

ORDINANCE NO. 657-A

Introduced by Commissioner Davis

AN ORDINANCE AMENDING ORDINANCE NO 634-A, ZONING ORDINANCE FOR THE CITY OF WARRENTON, AS COMPILED IN SECTION 10-12, AS AMENDED, IN ORDER TO MEET NATIONAL FLOOD INSURANCE REQUIREMENTS, AND DECLARING AN EMERGENCY.

THE CITY OF WARRENTON ORDAINS AS FOLLOWS:

Section 1. Section 1.030 Item (26) be and the same is hereby amended to read as follows:

- (26) Mobile home. A vehicular or portable, structure which is constructed for movement on the public highways and which is designed to be used with or without a permanent foundation. It is designed for use as a residence, but has not been demonstrated to conform to the requirements of the building code for other residences.

Section 2. Section 1.035, DEFINITIONS - FLOOD HAZARD ZONE (FH) be and the same is hereby added, to read as follows:

Section 1.035. DEFINITIONS - FLOOD HAZARD ZONE (FH)

Unless specifically defined below words or phrases used to discuss FH Zone requirements shall be defined as in Section 1.030. If not defined in Section 1.030 these words and phrases shall be interpreted so as to give them the meaning they have in common usage and to provide this ordinance with its most reasonable application.

- (1) Area of special flood hazard. The land in the flood plain subject to a one percent or greater chance of flooding in any given year.
- (2) Base flood. A flood having a one percent chance of being equalled or exceeded in any given year.
- (3) Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, dredging, filling, grading, paving or excavation located within the area of special flood hazard.
- (4) Existing mobile home park or mobile home subdivision. A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

- (5) Expansion to an existing mobile home park or mobile home subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).
- (6) Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters and/or
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
- (7) Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (8) Flood Insurance Study. The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.
- (9) Habitable floor. Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.
- (10) Mean Sea level (MSL). The average height of the sea for all stages of the tide.
- (11) New construction. Structures for which the start of construction commenced on or after the effective date of this amendment to the zoning ordinance.
- (12) New mobile home park or mobile home subdivision. A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this amendment to the zoning ordinance.
- (13) Start of construction. The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets, and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of

accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, start of construction means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, start of construction is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

- (14) Structure. A walled and roofed building that is principally above ground, as well as a mobile home.
- (15) Substantial improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the fair market value of the structure either:
 - (a) Before the improvement or repair is started, or
 - (b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
 - (1) Any project for improvement of structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
 - (2) Any alteration of a structure listed on the National Register of Historic Places of a State Inventory of Historic Places.
- (16) Watercourses. Rivers, sloughs, creeks and major drainage ditches.

Section 3. Section 2.020 be and the same is hereby amended to read as follows:

Section 2.020. ZONING CLASSIFICATION DISTRICTS

The zoning classification districts, with applicable abbreviated designations, shall be as follows:

Low Density Residential	R-20
Intermediate Residential	R-10
Medium Density Residential	R- 8
Multi-family Residential	R- 2
City Center Commercial	C- 1
Highway Commercial	C- 2
Marine Commercial	C- 3
Light Industrial	I- 1
General Industrial	I- 2
Recreational Vehicle Planned Development	RVPD
Flood Hazard	F H

Section 4. Section 2.020 be and the same is hereby amended to read as follows;

Section 2.030. LOCATION OF ZONES.

- (1) Except for the FH Zone, the boundaries for the zones listed in this ordinance are indicated on the City of Warrenton Zoning Map which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.
- (2) The boundaries of the FH Zone shall be the same as those for the areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled "Flood Insurance Study" for the City of Warrenton dated May 15, 1978, with accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary Maps and any revisions thereto. These materials are hereby adopted as a part of this ordinance and shall be considered to be the official source indicating FH Zone boundaries. These materials are on file at the Warrenton City Hall.
- (3) The boundaries of each of the zoning classification districts depicted on the attached City of Warrenton Zoning Map, are shown and identified by a black line.
- (4) Unless otherwise specified, zone boundaries are section lines; subdivision lines; lot lines; center lines of street; or such lines extended.

- (5) Where the exterior boundary of any zoning classification district conforms to the corporate boundary of the City, the City boundary shall likewise be depicted on the attached City of Warrenton Zoning Map by a black line.

Section 5. Section 2.040, Item (2) be and the same is hereby amended to read as follows:

- (2) Whenever sufficient authorized map changes have accumulated, the City Commission shall have prepared a revised Zoning Map depicting all changes authorized after the original map was adopted, except those involving the FH Zone. The revised map reflecting the latest zoning pattern for the City together with a revised text or re-statement of the pre-existing text of the Zoning Ordinance shall be considered by the City Commission for adoption as a re-enacted or revised Zoning Ordinance.

Section 6. Section 5.540, NOTICE REQUIREMENT FOR CERTAIN STRUCTURES IN AN FH ZONE be and the same is hereby added, to read as follows:

Section 5.540. NOTICE REQUIREMENT FOR CERTAIN STRUCTURES IN AN FH ZONE.

When a variance is granted allowing a structure to be built or placed with the lowest floor elevation at or below the base flood elevation, the City recorder shall give written notice to the owner of the structure that this is allowed and that the cost of flood insurance will be commensurate with the increased risk resulting from the lower floor elevation.

Section 7. Section 8.400 FLOOD HAZARD ZONE (FH), Section 8.410 PURPOSE AND OBJECTIVES, Section 8.420 GENERAL PROVISIONS, Section 8.430 STANDARDS FOR FLOOD HAZARD REDUCTION be and the same is hereby added, to read as follows:

Section 8.400 FLOOD HAZARD ZONE (FH)

Section 8.410 PURPOSE AND OBJECTIVES

It is the purpose of the FH Zone to regulate the use of those areas subject to periodic flooding in order to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions. In advancing these principles and the general purposes of the Warrenton Comprehensive Plan and Zoning Ordinance, the specific objectives of this district are:

- (1) To combine with other zoning requirements certain restrictions made necessary for the known flood hazard areas to promote the general health, welfare and safety of the City;
- (2) To prevent the establishment of certain structures and land uses in areas unsuitable for human habitation because of the danger of flooding, unsanitary conditions or other hazards;

- (3) To minimize the need for rescue and relief efforts associated with flooding;
- (4) To help maintain a stable tax base by providing for sound use and development in flood-prone areas and to minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities located in flood hazard areas;
- (6) To ensure that potential home and business buyers are notified that property is in a flood area; and
- (7) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Section 8.420 GENERAL PROVISIONS.

- (1) Areas affected by FH Zone. This district shall apply to all areas of special flood hazards. Since the FH Zone is an overlay zone, one or more other zoning districts will also regulate the use of land in areas of special flood hazards.
- (2) Basis for Establishing the Areas of Special Flood Hazards. A scientific and engineering report entitled "Flood Insurance Study" for the City of Warrenton dated May 15, 1978, with accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary Maps and any revision thereto provide the basis for establishing areas of special flood hazards.
- (3) Prohibited Uses. It shall be unlawful to erect, alter, maintain or establish in an FH Zone any building, use, or occupancy not permitted by the provisions of this zone or any other applicable zoning district except existing non-conforming uses and structures, which may continue as specified in Section 5.010.
- (4) Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance 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 ordinance does not imply land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Warrenton or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 8.430. STANDARDS FOR FLOOD HAZARD REDUCTION

(1) Anchoring.

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - (1) Over-the-top ties be provided at each end of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long have one additional tie per side;
 - (2) frame ties be provided at each corner of the home with five additional ties per side at intermediate locations and mobile homes less than 50 feet long have four additional ties per side;
 - (3) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - (4) additions to the mobile home be similarly anchored.
- (c) An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be to the building official that this standard has been met.

(2) Construction Materials and Methods.

- (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (b) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(3) Utilities.

- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and

- (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) Alteration of watercourses. No watercourse shall be altered until a maintenance plan is provided which assures that the flood carrying capacity of altered or relocated portions of the watercourse is not diminished.
- (5) Specific Standards.

In all areas of special flood hazards (FH Zone) where base flood elevation data has been provided as set forth in Section 8.420 Item (2), Basis for Establishing the Areas of Special Flood Hazard or Section 10.19 §, Item (3), Use of other Base Flood Data, the following provisions are required unless a variance is granted in accordance with Article 5:

- (a) Residential Construction. New construction or substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to the base flood elevation.
- (b) Nonresidential Construction. New construction or substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below this level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyance. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the building official as set forth in Section 10.190.
- (c) Mobile homes.
 - 1. Mobile homes shall be anchored in accordance with Section 8.430 Item (1).
 - 2. For new mobile home parks or mobile home subdivisions; for expansions to existing mobile home parks or mobile home subdivisions; for existing mobile home parks or mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or subdivision the following shall be required:

- a. adequate surface drainage and access for a mobile home hauler; and
- b. stands or lots will be elevated on compacted fill to or above the base flood level; or
- c. stands or lots will be elevated on compacted fill or on piers or pilings so that the lowest floor of the mobile home will be at or above the base level; and
- d. in the instance of elevation on piers or pilings:
 - lots will be large enough to permit steps
 - piers and piling foundations will be placed in stable soil no more than ten feet apart, and
 - reinforcement is provided for piers and pilings more than six feet above the ground level.

(6) Review of Flood Hazard Permits.

Where elevation data is not available, applications for flood hazard permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

Section 8. Section 10.190. FH ZONE FLOOD HAZARD PERMITS be and the same is hereby added, to read as follows:

Section 10.190. FH ZONE FLOOD HAZARD PERMITS.

- (1) Establishment of a flood hazard permit. A special flood hazard permit, in addition to any regular building permit which may be required, shall be required in an FH Zone for all structures, including mobile homes, and for all other development as defined in Section 1.035, Item 3. An application for a flood hazard permit shall be made to the building official on forms furnished by him and shall specifically include the following information:
 - (a) Base flood elevation data for all developments with an area of more than five acres.
 - (b) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures. The building official may require that this be certified by a registered surveyor engineer, or architect.

- (c) Elevation in relation to mean sea level to which any non-residential structure has been floodproofed.
 - (d) Certification by a registered professional engineer or architect that any non-residential floodproofed structure meets the floodproofing criteria in Section 8.430 Item (6) (b).
 - (e) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (2) Duties and Responsibilities. The duties of the building official shall include, but not be limited to permit review:
- (a) Review all flood hazard permits to determine that the permit requirements of this ordinance have been satisfied.
 - (b) Review all flood hazard permits to require that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 - (c) Review all flood hazard permits in the area of special flood hazard to determine if the proposed development adversely affects the flood carrying capacity of the area.
- (3) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 8.420 Item (2) Basis for Establishing the Area of Special Flood Hazard, the building official shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Sections 8.430 (6) (a) Specific Standards, Residential Construction and 8.430 (6) (b), Specific Standards, Nonresidential Construction.
- (4) Information to be obtained and maintained by Building Official.
- (a) Verify and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and maintain the floodproofing certifications required in Section 10.190 (Item (1) (d)).
 - (b) Maintain for public inspection all records pertaining to the provisions of the ordinance.

- (5) Alteration of Major Watercourses. The building official shall:

notify adjacent communities and the Oregon Water Resources Department prior to any alteration or relocation of any watercourse shown on the Flood Insurance Rate Map, and submit evidence of such notification to the Federal Insurance Administration.

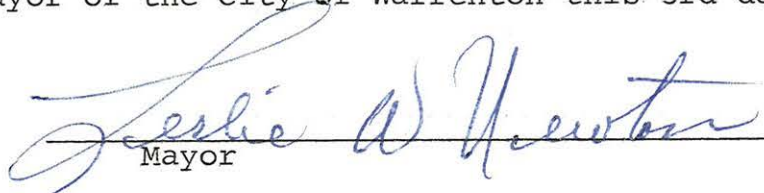
- (6) Interpretation of FIRM boundaries. The building official shall make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article 10.

Section 9. Emergency Clause.

The Commission of the City of Warrenton finds that it is in the best interest of the City of Warrenton and the welfare of its citizens and the protection of property that the city participate in the National Flood Insurance Program. The Commission further finds the eligibility for that program requires that this Ordinance be in full force and effect prior to the national deadline of May 15, 1978. Because the normal 30 days effective date of this ordinance would jeopardize the city's eligibility to participate in the program, an emergency is hereby declared to exist and this Ordinance shall go into full force and effect immediately.

Passed by the City Commission of the City of Warrenton this 3rd day of May, 1978.

Approved by the Mayor of the City of Warrenton this 3rd day of May, 1978.



Mayor

ATTEST:



Auditor and Police Judge