a certification to the Floodplain Administrator that the standards of Section 15.4.20.040(C) are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.
5. FIRMs may also identify areas of shallow flooding hazards with an average depth less than 1 foot deep (shaded Zone X). These areas may be between the flood hazard boundaries defined for the 1- and 0.2-percent-chance-annual-flood or associated with base flood depths less than 1 foot where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity may be evident. Such flooding is generally characterized by sheet flow. Therefore,

the following provisions apply for all new construction or substantial improvements of residential and nonresidential structures:

- a. All new construction or substantial improvements have the lowest floor (including basement) elevated above the estimated depth of the base flood and above the highest groundwater level that is anticipated to occur during periods of flooding.
 - b. Require within shaded X Zones positive ground slopes away from structures and adequate drainage paths around structures on sloping ground to guide flood water around and away from proposed structures.
 - c. A registered professional engineer shall submit certification to the Floodplain Administrator that the standards of this Section, as proposed is satisfied.
- E. Floodways Floodways located within areas of special flood hazard established in 15.4.20.030, are extremely hazardous areas due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
1. Designate a regulatory floodway which will not increase the Base Flood level more than 1 foot.
 2. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 3. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 15.4.20.050 in this ordinance.
 4. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.
- F. Standard for Areas of Special Erosion Hazard In order to prevent damage to structures in areas subject to special erosion hazards, the following provisions shall apply.
1. No structural development will be allowed to be constructed in an area of special erosion hazard unless the potential erosion hazards have been evaluated and mitigated and buildings meet minimum setback requirements in subsection (B)(6) of this section.
 2. No excavation or fill that could modify flood hazard boundaries defined on the FIRM shall be performed in areas of special erosion hazard without a grading permit, in accordance with (B)(6) of this section.
 3. No solid walls, solid fences, or other structures that could disrupt flowing water in an area of special flood hazard or special erosion hazard shall be constructed in a position or direction contrary to the direction of flowing water to create additional flooding and erosion hazards.
- G. Penalties for Violation No structure or land shall hereafter be constructed, located,

extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a Class C misdemeanor and shall be punished as provided in Section 1.16.010 of the Spanish Fork Municipal Code, for each violation. In addition, a person who violates this ordinance shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Spanish Fork City from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 12: **EFFECTIVE DATE** This ordinance shall be effective twenty days after passage and publication.

PASSED AND ADOPTED BY THE SPANISH FORK CITY COUNCIL JUNE 16, 2020.

	AYE	NAY	ABSENT	ABSTAIN
COUNCILMAN MIKE MENDENHALL	_____	_____	<u> X </u>	_____
COUNCILMAN BRANDON GORDON	<u> X </u>	_____	_____	_____
COUNCILMAN KEIR SCUBES	<u> X </u>	_____	_____	_____
COUNCILMAN CHAD ARGYLE	<u> X </u>	_____	_____	_____
COUNCILWOMAN STACY BECK	<u> X </u>	_____	_____	_____

Presiding Officer

Attest

Steve Leifson

STEVE LEIFSON, MAYOR, Spanish
Fork City

Kent R. Clark

KENT R. CLARK, CITY
RECORDER Spanish Fork City

