

TITLE 10

CHAPTER 11

SENSITIVE AREA OVERLAY ZONES

SECTION:

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10-11-1: INTENT

The sensitive area overlay zones are established to protect property, preserve natural areas, advance the public good and reduce liability by restricting development in identified sensitive areas. These overlay zones are not typical of other zones, which are characterized by political boundaries. The overlay zones are identified by specific and quantifiable natural characteristics and are therefore not always contiguous. All requests for permits involving a lot, parcel or site located wholly or partially within an area designated on the zoning map as a sensitive overlay zone (flood overlay zone (OF), slope overlay zone (OS), high water table overlay zone (OW) or earthquake fault overlay zone (OE)) shall require approval of the zoning administrator. The zoning administrator may request assistance from the city engineer for the reviewing of plans and setting of conditions prior to issuing a permit. All applications shall comply with the following regulations before any permit shall be issued. (Ord., 1-22-2002)

10-11-2: FLOOD OVERLAY ZONE (OF)

A. Findings:

1. The flood hazard areas of the city may be subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of municipal or commercial services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which could adversely affect the public health, safety and general welfare of the citizens of the city. The flood overlay zone (OF) as shown on the zoning map is based upon the 100-year floodplain of Spring Creek and the Logan River, as determined by the federal emergency management agency (FEMA), as well as areas of localized flooding potential within the drainage basin.
2. Flood losses are caused by the cumulative effect of obstructions in areas of potential flooding hazard. These obstructions increase flood heights and velocities, and when inadequately controlled, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage may also contribute to flood loss.

- B. Methods Of Reducing Flood Losses: In order to decrease flood loss, this section includes methods and provisions for:
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, flood heights or velocities;
 2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 3. Controlling the alteration of natural floodplains, stream channels and other drainageways, all of which help accommodate or channel floodwaters;
 4. Controlling filling, grading, dredging and other development which may affect flood damage; and
 5. Preventing or regulating the construction of flood barriers which could unnaturally divert floodwaters or which may increase flood hazards in other areas.
- C. Regulations For Building In Flood Overlay Zones: No permit shall be issued for any construction or use in any flood overlay zone (OF) until adequate plans and engineering data are delivered to the city showing that:
1. No structure or construction that would alter the topography will be allowed in a flood overlay zone (OF), except as approved by conditional use permit, unless permitted by the City Council. No structure shall be permitted or constructed within thirty feet (30') of the top inside edge of the bank of any natural or manmade waterway that is located in a flood overlay zone (OF); (4-2013, 10-24-13)
 2. All new construction and/or substantial improvements made shall be constructed using methods and practices that minimize flood damage; and
 3. All new and replacement water supply and sanitary sewage systems shall be designed to eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters.
- D. Subdivision Proposals: All subdivisions shall be adequately designed to reduce exposure to flood damage and shall be in conformance with all drainage requirements of the subdivision ordinance.
- E. General Provisions:
1. All plans submitted will require approval of the zoning administrator prior to a permit being granted. The zoning administrator may request assistance from the city engineer for the reviewing of plans and setting of conditions prior to issuing a permit.

2. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based upon scientific and engineering considerations. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas designated as sensitive flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the city, any officer, agent or employee thereof, or the federal emergency management agency for any flood damage that results from reliance on this section, or any administrative decision lawfully made thereunder. (Ord., 1-22-2002)

10-11-3: SLOPE OVERLAY ZONE (OS)

- A. Plans and Engineering Data Requirements: No permit shall be issued for any construction or use in any slope overlay zone (OS) until adequate plans and engineering data are delivered to the city showing that:
 1. No building or structure is to be located on any slope of twenty five degrees (25°) (46%) or greater, nor within thirty feet (30') of any slope falling away at a grade of twenty five degrees (25°) (46%) or greater; and
 2. Adequate provisions have been made by the use of retaining walls, building placement, vegetative cover or other techniques to prevent erosion.
- B. Zoning Administrator Approval: All plans submitted will require approval of the zoning administrator prior to a permit being granted. The zoning administrator may request assistance from the city engineer for the reviewing of plans and setting of conditions prior to issuing a permit. (Ord., 1-22-2002)

10-11-4: HIGH WATER TABLE OVERLAY ZONE (OW)

- A. Plans and Engineering Data Requirements: No permit shall be issued for any construction or use in any high water table overlay zone (OW) until adequate plans and engineering data are delivered to the city showing that:
 1. All structures and uses shall be designed and constructed so as not to adversely impact or be impacted by a high water table;
 2. Ground water is not pumped, diverted or allowed to flow into the sanitary sewer system or onto property owned by others;
 3. The proposed use is not of a character to increase quantities of chemicals, fertilizers, pesticides or minerals or in any other way likely to contaminate the ground water.
- B. Zoning Administrator Approval: All plans submitted will require approval of the zoning administrator prior to a permit being granted. The zoning administrator may request assistance from the city engineer for the reviewing of plans and setting of conditions prior to issuing a permit. (Ord., 1-22-2002)

10-11-5: EARTHQUAKE FAULT OVERLAY ZONE (OE)

- A. Plans and Engineering Data Requirements: No construction shall be permitted in any identified earthquake primary fault zone, landslide or motion sensitive soils area (OE) until adequate plans and engineering data are provided showing:
1. Where public facilities, occupancy facilities, large structures and sewer and water systems are to be constructed. Detailed geotechnical investigations may be required so as to accurately and specifically locate faults and/or landslide areas;
 2. Any sewer lines or disposal systems located beneath culinary water facilities; and
 3. Ground response maps identifying the areas most susceptible to ground motion.
- B. Zoning Administrator Approval: All plans submitted will require approval of the zoning administrator prior to a permit being granted. The zoning administrator may request assistance from the city engineer for the reviewing of plans and setting of conditions prior to issuing a permit. (Ord., 1-22-2002)