

This is an updated version of Ordinance 2015-05. Planning Commission will accept written public comments on this ordinance until April 8, 2015. Written comments must be submitted by 5 pm on April 8, 2015 to allow the Commission time to review comments.

DRAFT

ORDINANCE #2015-05

AN ORDINANCE AMENDING THE CITY OF MOAB MUNICIPAL CODE, CHAPTER 17.33, FC-1 FLOOD CHANNEL ZONE, SPECIFICALLY REFERENCING FENCING, STRUCTURES FOR PUBLIC TRANSPORTATION, VEGETATION AND PENALTIES

WHEREAS, the Moab, Utah (City) City Council (“Council”) adopted the Moab Municipal Code (“Code”) Title 17.00, Zoning, and especially Chapter 17.30 *Flood Channel Zone*, in an effort to facilitate the protection of life and property from damage because of floods; and,

WHEREAS, the FC-1 Flood Channel Zone is the designated Regulatory Floodway and includes the channel of a river or other watercourse and 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; and

WHEREAS, the City, through involvement in the National Flood Insurance Program (NFIP), must regulate development in these floodways to ensure that there are no increases in upstream flood elevations; and

WHEREAS, from time to time, the Federal Emergency Management Administration (FEMA) has conducted hydrologic studies and presented the city with necessary changes to the boundaries of the Floodway that may or may not alter the boundaries of the FC-1 Flood Channel Zone; and,

WHEREAS, over time, City staff has recognized that certain aspects of Code Chapter 17.30, FC-1, Flood Channel Zone, are not conducive to providing adequate protection from flood damage; and,

WHEREAS, fencing in floodways, construction of public transportation structures, construction of barriers, removal or planting of vegetation in floodways, and enforcement and penalties are inadequately addressed in the existing text of the FC-1 Zone; and,

WHEREAS, Staff has recommended the attached amendments to the FC-1 Zone; and,

WHEREAS, the City of Moab Planning Commission (“Commission”) in a public hearing held on March 26, 2015, reviewed the changes to Code text that references the Flood Channel; and,

WHEREAS, the Commission found that adoption of the proposed language for the continued participation of the City in the NFIP was a great benefit to the residents of the City of Moab; and,

WHEREAS, the Commission favorably recommends the new language to Council for review and approval; and,

WHEREAS, Council reviewed Ordinance #2015-05 in a regularly scheduled meeting held on _____, 2015, to hear and decide the merits of the proposed change to Chapter 15.30, Flood Channel Zone, of the Code; and,

WHEREAS, Council found that the changes will add to the welfare and safety of the residents and provide greater benefits to the residents of Moab. .

NOW, THEREFORE, the Moab City Council hereby ordains that Chapter 17.30, FC-1, *Flood Channel Zone shall be amended to read as follows:*

Chapter 17.33

FC-1 FLOOD CHANNEL ZONE

Sections:

17.33.010	Objectives and characteristics.
17.33.020	Use requirements.
17.33.030	Area, width and location requirements.
17.33.040	Supplementary regulations
17.33.050	Enforcement and Penalties

17.33.010 Objectives and characteristics.

The primary purpose of the FC-1 flood channel zone is to facilitate the protection of life and property from damage due to flood events by ensuring that the creek channel and adjacent overbank areas necessary to convey flood flows will be permanently kept free of encroachments. Lands within this zone are characterized by the primary creek channel and adjacent riparian fringes, which are free of buildings, fences, and fill embankments that are likely to be damaged or which will likely cause a restriction to the free flow of floodwaters during recurring floods. (Prior code § 27-12-1)

17.33.020 Use requirements.

Only the following uses shall be permitted in the FC-1 flood channel zone:

A. Agricultural uses, farming, truck gardening and the growing of nursery stock;

~~B. Temporary corrals, pens and coops that will not impede the free flow of floodwaters in a significant way, and are sufficiently anchored to resist movement by floodwaters;~~

~~C. Fencing up to six feet in height provided that the requirements of paragraph 17.33.060 are met;~~

~~C. The care and keeping of animals and fowl subject to the rules and regulations of the board of health;~~

- B. Revetments and other flood protection structures;
- C. Public parks, trails, and open space playgrounds;
- D. Public transportation structures if “no rise” can be shown.

17.33.030 Area, width and location requirements.

There shall be no regulations pertaining to area, width or location of building requirements in the FC-1 flood channel zone. (Prior code § 27-12-3)

17.33.040 Specific Regulations.

The following use regulations shall apply:

A. Fences. – Fences will be allowed only if it can be determined through an engineering study that they can satisfy a No-rise ($\leq 0.00'$) in the FEMA and Community BFE.
Exception. An engineering study may not be required for fences such as a farm barbed wire fence that are constructed in a way that the fence will be pushed over or ripped out early in the flood or will swing in the direction of the flood flow. If “water gap” or “flood gate” styles of livestock control are utilized, an engineer shall be consulted for appropriateness of their use.

A-B. Planting or removal of trees and shrubs. – Deep-rooted vegetation within the flood channel provides critical protection against large scale erosion. However, dense stands of sturdy trees and woody shrubs can also obstruct the free flow of floodwaters. The best situation is scattered native trees with a dense groundcover of native shrubs and grasses that offer minimal resistance to the passage of floodwaters. No existing native vegetation shall be removed and no new trees shall be planted within the floodway without the written approval of the City Floodplain Administrator. For any clearing or revegetation activity, a stabilization plan is required to be submitted to the city for evaluation and approval by City Staff.

B-C. Floodway to be kept clear. – The presence of debris such as fallen trees and tree limbs, construction materials, vehicles, or similar uses, within the floodway represents a significant hazard to the community as the debris can be transported by the floodwaters and become lodged against one of the several bridges structures. The accumulation of debris or storage of materials is prohibited within the floodway. It shall be the property owner’s responsibility to keep the floodway portion of their property free of any such materials.

17.33.050 Enforcement and Penalties

No structure or land shall hereafter be constructed, altered, converted, or extended without full compliance with the provisions of this chapter and all other applicable regulations. Violations of this chapter by failing to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this ordinance through non-compliance with any of its requirements shall upon conviction thereof be fined not more than \$ 1,000.00 or imprisoned for not more than ninety (90) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Such associated costs may include attorney fees, all court fees, staff time, and shall include costs associated with the abatement of the violation. Such costs may include, but are not limited to, removal of all prohibited barriers, structures, or fill. Nothing herein contained shall prevent the City of Moab from taking such other lawful action as is necessary to prevent or remedy any violation.

AND, FURTHERMORE, the Moab City Council hereby ordains that Chapter 17.06, Definitions, shall be amended to include the following term:

Revetment. A wall or facing of stone, concrete, masonry, wood or other stabilizing material placed on the banks of rivers, streams or levees to protect them from erosion

Effective Immediately Upon Passage.

PASSED AND APPROVED in open Council by a majority vote of the Governing Body of Moab City Council on _____, ~~2015~~, 2015.

SIGNED:

David L. Sakrison, Mayor

ATTEST:

Rachel Stenta, Recorder

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