

## **ORDINANCE NO. 646**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING SECTIONS 16.04.070 AND 16.44.050 OF THE ARROYO GRANDE MUNICIPAL CODE REGARDING FLOODPLAIN MANAGEMENT**

**WHEREAS**, the City of Arroyo Grande ("City") participates in the National Flood Insurance Program ("NFIP") pursuant to the National Flood Insurance Act of 1968 (the "Act"); and

**WHEREAS**, the Department of Homeland Security's Federal Emergency Management Agency ("FEMA") has prepared a Flood Insurance Study ("FIS") and has issued a Flood Insurance Rate Map ("FIRM") identifying the Special Flood Hazard Areas ("SFHAs") which are located within the City;

**WHEREAS**, as a condition of continued eligibility in the NFIP, the City is required to have floodplain management regulations which meet or exceed the standards of Code of Federal Regulations, Title 44, Section 60.3(d);

**WHEREAS**, this ordinance amends the City's floodplain management regulations in order to comply with the current NFIP standards.

**NOW, THEREFORE BE IT ORDAINED** by the City Council of the City of Arroyo Grande as follows:

**SECTION 1.** Arroyo Grande Municipal Code Section 16.04.070 is hereby amended to add the following definitions:

"Basement" means, for floodplain management purposes, any area of the building having its floor subgrade – i.e. below ground level – on all sides.

"Development" means, for floodplain management purposes, any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage or equipment or materials.

"Expansion to an existing manufactured home park or subdivision" means, for floodplain management purposes, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Lowest Floor” means, for floodplain management purposes, the lowest floor of the lowest enclosed area, including basement (see floodplain management definition of “basement”). An unfinished or flood resistant enclosure below the lowest floor that is 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 it conforms to applicable non-elevation design requirements, including, but not limited to, flood opening standards, anchoring standards, construction materials and methods standards and standards for utilities as set forth in Section 16.44.050 of this code. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see floodplain management definition of “basement”). This prohibition includes below grade garages and storage areas.

“New manufactured home park or subdivision” means, for floodplain management purposes, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 26, 2007

“Recreational vehicle” means, for floodplain management purposes, a vehicle which is built on a single chassis, four hundred square feet or less when measured at the largest horizontal projection, designed to be self propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

“Special Flood Hazard Area (SFHA)” means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99 or AH.

**SECTION 2.** The following definitions in Arroyo Grande Municipal Code Section 16.04.070 are hereby amended as follows:

“Existing manufactured home park or subdivision” means, for floodplain management purposes, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is was completed before ~~the effective date of the floodplain management regulations adopted by the a community~~ June 26, 2007.

“Manufactured home” means 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 vehicles placed on a site for greater than one hundred eighty (180) consecutive days~~ does not include a “recreational vehicle” as defined under the city’s floodplain management regulations.

“New construction” means, for floodplain management purposes, structures for which the start of construction commence on or after ~~the effective date of floodplain management regulations adopted by the city~~ June 26, 2007, and includes any subsequent improvements to such structures.

**SECTION 3.** Arroyo Grande Municipal Code Section 16.44.050 is hereby amended to add a new subsection H as follows:

H. Findings of Fact.

1. The flood hazard areas of the City of Arroyo Grande are subject to periodic inundation which results 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.

These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses.

**SECTION 4.** Arroyo Grande Municipal Code Section 16.44.050.E.1 is hereby amended in its entirety to read as follows:

1. Establishment of Development Permit. A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in subsection D(2) of this section. Application for a development permit shall be made on forms furnished by the floodplain administrator. The applicant shall provide the following minimum information:
  - a. Plans in duplicate, drawn to scale, showing :
    - i. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
    - ii. Proposed locations of water supply, sanitary sewer and other utilities;
    - iii. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;

- iv. Location of the regulatory floodway when applicable;
  - v. Base flood elevation information as specified in subsections D(2) or E(3)(b) of this section;
  - vi. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
  - vii. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in subsection F(2)(c)(ii) of this section and detailed in FEMA Technical Bulletin TB 3-93.
- b. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in subsection F(2)(c)(ii) of this section.
  - c. For a crawl-space foundation, location and total net area of foundation openings as required in subsection F(2)(c)(iii) of this section and detailed in FEMA Technical Bulletins 1-93 and 7-93.
  - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
  - e. All appropriate certifications listed in subsection E(3)(d) of this section.

**SECTION 5.** If any section, subsection, subdivision, paragraph, sentence, or clause of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, or clause thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, or clause be declared unconstitutional.

**SECTION 6.** A summary of this Ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five (5) days prior to the City Council meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the City Clerk. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those City Council Members voting for and against the Ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted Ordinance.

**SECTION 7.** This Ordinance shall take effect thirty (30) days after its adoption.

On motion of Council Member Costello, seconded by Council Member Brown, and on the following roll call vote to wit:

**AYES:** Council Members Costello, Brown, Guthrie, Ray, and Mayor Ferrara  
**NOES:** None  
**ABSENT:** None

The foregoing Ordinance was adopted this 25<sup>th</sup> day of September 2012.

**/S/TONY FERRARA, MAYOR**

**ATTEST:**

**/S/KELLY WETMORE, CITY CLERK**