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# AMENDED FLOODPLAIN REGULATION

FOR THE

UNINCORPORATED AREA

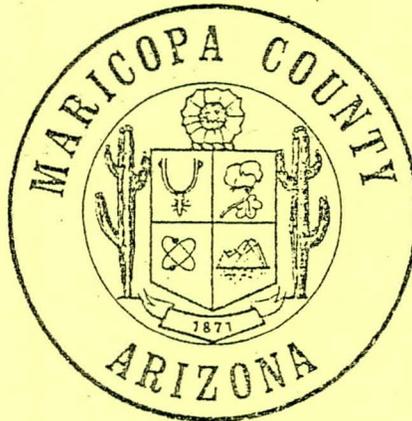
OF

MARICOPA COUNTY, ARIZONA

AS ADOPTED OCTOBER 17, 1977

~~ADOPTED~~ July 14, 1975  
~~ADOPTED~~ FEB 25, 1974  
(AUGUST 8, 1973)

*Requires  
Revisions of  
Floodplain*



PUBLISHED BY MARICOPA COUNTY ARIZONA PLANNING DEPARTMENT

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FLOODPLAIN MANAGEMENT - THE CONCEPT OF THE TWO-DISTRICT  
FLOODPLAIN REGULATION

The "1975 Floodplain Regulation for the Unincorporated Area of Maricopa County", adopted by the Floodplain Board on July 14, 1975 and amended on October 17, 1977, is a two-district floodplain regulation. Its intent is to prevent the dangerous and expensive mis-use of floodplains in Maricopa County.

A "Regulatory Floodplain" as defined in the Regulation, is an area which has a 1% chance of flooding in any year. This means that it will be flooded, on the average, once every 100 years. For this reason, it is sometimes referred to as the "100-year floodplain." The amount of floodwater which would flood the Regulatory Floodplain is the "Regulatory Flood" or "100-year flood." This amount of water varies from floodplain to floodplain, and even from upstream to downstream within a floodplain, depending on such factors as the area of the watershed contributing water to the flood and the nature of the surface (sand, rock, grass, etc.).

The Regulatory Floodplain, then, is the area of concern in the County's Regulation. It was considered too restrictive to stop all development within the Regulatory Floodplain. However, development within the floodplain obstructs the flow of floodwater and raises the elevation of the Regulatory Flood. Recognizing this fact, it was decided that development would be allowed near the edge of the floodplain and toward the center of the floodplain until the cumulative effect was to raise the flood elevation by one foot. At that point, no further development would be allowed.

The areas on either side where development is allowed is called the Floodway Fringe District, and the area in the center where no development is allowed is called the Floodway District. Hence the term "two-district regulation."

Development within the Floodway Fringe District must be protected from the Regulatory Flood either by floodproofing or by elevating everything susceptible to flood damage so that it is above the flood elevation. Development within the Floodway District is restricted to uses which are not susceptible to severe or expensive flood damage, and which do not obstruct the flow of floodwater. These uses include many agricultural and recreational uses and certain types of industrial and commercial uses. The Indian Bend Wash Greenbelt, when complete, is an example of a Floodway District fully utilized for recreation. Other uses could include parking lots, drive-in theaters, circuses and other transient amusement enterprises, and sand and gravel operations.

The goal of the Floodplain Regulation is to reduce the loss of private and public property and to reduce the danger to human life during floods. This can be accomplished through impartial and uniform enforcement of the Regulation.

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1 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSES AND SHORT TITLE

2 1.1 STATUTORY AUTHORIZATION

3 Section 45-2342 of the Arizona Revised Statutes delegates the  
4 responsibility to local governing bodies to adopt regulations to  
5 minimize flood losses. Therefore, the Board of Supervisors of Maricopa  
6 County Arizona, in its capacity as Floodplain Board of the Unincorporated  
7 Area of Maricopa County does ordain as follows:

8 1.2 FINDINGS OF FACT

9 1.21 Flood Losses Resulting from Periodic Inundation - The flood  
10 hazard areas of Maricopa County, Arizona are subject to periodic  
11 inundation which results in loss of life and property, health and  
12 safety hazards, disruption of commerce and governmental services,  
13 extraordinary public expenditures for flood protection and relief,  
14 and impairment of the tax base all of which adversely affect the public  
15 health, safety and general welfare.

16 1.22 General Causes of These Flood Losses - These flood losses  
17 are caused by: (1) The cumulative effect of obstructions in floodplains  
18 causing increases in flood heights and velocities. (2) The unpredictable  
19 meander of streams on alluvial fans and in wide, shallow floodways.  
20 (3) The occupancy of flood hazard areas by uses vulnerable to flood  
21 damage or which create hazards to other lands which are inadequately  
22 elevated or otherwise protected from flood damages.

23 1.23 Flood Insurance - The Federal Flood Insurance Program provides  
24 previously unavailable flood insurance to property owners in flood-prone  
25 areas. To qualify for the sale of federally-subsidized flood insurance  
26 a community must adopt and enforce regulations for floodplain management.

27 1.3 STATEMENT OF PURPOSE

28 It is the purpose of this Regulation to promote and protect the  
29 public health, peace, safety, comfort, convenience, and general welfare  
30 of the citizens of the unincorporated area of Maricopa County; to  
31 minimize flood damages and reduce the height and violence of floods which  
32 are caused by obstructions restricting the capacity of the floodways; to

1 establish minimum flood protection elevations and flood damage prevention  
2 requirements for uses, structures and facilities which are vulnerable  
3 to flood damage; to prevent unwise encroachment and building development  
4 within floodplain areas; to protect the life and property of citizens  
5 who have settled in floodplain areas; to reduce the burden imposed on the  
6 community, its governmental units and its citizens if such land is subject  
7 to flood; to qualify the County for continued participation in the Federal  
8 Flood Insurance Program; and to adopt and establish an official Floodplain  
9 Regulation for Maricopa County, Arizona.

10 1.4 SHORT TITLE

11 This Regulation may be referred to as the Floodplain Regulation  
12 for Maricopa County.

13 2.0 RULES

14 When not consistent with the context, words used in the present tense  
15 include the future, words in the singular number include the plural and  
16 words in the plural number include the singular unless specifically  
17 defined below. Words or phrases used in the Regulation shall be interpreted  
18 so as to give them the meaning they have in common usage and to give this  
19 Regulation its most reasonable application; the word "building" includes  
20 the word "structure"; the word "shall" is mandatory and the word "may" is  
21 permissive. Notwithstanding anything within this Regulation to the  
22 contrary, nothing herein shall be construed as requiring written  
23 authorization for, nor shall the Floodplain Board prohibit, those  
24 exemptions set forth in Arizona Revised Statutes 45-2343(B).

25 3.0 DEFINITIONS

26 3.1 ALLOWED USE - a use of any part of the Regulatory Floodplain  
27 specifically named in this Regulation for which no Floodplain Use Permit  
28 is required.

29 3.2 APPURTENANT STRUCTURE - a structure which is on the same parcel  
30 of property as the principal structure, and which is incidental to  
31 the use of the principal structure.

32 3.3 AREA OF SHALLOW FLOODING - an area with flood depths from one to

1 three feet where a clearly defined channel does not exist, where the  
2 path of flooding is unpredictable and indeterminate, and where velocity  
3 flow may be evident. Such an area may be included within a Floodway  
4 District or Floodway Fringe District or an Interim Delineation if it is  
5 associated with a watercourse.

6 3.4 DEVELOPMENT - any man-made change to improved or unimproved  
7 real property, including but not limited to buildings or other structures,  
8 mining, dredging, filling, grading, paving, excavation or drilling  
9 operations.

10 3.5 ENCROACHMENT - the advance or infringement of uses, growth, fill  
11 or structures into the natural floodplain that impede the flow capacity  
12 of the channel and floodplain of a watercourse.

13 3.6 FLOOD OR FLOOD WATERS - a temporary rise in water level that  
14 results in inundation of lands not ordinarily covered by water.

15 3.7 FLOOD INSURANCE RATE MAP (FIRM) - an official map of a  
16 community, on which the Federal Insurance Administration has delineated  
17 both the Regulatory Floodplains and the risk premium zones applicable  
18 to the community.

19 3.8 FLOOD INSURANCE STUDY - the official report provided by the  
20 Federal Insurance Administration. The report contains flood profiles,  
21 as well as the Flood Hazard Boundary-Floodway Map and Regulatory Flood  
22 Elevations.

23 3.9 FLOODPLAIN REGULATIONS - the codes, ordinances and other  
24 regulations relating to the use of land and construction within the  
25 channel and floodplain areas, including zoning ordinances, subdivision  
26 regulations, building codes, setback requirements, open area regulations,  
27 this Regulation, and amendments to all of the foregoing, and similar  
28 methods of control affecting the use and development of these areas.

29 3.10 FLOODPROOFING - any combination of structural and nonstructural  
30 additions, changes, or adjustments to structures, including utility  
31 and sanitary facilities, which would preclude the entry of water.  
32 Structural components shall have the capability of resisting hydrostatic

1 and hydrodynamic loads and the effect of buoyancy.

2 3.11 FLOODWAY DISTRICT - the channel of a watercourse or the  
3 water body within the banks of a lake and that portion of the adjacent  
4 land areas designated by the Floodplain Board as necessary to provide  
5 for the passage or ponding of flood waters of any watercourse or lake  
6 without allowing a rise of more than one(1) foot in the flood elevation  
7 at the time of delineation.

8 3.12 FLOODWAY FRINGE DISTRICT - land outside the Floodway District and  
9 lower than the Regulatory Flood Elevation along the watercourse.

10 3.13 HABITABLE FLOOR - any floor usable for residential purposes, which  
11 includes working, sleeping, eating, cooking or recreation, or a  
12 combination thereof. A floor usable only for storage purposes is not  
13 a habitable floor.

14 3.14 INTERIM DELINEATION - a delineation of the Regulatory Floodplain  
15 made from the most reliable source available for which a delineation  
16 of the Floodway District is not available.

17 3.15 MOBILE HOME - a structure with a length of thirty three (33)  
18 feet or more, transportable in one or more sections, which is built on  
19 a permanent chassis and designed to be used with or without a permanent  
20 foundation when connected to the required utilities.

21 3.16 OBSTRUCTION - any dam, wall, wharf, embankment, levee, dike, pile,  
22 abutment, protection, excavation, channel rectification, bridge, conduit,  
23 culvert, building, wire, fence, rock, gravel, refuse, fill, structure,  
24 vegetation or other material in, along, across, or projecting into any  
25 channel, watercourse, lake, or Regulatory Floodplain which may impede,  
26 retard or change the direction of the flow of water, either in itself  
27 or by catching or collecting debris carried by such water, or that is  
28 placed where the flow of water might carry the same downstream to the  
29 damage of life or property.

30 3.17 PERMITTED USE - a use of any part of the Regulatory Floodplain  
31 specifically named in this Regulation for which application for an  
32 receipt of a Floodplain Use Permit is required prior to commencement

- 1 of such use.
- 2 3.18 PERSON - any individual or his agent, firm, partnership, association,  
3 corporation, or agent of the aforementioned groups, or the State or any  
4 agency or political subdivision thereof.
- 5 3.19 PRINCIPAL STRUCTURE - the structure on a parcel of property with  
6 the greatest value.
- 7 3.20 REACH - a longitudinal segment of a watercourse measured parallel  
8 to the direction of flow.
- 9 3.21 RECREATION VEHICLE - any vehicle or structure which is: a) less  
10 than thirty three (33) feet in length; b) transportable in one section  
11 on its own chassis; and c) maintained in a readily transportable  
12 condition at all times. This definition includes motorized and non-  
13 motorized vehicles and structures.
- 14 3.22 REGULATORY FLOOD - the Regulatory Flood shall be the 100-year  
15 flood as determined by criteria established by the Arizona Water  
16 Commission.
- 17 3.23 REGULATORY FLOOD ELEVATION - the elevation of the Regulatory  
18 Flood which determines the limits of the Regulatory Floodplain. Where  
19 a Floodway District has been delineated, the higher of the natural or  
20 encroached elevations shall apply.
- 21 3.24 REGULATORY FLOODPLAIN - that portion of the natural floodplain  
22 that would be inundated by the Regulatory Flood. The Regulatory  
23 Floodplain includes the Floodway District and the Floodway Fringe  
24 District.
- 25 3.25 STRUCTURE - a walled and roofed building, including a gas or  
26 liquid storage tank, that is principally above ground, as well as a  
27 mobile home.
- 28 3.26 SUBSTANTIAL IMPROVEMENT - any repair, reconstruction, or  
29 improvement of a structure, the cost of which equals or exceeds fifty  
30 percent (50%) of the fair market value of the structure either: before  
31 the improvement or repair is started; or if the structure has been  
32 damaged and is being restored, before the damage occurred. For the

1 purposes of this definition "substantial improvement" is considered to  
2 occur when the first alteration of any wall, ceiling, floor, or other  
3 structural part of the building commences, whether or not that alteration  
4 affects the external dimensions of the structure.

5 The term does not, however, include either: any project for  
6 improvement of a structure to comply with existing state or local  
7 health, sanitary, or safety code specifications which are solely  
8 necessary to assure safe living conditions; or any alteration of a  
9 structure listed on the National Register of Historic Places or a State  
10 Inventory of Historic Places.

11 3.27 Watercourse - any lake, river, creek, stream, wash, arroyo,  
12 channel or other body of water through which waters flow at least  
13 periodically. The term may include specifically designated areas in  
14 which flood damage may occur.

#### 15 4.0 ADMINISTRATION

##### 16 4.1 FLOODPLAIN ADMINISTRATOR

17 A Floodplain Administrator designated by the Floodplain Board shall  
18 administer and enforce this Regulation. If he finds a violation of the  
19 provisions of this Regulation, he shall notify the person responsible  
20 for such violation, indicating the nature of the violation and ordering  
21 the action necessary to correct it.

##### 22 4.2 FLOODPLAIN USE PERMIT

23 4.21 A Floodplain Use Permit shall be obtained from the Floodplain  
24 Administrator prior to the erection, addition, alteration or change of  
25 use of any building, structure or land within a Regulatory Floodplain.  
26 Application for this permit shall be made to the Floodplain Administrator.  
27 Permits shall be issued when the provisions of this Regulation have been  
28 complied with.

29 4.22 Provisions are hereby made for issuance of a blanket Floodplain  
30 Use Permit for applicants who need to install or erect a number of similar  
31 structures within the various floodplains over an extended period of time.  
32 Such applicants shall submit typical plans for such structures. After

1 determining that such structures comply with the provisions of this  
2 Regulation, the Floodplain Administrator, unless otherwise instructed  
3 by the Floodplain Board, shall issue a blanket permit for installation  
4 or erection of such structures to be valid for one calendar year.

#### 5 4.3 CERTIFICATION OF COMPLIANCE FOR FLOODPLAIN USE

6 4.31 Prior to occupancy or use of any structures or areas in the  
7 Regulatory Floodplain, except those uses exempted by this Regulation, a  
8 Certificate of Compliance for Floodplain Use will be obtained from the  
9 Floodplain Administrator.

10 4.32 Allowed Uses - The applicant shall submit information to the  
11 Floodplain Administrator as required to comply with this Regulation.

12 4.33 Permitted Uses - The applicant shall provide certification  
13 that the requirements of the Floodplain Use Permit have been complied with.

#### 14 4.4 VARIANCES

15 4.41 Conditions for Issuance of a Variance.

16 a) Variances shall not be issued within any delineated Floodway  
17 District, nor within a delineated Interim Floodplain where the depth  
18 of flooding is greater than two (2) feet, if any increase in flood  
19 levels during the Regulatory Flood would result.

20 b) Variances may be issued for new construction and substantial  
21 improvements to be erected on a lot of one-half acre or less in size,  
22 contiguous to two or more lots with existing structures constructed  
23 below the Regulatory Flood Elevation.

24 c) Variances may be issued for a structure listed on the National  
25 Register of Historic Places or a State Inventory of Historic Places  
26 which is to be restored or reconstructed.

27 d) Variances may be granted only upon (1) a showing of good and  
28 sufficient cause, (2) a determination that failure to grant the  
29 variance would result in exceptional hardship to the applicant, and  
30 (3) a determination that the granting of a variance will not result  
31 in increased flood heights, additional threats to public safety,  
32 extraordinary public expense, create nuisances, or cause fraud.

1 e) Variances shall only be issued upon a determination that the  
2 variance is the minimum necessary, considering the flood hazard, to  
3 afford relief.

4 f) The burden of proof for existence of the above conditions shall  
5 be on the applicant.

#### 6 4.42 Publication Notification of Variances

7 a) Upon issuance of a variance the Floodplain Board shall notify  
8 the applicant in writing that (1) the issuance of the variance will  
9 result in increased premium rates for flood insurance up to amounts  
10 as high as \$25 per \$100 of insurance and (2) construction below the  
11 Regulatory Flood Elevation will increase risks to life and property.

12 b) The successful applicant shall cause to be recorded with the  
13 Maricopa County Recorder a statement that the property is subject to  
14 flooding by a flood which has a one percent chance of being equalled  
15 or exceeded in any year. This document shall include the depth of  
16 flooding during a Regulatory Flood and shall be certified by the  
17 Floodplain Administrator. If any permits are required pursuant to  
18 granting of a variance, proof of such recordation shall be submitted  
19 by the applicant to the agency which issues such a permit.

20 c) A record shall be maintained of all variance actions,  
21 including justification for their issuance. This record shall be  
22 included in the annual report to the Federal Insurance Administration.

#### 23 4.5 COORDINATION

24 The Floodplain Board and the Floodplain Administrator shall  
25 coordinate the provisions of this Regulation with all other interested  
26 and affected political subdivisions and State agencies, as required by  
27 ARS 45-2342.

### 28 5.0 DETERMINATION AND PUBLICATION OF FLOODPLAIN BOUNDARIES

#### 29 5.1 MINIMUM AREA FOR FLOODPLAIN DELINEATION

30 All zones designated as A, A0, or A1 through A99 on the Flood  
31 Insurance Rate Map for Maricopa County, Arizona shall, when adopted  
32 by the Floodplain Board, provide the minimum area for floodplain

1 management under this Regulation.

2 5.2 OTHER DELINEATIONS

3 In areas not designated zones A, A0 or A1 through A99, where  
4 development is imminent or ongoing, floodplain delineations shall be  
5 adopted and administered under this Regulation. These delineations may  
6 be obtained from any source, provided they are determined in accordance  
7 with criteria established by the Arizona Water Commission, including  
8 but not limited to (1) a developer of floodplain property, (2) a County  
9 agency or (3) any agency which must delineate a floodplain as a result  
10 of completion of a flood control structure.

11 5.21 Delineations in zones not designated A, A0 or A1 through A99  
12 shall be submitted to the Floodplain Administrator and shall be subject  
13 to review for technical adequacy. The Floodplain Administrator shall  
14 forward all such delineations to the Floodplain Board with his  
15 recommendation for approval or denial within 60 days of receipt of all  
16 supporting information.

17 5.22 All delineations adopted by this procedure shall be submitted  
18 to the Federal Insurance Administration with the Floodplain Board's  
19 request that they be included on the Flood Insurance Rate Map for Maricopa  
20 County, Arizona.

21 5.3 PUBLICATION OF FLOODPLAIN BOUNDARIES

22 All floodplain delineations adopted by the Floodplain Board,  
23 including all A, A0 and A1 through A99 zones on the Flood Insurance  
24 Rate Map for Maricopa County, Arizona, shall be shown on the official  
25 County maps entitled "Zoning District Maps", which are hereby made a  
26 part of this Regulation. Where available, the Floodway Districts and  
27 Floodway Fringe Districts shall be so designated on these maps. Where  
28 applicable, Interim Delineations and Areas of Shallow Flooding shall  
29 be so designated on these maps.

30 5.4 DETERMINATIONS IN CASE OF DISPUTE

31 Where uncertainty exists, the boundary of any Regulatory Floodplain  
32 with an Interim Delineation, Floodway District, Floodway Fringe District

1 or Area of Shallow Flooding shall be determined by the Floodplain  
2 Administrator. The determination shall be made from the best technical  
3 data available, and in all cases, the Regulatory Flood Elevation shall  
4 be the governing factor.

5 6.0 FLOODWAY DISTRICT

6 6.1 ALLOWED USES

7 The uses specified in 6.11, 6.12, 6.13 and 6.14 below, having a low  
8 flood damage potential and not obstructing flood flows shall be allowed  
9 within the Floodway District to the extent that they are not prohibited,  
10 by any other regulation, code or ordinance and provided they do not  
11 require structures, fill or storage of materials or equipment. No use  
12 is allowed which shall adversely affect the capacity of the channels  
13 or floodways of any tributary to the main stream, drainage ditch, or any  
14 other drainage facility or system. Allowance of use does not preclude  
15 the appropriate requirements for flood insurance.

16 6.11 Agricultural uses.

17 6.12 Industrial-commercial uses.

18 6.13 Private and public recreational uses.

19 6.14 Accessory residential uses such as lawns, gardens, parking  
20 areas and play areas.

21 6.2 PERMITTED USES

22 The uses specified in 6.21 through 6.29 below may be permitted to  
23 the extent that they do not require permanent structures, fill or other  
24 obstructions to the flow of flood water in the Floodway District, and  
25 provided that they do not adversely affect the capacity of the channels  
26 or floodways of any tributary to the main stream, drainage ditch, or  
27 any other drainage facility or system. These uses may be permitted  
28 only upon application to the Floodplain Administrator and issuance of a  
29 Floodplain Use Permit by the Floodplain Administrator as provided in  
30 Section 4.0. Permits for these uses do not preclude the appropriate  
31 requirement for flood insurance.

32 6.21 Appurtenant structures and uses accessory to open space or

1 uses controlled by a Floodplain Use Permit.

2 6.22 Circuses, carnivals, and similar transient amusement  
3 enterprises.

4 6.23 Drive-in theaters, new and used car lots, roadside stands,  
5 signs and billboards.

6 6.24 Extraction of sand, gravel, and other materials.

7 6.25 Marinas, boat rentals, docks, piers, wharves.

8 6.26 Railroads, streets, bridges, utility transmission lines,  
9 and pipelines.

10 6.27 Storage yards for equipment, machinery, or materials.

11 6.28 Kennels and stables.

12 6.29 Recreational vehicles.

13 6.30 Other uses similar in nature to uses described in Section 6.1  
14 or 6.2 which are consistent with the provisions set out in Section 1.3  
15 of this Regulation.

16 7.0 FLOODWAY FRINGE DISTRICT

17 7.1 ALLOWED USES

18 The uses specified in 7.11 through 7.16 below shall be allowed  
19 uses within the Floodway Fringe District to the extent that they are  
20 not prohibited by any other regulation. The following standards for  
21 new construction or substantial improvement to any structure is  
22 required: (1) Anchoring to resist floatation, collapse, or lateral  
23 movement; (2) Constructed with materials and utility equipment  
24 resistant to flood damage. Allowance of a use does not preclude the  
25 appropriate requirement for flood insurance.

26 7.11 Any use allowed in Section 6.1.

27 7.12 Any other use provided it is elevated above the Regulatory  
28 Flood Elevation and a determination is made by the Floodplain  
29 Administrator that the use will not unduly restrict the capacity of the  
30 channels or floodways of tributaries to the main watercourse, drainage  
31 ditches, or other drainage facilities or systems.

32 7.13 Structures or buildings, including dwellings, may be erected

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1 or moved provided the lowest habitable floor is placed at least one (1)  
2 foot above the Regulatory Flood Elevation. Land may be filled provided  
3 that the top of such fill shall be at no point below the Regulatory  
4 Flood Elevation for the particular area and shall extend at such elevation  
5 at least twenty five (25) feet beyond the limits of any structure or  
6 building erected or placed thereon. [Bank protection, if approved by the  
7 Floodplain Administrator, may be used in lieu of the twenty five (25)  
8 feet of fill.]

9 7.14 New and replacement water supply systems, provided that they  
10 are designed to minimize or eliminate infiltration of flood waters into  
11 the systems.

12 7.15 New and replacement sanitary sewage systems provided that  
13 they are designed to minimize or eliminate infiltration of flood waters  
14 into the systems and discharges from the systems into flood waters unless  
15 otherwise allowed by a permit in conformance with the Federal Water  
16 Pollution Control Act.

17 7.16 Onsite waste disposal systems provided that they are located  
18 in such a way as to avoid impairment to them or contamination from them  
19 during flooding.

20 7.2 PERMITTED USES

21 The uses and structures specified in 7.21 and 7.22 below are  
22 permitted within the Floodway Fringe District only upon issuance of a  
23 Floodplain Use Permit by the Floodplain Administrator subject to the  
24 following provisions. Permits for these uses do not preclude the  
25 appropriate requirement for flood insurance.

26 7.21 Structures, except dwellings or any type of residence, if  
27 adequately floodproofed or otherwise protected to a point above the  
28 Regulatory Flood Elevation. The applicant shall provide a certification  
29 by a registered professional engineer or architect that the flood-  
30 proofing methods for any nonresidential structure meet the floodproofing  
31 criteria as defined in Section <sup>3.10</sup>~~3.7~~ above. The Floodplain Administrator  
32 will maintain a record of all certifications along with the permit

1 application.

2 7.22 Uses listed in Section 6.2 of this Regulation and other  
3 similar uses which will not be subject to substantial flood damage  
4 and which will not cause flood losses on other lands or to the public.  
5 These may include uses which can be readily removed from flood hazard  
6 areas during times of flood. The Floodplain Administrator may in the  
7 Floodplain Use Permit allow such uses to be located at an elevation  
8 below the Regulatory Flood Elevation.

9 8.0 FLOODPLAINS WITH INTERIM DELINEATIONS

10 8.1 ALLOWED USES

11 The uses specified in 8.11 and 8.12 below shall be allowed in  
12 Floodplains with Interim Delineations to the extent that they are not  
13 prohibited by any other ordinance or regulation. Allowance of a use  
14 does not preclude the appropriate requirement for flood insurance.

15 8.11 Any use allowed in Section 6.1.

16 8.12 Any use allowed in Section 7.12 or 7.13 provided that the  
17 Regulatory Flood Elevation is not more than two (2) feet above the  
18 existing ground elevation, except that the lowest habitable floor shall  
19 be at least two (2) feet above the Regulatory Flood Elevation, and  
20 nonresidential floors and all fill shall be at least one (1) foot above  
21 the Regulatory Flood Elevation, or nonresidential floors shall be  
22 floodproofed to an elevation at least one (1) foot above the Regulatory  
23 Flood Elevation.

24 8.2 PERMITTED USES

25 The uses specified in 8.21 and 8.22 below and structures are  
26 permitted within Floodplains with Interim Delineations only upon  
27 issuance of a Floodplain Use Permit by the Floodplain Administrator  
28 subject to the following provisions. Permits for these uses do not  
29 preclude the appropriate requirements for flood insurance.

30 8.21 Any use or structure permitted in Section 7.21 provided  
31 that the Regulatory Flood Elevation is not more than two (2) feet  
32 above the existing ground elevation, except that nonresidential floors

*required for anything  
to be done at  
permitted by a Floodplain Use Permit*

*with new contract to  
add section 8.22  
see 6/17*

1 and all fill shall be at least one (1) foot above the Regulatory Flood  
2 Elevation, or nonresidential floors shall be floodproofed to an elevation  
3 at least one (1) foot above the Regulatory Flood Elevation.

4 8.22 Any use permitted or allowed in Section 6.0 or 7.0 provided  
5 that the applicant submits an analysis of the Regulatory Floodplain  
6 adequate to provide for delineation of the Floodway and Floodway  
7 Fringe Districts and accurate profile as described in Section 4.0. *50*  
8 Such delineations shall be subject to review and acceptance by the  
9 Floodplain Administrator.

10 9.0 AREAS OF SHALLOW FLOODING

11 In Areas of Shallow Flooding as designated on the Zoning District  
12 Maps, all new structures or substantial improvements thereto shall have  
13 the lowest habitable floor elevated above the crown of the nearest  
14 <sup>TO AN EVEN EQUAL</sup> street ~~to~~ or above the depth number specified on the Flood Insurance  
15 Rate Map for Maricopa County, Arizona and all nonresidential structures  
16 shall have the lowest floor elevated or shall be floodproofed <sup>TO AN EVEN EQUAL</sup> to or  
17 above the depth number specified on the Flood Insurance Rate Map for  
18 Maricopa County, Arizona.

19 10.0 NONCONFORMING USES

20 10.1 DISCONTINUANCE OF NONCONFORMING USES

21 In the event that a nonconforming use of land, building or  
22 structure is discontinued for a period of twelve (12) consecutive  
23 months, any further use thereof shall be in conformity with the  
24 provisions of this Regulation.

25 10.2 ALTERATION TO NONCONFORMING USES

26 Any alteration, addition, or repair to a nonconforming building  
27 or structure which would result in increasing its flood damage  
28 potential by fifty percent (50%) or more shall be floodproofed.

29 10.3 DESTRUCTION OF NONCONFORMING USES

30 In the event that any such nonconforming use of land, building, or  
31 structure is destroyed by fire, explosion, flood, Act of God, or act of  
32 the public enemy to the extent of fifty percent (50%) of its value,  
*75%*

1 according to the appraisal thereof by competent appraisers, then and  
2 without further action by the Floodplain Board, the future use thereof  
3 shall from and after the date of such destruction be subject to all of  
4 the provisions of this Regulations.

5 11.0 VIOLATIONS

6 11.1 CIVIL REMEDIES

7 Every new structure, building, fill, excavation, or development  
8 located or maintained within any floodplain in violation of this  
9 Regulation, without written authorization from the Floodplain Board,  
10 is a public nuisance per se and may be abated, prevented or restrained  
11 by action of the State or any political subdivision thereof under the  
12 provisions of Arizona Revised Statutes 45-2344.

13 11.2 CRIMINAL PENALTY

14 Every new structure, building, fill, excavation, or development  
15 located or maintained within any floodplain in violation of this  
16 Regulation, without written authorization from the Floodplain Board,  
17 is a public nuisance per se and is a misdemeanor under the provisions  
18 of Arizona Revised Statutes 13-602, notwithstanding that the civil  
19 remedies provided under 11.1 are also being enforced.

20 12.0 APPEALS

21 12.1 INTERPRETATION OF DISPUTES

22 The Floodplain Administrator shall interpret in writing upon appeal  
23 the terms of this Regulation when the meaning of any engineering related  
24 word, phrase, or regulation is in doubt, when there is dispute between  
25 the appellant and Floodplain Administrator or when the location of a  
26 Floodway District or Floodway Fringe District boundary or the Regulatory  
27 Flood Elevation is in doubt.

28 12.2 APPEAL BY AN AGGRIEVED PERSON

29 12.21 All floodplain delineations will be in effect notwithstanding  
30 appeals by aggrieved persons. These aggrieved persons shall file  
31 their appeal with the Floodplain Administrator.

32 12.22 Appeals of decisions of the Floodplain Administrator

1 may be made to the Floodplain Board not later than 30 days after  
2 receipt of notice of the decision of the Floodplain Administrator

3 13.0 WARNING AND DISCLAIMER OF LIABILITY

4 The degree of flood protection required by this Regulation is  
5 considered reasonable for regulatory purposes and is based on engineering  
6 and scientific methods of study. Larger floods may occur on rare  
7 occasions or the flood height may be increased by man-made or natural  
8 causes, such as bridge openings restricted by debris. This Regulation  
9 does not imply that areas outside Floodway Districts and Floodway  
10 Fringe Districts or land uses permitted within such areas will be free  
11 from flooding or flood damages. This Regulation shall not create  
12 liability on the part of Maricopa County or any officer or employee  
13 thereof for any flood damages that may result from reliance on this  
14 Regulation or any administrative decision lawfully made thereunder.

15 14.0 SEVERABILITY

16 This Regulation and the various parts thereof are hereby declared  
17 to be severable. Should any section of this Regulation be declared by  
18 the courts to be unconstitutional or invalid, such decision shall not  
19 affect the validity of the Regulation as a whole, or any portion  
20 thereof other than the section so declared to be unconstitutional or  
21 invalid.

22 15.0 EFFECTIVE DATE

23 This amended Regulation shall become effective on \_\_\_\_\_, 1977.  
24 Adopted by the Board of Supervisors of Maricopa County, Arizona this  
25 \_\_\_\_\_ day of \_\_\_\_\_, 1977.

26 Bob Corbin  
27 Bob Corbin, Chairman

28 ATTEST:  
29 \_\_\_\_\_  
30 Clerk of the Board

31  
32