

**1974 Floodplain Regulations  
for the  
Unincorporated Areas  
of  
Maricopa County, Arizona**

**Flood Control District  
of Maricopa County-FCD**

**1301.026**

SEARCHED	INDEXED	SERIALIZED	FILED

*File*  
*AS*

# County of Maricopa

State of Arizona

Office of the Clerk



State of Arizona }  
County of Maricopa } ss.

*I, Rhea Woodall, Clerk of the Board of Supervisors do hereby Certify That* the attached is a true and correct copy of the minutes of the meeting held Monday, February 25, 1974, of the Board of Directors of the Flood Control District of Maricopa County, Arizona:

(Attached)

**In Witness Whereof, I have hereunto set my hand and affixed the Official Seal of the Board of Supervisors. Done at Phoenix, the County Seat this 1st day of March A.D. 1974**

Flood Control  
Larry Richmond  
Planning & Zoning Director  
File

*Rhea Woodall*  
Clerk of the Board of Supervisors

OFFICE OF THE BOARD OF DIRECTORS  
OF THE FLOOD CONTROL DISTRICT OF  
MARICOPA COUNTY, PHOENIX, ARIZONA  
MONDAY, FEBRUARY 25, 1974

The Board of Directors of the Flood Control District of Maricopa County convened in the meeting room of the Board, located at 205 West Jefferson Street, Phoenix, Arizona, at 10:00 A.M., Monday, February 25, 1974, with the following present: Bob Corbin, Chairman; Henry H. Haws, Joe E. Lopez, Eldon Rudd, and Bob Stark, Members. Also present: Rhea Woodall, Clerk of the Board.

ADOPTION OF 1974 FLOODPLAIN REGULATIONS:

This was the time scheduled for hearing on the proposed adoption of the 1974 Floodplain Regulations for the unincorporated areas of Maricopa County, consisting of Floodplain Regulations, text and maps.

Mr. Larry Richmond, Legal Counsel, advised that certain amendments had been recommended by the Planning and Zoning Director, and that the sand and gravel industry in Maricopa County also suggested revisions concerning the sand and gravel industry. He said these amendments had been reviewed by the Chief Engineer and General Manager of the Flood Control District and were acceptable.

Mr. Richmond went on to state that the Regulations and the amendments had been reviewed by some of the more prominent zoning lawyers in Maricopa County and he thought they were in accord.

There was no one present who wished to be heard in opposition to the Regulations or amendments.

Mr. Lopez made the motion, which was unanimously carried, that the Board adopt the 1974 Floodplain Regulations with the amendments.

(Attached)

/s/ Bob Corbin  
Chairman, Board of Directors

/s/ Rhea Woodall  
Clerk of the Board

**1974 Floodplain Regulations  
for the  
Unincorporated Areas  
of  
Maricopa County, Arizona**

**Flood Control District  
of Maricopa County-FCD**

FLOODPLAIN REGULATIONS FOR UNINCORPORATED

AREAS OF

MARICOPA COUNTY, ARIZONA

ARTICLE I

Section 101. Title and Purpose. An Ordinance for the unincorporated area of Maricopa County, Arizona, delineating floodplains and providing for the regulation of all subdivision of land, construction of dwelling, commercial or industrial structures, or uses which may divert, retard or obstruct floodwater and threaten public health, safety or the general welfare, and providing for the establishment of minimum flood protection elevations and flood damage prevention requirements for uses, structures and facilities which are vulnerable to flood damage; providing for the coordination by the Floodplain Board with all other interested and affected political subdivisions and state agencies.

Section 102. Short Title. These regulations may be cited as the "1974 Floodplain Regulations for the Unincorporated Area of Maricopa County."

ARTICLE II

Section 201. In these regulations, the following definitions apply:

- (a) Flood or Floodwaters: A temporary overflow of water on lands not normally covered by water.
- (b) Fifty-Year Flood: A flood that has a two percent (2%) chance of occurring based upon the criteria established by the Arizona Water Commission.
- (c) One Hundred-Year Flood: A flood that has a one percent (1%) chance of occurring, based upon the criteria established by the Arizona Water Commission.

- (d) Floodplain: The relatively flat areas or low lands adjoining the channel of a watercourse, or areas where drainage is or may be restricted by man-made structures which have been or may be covered partially or wholly by floodwater, but shall compose an area not less than that area confined by the Fifty-Year Flood and shall not exceed that area confined by the One Hundred-Year Flood.
- (e) Delineated Floodplain: Shall be that area delineated and mapped as a floodplain, as approved by the Board of Supervisors and as shown on the County Official Zoning District Maps.
- (f) Watercourse: Any lake, river, creek, stream, wash, or other body of water having banks and beds through which waters flow at least periodically. The term may include specifically designated areas in which substantial flood damage may occur.
- (g) Person: Any individual or his agent, firm, partnership, association, corporation, or agent of the aforementioned groups, or the state of any agency or political subdivision thereof.
- (h) 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.

#### ARTICLE III

Section 301. Warning and Disclaimer of Liability. This Ordinance shall not create liability on the part of Maricopa County or any officer or employee thereof for any flood damages that may result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

#### ARTICLE IV

Section 401. Floodplain Requirements. Delineated floodplains shall be subject to the following regulations:

- (a) The boundaries of the delineated floodplain shall be that area delineated and mapped as a floodplain, as approved by the Board of Supervisors and as shown on the County Official Zoning District Maps.

- (b) Any dwelling or dwelling unit built within a delineated floodplain shall be constructed so as to place the minimum floor elevation of the dwelling unit above the high water line of the One Hundred-Year Flood.
- (c) Any use of land otherwise permitted by law shall be permitted provided:
  - (1) the finished floor elevation is elevated above the Fifty-Year Flood elevation;
  - (2) or said non-dwelling uses or structures are adequately flood-proofed or otherwise protected as provided in Article VIII; and
  - (3) a determination is made by the Chief Engineer and General Manager of the Flood Control District of Maricopa County that the use will not restrict the capacity of the channels of floodplain or tributaries to the main stream or watercourse, drainage ditches, washes or other drainage facilities or systems.
- (d) Any party may appeal the determination by the Chief Engineer and General Manager of the Flood Control District to the Board of Supervisors and new or additional engineering data may be considered for the reevaluation of the floodplain delineation if circumstances indicate such action is in the public interest. Said appeal to the Board of Supervisors shall be within sixty (60) days of the receipt of notice of the Chief Engineer's determination.

#### ARTICLE V

Section 501. Exemptions. The following uses are exempt from these regulations to the extent set out herein:

- (a) The existing uses in the delineated floodplain and the right to continuation of that use;
- (b) Construction undertaken pursuant to a building permit issued under the 1969 Amended Zoning Ordinance for the Unincorporated Area of Maricopa County provided such permit has been issued

less than six (6) months prior to the effective date of the floodplain ordinance and further provided that work has commenced under such permit;

- (c) Subdivisions for which final plats have been approved and recorded prior to the effective date of the floodplain ordinance;
- (d) Subdivisions for which preliminary plats have been approved by the County Planning and Zoning Commission not more than ten (10) months prior to the effective date of the floodplain ordinance provided the final plat thereof is approved by the Board of Supervisors within two (2) months of the effective date of the floodplain ordinance;
- (e) Seventy-five percent (75%) of such floodplain area within a platted and approved subdivision to be developed and utilized for such units and structures has been so developed and utilized on the effective date of these regulations;
- (f) Prior to these regulations having been adopted, a special permit is granted by the Floodplain Board;
- (g) A special permit is granted by the state agency having the primary land management administrative duty over the lands, if development or construction is to be on lands owned or held in trust by the State;
- (h) Facilities are constructed or are in the process of being constructed or are installed pursuant to a Certificate of Environmental Capatability;
- (i) The use or occupation of land or improvements for grazing or general agricultural purposes, if the tract concerned is not less than five contiguous acres;
- (j) The construction of bridges, culverts, dikes and other structures necessary to the construction of public highways, roads and streets intersecting or crossing a watercourse;

- (k) The construction of storage dams, for watering livestock, wildlife or for the conservation of floodwaters or structures constructed to prevent erosion;
- (l) The construction of tailing dams or waste disposal areas for use in connection with mining and metallurgical operations;
- (m) Sand and gravel excavation and excavation processing operations only, within the designated floodplain are exempt from the other provisions of this ordinance, except that the capacity of the floodplain shall not be reduced, and are permitted without permit, provided that the operator gives ten (10) days written notice of the location and plans of excavations of five (5) contiguous acres or more to the Chief Engineer of the Flood Control District of Maricopa County. Upon termination of any excavation which lies within a delineated floodplain area, the operator thereof shall restore such floodplain area to the pre-excavation hydrological capacity as determined by the Chief Engineer and General Manager of the Flood Control District of Maricopa County.

Section 502. Discontinuance of Non-Conforming Uses.

- (a) In the event that a non-conforming use of land, building or structure is discontinued for a period of twelve (12) consecutive months, any future use thereof shall be in conformity with these regulations.
- (b) In the event that any such non-conforming use of land, building or structure is destroyed by fire, explosion, flood, act of God or act of the public enemy, to the extent of seventy-five percent (75%) of its value, according to the appraisal thereof by competent appraisers, then and without further action by the Board of Supervisors, the future use thereof shall from and after the date of such destruction be subject to all of these regulations and amendments thereto.

- (c) Reconstruction of such a use within a floodplain is permitted only if the use or structure is adequately and safely flood-proofed, elevated or otherwise protected in conformity with Article VIII.
- (d) Any alteration, addition, or repair to any structure exempt by Article V, which would result in increasing its flood damage potential shall be protected by measures pursuant to Article VIII.

#### ARTICLE VI

Section 601. Recommendations. Hydrologic-related floodplain regulations and engineering matters pertaining to the administration and direction of these regulations shall be officially referred to the Chief Engineer and General Manager of the Flood Control District of Maricopa County or his designated representative who shall be responsible for advice and recommendations to the Board of Supervisors.

#### ARTICLE VII

Section 701. Factors to be Considered in Making Determination as to Delineated Floodplains: The Chief Engineer and the Board of Supervisors shall, in all cases, in making a determination under Article IV, consider but not be limited to, the following factors:

- (a) The danger of life and property due to increased flood heights or velocities caused by encroachments;
- (b) The danger that materials may be swept onto other lands or downstream to the injury of others;
- (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (e) The importance of the services provided by the proposed facility to the community;

- (f) The requirements of the facility for waterfront location;
- (g) The availability of alternative locations not subject to flooding for the proposed use;
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (i) The relationship of the proposed use to any adopted comprehensive plan and the floodplain management program for the area.
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (k) The expected heights, velocity, duration, rate of rise and sediment, and transport of the floodwaters expected at the site;
- (l) Such other factors which are relevant to the purposes of these regulations.

#### ARTICLE VIII

##### Section 801. Factors to be Considered in Flood-Proofing or Other

Protection. The Chief Engineer and the Board of Supervisors, as the case may be, shall consider the following factors in determining whether a structure or use is adequately flood-proofed or otherwise protected:

- (a) Modification of waste disposal and water supply facilities;
- (b) Limitations on periods of use and operations;
- (c) Imposition of operational controls, sureties and deed restrictions;
- (d) Requirements for construction of channel modifications, dikes, levies, and other protective measures;
- (e) Flood-proofing measures such as set forth in Section 802 of this Article shall be designed consistent with the delineated flood elevation for the particular area, flood velocity, durations, rate of rise, hydrostatic and hydrodynamic forces and other factors associated with flood potentials, and the Chief Engineer and the Board of Supervisors may require that

the applicant submit a plan or document certified by a registered professional engineer that the flood-proofing measures are consistent with the fifty-year flood elevation and associated flood factors for the area.

Section 802. Flood Proofing Measures. The Chief Engineer and the Board of Supervisors may require, but not be limited to, the following flood-proofing measures:

- (a) Anchorage to resist floatation and lateral movement;
- (b) Installation of watertight doors, bulkheads, and shutters;
- (c) Reinforcement of walls to resist water pressures;
- (d) Use of paints, membranes, or mortars to reduce seepage of water through walls;
- (e) Addition of mass or weight to structures to resist floatation;
- (f) Installation of pumps to lower water levels in structures;
- (g) Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters;
- (h) Pumping facilities for subsurface external foundation walls and basement floor pressures;
- (i) Construction to resist rupture or collapse caused by water pressure or floating debris;
- (j) Cut-off valves on sewer lines or the elimination of gravity flow basement drains;
- (k) Elevation of structures and uses to the fifty-year flood elevation.

#### ARTICLE IX

Section 901. Cooperation. The Chief Engineer and General Manager of the Flood Control District of Maricopa County and the Board of Supervisors and their particular staff shall coordinate their efforts, decisions and management of these regulations with all other interested and effected political subdivisions and state agencies.

ARTICLE X

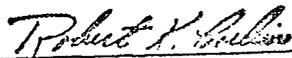
Section 1001. Interpretation. In interpreting and applying the regulations of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinances, rules, regulations or permits previously adopted or issued, and not in conflict with any of the regulations of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except that if this Ordinance imposes a greater restriction, this Ordinance shall regulate. Whenever there is a discrepancy between minimum standards or dimensions in zoning regulations, subdivision regulations, building code, or other official regulations, the highest standard shall apply.

ARTICLE XI

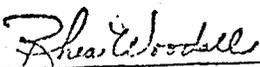
Section 1101. Severability Clause. Should any article, section or regulation of this Ordinance be judicially declared unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof other than the article, section or regulation so declared to be unconstitutional or invalid.

This regulation to be effective this 25th day of February, 1974.

DATED this 25th day of February, 1974.

  
Chairman, Board of Supervisors  
of Maricopa County, Arizona

ATTEST:

  
Clerk, Board of Supervisors  
of Maricopa County, Arizona