

## ARTICLE 36

### SEC. 21-36 REGULATIONS FOR THE FLOODWAY FRINGE OR “FF” COMBINING DISTRICT.

**36.1 Purpose:** To provide land use regulations for properties and their improvements situated in the floodplain to ensure protection from hazards and damage which may result from flood waters.

Within the “FF” combining district, no development shall take place except in accordance with the regulations of the base zoning district, with the regulations of this Article, and the regulations of Chapter 25, Floodplain Management. Where the “FF” imposes a greater restriction upon the use of buildings, structures or premises than are required by the base zoning district, the provisions of the “FF” district shall control. All uses shall be reviewed by the Director of the Lake County Flood Control and Water Conservation District for compliance with Chapter 25 prior to any development or issuance of any permit pursuant to this Code. Only those uses permitted in both the base zoning district and the “FF” combining district are permitted uses.

**36.2 Applicability:** This district is intended to be applied to properties which lie within a floodway fringe, as determined by the Federal Insurance Administration’s Flood Insurance Study (FIS) for Lake County, adopted October 17, 1978, as amended and incorporated herein. The district may also be applied to other areas subject to inundation.

**36.3 Uses permitted:**

- (a) Crop and tree farming, livestock grazing, viticulture, apiaries and other agricultural uses of a similar character and not materially different to those uses listed above.
- (b) Agricultural processing facilities and greenhouses and other agricultural uses or a similar character and not materially different to those uses listed above when not exceeding a use area of five thousand (5,000) square feet.
- (c) Fishing clubs; game preserves and private hunting clubs on parcel(s) containing not less than one hundred (100) acres.
- (d) Prospecting, claiming, and preliminary geophysical investigations for natural resources including oil, gas, geothermal, or other mineral resources.
- (e) Public utilities as provided for in Section 66.1(a).
- (f) One (1) single-family dwelling or mobile home which shall be constructed according to the residential construction standards of Section 10.20.
- (g) One (1) foster or small family home, family care home, or small family day care home not to exceed six (6) persons in addition to the resident family.

- (h) Residential, agricultural, commercial or industrial accessory uses and accessory structures.
- (i) Those uses permitted in the base zoning district with a zoning permit in Table A, Article 27.

**36.4 Uses permitted subject to first obtaining a Minor Use Permit in each case:**

- (a) Those uses permitted in the base zoning district when not in compliance with the performance standards set forth in Article 41.
- (b) All uses permitted by Section 5.4 of the “A” Agriculture district.
- (c) Those uses which are minor additions or alterations to existing uses or structures permitted by major use permit in the base zoning district limited to an increase of twenty (20) percent of the use area or gross floor area of the structure(s).
- (d) Those uses permitted in the base zoning district with a minor use permit in Table B, Article 27.

**36.5 Uses permitted subject to first obtaining a Major Use Permit in each case:**

- (a) Those uses permitted and uses permitted with a minor use permit in each case in the base zoning district when not in compliance with the performance standards set forth in Article 41.
- (b) All uses permitted by Section 5.5 of the “A” Agriculture district.
- (c) Any commercial or industrial use permitted in the base commercial or industrial zoning district except as provided for in Section 36.3(h).
- (d) All residential uses except those of Sections 36.3(f) and (i).
- (e) Subdivisions resulting in three (3) or more parcels or lots.
- (f) Those uses permitted in the base zoning district with a major use permit in Table B, Article 27, except for Sections 27.11(c), (af) and (ag).

**36.6 Development standards for Clear Lake shoreline areas:**

- (a) **Purpose:** To provide additional protection to life and property in those areas adjacent to Clear Lake where wave action may result in property damage to structures and buildings; and to reduce flood insurance premiums by decreasing flood and wave action hazards.
- (b) **Applicability:** The regulations of Section 36.6 shall apply to properties zoned “FF” and located at or below an elevation of one thousand three hundred thirty-four (1,334) feet national geodetic vertical datum, on the perimeter of Clear Lake.

- (c) **Floor level:** All habitable floor levels shall have an elevation of three (3) feet above the water surface elevation of the one hundred (100) year flood as determined by the Federal Insurance Administration's Flood Insurance Study (FIS) for Lake County (1,334 n.g.v.d.), adopted October 17, 1978, as amended, except as provided for in Section 36.6(d).
  
- (d) **Floor level reduction:** The Planning Director may, after consultation with the Flood Control Director, reduce the required habitable floor level requirement of Section 36.6 to a minimum elevation of one (1) foot above the water surface elevation of the one hundred (100) year flood as determined on the Federal Insurance Administration's Flood Insurance Study (FIS) for Lake County (1,332 n.g.v.d.) adopted October 17, 1978, as amended if one or more of the following findings can be made: **(Ord. No. 1749, 7/7/1988)**
  - i. The proposed development will be protected from wave action by the construction of: bulkheads, sea walls; or berms, breakwaters or other structures.
  - ii. Existing natural topography shields the site from wave action; or
  - iii. Existing structures, buildings or vegetation shield the site from wave action.