

b. Require that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction.

c. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

d. Avoid unnecessary expenditures of public funds to remedy flood hazards resulting from imprudent uses of lands vulnerable to floods.

e. Maintain and preserve the existing stream channels and stream vegetation in as nearly natural condition as possible in order to preserve wildlife and fish habitat as well as to avoid the expenditure of public funds to remedy or avoid flood hazards, unnatural watercourse diversion, erosion or situation caused by piecemeal alterations of natural watercourses and flood carrying areas.

23.03 ESTABLISHMENT OF ZONING DISTRICTS.

The floodplain areas within the jurisdiction of this Article are hereby divided into two districts: Floodway Districts (FW) and Floodway Fringe Districts (FF). The boundaries of these districts shall be shown on the Official Zoning Map.

The term Floodway District, as used in this ordinance, refers to those lands designated by the United States Army Corps of Engineers or the City of Roseville Director of Public Works as lands which, during an intermediate regional flood, would be subject to flooding by waters having velocity and which encroachment upon by structure, fill, deposit or obstruction will cause a rise in the water level during such intermediate regional flood or is likely to adversely affect nearby properties. Such lands are designated as subject to this Article by ordinance.

The term Floodway Fringe District, as used in this ordinance, refers to those lands designated by the United States Army Corps of Engineers or the City of Roseville Director of Public Works as lands which, during an intermediate regional flood, would be subject to flooding by waters without velocity (dead water) and which encroachment upon by structure, fill, deposit or obstruction will not cause a rise in the water level during such intermediate regional flood. Such lands are designated as subject to the provisions of this Article by ordinance.

The term "intermediate regional flood", as used in this ordinance, refers to a flood that could be expected to occur about once in one hundred (100) years on the average, although it could occur in any year.

23.04 SCOPE OF REGULATION

In any district with which is combined a Floodway District or a Floodway Fringe District, the regulations of this Article shall apply in addition to those hereinbefore specified for such districts, provided that if conflict in regulation occurs, the regulations of this Article shall govern and

all uses which are not allowed as Permitted Uses or permissible as Special Exception Uses within FW and FF districts shall be prohibited.

23.05 FLOODWAY DISTRICT (FW)

23.05-1 Permitted Uses

The following uses, having a low flood damage potential and not obstructing flood flows, shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill or storage of materials or equipment. But no use shall adversely affect the capacity of the channels or floodways, or of any tributary to the main stream, drainage ditch, or any other drainage facility or system:

a. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

b. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.

c. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

d. Residential uses such as lawns, gardens, parking areas and play areas.

23.05-2 Special Exception Uses (FW)

The following uses, which involve structures (temporary or permanent), fill or storage of materials or equipment, may be permitted only upon application to the Planning Commission and the issuance of a Special Exception by the Planning Commission, as provided in Section 23.06-2 Special Exceptions, of this Article. These uses are also subject to the provisions of Section 23.05-3 which apply to all floodway Special Exception uses:

a. Uses or structures accessory to open space or Special Exception uses.

b. Circuses, carnivals and similar transient amusement enterprises.

c. Drive-in theaters, new and used car lots, temporary roadside stands, signs and billboards.

d. Extraction of sand, gravel and other materials.

e. Marinas, boat rentals, docks, piers and wharves.

f. Railroads, streets, bridges, utility transmission lines and pipelines.

g. Storage yards for readily transportable equipment, machinery or materials.

h. Kennels and stables.

i. Other uses similar in nature to uses described in Section 23.05 of this section which are consistent with the provisions set out in Sections 23.02 and 23.05-3 of this ordinance.

23.05-3 Standards for Floodway Special Exception Uses

a. The following standard shall govern the consideration of all requests for Special Exception uses:

No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment or other use may be allowed as a Special Exception use which, acting alone or in combination with existing or future uses, unduly affects the capacity of the floodway or unduly increases flood heights or is likely to have an adverse effect upon nearby properties or upon valuable natural wildlife habitat or fisheries. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. In addition, all floodway special permit uses shall be subject to the standards contained in Section 23.07-3 and the standards set forth in subsections b, c, and d of this section.

b. Fill or Excavation

(1) Any fill proposed to be deposited in the floodway or excavation within the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials or excavation.

(2) Such fill or other materials or area of excavation shall be protected against erosion by rip-rap, vegetative cover or bulkheading.

c. Structures (temporary or permanent)

(1) Structures shall not be designated for human habitation.

(2) Structures shall have a low flood damage potential.

(3) The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.

(a) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of floodflow, and

(b) So far as practicable, structures shall be placed approximately on the same floodflow lines as those of adjoining structures, and

(4) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream; and

(5) Service facilities such as electrical and heating equipment shall be constructed at or above the regulatory flood protection elevation for the particular area or floodproofed.

d. Storage of Material and Equipment

(1) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plantlife is prohibited.

(2) Storage of other material or equipment may be allowed if not subject to major damage by floods and readily removable from the area within the time available after flood warning.

23.06 FLOODWAY FRINGE DISTRICT (FF)

23.06-1 Permitted Uses

The following uses shall be permitted uses within the Floodway Fringe District to the extent that they are not prohibited by any other ordinance:

a. Any use permitted in Section 23.05-1.

b. Structures constructed on fill so that the floor is at least one foot above the regulatory flood protection elevation. However, no use shall be constructed which will adversely affect the capacity of channels or floodways or of any tributary to the main stream, drainage ditch or any other drainage facility or system.

23.06-2 Special Exceptions

a. Where existing streets or utilities are at elevations which make compliance with provision 23.06-1(b) impractical, or in other special circumstances, the Planning Commission may authorize other techniques for elevation of

residences. Structures other than residences shall ordinarily be elevated on fill as provided in Section 23.06-1(b), but may, in special circumstances, be otherwise elevated or protected as provided in Section 23.07-4a through 23.07-4e to a point above the regulatory flood protection elevation.

b. The Board may authorize the location of uses listed in Section 23.05-2 of this ordinance and other similar uses at an elevation below the regulatory flood elevation if such uses will not be subject to substantial flood damage and which will not cause flood damage to other lands.

23.07 PROCEDURE FOR PROCESSING APPLICATIONS FOR SPECIAL EXCEPTIONS

23.07-1 Application

Application for any use listed in this ordinance as requiring a special permit may be allowed only upon application to the Planning Commission on forms furnished by the Planning Director and issuance of a Special Exception by the Commission. Upon receipt of the application, the Planning Director shall forthwith submit it to the Commission, together with required environmental impact reports and evaluations of the proposed use.

23.07-2 Procedure to be Followed by Commission in Passing on Special Exception Permits.

Upon receiving an application for a special permit involving the use of fill, construction of structures or storage of materials, the Commission shall, prior to rendering a decision thereon:

a. Require the applicant to furnish such of the following information as is deemed necessary by the Commission for determining the suitability of the particular site for the proposed use:

(1) Plans in triplicate drawn to scale showing the nature, location, dimensions and elevations of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures and the relationship of the above to the location of the channel floodway and regulatory flood protection elevation.

(2) A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

(3) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream; soil types and other pertinent information.

(4) Profile showing the slope of the bottom of the channel or flow line of the stream.

(5) Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

b. Transmit one copy of the information described in subsection "a", above, to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection and other technical matters.

c. Based upon the technical evaluation of the designated engineer or expert, the Commission shall determine the specific flood hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard.

23.07-3 Factors Upon Which the Decision of the Commission Shall be Based.

In passing upon such applications, the Planning Commission shall consider all relevant factors specified in other sections of this ordinance and:

a. The danger to life and property due to increased flood heights or velocities caused by encroachments.

b. The danger that materials may be swept on to 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 a 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 compatibility of the proposed use to the comprehensive plan and 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 transport of the floodwaters expected at the site.

l. Such other factors which are relevant to the purposes of this ordinance.

m. The compatibility of the proposed use with preservation of valuable fish and wildlife habitat.

23.07-4 Conditions Attached to Special Permits

Upon consideration of the factors listed above and the purposes of this ordinance, the Planning Commission may attach such conditions to the granting of Special Exceptions or Variances as it deems necessary to further the purposes of this ordinance. Among such conditions, without limitation because of specific enumeration, may be included:

a. Modification of waste disposal and water supply facilities.

b. Limitations on periods of use and operation.

c. Imposition of operational controls, sureties and deed restrictions.

d. Requirements for construction of channel modifications, dikes, levees and other protective measures.

e. Floodproofing measures. Floodproofing measures, such as the following, may be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces and other factors associated with the regulatory flood. The Planning Commission shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area. The following floodproofing measures may be required without limitation because of specific enumeration:

(1) Anchorage to resist flotation and lateral movement.

(2) Installation of watertight doors, bulkheads and shutters or similar methods of construction.

(3) Reinforcement of walls to resist water pressures.

(4) Use of paints, membranes or mortars to reduce seepage of water through walls.

(5) Addition of mass or weight to structures to resist flotation.

(6) Installation of pumps to lower water levels in structures.

(7) Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.

(8) Pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures.

(9) Construction to resist rupture or collapse caused by water pressure or floating debris.

(10) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices.

(11) Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regulatory flood.

(12) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the regulatory flood protection elevation or are adequately floodproofed to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into floodwaters.

23.08 APPEAL

Any person aggrieved by a decision or finding of the Planning Commission made pursuant to this Article, may appeal from the decision or finding by filing a written notice of appeal with the City Clerk within ten (10) days from the date of the Commission's action.

SECTION 3. If any provision, clause, sentence or paragraph of this Article, or application thereof to any person or circumstances be held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provisions or application and, to this end, the provisions of this Article are declared to be severable.

SECTION 4. This ordinance or parts of ordinances insofar as they conflict with this ordinance are hereby repealed.

SECTION 5. This ordinance shall be effective at the expiration of thirty (30) days from the date of its final passage.

SECTION 6. The City Clerk is hereby directed to cause this ordinance to be published once after its final passage in a newspaper of general circulation in the City of Roseville.

PASSED AND ADOPTED by the City Council of the City of Roseville, this 28th day of November, 1973, by the following vote on roll call:

AYES COUNCILMEN: Robert A. Cluan, Owen R. Waltrip,
Kenneth F. Rayer, Brian Reed
NOES COUNCILMEN: George A. Buljan
ABSENT COUNCILMEN: None

SIGNED AND APPROVED after its final passage this 28th day of November, 1973.

George A. Buljan
MAYOR

ATTEST:

Pauline Brennan
CITY CLERK