

Chapter 32B FLOODPLAINS¹

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State Law reference—Floodplain management, A.R.S. § [48-3601](#) et seq.; municipal floodplain management programs, A.R.S. § [48-3610](#).

Article I.

Authorization and Purpose

Sec. 32B-1. Authorization and findings.

In Section [48-3610](#), Arizona Revised Statutes, the Arizona State Legislature authorized incorporated cities to adopt regulations in conformance with Section [48-3609](#), Arizona Revised Statutes, which are designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Phoenix City Council finds as follows:

A. The special flood hazard areas of the City of Phoenix are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities and, when inadequately anchored, cause damage in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. No. G-5707, 2012; Ord. No. G-6611, 2019; Ord. No. G-7116, § 2, 2023)

Sec. 32B-2. Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flooding in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;
- F. Help maintain a stable tax base by providing for the sound use and development of special flood hazard areas so as to minimize blight areas caused by flooding;
- G. Participate in and maintain eligibility for flood insurance and disaster relief. (Ord. No. G-5707, 2012; Ord. No. G-6611, 2019; Ord. No. G-7116, § 2, 2023)

Sec. 32B-3. Methods of reducing flood losses.

- A. These regulations take precedence over any less restrictive conflicting local laws, ordinances and codes.
- B. In order to accomplish its purposes, this chapter includes methods and provisions to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
4. Control filling, grading, dredging, and other development which may increase flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. No. G-5707, 2012)

Sec. 32B-4. Implementation.

To implement the regulation of the floodplain areas in the City of Phoenix, the City Council is designated as the Floodplain Board, and the City Engineer, or a City Engineer appointed designee, is designated as the administrative agent for these regulations, or Floodplain Administrator. (Ord. No. G-2027, § 2; Ord. No. G-5707, 2012; Ord. No. G-6611, 2019; Ord. No. G-7116, § 2, 2023)

Note—Formerly, § 32B-1

Article II. Definitions

Sec. 32B-5. Definitions.

Unless specifically defined below, words or phrases used in this chapter must be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

Accessory structure means A STRUCTURE ON THE SAME PARCEL OF PROPERTY AS A PRINCIPAL STRUCTURE, THE USE OF WHICH IS INCIDENTAL TO THE USE OF THE PRINCIPAL STRUCTURE. ACCESSORY STRUCTURES MUST BE USED FOR PARKING OR STORAGE, BE LESS THAN 600 SQUARE FEET, REPRESENT A MINIMAL INVESTMENT BY OWNERS, AND HAVE LOW DAMAGE POTENTIAL. EXAMPLES OF ACCESSORY STRUCTURES INCLUDE, BUT ARE NOT LIMITED TO: DETACHED GARAGES, STORAGE AND TOOL SHEDS, AND SMALL BOATHOUSES.~~a vehicular parking or storage structure located on the same parcel of property as a principal structure.~~

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Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this chapter or a request for a variance.

Area of shallow flooding means a designated AO or AH Zone on a community's flood insurance rate map (FIRM). These zones have a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base flood means a flood that has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

Base flood elevation (BFE) means the computed water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

Basement means any area of the building having its floor below grade on all sides.

Building. See *Structure*.

CHIEF ENGINEER: SEE "FLOODPLAIN ADMINISTRATOR"

CLOMR means Conditional Letter of Map Revision issued by FEMA. A LETTER FROM FEMA COMMENTING ON WHETHER A PROPOSED PROJECT, IF BUILT AS PROPOSED, OR PROPOSED HYDROLOGY CHANGES WOULD MEET MINIMUM NATIONAL FLOOD INSURANCE PROGRAM STANDARDS.

Community means any state, area or city thereof, or any Indian tribe or authorized tribal organization, or authorized native organization, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, utilities, pipelines, mining, dredging, filling, grading, paving, or excavation or drilling operations or storage of equipment or materials.

Elevation certificate means an administrative tool of the National Flood Insurance Program (NFIP) that is used to provide elevation information necessary to ensure compliance with community floodplain management ordinances, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

Encroachment means ACTIVITIES OR CONSTRUCTION WITHIN THE FLOODWAY INCLUDING FILL, NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTS, AND OTHER DEVELOPMENT. THESE ACTIVITIES ARE PROHIBITED WITHIN THE ADOPTED REGULATORY FLOODWAY UNLESS IT HAS BEEN DEMONSTRATED THROUGH HYDROLOGIC AND HYDRAULIC ANALYSES THAT THE PROPOSED ENCROACHMENT WOULD NOT RESULT IN ANY INCREASE IN FLOOD LEVELS.~~the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.~~

Erosion means the gradual wearing away process of landmasses.

FEMA means the Federal Emergency Management Agency.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of floodwaters; and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map (FIRM) means the official map on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS) means the official report provided by FEMA that includes flood profiles, FIRM, and the water surface elevations of the base flood.

Floodplain or flood prone area means any land area susceptible to being inundated by water from any source. See *Flood* or *flooding*.

Floodplain Administrator means the City of Phoenix City Engineer, or a City Engineer appointed designee, who is charged with administering and enforcing these floodplain management regulations.

Floodplain Board or Board means the City of Phoenix City Council or a board appointed by the Phoenix City Council.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of enforcement power which control development in flood prone areas. This term describes Federal, State or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate the risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Flood-related erosion means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Floodway means the channel of a river or other watercourse and the 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. This is also referred to as "regulatory floodway."

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out proximate to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

Governing body means the local governing unit, i.e., county or municipality, which is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

LOMR means Letter of Map Revision issued by FEMA. It is an official amendment to the currently effective FEMA map.

Lowest floor means the lowest floor of the lowest enclosed area, including the basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term *manufactured home* also includes park trailers, travel trailers, and other similar recreational vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term *manufactured home* does not include park trailers, travel trailers, and other similar recreational vehicles.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value means replacement cost of a structure less depreciation since construction.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD of 1929), North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction means, for purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial flood insurance rate map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence,

rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-hundred-year flood or 100-year flood means a flood having a one percent chance of being equaled or exceeded in any given year. See *Base flood*.

Person means any individual or the individual's agent, a firm, partnership, association, corporation, or any agent of the aforementioned groups, or this State or its agencies or cities.

Principal structure means a structure used or intended to be used for the principal use as permitted on such lot by the regulations of the zoning district in which it is located, exclusive of any detached accessory structures.

Recreational vehicle means a vehicle that is:

1. Built on a single chassis; and
2. Four hundred square feet or less when measured at the largest horizontal projection; and
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory flood elevation (RFE) means an elevation one foot above the base flood elevation for a watercourse.

Regulatory floodway means the channel of a river or other watercourse and the 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.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, or brook.

Sheet Flow Area. See *Area of shallow flooding*.

Special flood hazard area (SFHA) means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. These areas are designated as Zone A, AO, AE, A99, or AH on the FIRM and other areas as determined by the criteria adopted by the Director of the Arizona Department of Water Resources.

Start of construction includes substantial improvement and other proposed new development, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. 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 part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

Structure means A WALLED AND ROOFED BUILDING THAT IS PRINCIPALLY ABOVE GROUND, WHERE "WALLED" IS CONSIDERED "TWO OR MORE OUTSIDE RIGID WALLS" AND ROOFED IS "A FULLY SECURED ROOF." THE TERM INCLUDES GAS AND LIQUID STORAGE TANKS AND MANUFACTURED HOMES. THE TERMS "STRUCTURE" AND "BUILDING" ARE USED INTERCHANGEABLY IN THE NFIP REGULATIONS.~~a-walled-and-roofed-building-that-is-principally-above-ground; this includes a gas or liquid storage tank or a manufactured home.~~

Substantially damaged building means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the total cumulative cost of which tracked over a rolling five-year period equals or exceeds 50 percent of the market value of the structure before the *start of construction* of the improvement. This term includes structures which have incurred *substantial*

damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or
2. Any alteration of a *historic structure*; provided, that the alteration will not preclude the structure's continued designation as a *historic structure*.

Variance means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this chapter is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse means any lake, river, creek, stream, wash, arroyo, channel, or other topographic feature on or over which waters flow at least periodically. The term may include specifically designated areas in which flood damage may occur. (Ord. No. G-2027, § 2; Ord. No. G-3092, § 2; Ord. No. G-5707, 2012; Ord. No. G-6611, 2019; Ord. No. G-7116, § 2, 2023)

Cross reference—Definitions and rules of construction generally, § [1-2](#).

Note—Formerly, § 32B-2

Article III.

General Provisions

Sec. 32B-6. Lands to which this chapter applies.

This chapter applies to all special flood hazard areas within the corporate limits of the City of Phoenix. (Ord. No. G-5707, 2012; Ord. No. G-6611, 2019; Ord. No. G-7116, § 2, 2023)

Sec. 32B-7. Basis for establishing special flood hazard areas.

The special flood hazard areas identified by FEMA in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Maricopa County, Arizona and Incorporated Areas" dated September 30, 2005, with accompanying FIRMs dated September 30, 2005, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the Floodplain Administrator. The Floodplain Administrator, within its area of jurisdiction, will delineate (or may, by rule, require developers of land to delineate) for areas where development is ongoing or imminent, and thereafter as development becomes imminent, floodplains consistent with the criteria developed by FEMA and the Director of the Arizona Department of Water Resources. The FIS and FIRM panels are on file at City of Phoenix City Hall, 200 W. Washington Street, Phoenix, AZ 85003. (Ord. No. G-5707, 2012; Ord. No. G-6611, 2019; Ord. No. G-7116, § 2, 2023)

Sec. 32B-8. Compliance.

All development of land, construction of residential, commercial or industrial structures, or future development within delineated floodplain areas is subject to the terms of this chapter and other applicable regulations. (Ord. No. G-5707, 2012)

Sec. 32B-9. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. No. G-5707, 2012)

Sec. 32B-9A. Interpretation.

In the interpretation of this chapter, all provisions will be:

- A. Considered as minimum requirements;
- B. Construed to achieve the purposes of this chapter; and
- C. Deemed neither to limit nor repeal any other powers granted under State statutes. (Ord. No. G-6611, 2019)

Sec. 32B-10. Disclaimer of liability.

The degree of flood protection required by this chapter 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 manmade or natural causes. This chapter does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Phoenix, any officer or employee thereof, the State of Arizona or FEMA, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. No. G-5707, 2012; Ord. No. G-7116, § 2, 2023)

Sec. 32B-11. Statutory exceptions.

- A. In accordance with Section [48-3609\(I\)](#), Arizona Revised Statutes, unless expressly provided, this and any regulation adopted pursuant to this article does not affect:

1. Existing legal uses of property or the right to continuation of such legal use. However, if a nonconforming use of land or a building or structure is discontinued for 12 months, or destroyed to the extent of 50 percent of its value as determined by a competent appraiser, any further use must comply with this article and regulations of the City of Phoenix;
2. Reasonable repair or alteration of property for the purposes for which the property was legally used on August 3, 1984, or any regulation affecting such property takes effect, except that any alteration, addition or repair to a nonconforming building or structure which would result in increasing its flood damage potential by 50 percent or more must be either floodproofed or elevated to or above the regulatory flood elevation;
3. Reasonable repair of structures constructed with the written authorization required by Section [48-3613](#), Arizona Revised Statutes; and
4. Facilities constructed or installed pursuant to a certificate of environmental compatibility issued pursuant to Title 40, Chapter 2, Article 6.2, Arizona Revised Statutes.

B. Before the following types of construction authorized by Section [48-3613\(B\)](#), Arizona Revised Statutes begins, the property owner or their agent must submit plans for the construction to the Floodplain Administrator for review and comment pursuant to Section [48-3613\(C\)](#), Arizona Revised Statutes:

1. The construction of bridges, culverts, dikes and other structures necessary to the construction of public highways, roads and streets intersecting or crossing a watercourse;
2. The construction of storage dams for watering livestock or wildlife, structures on banks of a watercourse to prevent erosion of or damage to adjoining land if the structure will not divert, retard or obstruct the natural channel of the watercourse or dams for the conservation of floodwaters as permitted by Title [45](#), Chapter 6, Arizona Revised Statutes;
3. Construction of tailing dams and waste disposal areas for use in connection with mining and metallurgical operations. This subsection does not exempt those sand and gravel operations that will divert, retard or obstruct the flow of waters in any watercourse from complying with and acquiring authorization from the Floodplain Board pursuant to regulations adopted by the Floodplain Board under this article;
4. Other construction upon determination by the Floodplain Board that written authorization is unnecessary;

5. Any flood control district, county, city, town or other body from exercising powers granted to it under Title [48](#), Chapter 21, Article 1, Arizona Revised Statutes;
6. The construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or city; and
7. The construction and erection of poles, towers, foundations, support structures, guy wires and other facilities related to power transmission as constructed by any utility whether a public service corporation or a city.

C. In accordance with Section [48-3613\(D\)](#), Arizona Revised Statutes, in addition to other penalties or remedies otherwise provided by law, this state, a city or a person who may be damaged or has been damaged as a result of the unauthorized diversion, retardation or obstruction of a watercourse has the right to commence, maintain and prosecute any appropriate action or pursue any remedy to enjoin, abate or otherwise prevent any person from violating or continuing to violate this section or regulations adopted pursuant to Title [48](#), Chapter 21, Article 1, Arizona Revised Statutes. If a person is found to be in violation of this section, the court shall require the violator to either comply with this section, if authorized by the Floodplain Board, or remove the obstruction and restore the watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured parties resulting from violation including reasonable costs and attorney fees. (Ord. No. G-5707, 2012; Ord. No. G-6611, 2019; Ord. No. G-7116, § 2, 2023)

Sec. 32B-12. Violations.

A. It is unlawful for a person to engage in any development or to divert, retard or obstruct the flow of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by Section [48-3613](#), Arizona Revised Statutes. Where the watercourse is a delineated floodplain, it is unlawful to engage in any development affecting the flow of waters without securing written authorization required by Section [48-3613](#), Arizona Revised Statutes.

B. Any person found guilty of violating any provision of this chapter shall be guilty of a Class 1 misdemeanor. Each day that a violation continues shall be a separate offense.

C. A person who without written authorization damages or interferes with a facility that is owned, operated, or otherwise under the jurisdiction of the community is liable for both of the following:

1. Any actual damages to persons or property that is caused by the damage or interference.
2. Payment of costs to the community for remediating the damage or interference. (Ord. No. G-5707, 2012; Ord. No. G-6611, 2019; Ord. No. G-7116, § 2, 2023)

Sec. 32B-13. Declaration of public nuisance.

All development located or maintained within any special flood hazard area after August 8, 1973, in violation of this chapter, is a public nuisance and may be abated, prevented or restrained by action of the City. (Ord. No. G-5707, 2012; Ord. No. G-7116, § 2, 2023)

Sec. 32B-14. ~~Abatement of violations~~NOTICE OF VIOLATIONS.

IF THE CHIEF ENGINEER FINDS THAT A PERSON HAS ENGAGED OR IS ENGAGING IN DEVELOPMENT IN THE FLOODPLAIN WITHOUT A FLOODPLAIN USE PERMIT, HAS ENGAGED OR IS ENGAGING IN ANY DEVELOPMENT THAT IS NOT IN COMPLIANCE WITH AN ACTIVE FLOODPLAIN USE PERMIT OR HAS DAMAGED OR INTERFERED WITH FACILITIES THAT ARE AUTHORIZED PURSUANT TO A.R.S. TITLE 48, CHAPTER 21 WITHOUT WRITTEN AUTHORIZATION OF THE FLOODPLAIN BOARD, THE CHIEF ENGINEER SHALL ISSUE A NOTICE OF VIOLATION TO THE OWNER, OCCUPANT OR MANAGER OF THE REAL PROPERTY ON WHICH THE DEVELOPMENT IS LOCATED OR TO THE PERSON WHO HAS DAMAGED OR INTERFERED WITH THE FACILITIES. THE NOTICE OF VIOLATION SHALL IDENTIFY THE VIOLATIONS OBSERVED AND ORDER THE VIOLATOR TO CEASE AND DESIST ANY ONGOING ACTIVITY THAT IS NOT IN COMPLIANCE WITH THE REGULATIONS ADOPTED PURSUANT TO [A.R.S. TITLE 48, CHAPTER 21](#) OR THIS CHAPTER OR CEASE AND DESIST ANY DAMAGE OR INTERFERENCE THAT IS NOT AUTHORIZED BY THE BOARD. THE NOTICE OF VIOLATION SHALL INCLUDE THE DATE AND TIME BY WHICH THE PERSON MUST MAIL OR DELIVER A RESPONSE TO THE NOTICE OF VIOLATION.

~~Within 30 days of discovery of a violation of this chapter, the Floodplain Administrator shall submit a report to the Floodplain Board which shall include all information available to the Floodplain Administrator which is pertinent to said violation. Within 30 days of receipt of this report, the Floodplain Board shall either:~~

~~A. Take any necessary action to effect the abatement of such violation; or~~

~~B. Issue a variance to this chapter in accordance with the provisions of Article VI herein; or~~

~~C. Order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such information must be provided to the Floodplain Administrator within 30 days of such order and the Floodplain Administrator shall submit an amended report to the Floodplain Board within 20 days. At the next regularly scheduled public meeting, the Floodplain Board shall either order the abatement of said violation or they shall grant a variance in accordance with the provisions of Article VI herein; or~~

~~D. Submit to the Federal Emergency Management Agency a declaration for denial of insurance, stating that the property is in violation of a cited State or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended. (Ord. No. G-5707, 2012)~~

Sec. 32B-15. Reserved.

(Ord. No. G-5707, 2012; Ord. No. G-7116, § 2, 2023)

Sec. 32B-16. Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. No. G-5707, 2012)

Article IV. Administration

Sec. 32B-17. Designation of the Floodplain Administrator.

The City Engineer, or City Engineer appointed designee, is hereby appointed to administer, implement and enforce this chapter by granting or denying development permits in accordance with its provisions. (Ord. No. G-5707, 2012; Ord. No. G-6611, 2019; Ord. No. G-7116, § 2, 2023)

Sec. 32B-18. Duties and responsibilities of the Floodplain Administrator.

A. *Permit review.* Review all development permits to determine that:

1. The permit requirements of this chapter have been satisfied;
2. All other required State and Federal permits have been obtained;
3. The site is reasonably safe from flooding;
4. In areas where a floodway has not been designated, that proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined. For purposes of this chapter, *adversely affect* means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point.

B. *Substantial improvement and substantial damage procedures.*

1. Using FEMA Publication P-758, "Substantial Improvement/Substantial Damage Desk Reference (2010)," ~~develop detailed procedures for identifying and administering~~ requirements for substantial improvement and substantial damage, to include defining "market value." ~~which means For Substantial Improvement and Substantial Damage procedures, "market value" refers to~~ THE HIGHEST STRUCTURE VALUE DETERMINED BY A

LICENSED APPRAISAL PROFESSIONAL, MARICOPA COUNTY ASSESSOR'S OFFICE, OR AS DETERMINED BY CITY OF PHOENIX DESIGNEE.

2. Ensure procedures are coordinated with other departments and divisions and implemented by community staff.

C. *Use of other base flood data.* When base flood elevation data has not been provided in accordance with Section [32B-7](#), the Floodplain Administrator will obtain, review and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer Article [V](#) of this chapter. Any such information must be consistent with the requirements of FEMA and the Director of the Arizona Department of Water Resources and may be submitted to the Floodplain Board for adoption.

D. Obtain and maintain for public inspection:

1. Certification required in Sections [32B-20\(C\)\(1\)](#) and [32B-24](#) (lowest flow elevations, bottom of the structural frame and utilities);
2. Certification required in Section [32B-20\(C\)\(2\)](#) (lowest floor elevations or floodproofing of nonresidential structures and utilities);
3. Certification required in Section [32B-20\(C\)\(3\)](#) (flood vents);
4. Certification required in Section [32B-23\(A\)\(2\)](#) (subdivisions and other proposed development standards);
5. Certification required in Section [32B-26\(A\)](#) (floodway encroachments);
6. Records of all variance actions, including justification for their issuance; and
7. Obtain and maintain improvement and damage calculations, required for subsection [B](#) of this section, over a rolling five-year period.

E. *Notification of other entities.*

1. Whenever a watercourse is to be altered or relocated:
 - a. Notify adjacent communities and the Arizona Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to FEMA through appropriate notification means; and

- b. Ensure that the flood carrying capacity of the altered or relocated portion of said watercourse be maintained.

2. *Base flood elevation and rate of flow due to physical alterations.*

a. Base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator will notify FEMA of the changes by submitting technical or scientific data in accordance with [44 CFR Section 65.3](#). Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

b. Within 120 days after completion of construction of any flood control protective works which changes the rate of flow during the flood or the configuration of the floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project must provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineation must be done according to the criteria adopted by the Director of the Arizona Department of Water Resources.

3. *Corporate boundary changes.* Notify FEMA of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

F. *Map determinations.* Make interpretations, where needed, as to the exact location of the boundaries of the special flood hazard areas (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary will be given a reasonable opportunity to appeal the interpretation as provided in Article [VI](#) of this chapter.

G. *Remedial actions.* Take actions on violations of this chapter as required in Section [32B-14](#).

H. *Policies and procedures.* Develop and adopt policies and procedures necessary to implement this chapter. (Ord. No. G-5707, 2012; Ord. No. G-6611, 2019; Ord. No. G-7116, § 2, 2023; Ord. No. G-7218, § 1, 2024)

Sec. 32B-19. Establishment of development permit.

A development permit must be obtained before construction or development begins, including placement of manufactured homes, within any special flood hazard area established in Section [32B-7](#). Application for a development permit must be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

- A. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures. In Zone AO, elevation of existing highest adjacent natural grade and proposed elevation of lowest floor of all structures;
- B. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section [32B-20\(C\)\(2\)](#);
- D. Base flood elevation data for subdivision proposals or other development greater than 50 lots or five acres, whichever is the lesser; and
- E. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. No. G-5707, 2012; Ord. No. G-6611, 2019; Ord. No. G-7116, § 2, 2023)

Article V.**Provisions for Flood Hazard Reduction****Sec. 32B-20. Standards of construction.**

In all special flood hazard areas the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements must be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
2. All manufactured homes must meet the anchoring standards of Section [32B-24\(A\)\(2\)](#).

B. Construction materials and methods.

1. All new construction and substantial improvements must be constructed with materials and utility equipment resistant to flood damage;
2. All new construction and substantial improvements must be constructed using methods and practices that minimize flood damage;
3. All new construction and substantial improvement and other proposed new development with mechanical and utility equipment utilized by the structure must be constructed to or above the regulatory flood elevation;
4. Within Zone AH or AO, adequate drainage paths must be constructed around structures on slopes to guide floodwaters around and away from proposed structures.

C. Elevation and floodproofing.

1. *Residential construction.* Residential construction, new or substantial improvement, must have the lowest floor, including basement, elevated to or above the regulatory flood elevation:
 - a. In Zone AO, the base flood elevation is determined from the FIRM panel. If unspecified, the required elevation is a minimum two feet above the highest adjacent grade.
 - b. In Zone A, where a BFE has not been determined, the base flood elevation is determined locally as set out in Section [32B-18\(C\)](#).
 - c. In Zones AE and AH, the base flood elevation is determined from the FIS and/or FIRM.

- d. A garage attached to a residential structure, constructed with the garage floor slab below the regulatory flood elevation, must be designed to allow for the automatic entry and exit of floodwaters and must be used solely for parking, access and/or storage. See subsection [\(C\)\(3\)](#) of this section.

Upon completion of the structure, the elevation of the lowest floor including basement must be certified by a registered professional engineer or surveyor, and verified by the community's building inspector to be properly elevated. Such certification and verification must be provided to the Floodplain Administrator.

2. *Nonresidential construction.* Nonresidential construction, new or substantial improvement, must either be elevated to conform with subsection [\(C\)\(1\)](#) of this section or together with attendant utility and sanitary facilities:

- a. Be floodproofed below the elevation recommended under subsection [\(C\)\(1\)](#) of this section so that the structure is watertight with walls substantially impermeable to the passage of water; and
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Upon completion of the structure, certification by a registered professional engineer or surveyor that the elevation requirements of the lowest floor, including basement, of this section have been satisfied shall be provided to the Floodplain Administrator; or certification by a registered professional engineer or architect that the floodproofing standards of this section are satisfied shall be provided to the Floodplain Administrator for verification.

3. *Flood openings.* All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet or exceed the following criteria:

- a. For nonengineered openings:

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- (1) Have a minimum of two openings, on different sides of each enclosed area, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - (2) The bottom of all openings must be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwater; or
 - b. For engineered openings (or covers and devices):
 - (1) Are specifically designed and certified by a registered engineer or architect as meeting the required performance and design requirements.
 - (2) Have an evaluation report issued by the International Code Council Evaluation Service (ICC-ES), Inc., a subsidiary of the International Code Council, Inc.
 - 4. *Manufactured homes.* Manufactured homes must meet the standards in Section [32B-24](#).
 - 5. *Accessory structures.*
 - a. An "accessory structure" used solely for parking or storage, as defined in Article [II](#) of this chapter, may be constructed such that its floor is below the regulatory flood elevation, provided the structure is designed and constructed in accordance with the following requirements:
 - (1) Use of the accessory structure must be limited to parking or storage;
 - (2) The portions of the accessory structure located below the regulatory flood elevation must be built using flood-resistant materials;
 - (3) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 - (4) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the regulatory flood elevation;
 - (5) The accessory structure must comply with floodway encroachment provisions in Section [32B-26](#); and

- (6) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with subsection [\(C\)\(3\)](#) of this section.

Accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in this section.

Upon completion of an accessory structure, certification by a registered professional engineer, surveyor or local official that the requirements of this section have been satisfied must be provided to the Floodplain Administrator for verification.

6. *Machinery and service equipment.* All new construction, substantial improvement and other proposed new development must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (Ord. No. G-5707, 2012; Ord. No. G-6611, 2019; Ord. No. G-7116, § 2, 2023; Ord. No. G-7218, § 2, 2024)

Sec. 32B-21. Standards for storage of materials and equipment.

- A. The storage or processing of materials that could be injurious to human, animal or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
- B. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning. (Ord. No. G-5707, 2012; Ord. No. G-7116, § 2, 2023)

Sec. 32B-22. Standards for water supply and waste disposal systems.

- A. All new or replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
- B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. Waste disposal systems shall not be installed wholly or partially in a regulatory floodway.
(Ord. No. G-5707, 2012; Ord. No. G-7116, § 2, 2023)

Sec. 32B-23. Additional development standards, including subdivisions.

A. All new subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions), greater than 50 lots or five acres, whichever is the lesser, shall:

1. Identify the area of the special flood hazard area and the base flood elevation.
2. Identify on the final plans the elevation(s) of the proposed structure(s) and pads. If the site is filled above the base flood elevation, the final lowest floor and grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

D. All subdivision proposals and other proposed development shall provide adequate drainage to reduce exposure to flood hazards. (Ord. No. G-5707, 2012; Ord. No. G-7116, § 2, 2023)

Sec. 32B-24. Standards for manufactured homes.

A. All manufactured homes that are placed on site or substantially improved must:

1. Be elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at or above the regulatory flood elevation; and
2. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited

to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

B. Upon completion of installation of the manufactured home, certification by a registered professional engineer or surveyor that the elevation requirements of this section have been satisfied must be provided to the Floodplain Administrator for verification. (Ord. No. G-5707, 2012; Ord. No. G-6611, 2019; Ord. No. G-7116, § 2, 2023)

Sec. 32B-25. Standards for recreational vehicles.

All recreational vehicles placed on a site in a special flood hazard area shall:

- A. Be on site for fewer than 180 consecutive days; or
- B. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- C. Meet the permit requirements of Article [IV](#) of this chapter and the elevation and anchoring requirements for manufactured homes in Section [32B-24](#). (Ord. No. G-5707, 2012; Ord. No. G-7116, § 2, 2023)

Sec. 32B-26. Floodways.

Located within special flood hazard areas established in Section [32B-7](#) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements and other development, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If this section is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Article V. (Ord. No. G-5707, 2012; Ord. No. G-7116, § 2, 2023)

Article VI.

Variance Procedure

Sec. 32B-27. Nature of variances.

A. The variance criteria set forth in this article are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owners.

Hardship means a situation that would result from a failure to grant the requested variance under this article. The variance must be exceptional, unusual, and peculiar to the property involved. Economic or financial reasons, inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors are not hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

B. It is the duty of the City of Phoenix to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the regulatory flood elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen

out those situations in which alternatives other than a variance are more appropriate. (Ord. No. G-5707, 2012; Ord. No. G-7116, § 2, 2023)

Sec. 32B-28. Board of Review.

A. The Floodplain Board of the City of Phoenix shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The Floodplain Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

C. In considering such applications, the Floodplain Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for that area;
9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water system and streets and bridges.

D. Upon consideration of the factors of this section and the purposes of this chapter, the Floodplain Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

E. Any applicant to whom a variance is granted will be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
2. Such construction below the regulatory flood level increases risks to life and property.

F. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance. (Ord. No. G-5707, 2012; Ord. No. G-6611, 2019; Ord. No. G-7116, § 2, 2023)

Sec. 32B-29. Conditions for variances.

A. Variances shall only be issued:

1. Upon determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
2. For the repair, rehabilitation, or restoration of structures listed in the National Register of Historic Places or the Arizona Register of Historic Places, upon a determination that the proposed repair or rehabilitation will not preclude the structures' continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
3. Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

4. Upon a showing of good and sufficient cause;
5. Upon a determination that failure to grant the variance would result in hardship to the applicant;
6. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in this chapter under "functionally dependent use."

B. Variances shall not be issued within any floodway if any increase in the base flood elevation would result.

C. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the regulatory flood elevation, provided the procedures of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases. (Ord. No. G-5707, 2012; Ord. No. G-6611, 2019; Ord. No. G-7116, § 2, 2023)

The Phoenix City Code is current through Ordinance G-7402, passed July 2, 2025.

Disclaimer: The City Clerk's Office has the official version of the Phoenix City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.phoenix.gov](http://www.phoenix.gov)

[Hosted by General Code.](#)