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ORDINANCE NO. 024-13

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE GLENDALE CITY CODE, CHAPTER 17 (FLOODPLAIN MANAGEMENT) AND SETTING FORTH AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

WHEREAS, the City council adopted Chapter 17, Floodplain Management by Ordinance 1319 on November 6, 1984, and further amended Chapter 17 by Ordinance 1500 on June 23, 1987.

WHEREAS, the City council adopted Chapter 17, Floodplain Management by Ordinance 2863 on November 13, 2013, By repealing it in its entirety and adopting a new Chapter 17, Floodplain Management Ordinance and declaring it an emergency.

WHEREAS, in accordance with Title 44 Code of Federal Regulations Section 60.3 (d), the Federal Emergency Management Agency (FEMA) requires communities to adopt current, legally enforceable floodplain management measures.

SECTION 1. That the Glendale City Code Chapter 17 - Floodplain Management is amended and shall read as follows:

**Chapter 17 - FLOODPLAIN MANAGEMENT<sup>1</sup>**

Footnotes:

Editor's note(s)—Resolution No. 4742, § Exh. A, §§ 1—3, adopted Nov. 13, 2013, repealed Ch. 17, Arts. I—III, §§ 17-1—17-15, 17-26—17-29, 17-41—17-50, in its entirety and enacted new provisions to read as herein set out. Prior to this amendment, Arts. I—III pertained to similar subject matter. See Code Comparative Table for derivation.

Cross reference(s)—Buildings and building regulations, Ch. 9; grading and drainage regulations, Ch. 18.5; landscaping, Ch. 19; mobile home parks and mobile home subdivisions, Ch. 23; planning and development, Ch. 28; subdivisions, Ch. 31; zoning, App. A.

Note(s)—A certain document entitled "Chapter 17, Floodplain Management," attached as Exhibit A, three copies of which are on file in the office of the City Clerk, is hereby declared to be a public record. Said copies are ordered to remain on file with the City Clerk for public use and inspection.

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## **ARTICLE I. IN GENERAL**

### **Sec. 17-1. Short Title.**

This ~~e~~Chapter shall be known as the Floodplain Management Ordinance of the City of Glendale with Rules and Regulations pursuant to the provisions of *The Flood Disaster Protection Act* and *The National Flood Insurance Act*, as amended.

(Res. No. 4742, § 1(Exh. A), 11-13-13)

### **Sec. 17-2. Statutory authorization.**

Through A.R.S. § 48-3610 (Assumption of Powers and Duties), the Arizona State Legislature enabled the ~~e~~City of Glendale to assume the powers and duties for floodplain management and adopt regulations in conformance with A.R.S. § 48-36039 (Floodplain Delineation) designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of Glendale, Arizona does ordain as follows:

(Res. No. 4742, § 1(Exh. A), 11-13-13)

### **Sec. 17-3. Findings of fact.**

- (a) The ~~Special Flood Hazard Areas~~ of the ~~e~~City of Glendale are subject to periodic inundation which may results in loss of life and property, health and safety hazards, disruptions of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (b) These flood losses ~~are~~may be caused by the cumulative effect of obstructions in ~~areas of~~ Special Flood Hazards Areas which increase flood heights and velocities, and when inadequately anchored cause, damage ~~uses~~ in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected, from flood damage also contribute to the flood loss.

(Res. No. 4742, § 1(Exh. A), 11-13-13)

### **Sec. 17-4. Statement of Purpose.**

- (a) ~~It is the purpose of this eChapter is to provide floodplain management regulations for all subdivision of land, construction of dwelling, commercial or industrial structures, or uses which may divert, retard or obstruct floodwater and threaten~~promote public health, safety, ~~and~~ the general welfare, and ~~provide for the establishment of minimum flood protection elevations and flood damage prevention requirements for uses, structures and facilities which are vulnerable to flood damage; provide for the coordination by the council with all other interested and affected political subdivisions and state agencies, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:~~

- (1) ~~To p~~Protect human life and health;

- (2) ~~To m~~Minimize expenditure of public money for costly flood control projects;
- (3) ~~To m~~Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the ~~general~~-public;
- (4) ~~To m~~Minimize prolonged business interruptions;
- (5) ~~To m~~Minimize damage to public facilities and utilities such as water mains, ~~and~~ gas mains, electric lines, telephone lines, and sewer lines, streets and bridges located in ~~areas of s~~Special f~~Flood h~~Hazard Areas;
- (6) ~~To h~~Help maintain a stable tax base by providing for the ~~second~~sound use and development of ~~areas of s~~Special f~~Flood h~~Hazard Areas so as to minimize future flood blight areas caused by flooding; and
- (7) ~~To insure that potential buyers are notified that property is in an area of special flood hazard~~;
- (8) ~~To insure that those who occupy the areas of special flood hazard assume responsibility for their actions~~; and,
- (9) ~~To~~ Participate in and maintain eligibility for state flood insurance and disaster relief.

**Sec. 17-5. Methods of reducing flood loss.**

(~~b~~a) In order to accomplish its purposes, this ~~e~~Chapter includes methods and provisions ~~for~~to:

- (1) ~~Restricting~~ or ~~prohibiting~~ uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) ~~Requireing~~ that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) ~~Controlling~~ the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) ~~Controlling~~ filling, grading, dredging, and other development which may increase flood damage; and,
- (5) ~~Preventing~~ or ~~regulateing~~ the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
- (6) ~~These regulations take precedence over any less restrictive conflicting local laws, ordinances and codes.~~

(Res. No. 4742, § 1(Exh. A), 11-13-13)

(Additions are indicated by underline; deletions by ~~strikethrough~~)

## Sec. 17-56. Definitions.

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

*Accessory Structure, low-cost and small:*

(1) ~~A structure/building that is solely for the parking of no more than two (2) cars; or limited storage (small, low-cost sheds) on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage, be small, represent a minimal investment by owners, and have low damage potential.~~

(2) ~~One hundred twenty (120) square feet or less.~~

*Administrative Appeals Board:* A board authorized to hear and decide appeals and requests for floodplain variances from the requirements of this eChapter. The Administrative Appeals Board is made up of the Building Safety Official, City Engineer, Zoning Official, Principal Engineer or designee, and on City of Glendale resident with applicable experience as acceptable to the Board. Any floodplain variance granted by the Administrative Appeals Board must be approved by the Floodplain Board.

*Appeal:* A request for a review of the Floodplain Administrator's interpretation of any provision of this eChapter or a request for a floodplain variance.

*Area of shallow flooding:* A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (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 flood hazard:* ~~The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. This area is designated as zone A, AE, AO, AH, and A1-30 on the FIRM and other areas determined by the criteria adopted by the city's director of water resources (see "Special Flood Hazard Area").~~

*Base flood:* ~~The~~ A flood having a one percent (1%) chance of being equaled or exceeded in any given year.

*Base Flood Elevation (BFE):* ~~The computed elevation to which floodwater is anticipated to rise during the base flood shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicate the water surface elevation resulting from a flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year.~~

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

*Breakaway walls:* ~~Any type of wall, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part~~

(Additions are indicated by underline; deletions by ~~strikethrough~~)

of the structural support of the building and which is so designed as to breakaway, during the base flood, without damage to the structural integrity of the building on which it is used or any structure to which it might be carried by flood waters.

*Building:* See "Structure."

*Chief Engineer:* See "Floodplain Administrator"

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

~~Critical feature:~~ An integral and readily identifiable part of a flood protection system without which the flood protection provided by the entire system would be compromised.

*Delineated floodplain:* That area delineated and mapped as floodplain, as approved by the Federal Insurance Administration and as shown on the official flood insurance rate map of the eCity.

*Development:* Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located ~~within the area of special flood hazard.~~

~~Encroachment:~~ The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain. Activities or construction within the floodway including fill, new construction, substantial improvements, and other development. These activities are prohibited within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analysis that the proposed encroachment would not result in any increase in flood levels.

~~Existing manufactured home park or manufactured home subdivision:~~ A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before December 6, 1984.

~~Expansion to an existing manufactured home park or manufactured home subdivision.~~ The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

~~Financial assistance:~~ Any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect federal assistance, other than general or special revenue sharing or formula grants made to states.

*Flood or flooding:* A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of flood waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source; and/or

(Additions are indicated by underline; deletions by ~~strikethrough~~)

- (3) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

*Flood Insurance Rate Map (FIRM):* The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the ~~areas of s~~Special f~~Flood~~ Hazards Areas and the risk premium zones applicable to the community.

*Flood Insurance Study (FIS):* The official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles, Flood Insurance Rate Maps (FIRMs)~~the flood boundary floodway map~~, and the water surface elevation of the base flood.

*Floodplain or flood-prone area:* Any land area susceptible to being inundated by water from any source. See "f~~Flood or flooding.~~"

*Floodplain Administrator:* The public works administrator or his designee who is assigned to administer and enforce the floodplain management regulations.

*Floodplain Board:* The City Council of the City of Glendale shall be the Floodplain Board. In the event the Floodplain Board must recuse itself from deciding a matter, the Board of Directors of the Flood Control District of Maricopa County shall hear such Floodplain disputes or floodplain variances to provide the appropriate enforcement of this ~~ordinance~~Chapter.

*Floodplain management:* The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

*Floodplain management regulations:* This Chapter and other Z~~zoning~~ ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power which control development in flood-prone areas. ~~These~~ term describes such federal, state or local regulations in any combination thereof, which provide standards for the purpose of preventing and reducing flood loss and damage prevention and reduction.

*Floodproofed:* ~~Watertight with walls substantially impermeable to the passage of water and with structural components having the capability of restricting hydrostatic and hydrodynamic loads and effects of buoyancy.~~

*Floodproofing:* Any combination of structural and nonstructural additions, changes, or adjustments to non-residential structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents by means other than elevation.

*Flood protection system:* ~~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 area within a community subject to a "special flood~~

(Additions are indicated by underline; deletions by ~~strikethrough~~)

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.~~

*Flood-related erosion:* The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

~~*Flood-related erosion area or Flood-related erosion prone area:* A land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.~~

~~*Flood-related erosion area management:* The operation of an overall program of corrective and preventative measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.~~

*Floodway:* 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. Also referred to as the "Regulatory Floodway."

*Fraud and victimization:* As related to Section 17-29 of this ordinance, means that the variance granted must not cause fraud on, or victimization of, the public. In examining this requirement, the City Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

*Flood Zones:* As shown on the Flood Insurance Rate Maps (FIRMs) by Title 44 CFR § 60.5, as amended.

Zone A: No Base Flood Elevations determined.

Zone AE: Base Flood Elevations determined.

Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.

Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.

Zone X (unshaded): Areas determined to be outside the 0.2% annual chance floodplain.

(Additions are indicated by underline; deletions by ~~strikethrough~~)

Zone X (shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

Freeboard: An additional one (1) foot of height above the BFE is used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or dry floodproofed to be in accordance with this Chapter.

*Functionally dependent use:* 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.

*Governing body:* The local governing unit, ~~i.e., county or municipality~~ that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

*Hardship:* As referenced in Section 17-29 of this ~~ordinance~~ Chapter, the definition of exceptional hardship is the hardship be exceptional, unusual, and peculiar to the property involved. ~~that would result from a failure to grant the requested variance.~~ The Floodplain Board requires that the variance be exceptional, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. ~~The~~ All of these problems ~~listed may can~~ be resolved, ~~or may be required to be resolved,~~ through ~~other~~ means without granting a floodplain variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different ~~tee~~ use other than originally intended.

*Highest aAdjacent gGrade (HAG):* The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic Structure:* Any structure that is:

- (1) 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;
- (2) Certified 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;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

(Additions are indicated by underline; deletions by ~~strikethrough~~)

*Levee:* A manmade 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.

*Levee system:* 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:* The lowest floor of the lowest enclosed area, ~~(including a basement)~~see “Basement”. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ~~e~~Chapter.

*Manufactured home:* 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~~connected to the required utilities. ~~For floodplain management purposes the term "manufactured home" also includes mobile homes, park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days~~The term “manufactured home” does not include a “recreational vehicle”.

*Manufactured home park or subdivision:* A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for sale or rent.

*Market value:* ~~Defined in the substantial damage and substantial improvement procedures~~Replacement cost of a structure less depreciation since construction.

*Mean sea level:* For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

*New construction:* For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map 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 December 6, 1984, and includes any subsequent improvements to such structure.

~~*New manufactured home park or manufactured home subdivision:* A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after December 6, 1984.~~

*Obstruction:* Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across, or projecting into any watercourse which may alter, impede, retard or change the direction and/or

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velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

*One-hundred-year flood or 100-year flood:* The flood having a one percent (1%) chance of being equaled or exceeded in any given year. See "Base flood".

*Person:* Any individual or ~~his~~individual's agent, a firm, partnership, association, corporation, or agent of the aforementioned groups, ~~or the~~this state, ~~of any its~~ agencies or political subdivision thereof.

*Program:* The ~~n~~National ~~f~~Flood ~~i~~nsurance ~~p~~rogram (NFIP) authorized by 42 U.S.C. §§ 4001-4128, as amended.

~~*Program deficiency:* A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the NFIP standards.~~

*Public safety and nuisance:* As related to Section ~~17-16 and 17-62~~ of this ordinance Chapter, means that the granting of a floodplain variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

~~*Reach:* The longitudinal segments of a stream, wash or watercourse which may include, but not be limited to, the segment of the flood hazard area where flood heights are primarily controlled by man-made or natural obstructions or constrictions.~~

*Recreational vehicle.* For purposes of this ~~Article~~ Chapter only, a recreational vehicle is defined as a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping travel, or seasonal use.

~~*Regulatory Flood Elevation (RFE):* An elevation one (1) foot above the Base Flood Elevation for a watercourse for which the base flood elevation has been determined and shall be determined by the criteria developed by the Director of the Arizona Department of Water Resources for all other watercourses.~~

*Regulatory floodway:* 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.

*Remedy a violation:* To bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the

(Additions are indicated by underline; deletions by ~~striketrough~~)

~~ordinance~~ Chapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

*Riverine:* Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

*Sheet flow area:* See "Area of shallow flooding".

*Special Flood Hazard Area (SFHA):* An area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as ~~z~~Zone A, AO, ~~AH~~AH-30, or ~~AE, A99~~ or AH.

*Start of construction:* Includes substantial improvement and other proposed new development 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 from the date of the permit. The actual start date means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs 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, footing, 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 as part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure:* ~~A walled and roofed building, including a gas or liquid storage tank that is principally above ground; a manufactured home is a structure. For floodplain management purposes, a structure is a walled and roofed building that is principally above ground, where walled is considered "two or more outside rigid walls" and roofed is "a fully secured roof." The term includes gas and liquid storage tanks and manufactured homes. The terms "structure" and "building" are used interchangeably in the NFIP regulations and this bulletin. Floodplain managers must use professional judgment to determine which proposed development projects are "walled and roofed," and thus regulated as structures, and which proposed projects are regulated as development.~~

*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 fifty percent (50%) of the market value of the structure before the damage occurred.

*Substantial improvement:* Any reconstruction, rehabilitation, addition, or improvement ~~to~~ of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. However, the term does not include either:

- (1) Any project for improvement of a structure required to comply with existing violations or to comply with state or local health, sanitary or safety code specifications which have

(Additions are indicated by underline; deletions by ~~strikethrough~~)

been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

*Variance, Floodplain:* A grant of relief from the requirements of this chapter which permits construction or other used or property in a manner that would otherwise be prohibited by this chapter.

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

*Water Surface Elevation (WSE):* The height, in relation to the National Geodetic Vertical Datum (NVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

*Watercourse:* Any lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over body of water having banks and beds through which waters flow at least periodically. ~~The term may~~ Watercourse includes specifically designated areas in which substantial flood damage may occur.

~~*Water Surface Elevation (WSE):* The height, in relation to the National Geodetic Vertical Datum (NVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.~~

(Res. No. 4742, § 1(Exh. A), 11-13-13)

#### **~~Sec. 17-6. Interpretation.~~**

~~In the interpretation and application of this chapter, all provisions shall be:~~

- ~~(1) Considered as minimum requirements;~~
- ~~(2) Liberally construed in favor of Council direction and policy; and~~
- ~~(3) Deemed neither to limit nor expand any other powers granted under state statutes.~~

(Res. No. 4742, § 1(Exh. A), 11-13-13)

#### **~~Sec. 17-7. Jurisdictional Applicability.~~**

~~This ordinance shall apply to all areas of special flood hazards within the corporate limits of the City of Glendale.~~

(Res. No. 4742, § 1(Exh. A), 11-13-13)

(Additions are indicated by underline; deletions by ~~strikethrough~~)

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### **Sec. 17-8. Compliance.**

All development of land, construction of residential, commercial or industrial structures, or future development within delineated floodplain areas is subject to the terms of this chapter and other applicable regulations.

(Res. No. 4742, § 1(Exh. A), 11-13-13)

### **Sec. 17-9. Statutory Exceptions.**

~~(a) In accordance with A.R.S. § 48-3609(H), unless otherwise expressly provided, this and any regulation adopted pursuant to this article do not affect:~~

- ~~(1) Existing legal uses of property or the right to continuation of such legal use. However, if a nonconforming use of land or a building or structure is discontinued for twelve months, or destroyed to the extent of 50 percent of its value as determined by a competent real estate appraiser, any further use shall comply with this article and regulations of the City of Glendale;~~
- ~~(2) Reasonable repair or alteration of property for the purposes for which the property was legally used on August 3, 1984, or any regulations affecting such property takes effect, except that any alteration, addition or repair to a nonconforming building or structure which would result in increasing its flood damage potential by fifty percent (50%) or more shall be either floodproofed or elevated to or above the Regulatory Flood Elevation;~~
- ~~(3) Reasonable repair of structures constructed with the written authorization required by A.R.S. § 48-3613, as amended; and~~
- ~~(4) Facilities constructed or installed pursuant to a Certificate of Environmental Compatibility issued under A.R.S. § 40-360 et seq., as amended.~~

~~(b) Before any authorized construction begins for the exceptions listed below, the responsible person must submit plans for the construction to the Floodplain Board, or its designee, for review and comment. In accordance with A.R.S. § 48-3613, written authorization shall not be required, nor shall the Floodplain Board prohibit:~~

- ~~(1) The construction of bridges, culverts, dikes and other structures necessary to the construction of public highways, roads and streets intersecting or crossing a watercourse;~~
- ~~(2) The construction of storage dams for watering livestock or wildlife, structures on banks of a watercourse to prevent erosion of or damage to adjoining land if the structure will not divert, retard or obstruct the natural channel of the watercourse or dams for the conservation of floodwaters as permitted by A.R.S. § 45-1201 et seq., as amended;~~
- ~~(3) Construction of tailing dams and waste disposal areas for use in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations that will divert, retard or obstruct the flow of waters in any watercourse from~~

~~complying with and acquiring authorization from the Floodplain Board pursuant to regulations adopted by the Floodplain Board under this article;~~

~~(4) Other construction upon determination by the Floodplain Board that written authorization is unnecessary;~~

~~(5) Any flood control district, county, city, town or other political subdivision from exercising powers granted to it under A.R.S. § 48-3601 et seq., as amended;~~

~~(6) The construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision; or~~

~~(7) The construction and erection of poles, towers, foundations, support structures, guy wires and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision.~~

~~(c) In addition to other penalties or remedies otherwise provided by law, this state, a political subdivision, or a person who may be damaged, or has been damaged as a result of the unauthorized diversion, retardation or obstruction of a watercourse, has the right to commence, maintain and prosecute any appropriate action or pursue any remedy to enjoin, abate or otherwise prevent any person from violating or continuing to violate this section or regulations adopted pursuant to this Article. If a person is found to be in violation of this Section, the court shall require the violator to either comply with this Section if authorized by the Floodplain Board, or remove the obstruction and restore the watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured parties resulting from the violation, including reasonable costs and attorney fees.~~

~~(Res. No. 4742, § 1(Exh. A), 11-13-13)~~

## **ARTICLE II. GENERAL PROVISIONS**

### **Sec. 17-7. Land to which this Chapter applies.**

This Chapter shall apply to all Special Flood Hazard Areas within the corporate limits of the City of Glendale.

~~(Res. No. 4742, § 1(Exh. A), 11-13-13)~~

### **Sec. 17-108. Basis for establishing areas of sSpecial fFlood hHazard Area.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific engineering report entitled The Flood Insurance Study (FIS) for Maricopa County, Arizona and Incorporated Areas, dated September 30, 2005, with accompanying Flood Insurance Rate Maps (FIRMS) dated September 30, 2005, and all subsequent amendments and/or revisions, are adopted by reference and declared a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Floodplain Board by the Floodplain Administrator. The Floodplain Board, within its area of jurisdiction, shall

(Additions are indicated by underline; deletions by ~~strikethrough~~)

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delineate (or may, by rule, require developers of land to delineate) areas where development is ongoing or imminent, and thereafter as development becomes imminent, delineate floodplains consistent with the criteria developed by the Federal Emergency Management Agency and the Director of the Arizona Department of Water Resources. The FIS and FIRM panels are on file at the office of the city clerk and a copy is on file in the office of the city engineer.

(Res. No. 4742, § 1(Exh. A), 11-13-13)

**Sec. 17-9. Compliance.**

All development of land, construction of residential, commercial or industrial structures, or future development within delineated floodplain areas is subject to the terms of this chapter and other applicable regulations.

(Res. No. 4742, § 1(Exh. A), 11-13-13)

**Sec. 17-10. Abrogation and greater restrictions.**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions, shall prevail.

**Sec. 17-11. Interpretation.**

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of Council direction and policy; and
- (3) Deemed neither to limit nor expand any other powers granted under state statutes.

(Res. No. 4742, § 1(Exh. A), 11-13-13)

**Sec. 17-112. ~~Warning and~~ Disclaimer of liability.**

- ~~(a) The degree of flood protection required by this eChapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This eChapter does not imply that land outside the areas of sSpecial flood hHazard Areas or uses permitted within such areas will be free from flooding or flood damages. This eChapter shall not create liability on the part of the city, any officer or employee thereof or the Federal Emergency Management Agency (FEMA), for any flood damages that result from reliance on this eChapter or any administrative decision lawfully made thereunder.~~
- ~~(b) This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions, shall prevail.~~

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(Res. No. 4742, § 1(Exh. A), 11-13-13)

**Sec. 17-13. Statutory Exceptions.**

- (a) In accordance with A.R.S. § 48-3609(I), unless otherwise expressly provided, this and any regulation adopted pursuant to this article do not affect:
- (1) Existing legal uses of property or the right to continuation of such legal use. However, if a nonconforming use of land or a building or structure is discontinued for twelve months, or destroyed to the extent of 50 percent of its market value as determined by a competent real estate appraiser, any further use shall comply with this article and regulations of the City of Glendale;
  - (2) Reasonable repair or alteration of property for the purposes for which the property was legally used on August 3, 1984, or any regulations affecting such property takes effect, except that any alteration, addition or repair to a nonconforming building or structure which would result in increasing its flood damage potential by fifty percent (50%) or more shall be either floodproofed or elevated to or above the Regulatory Flood Elevation;
  - (3) Reasonable repair of structures constructed with the written authorization required by A.R.S. § 48-3613, as amended; and
  - (4) Facilities constructed or installed pursuant to a Certificate of Environmental Compatibility issued under A.R.S. Title 40, Chapter 2, Article 6.2; and
- (b) Before any authorized construction begins for the exceptions listed below, the responsible person must submit plans for the construction to the Floodplain Board, or its designee, for review and comment. In accordance with A.R.S. § 48-3613(C):
- (1) The construction of bridges, culverts, dikes and other structures necessary to the construction of public highways, roads and streets intersecting or crossing a watercourse;
  - (2) The construction of storage dams for watering livestock or wildlife, structures on banks of a watercourse to prevent erosion of or damage to adjoining land if the structure will not divert, retard or obstruct the natural channel of the watercourse or dams for the conservation of floodwaters as permitted by A.R.S. Title 45, Chapter 6;
  - (3) Construction of tailing dams and waste disposal areas for use in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations that will divert, retard or obstruct the flow of waters in any watercourse from complying with and acquiring authorization from the Floodplain Board pursuant to regulations adopted by the Floodplain Board under this article; and
  - (4) Other construction upon determination by the Floodplain Board that written authorization is unnecessary;
  - (5) Any flood control district, county, city, town or other political subdivision from exercising powers granted to it under A.R.S. Title 48, Chapter 21, Article 1;

- (6) The construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision; and
- (7) The construction and erection of poles, towers, foundations, support structures, guy wires and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision.
- (c) In accordance with A.R.S. §48-3613(D) in addition to other penalties or remedies otherwise provided by law, this state, a political subdivision, or a person who may be damaged, or has been damaged as a result of the unauthorized diversion, retardation or obstruction of a watercourse, has the right to commence, maintain and prosecute any appropriate action or pursue any remedy to enjoin, abate or otherwise prevent any person from violating or continuing to violate this section or regulations adopted pursuant to A.R.S. Title 48, Chapter 21, Article 1. If a person is found to be in violation of this Section, the court shall require the violator to either comply with this Section if authorized by the Floodplain Board, or remove the obstruction and restore the watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured parties resulting from the violation, including reasonable costs and attorney fees.

(Res. No. 4742, § 1(Exh. A), 11-13-13)

#### **Sec. 17-12. Declaration of public nuisance.**

~~All development located or maintained within any area of special flood hazard after August 8, 1973, in violation of this ordinance, is a public nuisance per se and may be abated, prevented or restrained by the city.~~

(Res. No. 4742, § 1(Exh. A), 11-13-13)

#### **Sec. 17-14. Violations.**

- (a) It is unlawful for a person to engage in any development or to divert, retard, or obstruct the flow of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by A.R.S. § 48-3613. Where the watercourse is a delineated floodplain, it is unlawful to engage in any development affecting the flow of waters without securing written authorization required by A.R.S. § 48-3613.
- (b) A person who violates Section 17-15(a) is guilty of a class 2 misdemeanor.
- (c) A person who violates this Chapter may be assessed a civil penalty not to exceed the fine chargeable for a class 2 misdemeanor or, by agreement with the person in violation, a non-monetary penalty that serves the purposes of the community. Each day the violation continues constitutes a separate violation.
- (d) A person who without written authorization damages or interferes with a facility that is owned, operated, or otherwise under the jurisdiction of the community is liable for both of the following:
- (1) Any actual damages to persons or property that is caused by the damage or interference.

(Additions are indicated by underline; deletions by ~~strikethrough~~)

- (2) Payment of costs to the community for remediating the damage or interference.

**Sec. 17-15. Notice of Violations**

If the Floodplain Administrator finds that a person has engaged or is engaging in development in the floodplain without a floodplain use permit, has engaged or is engaging in any development that is not in compliance with an active floodplain use permit or has damaged or interfered with facilities that are authorized pursuant to A.R.S. Title 48, Chapter 21, as amended, without written authorization of the Floodplain Board, the Floodplain Administrator shall issue a notice of violation to the owner, occupant or manager of the real property on which the development is located or to the person who has damaged or interfered with the facilities. The notice of violation shall identify the violations observed and order the violator to cease and desist any ongoing activity that is not in compliance with the regulations adopted pursuant to this chapter or cease and desist any damage or interference that is not authorized by the Board. The notice of violation shall include the date and time by which the person must mail or deliver a response to the notice of violation.

**Sec. 17-13. Abatement of violations.**

~~Within thirty (30) days of discovery of a violation of this chapter, the Floodplain Administrator shall submit a report to the Floodplain Board which shall include all information available to the Floodplain Administrator which is pertinent to said violation. Within thirty (30) days of receipt of this report, the Floodplain Board shall, after all administrative appeals are exhausted, either:~~

- ~~(1) Take any necessary action to effect the abatement of such violation; or~~
- ~~(2) Issue a variance to this chapter in accordance with the provisions of this chapter; or~~
- ~~(3) Order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such information must be provided to the Floodplain Administrator within thirty (30) days of such order, and he shall submit an amended report to the Floodplain Board within twenty (20) days. At its next regularly scheduled public meeting, the Floodplain Board shall either order the abatement of said violation or shall grant a variance in accordance with the provisions of this chapter;~~
- ~~(4) Submit to the Floodplain Administrator of Federal Emergency Management Agency a declaration for denial of insurance, stating that the property is in violation of a state or local law, regulation or ordinance, under Section 1316 of the National Flood Insurance Act of 1968, as amended;~~
- ~~(5) A party aggrieved by a final decision of the City Council acting as the Floodplain Board may appeal to the Superior Court.~~

(Res. No. 4742, § 1(Exh. A), 11-13-13)

(Additions are indicated by underline; deletions by ~~strikethrough~~)

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**Sec. 17-16. Declaration of public nuisance.**

All development located or maintained within the Special Flood Hazard Area after August 8, 1973, in violation of this Chapter established by the Floodplain Board and without written authorization from the Floodplain Board, is a public nuisance per se and may be abated, prevented, or restrained by the City.

(Res. No. 4742, § 1(Exh. A), 11-13-13)

**Sec. 17-174. Severability.**

This Chapter and the various sections hereof are hereby declared to be severable. Should any section of this Chapter be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Chapter as a whole, or any portion thereof other than the sections so declared to be unconstitutional or invalid.

(Res. No. 4742, § 1(Exh. A), 11-13-13)

**Secs. 17-158—17-25. Reserved.**

**ARTICLE III. ADMINISTRATION AND ENFORCEMENT**

**Sec. 17-26. Designation of the Floodplain Administrator.**

- (a) The Floodplain Administrator is hereby appointed to administer, ~~and implement, and enforce~~ this Chapter by granting or denying development permit applications in accordance with its provisions.
- (b) The duties of the Floodplain Administrator shall include, but not be limited to:
  - (1) Permit review:
    - a. Review all ~~development~~ permits to determine that the permit requirements of this Chapter have been satisfied.
    - b. Review all ~~development~~ permits to determine that all ~~necessary~~ required permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
    - ~~c. Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this chapter, "adversely affects" means 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.~~
    - ~~d.~~ Determine that the site is reasonably safe from flooding.

- e. In areas where a floodway has not been designated, the proposed development does not adversely affect the carrying capacity of areas where Base Flood Elevations have been determined. For purposes of this chapter, "adversely affects" means 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.
  - f. Review all development permits for improvements and/or damages to existing structures to determine if the application of the substantial improvement rules apply, including establishing a definition of market value determination and verifying that the estimated improvement and/or repair costs are less than 50% of the market value of the structure.
- (2) Use of other base flood data:
- a. When Base Flood Elevation data has not been provided in accordance with Section 17-~~210~~, the Floodplain Administrator shall obtain, review, and reasonably use any ~~Base Flood Elevation~~ data available from a federal, state or other source, in order to administer this ~~Chapter~~. Any such information shall be consistent with the requirements of the Federal Emergency Management Agency and the Director of the Arizona Department of Water Resources and ~~shall~~may be submitted to the Floodplain Board for adoption.
  - ~~b. Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data in accordance with 44 CFR § 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.~~
- (3) ~~Information to be obtained and maintained for public inspection: The city shall obtain and maintain for public inspection and make available as needed for flood insurance policies:~~
- a. The certified Regulatory Flood Elevation Certification required in by Section 17-43(a), (c) and Section 17-47 (lowest flood elevations, bottom of the structural frame and utilities);
  - b. The elevation Certification required for additional development standards, including subdivisions, required in by Section 17-43(b) (lowest flood elevations or floodproofing of nonresidential structures and utilities) and 17-46;
  - c. The floodproofing Certification required in Section 17-43(e) (flood vents/openings) and 17-46;
  - d. The certified elevation Certification required in Section 17-43 and 17-46(a)(2) (subdivisions and other proposed development standards);

(Additions are indicated by underline; deletions by ~~strikethrough~~)

- e. ~~The flood vent e~~Certification required in Section 17-493(1) (floodway encroachments);
  - f. ~~The floodway encroachment certification required in Section 17-48;~~
  - gf. A complete record of all floodplain variance actions, including justification for their issuance; and,
  - hg. ~~A record of~~Obtain and maintain improvement and damage calculations, as required in Section 17-26.
- (4) ~~Alteration of watercourses~~Notification to other entities:
- a. Notify adjacent communities and the Arizona Department of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency; and
  - b. Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.
  - c. Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data in accordance with 44 CFR § 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
- (85) Changes in rate of flow: Within one hundred twenty (120) days after completion of construction of any flood control protective works which changes the rate of flow during the flood or the configuration of the floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the director of water resources.
- (5) ~~Interpretation of FIRM boundaries: Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 17-29;~~
- (6) ~~Abate violations: Take actions on violations of this chapter as required in Section 17-13;~~
- (7) ~~Notice to flood control district:~~
- a. Advise in writing the County Flood Control District and any adjunct jurisdiction having responsibility for floodplain management and provide a copy of the development plans of all applications for floodplain use permits or floodplain variances to develop land in a floodplain or floodway within one mile of the corporate limits of the city.  
(Additions are indicated by underline; deletions by ~~strikethrough~~)

- b. Advise the County Flood Control District in writing and provide a copy of any development plan of any major development proposed within a floodplain or floodway which could affect floodplains, floodways or watercourses within the district's area of jurisdiction.
  - c. Written notice and a copy of the plan of development shall be sent to the County Flood Control District no later than ~~three (3)~~ten (10) working days after the city receives the plan.
- ~~(8) Changes in rate of flow: Within one hundred twenty (120) days after completion of construction of any flood control protective works which changes the rate of flow during the flood or the configuration of the floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the director of water resources.~~
- ~~(9) Substantial improvement and substantial damage procedures:~~
- ~~a. Develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."~~
  - ~~b. Assure procedures are coordinated with other departments and divisions and implemented by community staff.~~
- ~~(10) Corporate boundary changes: Notify the Federal Emergency Management Agency and the Arizona Department of Water Resources of acquisition by means of annexation, incorporation, or otherwise, of additional areas of jurisdiction.~~
- ~~(11) Biennial report: Complete and submit a Biennial Report to the Federal Emergency Management Agency.~~
- (8) Map Determinations: Make interpretations where needed, as to the exact location of the boundaries of Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 17-61;
- (9) Remedial actions: Take remedial actions on violations of this Chapter as required in Section 17-15 herein;

(Res. No. 4742, § 2(Exh. A), 11-13-13)

**Sec. 17-27. Recommendations.**

Hydrologic-related floodplain regulations and engineering matters pertaining to the administration and direction of these regulations shall be officially referred to the Administrative Appeals Board which shall be responsible for advice and recommendations to the Council.

(Res. No. 4742, § 2(Exh. A), 11-13-13)

(Additions are indicated by underline; deletions by ~~strikethrough~~)

**Sec. 17-28. Establishment of Development Permits.**

- (a) The city shall require permits for all proposed construction and other development (including placement of prefabricated buildings and manufactured homes) on properties in any ~~s~~Special Flood Hazard Area.
- (b) The city shall require that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law.
- (c) A development permit shall be obtained before construction or development begins, including placement of manufactured homes, within any ~~area of s~~Special Flood Hazard Area established in Section 17-108. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:
  - (1) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in ~~z~~Zone AO, elevation of existing highest adjacent natural grade and proposed elevation of lowest floor of all structures;
  - (2) Proposed elevation in relation to mean sea level to which any structures will be floodproofed;
  - (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 17-43(b); ~~and~~
  - (4) ~~Obtain a concise d~~Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
  - (5) ~~All new~~Base Flood Elevation data for subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions), greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall:
    - a. ~~Identify the area of the special flood hazard area and the elevation of the base flood;~~  
~~and~~
    - b. ~~Identify on the final plans the elevation(s) of the proposed structure(s) and pads. If the site is filled above the base flood elevation, the final lowest floor and grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.~~

(Res. No. 4742, § 2(Exh. A), 11-13-13)

**Sec. 17-29. ~~Variance Procedures; Nature of Variances; Appeals.~~**

- ~~(a) Nature of Variances. The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical~~

(Additions are indicated by underline; deletions by ~~strikethrough~~)

~~characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owners.~~

~~(b) It is the duty of the City of Glendale to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the regulatory flood elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.~~

~~(c) Administrative Appeals Board.~~

~~(1) The Administrative Appeals Board of the City of Glendale shall hear and decide appeals and requests for variances from the requirements of this ordinance.~~

~~(2) The Administrative Appeals Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.~~

~~(3) In passing upon such applications, the Administrative Appeals Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:~~

~~a. The danger that materials may be swept onto other lands to the injury of others;~~

~~b. The danger of life and property due to flooding or erosion damage;~~

~~c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~

~~d. The importance of the services provided by the proposed facility to the community;~~

~~e. The necessity to the facility of a waterfront location, where applicable;~~

~~f. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;~~

~~g. The compatibility of the proposed use with existing and anticipated development;~~

~~h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;~~

~~i. The safety of access to the property in time of flood for ordinary and emergency vehicles;~~

~~j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,~~

(Additions are indicated by underline; deletions by ~~strikethrough~~)

- ~~k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water system and streets and bridges.~~
- ~~(4) Upon consideration of the factors of Section 17-29(c) and the purposes of this ordinance, the Administrative Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.~~
- ~~(5) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
  - ~~a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage, and~~
  - ~~b. Such construction below the base flood level increases risks to life and property; and~~
  - ~~c. The land upon which the variance is granted shall be ineligible for exchange of state land pursuant to the flood relocation and land exchange program provided by A.R.S. § 26-301 et seq., as amended. A copy of the notice shall be recorded in the office of the Maricopa County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.~~~~
- ~~(6) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance and report such variances issued in its biennial report submitted to Federal Emergency Management Agency.~~
- ~~(d) Conditions for variances:
  - ~~(1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, provided the procedures of Articles II and III of this ordinance have been fully considered. As the lot size increases beyond one half acre, the technical justification required for issuing the variance increases.~~
  - ~~(2) Variances may be issued for the repair, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, upon a determination that the proposed repair or rehabilitation will not preclude the structures continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.~~
  - ~~(3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.~~
  - ~~(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.~~
  - ~~(5) Variances shall only be issued upon a:~~~~

(Additions are indicated by underline; deletions by ~~strikethrough~~)

- a. ~~Showing of good and sufficient cause;~~
- b. ~~Determination that failure to grant the variance would result in exceptional hardship to the applicant;~~
- c. ~~Showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 17-5 of this ordinance in the definition of "Functionally Dependent Use"; and,~~
- d. ~~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.~~
- e. ~~Any variance granted must be recommended to, and approved by, the City Council acting as the Floodplain Board.~~

(Res. No. 4742, § 2(Exh. A), 11-13-13)

**Secs. 17-3025—17-40. Reserved.**

***ARTICLE III. PROVISIONS AND STANDARDS FOR FLOOD HAZARD REDUCTION***

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

**Sec. 17-41. Anchoring.**

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
- (b) All manufactured homes shall meet the anchoring standards of Section 17-47.

(Res. No. 4742, § 3(Exh. A), 11-13-13)

**Sec. 17-42. Construction materials and methods.**

- (a) All new construction and substantial improvements shall be constructed with Mmaterials and utility equipment resistant to flood damage;
- (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and
- (c) ~~All new construction and substantial improvement and other proposed new development shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and,~~

(Additions are indicated by underline; deletions by ~~strikethrough~~)

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(~~d~~c) Within Zones AH or AO, adequate drainage paths shall be constructed around structures on slopes to guide floodwaters around and away from proposed structures.

(Res. No. 4742, § 3(Exh. A), 11-13-13)

### **Sec. 17-43. Elevation and floodproofing.**

#### (a) Residential Construction

(a) ~~New Residential construction, new and/or~~ substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the ~~r~~Regulatory ~~f~~Flood ~~e~~Elevation. ~~Nonresidential structures may meet the standards in paragraph (c) below. Upon the completion of the structure the elevation of the lowest floor including basement shall be certified~~certification by a registered professional engineer or surveyor that the elevation requirements of the lowest floor, including the basement, of this section have been satisfied shall beand provided to the Floodplain aAdministrator for verification.

(1) In a Zone AO, the Base Flood Elevation is determined from the FIRM panel. If unspecified, the required elevation is at minimum two (2) feet above the highest adjacent grade.

(2) In a Zone A where the Base Flood Elevation has not been determined, the Base Flood Elevation is determined locally by the criteria set out in Section 17-26(b)(3).

(3) In Zones AE and AH, the Base Flood Elevation is determined from the FIS and/or FIRM.

(4) A garage attached to a residential structure, constructed with the garage floor slab below the Regulatory Flood Elevation, must be designed to allow for the automatic entry and exit of flood waters and must be used solely for parking, access and/or storage. See section 17-43(e).

~~New construction and substantial improvement of any structure in zone AO shall have the lowest floor, including basement, higher than the highest adjacent grade at least one (1) foot higher than the depth number on the FIRM, or at least two (2) feet if no depth number is specified. Nonresidential structures may meet the standards in paragraph (c), below. Upon completion of the structure a registered professional engineer shall certify to the administrator that the elevation of the structure meets this standard.~~

#### (b) Nonresidential Construction (Commercial or Industrial)

Nonresidential construction, ~~new or substantial improvement~~, shall have the lowest floor either be elevated into conformance with ~~paragraphs (a) or (b)~~Section 17-43(a)(1)(2) or (3), above, or together with attendant utility and sanitary facilities:

(1) ~~Be floodproofed so that~~ below the Regulatory Flood Elevation so that the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

~~(3) Upon completion of the structure, Be-certificated by a registered professional engineer or architect/surveyor that the elevation requirement of the lowest floor, including the basement standards of this subsection have been are satisfied. Such certifications shall and be provided to the Floodplain Administrator for verification; or certification by a registered professional engineer or architect that the floodproofing standards of this section are satisfied shall be provided to the Floodplain Administrator for verification.~~

(c) Manufactured homes

Manufactured homes shall meet the standards in Section 17-47.

(d) Accessory Structures (garage and storage)

~~For all new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are Accessory structures used solely for parking of vehicles, building access or storage, may be constructed such that the floor is below the Regulatory Flood Elevation, provided the structure is and which are subject to flooding shall be designed and constructed in accordance with the following requirements: to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect to meet or exceed the following minimum criteria:~~

(1) Use of the accessory structure must be limited to parking of vehicles or storage;

(2) The portions of the accessory structure located below the Regulatory Flood Elevation must be built using flood resistant materials;

(3) The accessory structure must be adequately anchored to prevent floatation, collapse and lateral movement;

(4) Any machinery or equipment servicing the accessory structure must be elevated or floodproofed to or above the Regulatory Flood Elevation;

(5) The accessory structure must comply with floodway encroachment provisions in Section 17-49; and

(6) The accessory structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 17-43(e).

Detached garages, storage structures, and other accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 17-43(a)(1), (2) or (3).

Upon completion of the structure, certification by a registered professional engineer or surveyor that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

(e) Flood Openings

All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking vehicles, building access, or storage, and which are subject to flooding, shall be designed to automatically equalize

(Additions are indicated by underline; deletions by ~~strikethrough~~)

hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet or exceed the following minimum criteria:

(1) Non-engineered openings

- a. Have a~~A~~ minimum of two (2) openings, on different sides of each enclosed area, having a total net area of not less than one (1) 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 (1) 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) If it is not feasible or desirable to meet the openings criteria stated above, a registered engineer or architect may design and certify the openings.~~

(2) Engineered Openings

- a. Engineered openings (or covers and devices) that are specifically designed and certified by a registered engineer or architect as meeting the required performance and design requirements.
  - b. Engineered openings (or covers and devices) for which an Evaluation Report has been issued by the International Code Council (ICC) Evaluation Service, Inc. (ICC-ES), a subsidiary of the International Code Council, Inc.
- (e) ~~Manufactured homes shall meet the above standards and also the standards in Section 17-47.~~  
Machinery and service equipment

All new construction and substantial improvement and other proposed new development shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located at or above the Regulatory Flood Elevation so as to prevent water from entering or accumulating within the components during conditions of flooding.

(Res. No. 4742, § 3(Exh. A), 11-13-13)

**Sec. 17-44. Standards for storage of materials and equipment.**

- (a) The storage or processing of materials that ~~are in time of flooding buoyant, flammable, explosive, or~~ could be injurious to human, animal or plant life if released due to damage from flooding is prohibited in Special Flood Hazard Areas.
- (b) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

(Res. No. 4742, § 3(Exh. A), 11-13-13)

(Additions are indicated by underline; deletions by ~~strikethrough~~)

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**Sec. 17-45. Standards for ~~utilities~~ water supply and waste disposal systems.**

- (a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
  - (b) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
  - (c) Waste disposal systems shall not be installed wholly or partially in a the regulatory floodway.
- (Res. No. 4742, § 3(Exh. A), 11-13-13)

**Sec. 17-46. Additional development Sstandards, including for subdivisions.**

- (a) All new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions), greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall:
  - (1) Identify the Special fFlood hHazard aArea and the ~~elevation of the~~ bBase fFlood Elevation.
  - (2) Identify on the final plans the elevation(s) of the proposed structure(s) and pads. If the site is filled above the bBase fFlood eElevation, the ~~final~~ lowest floor and finished grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
  - (3) All subdivision proposals and other proposed developments shall Bbe consistent with the need to minimize flood damage.
  - (4) All subdivision proposals and other proposed developments shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
  - (45) All subdivision proposals and other proposed developments Be reviewed to assure thatshall provide adequate drainage is provided to reduce exposure to flood hazards.

(Res. No. 4742, § 3(Exh. A), 11-13-13)

**Sec. 17-47. Standards for manufactured homes.**

- (a) ~~All new and replacement manufactured homes and additions to manufactured homes that are placed on site or substantially improved shall be anchored to resist flotation, collapse or lateral movement by one of the following methods:~~
  - (1) ~~By providing an anchoring system designed to withstand horizontal forces of twenty-five (25) pounds per square foot and uplift forces of fifteen (15) pounds per square foot;~~
  - (2) ~~By providing over the top and frame ties to ground anchors, specifically:~~

- a. ~~Over the top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, except that manufactured homes less than fifty (50) feet long require only one (1) additional tie per side;~~
  - b. ~~Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, except that manufactured homes less than fifty (50) feet long require only four (4) additional ties per side; and,~~
  - c. ~~All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds.~~
- (b) All manufactured homes be securely anchored to an adequately anchored foundation system to resist floatation, 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. The following standards are required for all new and replacement manufactured homes and additions to manufactured homes:
- (1) ~~Adequate surface drainage and access for a hauler shall be provided.~~
  - (2) ~~All manufactured homes shall be placed on pads or lots elevated on compacted fill or piling so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at or above the regulatory flood elevation. If elevated on pilings:~~
    - a. ~~The lots shall be large enough to permit steps;~~
    - b. ~~The pilings shall be placed in stable soil no more than ten (10) feet apart; and~~
    - c. ~~Reinforcement shall be provided for pilings more than six (6) feet above the ground level.~~

Upon completion of installation of the manufactured home, certification by a registered professional engineer or surveyor that the elevation requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

(Res. No. 4742, § 3(Exh. A), 11-13-13)

**Sec. 17-48. Standards for recreational vehicles.**

All recreational vehicles that are placed on site shall:

- (1) Be onsite for fewer than 180 consecutive days; or
- (2) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (3) Meets the permit requirements of 17-28 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 17-47.

(Additions are indicated by underline; deletions by ~~strikethrough~~)

**Sec. 17-49. Areas of shallow floodwaysing.**

Located within the areas of sSpecial fFlood hHazard Area established in Section 17-108 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and can potentially cause erosion potential, the following provisions apply to all adopted regulatory floodways:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If Section 17-489(1) is satisfied, all new construction and substantial improvements shall comply with Article IV. ~~all other applicable flood hazard provisions of this ordinance.~~

(Res. No. 4742, § 3(Exh. A), 11-13-13)

**Sec. 17-49. Areas of shallow flooding.**

~~For areas designated as shallow flooding, the provisions of Section 17-43 shall apply.~~

(Res. No. 4742, § 3(Exh. A), 11-13-13)

**Sec. 17-50. Unlawful Acts.**

- ~~(a) It is unlawful for a person to engage in any development or to divert, retard or obstruct the flow of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by A.R.S. § 48-3613, as amended. Where the watercourse is a delineated floodplain, it is unlawful to engage in any development affecting the flow of waters without securing written authorization required by A.R.S. § 48-3613, as amended.~~
- ~~(b) Any person found guilty of violating any provision of this ordinance shall be guilty of a misdemeanor. Each day that a violation continues shall be a separate offense punishable as hereinabove described.~~

(Res. No. 4742, § 3(Exh. A), 11-13-13; Ord. No. 2863, § 2, 11-13-13)

**Sec. 17-51. Garages and low cost accessory structures.**

~~(a) Attached garages.~~

- ~~(1) A garage attached to a residential structure, constructed with the garage floor slab below the Regulatory Flood Elevation, must be designed to allow for the automatic entry of flood waters. Areas of the garage below the Regulatory Flood Elevation must be constructed with flood resistant materials (Sections 17-42 and 17-43).~~
- ~~(2) A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed.~~

(Additions are indicated by underline; deletions by ~~strikethrough~~)

~~(b) Detached garages and accessory structures. "Accessory structures" used solely for parking two (2) car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 17-5, may be constructed such that the floor is below the Regulatory Flood Elevation, provided the structure is designed and constructed in accordance with the following requirements:~~

- ~~(1) Use of the accessory structure must be limited to parking or limited storage;~~
- ~~(2) The portions of the accessory structure located below the Regulatory Flood Elevation must be built using flood-resistant materials;~~
- ~~(3) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;~~
- ~~(4) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the Regulatory Flood Elevation;~~
- ~~(5) The accessory structure must comply with floodplain encroachment provisions in Section 17-48; and~~
- ~~(6) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 17-43.~~

~~(Res. No. 4742, § 3(Exh. A), 11-13-13)~~

**Sec. 17-52. Standards for recreational vehicles.**

~~For purposes of this Article, all recreational vehicles placed on site shall:~~

- ~~(1) Be on site for fewer than 180 consecutive days; or~~
- ~~(2) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions; or~~
- ~~(3) Meets the permit requirements of 17-28 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 17-47.~~

~~(Res. No. 4742, § 3(Exh. A), 11-13-13)~~

**Secs. 17-50—17-60. Reserved.**

***ARTICLE V. FLOODPLAIN VARIANCE PROCEDURE***

**Sec. 17-61. Floodplain Variance Procedures; Nature of Floodplain Variances; Appeals.**

~~(a) Nature of Floodplain Variances. The floodplain variance criteria set forth in this section of the Chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A floodplain variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this Chapter would create an exceptional hardship to the applicant or the surrounding property~~

(Additions are indicated by underline; deletions by ~~strikethrough~~)

owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

(b) It is the duty of the City of Glendale to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Regulatory Flood Elevation are so serious that floodplain variances from the flood elevation or from other requirements in the flood ordinance are rare. The long-term goal of preventing and reducing flood loss and damage can only be met if floodplain variances are strictly limited. Therefore, the floodplain variance guidelines provided in this Chapter are more detailed and contain multiple provisions that must be met before a floodplain variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a floodplain variance are more appropriate.

(c) Administrative Appeals Board.

(1) The Administrative Appeals Board of the City of Glendale shall hear and decide appeals and requests for floodplain variances from the requirements of this Chapter.

(2) The Administrative Appeals Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(3) In considering such applications, the Administrative Appeals Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and:

a. The danger that materials may be swept onto other lands to the injury of others;

b. The danger of life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity to the facility of a waterfront location, where applicable;

f. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;

g. The compatibility of the proposed use with existing and anticipated development;

h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

i. The safety of access to the property in time of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,

(Additions are indicated by underline; deletions by ~~strikethrough~~)

- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water system and streets and bridges.
- (4) Upon consideration of the factors of Section 17-61(c) and the purposes of this Chapter, the Administrative Appeals Board may attach such conditions to the granting of floodplain variances as it deems necessary to further the purposes of this Chapter.
- (5) Any applicant to whom a floodplain variance is granted shall be given written notice over the signature of a community official that:
  - a. The issuance of a variance to construct a structure below the Regulatory Base Flood Elevation will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage, and
  - b. Such construction below the base flood level increases risks to life and property; and
- (6) The Floodplain Administrator shall maintain a record of all floodplain variance actions, including justification for their issuance.

**Sec. 17-62. Conditions for a Floodplain Variance.**

- (a) Conditions for floodplain variance shall only be issued:
  - (1) Upon a determination that the granting of a floodplain variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud, victimization of the public, or conflict with existing local laws, Chapters or ordinances
  - (2) Upon a determination that the floodplain variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (3) Floodplain Variances shall not be issued within any floodway if any increase in the Base Flood Elevation would result.
  - (4) Upon showing of good and sufficient cause:
    - a. Upon determination that failure to grant the floodplain variance would result in exceptional hardship to the applicant; and
    - b. Upon showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 17-6 of this Chapter in the definition of "Functionally Dependent Use".
  - (5) Generally, floodplain 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 Regulatory Flood Elevation, provided the procedures of Articles II and III of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the floodplain variance increases.

(Additions are indicated by underline; deletions by ~~strikethrough~~)

(Res. No. 4742, § 2(Exh. A), 11-13-13)

**Secs. 17-63—17-70. Reserved.**

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 14<sup>th</sup> day of May, 2024.

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Mayor Jerry P. Weiers

ATTEST:

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Julie K. Bower, City Clerk (SEAL)

APPROVED AS TO FORM:

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Michael D. Bailey, City Attorney

REVIEWED BY:

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Kevin R. Phelps, City Manager

(Additions are indicated by underline; deletions by ~~striketrough~~)