

Chapter 29.18 - Sensitive Areas Overlay Zones

29.18.070 Development Standards for Floodplain Corridor Lands

The floodplain corridor lands and flood hazard areas of Brigham City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

A. The following are the general provisions of this section

1. This chapter shall apply to all areas of special flood hazards within the jurisdiction of Brigham City, Utah.
2. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the Brigham City Area", dated February 17, 1981, with an accompanying Flood Insurance Rate Map (FIRM) is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and FIRM are on file at the Brigham City's Community Development Department Offices.
3. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations.
4. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. This chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
5. The interpretation and application of this chapter all provisions shall be:
 - a. Considered as minimum requirements;
 - b. Liberally construed in favor of the governing body; and
 - c. Deemed neither to limit nor repeal any other powers granted under state statutes.
6. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Brigham City, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

B. Administration - The following standards shall apply:

1. Standards for fill in Floodplain Corridor lands:
 - a. Fill shall be designed as required by the Brigham City Building Code, where applicable.
 - b. The toe of the fill shall be kept at least ten feet outside of floodway channels, as defined in this chapter.
 - c. The amount of fill in the Floodplain Corridor shall be kept to a minimum. Fill and other material imported from off the lot that could displace floodwater shall be limited to the following:
 - i. Poured concrete and other materials necessary to build permitted structures on the lot.
 - ii. Aggregate base and paving materials.
 - iii. Plants and other landscaping material.
 - iv. A total of fifty cubic yards of other imported fill material, or three hundred cubic yards per acre, whichever is greater. These amounts are the maximum

cumulative fill that can be imported onto the site, regardless of the number of permits issued.

v. The above limits on fill shall be measured from <date of adoption>, and shall not exceed the above amounts.

d. If additional fill is necessary beyond the permitted amounts in (3) above, then fill materials must be obtained on the lot from cutting or excavation only to the extent necessary to create an elevated site for permitted development. All additional fill material shall be obtained from the portion of the lot in the Floodplain Corridor.

e. Adequate drainage shall be provided for the stability of the fill.

f. Fill to raise elevations for a building site shall be located as close to the outside edge of the Floodplain Corridor as feasible.

2. Culverting or bridging of any waterway or creek identified on the official maps adopted pursuant to 29.18.030 must be designed by an engineer and approved by the Public Works Department. Stream crossings shall be designed to pass a 100-year flood without any increase in the upstream flood height elevation. The engineer shall consider in the design the probability that the culvert will be blocked by debris in a severe flood, and accommodate expected overflow. Fill for culverting and bridging shall be kept to the minimum necessary, but is exempt from the limitations in section 29.18.070(1) above. Culverting or bridging of streams identified as Riparian reservation is subject to the requirements of 29.18.070.

3. Non-residential structures shall be flood-proofed to the elevation contained in the official maps adopted by 29.18.030, whichever height is greater. Where no specific elevations exist, buildings shall be elevated to three feet above the stream channel on all drainage ways identified on the official maps.

4. No new residential structures are permitted in the Floodplain Corridor, except as permitted in sections (5) and (6) below. All residential structures shall be elevated so that the lowest habitable floor shall be raised to one foot above the elevation contained in the official maps adopted by 29.18.030, whichever height is greater. Where no specific elevations exist, buildings shall be elevated to three feet above the stream channel on all drainage ways identified on the official maps.

5. The elevation of the finished lowest habitable floor shall be certified to Brigham City by an engineer or surveyor prior to issuance of a certificate of occupancy for the structure.

6. All lots modified by lot line adjustments, or new lots created from lots which contain Floodplain Corridor land must contain a building envelope on all lot(s) which contain(s) buildable area of a sufficient size to accommodate the uses permitted in the underlying zone, unless the action is for open space or conservation purposes. This section shall apply even if the effect is to prohibit further division of lots that are larger than the minimum size permitted in the zoning ordinance.

7. Basements.

a. Habitable basements are not permitted for new residential structures or additions located within the Floodplain Corridor.

b. Non-habitable basements, used for storage, parking, and similar uses are permitted for residential structures but must be flood-proofed.

c. Development of habitable basements of existing non-residential structures that are at or below the flood elevations contained in the official maps shall be permitted.

d. Habitable basements shall not be used for sleeping quarters.

8. Storage of petroleum products, pesticides, or other hazardous or toxic chemicals is not permitted in Floodplain Corridor lands.

9. Fences constructed within twenty feet of any Riparian Preservation Creek designated by this ordinance shall be limited to wire or electric fence, or similar fence that would not collect debris or obstruct flood waters, but not including wire mesh or chain link fencing.

10. Decks and structures other than buildings, if constructed on Floodplain Corridor Lands and at or below the levels specified in Paragraphs (3) and (4) of the section.

11. Local streets and utility connections to developments in and adjacent to the Floodplain

Corridor shall be located outside of the Floodplain Corridor, except for crossing the Corridor in the shortest possible distance.