

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2012-19

3
4
5 AN ORDINANCE

6 AMENDING SUBSECTIONS 14-3.10(B) SFCC 1987 AND 14-3.10(C) SFCC 1987 RELATING
7 TO DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS; AMENDING SECTION 14-
8 8.3 RELATING TO FLOOD REGULATIONS; AMENDING ARTICLE 14-12 SFCC 1987 TO
9 REPEAL THE DEFINITION OF "FLOODPLAIN" AMEND VARIOUS DEFINITIONS AND
10 ESTABLISH DEFINITIONS FOR "FLOOD INSURANCE RATE MAP" AND "WAIVER";
11 AND MAKING ANY OTHER CHANGES AS ARE NECESSARY.

12
13 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

14 Section 1. Subsection 14-3.10(B) SFCC 1987 (being Ord. #2011-37, §3) is amended
15 to read:

16 B. Administration by Floodplain Administrator

17 (1) The *floodplain administrator* shall administer and enforce this section and
18 other appropriate sections of 44 CFR Part 59 *et. seq.* (National Flood Insurance Program Regulations)
19 pertaining to floodplain management.

20 (2) Duties and responsibilities of the *floodplain administrator* shall include the
21 following:

22 (a) Maintain and hold open for public inspection all records pertaining
23 to the provisions of this section and Section 14-8.3;

24 (b) Review *permit applications* to determine whether proposed
25 *development* will be reasonably safe from *flooding* and that public utilities and facilities are

1 constructed so as to minimize flood damage;

2 (c) Review and approve or deny all *applications* for *development*
3 *permits* required by this section and Section 14-8.3;

4 (d) Review *applications* for proposed *development* to assure that all
5 necessary *permits* have been obtained from those federal, *state* or local governmental agencies,
6 including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C.
7 1334, from which prior approval is required;

8 (e) Where interpretation is needed as to the exact location of the
9 boundaries of the *flood hazard area*, for example, where there appears to be a conflict between a
10 mapped boundary and actual field conditions, the *floodplain administrator* shall make the necessary
11 interpretation;

12 (f) In riverine situations, notify adjacent communities and the New
13 Mexico office of the state engineer prior to any *alteration* or relocation of a watercourse, and submit
14 evidence of such notification to the federal emergency management agency (FEMA);

15 (g) Assure that the *flood* carrying capacity within the altered or relocated
16 portion of any watercourse is maintained;

17 (h) When *base flood elevation* data has not been provided in accordance
18 with Subsection 14-8.3(C) Engineering Criteria, the *floodplain administrator* shall obtain, review and
19 reasonably use any *base flood elevation* data and *floodway* data available from federal, *state* or other
20 sources in order to administer the provisions of Subsection 14-8.3(C) (General Provisions for
21 Development in Special Flood Hazard Areas);

22 (i) When a regulatory *floodway* has not been designated, the *floodplain*
23 *administrator* shall require that no *new* construction, substantial improvements or other development,
24 including fill, be permitted within Zones A and AE on the *City's flood insurance rate map* (FIRM),
25 unless it is demonstrated that the cumulative effect of the proposed *development*, when combined

1 with all other existing and anticipated *development*, will not increase the *base flood elevation* of the
2 *base flood* more than one foot at any point within the *City*;

3 (j) Establish a floodplain management program to meet the prerequisites
4 for the sale of flood insurance as set forth in 44 CFR part 59.22;

5 (k) Where *base flood elevation* data are utilized, obtain and maintain
6 records of the *lowest floor* and *flood proofing* elevations for new and substantially improved
7 construction;

8 (l) Maintain a record of all appeals; and

9 (m) Report all *waivers* to FEMA upon request.

10 **Section 2. Subsection 14-3.10(C) SFCC 1987 (being Ord. #2011-37, §3) is amended**
11 **to read:**

12 **C. Enforcement**

13 (1) An *application* for a *permit*, license or certificate pertaining to the use of land
14 or *building* in any *special flood hazard area* shall be approved by the *floodplain administrator*.

15 (2) The *floodplain administrator* may make reasonable entry upon any lands and
16 waters within the *City's* jurisdiction for the purpose of making any investigation, survey, removal or
17 repair contemplated by this section or Section 14-8.3. An investigation of any obstruction shall be
18 made by the *floodplain administrator* either on the *floodplain administrator's* own initiative or by the
19 written request of any member of the public.

20 (3) Whenever it is necessary to make an inspection to enforce any of the
21 provisions of this section or Section 14-8.3, the *floodplain administrator* may enter such *buildings* or
22 *premises* at a reasonable time to inspect the same or to perform any duty imposed upon the *floodplain*
23 *administrator* by this section; provided that if such *building* or *premises* is occupied, the *floodplain*
24 *administrator* shall first present proper identification and demand entry, and if such *building* or
25 *premises* be unoccupied, the *floodplain administrator* shall first make a reasonable effort to locate the

1 owner or other person having charge or control of the *building* or *premises* and demand entry.

2 (4) The *floodplain administrator* and his or her designee shall carry
3 identification indicating the *floodplain administrator's* authority and shall present such identification
4 to the magistrate court or district court for the purpose of this section and to other persons when
5 requested to do so during the performance of the *floodplain administrator's* duty.

6 (5) The powers and duties of the *floodplain administrator* relative to
7 obstructions in a *special flood hazard area* shall include the following:

8 (a) Removal of the obstruction to a *floodway* that has been created by
9 fallen trees, silt, debris and like matter; and

10 (b) Removal or repair of an obstruction when, after investigation, an
11 order has been issued to the property *owner* for its removal or repair and the order is not complied
12 with within a reasonable time as may be prescribed by the *City* or the *owner* cannot be found or
13 determined; provided that if the *City* causes the obstruction to be removed or repaired, the reasonable
14 cost of the removal or repairs shall constitute a lien against the *lot* from which the obstruction was
15 removed or on which it was repaired. The lien shall be foreclosed in the manner provided in Sections
16 3-36-1 through 3-36-7 NMSA 1978.

17 **Section 3. Section 14-8.3 SFCC 1987 (being Ord. #2011-37, §10) is amended to**
18 **read:**

19 **14-8.3 FLOOD REGULATIONS**

20 **A. Adoption of Special Flood Hazard Areas**

21 (1) The *City* adopts the *special flood hazard areas* identified by FEMA in the
22 current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Santa Fe
23 County, New Mexico and Incorporated Areas", with accompanying *FIRM*, effective June 17, 2008.

24 (2) The *City* may adopt and establish other *flood hazard zones* or elevations as
25 identified in:

- 1 (a) Subsequent *drainage* studies prepared for and accepted by the *City*;
2 (b) Subsequent letters of map amendment and letters of map revision, as
3 prepared for and accepted by FEMA; and
4 (c) Other known *flood hazard zones* identified by the *floodplain*
5 *administrator* and adopted by the *governing body*.

6 **B. Applicability; Permit Required**

7 (1) The requirements of this Section 14-8.3 are in addition to and not in lieu of
8 other provisions of Chapter 14.

9 (2) New *development*, including *substantial improvements* to existing *structures*
10 shall comply with the standards of this Section 14-8.3. However, this Section 14-8.3 does not apply to
11 an *application* meeting either of the following criteria:

12 (a) The project is limited to work that does not change the footprint, size
13 or enclosed area of an existing *structure*, such as re-roofing, re-stuccoing or interior remodeling; or

14 (b) The project will not result in an increased *flood risk* to *persons* or
15 *structures* or their contents as determined by the *floodplain administrator*, who may require
16 certification by a *professional engineer*.

17 (3) Regardless of applicability of this Section 14-8.3, all *development* in a
18 *special flood hazard area*, including *excavation* and *fill* operations, requires approval of the
19 *floodplain administrator* and a *permit*.

20 **C. General Provisions for Development in Special Flood Hazard Areas**

21 (1) All newly created *lots* shall contain a *buildable area* that is entirely outside
22 of any *special flood hazard area*.

23 (2) If an existing *lot* contains land both within and outside of the *special flood*
24 *hazard area*, any *new construction*, including roads and driveways, shall only be outside of the
25 *special flood hazard area*, except as allowed by Sections 14-8.3(E), (F) and (G).

1 (3) If an existing *lot* contains no land outside the *special flood hazard area*, any
2 *new* construction shall only occur in the *flood fringe* and only pursuant to Sections 14-8.3(E), (F) and
3 (G).

4 (4) On an *application* for subdivision *plat* or *development* plan approval, where
5 the *tract* or portions of the *tract* are located within a *special flood hazard area*, the applicant shall
6 submit detailed hydrologic data indicating the water surface elevations for a *one percent chance*
7 *event*, to be shown for sections of the *drainage channel* at intervals of no greater than one hundred
8 feet. The *special flood hazard area* shall be further defined as *floodway* and *flood fringe*, if
9 applicable. The *floodplain administrator* may waive the requirement for the submission of detailed
10 hydrologic data based on a site investigation. The *special flood hazard area*, *FIRM* panel number and
11 date shall be accurately depicted by an *architect*, *professional land surveyor* or *professional engineer*
12 on the *development* plan, subdivision *plat*, and construction permit where applicable.

13 (5) For purposes of this Section 14-8.3, the *special flood hazard area* is that
14 shown on the appropriate *FIRM*. *Flood fringe*, *floodway* and *base flood elevation* shall be shown as
15 required by the *floodplain administrator*.

16 (6) New and replacement water supply and sanitary sewage systems located in
17 *special flood hazard areas* shall be designed to minimize or eliminate infiltration.

18 (7) Onsite liquid waste disposal systems located in *special flood hazard areas*
19 shall be designed to avoid impairment or contamination.

20 (8) For *subdivisions* or other *developments* greater than fifty lots or five acres
21 that are located entirely or partially within a *special flood hazard area*, *base flood elevations* are
22 required to be shown on the development plan or subdivision *plat* for all lots that are entirely or
23 partially within the *special flood hazard area*.

24 (9) In A and AE zones, *recreational vehicles* shall be:

25 (a) Elevated and anchored; or

- (b) On the site for fewer than one hundred eighty consecutive days; or
- (c) Fully licensed and highway ready.

D. Engineering Criteria

The analysis, determination and designation of *base flood elevation*, *special flood hazard areas*, *floodway* or *flood fringe* shall adhere to professional hydrologic and hydraulic engineering techniques supplemented with data obtained by field examination and surveys as necessary. Engineering practice manuals of the American Society of Civil Engineers and similar competent manuals of professional hydrologic and hydraulic engineering techniques may be used in accordance with FEMA requirements.

E. Land Use and Development in Floodway

No uses shall be permitted within the *floodway*, except those set out in this Section 14-8.3(E); provided that such uses comply with the provisions of Article 14-6 (Permitted Uses and Use Regulations) and any other applicable federal or state law; and further provided that such uses do not constrict flow or create a rise in the *base flood elevation* during the *one percent chance event*:

- (1) Cultivating and harvesting of crops according to recognized soil conservation practices;
- (2) Pasture, grazing land;
- (3) Wildlife sanctuary, woodland preserve;
- (4) Outlet installations for sewage treatment plants and sealed public water supply wells;
- (5) *Passive recreational uses* such as parks or trails;
- (6) Open area residential uses, such as lawns, gardens and play areas;
- (7) Stormwater management and arroyo or watercourse stabilization facilities, such as check dams and gabions, provided that any such facilities that constrict flow or create a rise in the *base flood elevation* during the *one percent chance event* comply with all applicable FEMA

1 requirements and all provisions of this Section 14-8.3 that are more stringent than the FEMA
2 requirements;

3 (8) *Legal nonconforming uses* occupying *structures* in existence on June 17,
4 2008; provided that such uses may not be intensified and that the *structures* that such uses occupy
5 comply with all applicable FEMA requirements and all provisions of this Section 14-8.3 that are more
6 stringent than the FEMA requirements;

7 (9) Active recreational uses that do not include permanent *structures* and so long
8 as any *temporary structures* or equipment are removed when not in active use; and

9 (10) Railroads, *streets*, driveways, bridges, private and public utility lines that
10 cross the *floodway* with minimal disturbance as determined by the *floodplain administrator*, and
11 structural works for the control and handling of *flood* flows, such as dams, embankments, *flood walls*,
12 velocity control *structures* or storm drainage control and handling works (with the exception of
13 required stormwater detention facilities) provided that any such facilities that constrict flow or create
14 a rise in the *base flood elevation* during the *one percent chance event* comply with all applicable
15 FEMA requirements and all provisions of this Section 14-8.3 that are more stringent than the FEMA
16 requirements.

17 **F. Land Use and Development in Flood Fringe**

18 (1) No uses shall be permitted within the *flood fringe* except those set out in this
19 Section 14-8.3(F); provided that such uses comply with the provisions of Chapter 14, Article 6
20 (Permitted Uses and Use Regulations) and any other applicable federal or state law.

21 (2) All uses permitted in the *floodway* pursuant to Section 14-8.3(E) are also
22 allowed in the *flood fringe*.

23 (3) Storage, processing or disposal of materials that in time of *flooding* are
24 buoyant, flammable, explosive, toxic or could be injurious to human, animal or plant life, are
25 prohibited within the *flood fringe*.

1 (4) No fence, *wall* or similar *structure* shall be erected in or across any arroyo,
2 stream or watercourse unless it is designed to break away and not to cause a flow obstruction.

3 (5) At-grade parking facilities are allowed so long as such facilities cannot be
4 reasonably accommodated outside the *flood fringe*, as determined by the *floodplain administrator*.

5 (6) *Structures* or uses within the *flood fringe* portion of the *special flood hazard*
6 *area* meeting the following requirements are allowed upon review by the *floodplain administrator*
7 and issuance of a *permit*, to the extent that they are not prohibited by any other ordinance, plan or
8 policy:

9 (a) Residential or nonresidential *structures*, to be constructed or
10 *substantially improved* in the *flood fringe*, shall have the elevation of the *lowest floor* at least one foot
11 above the *base flood elevation*. The *floodplain administrator* may authorize *dry flood proofing* for
12 protection of nonresidential *structures* where the elevation of existing *streets* or utilities make
13 compliance with this provision infeasible, or in other special circumstances. The design and
14 construction methods of *dry flood proofing* shall comply with 44 CFR Section 60.3 of the National
15 Flood Insurance Program regulations as certified by a *professional engineer* or *architect* ;

16 (b) *Structures* shall be designed and constructed to withstand *flood*
17 conditions at the proposed construction site;

18 (c) *New construction* and *substantial improvements* with fully enclosed
19 areas below the *lowest floor* that are subject to *flooding* shall be designed to automatically equalize
20 hydrostatic *flood* forces on exterior walls by allowing for the entry and exit of *flood* waters. Designs
21 for meeting this requirement shall either be certified by a *professional engineer* or an *architect* or
22 meet or exceed the following minimum criteria:

23 (i) A minimum of two openings on different walls having a
24 total net area of not less than one square inch for every square foot of enclosed area subject to
25 *flooding* shall be provided;

1 (ii) The bottom of all openings shall be no higher than one foot
2 above finished grade; and

3 (iii) Openings may be equipped with screens, louvers, valves or
4 other coverings or devices provided that they allow the automatic entry and exit of *flood* waters;

5 (d) All *new* construction or *substantial improvements* shall be
6 constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other
7 service facilities that are designed or located so as to prevent water from entering or accumulating
8 within the components during conditions of *flooding*;

9 (e) Sanitary and storm sewer drains shall be equipped with valves
10 capable of being closed, manually or automatically, to prevent backup of sewage and stormwaters
11 into the *building* or *structure*;

12 (f) The *base flood elevation* shall be certified and superimposed on the
13 site plan, and accurately depicted on the elevation drawings for all sides of a *building* by a
14 *professional surveyor, professional engineer* or *architect*. The elevation drawings shall also indicate
15 the lowest floor elevation and location of all windows, doors or other openings. The *floodplain*
16 *administrator* may request additional data for the construction *permit* if deemed necessary;

17 (g) Before issuance of a construction *permit* for the construction of a
18 *structure* in the *flood fringe*, a *professional engineer* shall certify that the *structure* has been designed
19 to conform with the provisions of this Section 14-8.3(F), and that the bottom of all openings in the
20 enclosure are no more than one foot above the *base flood elevation*. The same *professional engineer*
21 shall also certify, upon completion of the *structure*, that construction complies with the submitted
22 plans;

23 (h) A *manufactured home* or *mobile home* shall be elevated on
24 compacted *fill* or pilings. The lowest floor of the *manufactured home* or *mobile home* shall be at least
25 one foot above the *base flood elevation*;

1 (i) *Manufactured homes or mobile homes* shall be anchored to resist
2 flotation, collapse or lateral movement by providing:

3 (i) Over-the-top ties at each of the four corners, with two
4 additional ties per side at intermediate locations, and for *manufactured homes* or *mobile homes* less
5 than fifty feet long, one over the-top tie at each of the four corners is required;

6 (ii) Frame ties at each corner with five additional ties per side at
7 intermediate points and for *manufactured* or *mobile homes* less than fifty feet long, four ties are
8 required per side;

9 (iii) All components of the anchor system shall be capable of
10 carrying a force of four thousand eight hundred pounds; and

11 (iv) Additions to the *manufactured home* or *mobile home* shall be
12 similarly anchored;

13 (j) For existing *manufactured home* or *mobile home* parks located in the
14 *special flood hazard area*, a vehicular circulation plan indicating alternative vehicular access and
15 escape routes during the *one percent chance event* shall be submitted as part of any improvement,
16 construction or *development* project; and

17 (k) No new *manufactured homes, mobile homes* or foundations for either
18 type of *structure* shall be permitted in the *special flood hazard area*.

19 **G. Repair or Replacement of Legal Nonconforming Structures in the Special Flood**
20 **Hazard Area**

21 A *structure* that on June 17, 2008 was *legally nonconforming* because of its location within
22 a *special flood hazard area*, and that is substantially damaged by flood, fire or other casualty may be
23 replaced or repaired within the *special flood hazard area* subject to the following:

24 (1) If there is a site on the *property* outside the *special flood hazard area* that will
25 accommodate a *structure* of the same *gross floor area* as the *legal nonconforming structure*, the

1 *structure* shall not be repaired or replaced within the *special flood hazard area*.

2 (2) If the *legal nonconforming structure* was located within the *flood fringe* and
3 there is no other site on the *property* that will accommodate a *structure* of the same *gross floor area*,
4 the *structure* may be repaired or replaced in the *flood fringe*. The repaired or replacement *structure* must
5 not exceed the *gross floor area* or the footprint of the *legal nonconforming structure* and the footprint
6 must be sized to minimize *flood hazard*.

7 (3) If the *legal nonconforming structure* was located in the *floodway* but there is a
8 site on the *property* outside the *floodway* that will accommodate a *structure* of the same *gross floor*
9 *area* as the *legal nonconforming structure*, the *structure* must not be repaired or replaced within the
10 *floodway*. The footprint of the replacement *structure* must be sized to minimize *flood hazard* and must
11 not exceed the *gross floor area* or the footprint of the *legal nonconforming structure*;

12 (4) If the *legal nonconforming structure* was located within the *floodway*,
13 and there is no other site on the *property* that will accommodate a *structure* of the same *gross floor*
14 *area*, the *structure* may be repaired or replaced in the *floodway*. The repaired or replacement *structure*
15 must not exceed the *gross floor area* or the footprint of the *legal nonconforming structure* and the
16 footprint must be sized to minimize *flood hazard*;

17 (5) A *structure* that is repaired or replaced within the *special flood hazard area*
18 shall comply with all applicable FEMA requirements and all provisions of this Section 14-8.3 that are
19 more stringent than FEMA requirements;

20 (6) A *structure* that is repaired or replaced in accordance with this Section 14-
21 8.3(G) shall not require a *waiver* to be constructed in a *special flood hazard area*; provided that any
22 necessary variance to other requirements of Chapter 14, including *setbacks* and terrain management,
23 is granted; and

24 (7) As a condition of construction *permit* issuance for a replacement *structure*,
25 any remaining portion of the *legal nonconforming structure* in the *special flood hazard area* shall be

1 demolished or removed.

2 **H. Amendment to FIRM**

3 (1) Amendments to the established *base flood elevations* and *special flood*
4 *hazard areas* may be initiated either by the *floodplain administrator* or by any other person through
5 *application* to FEMA. The *application* shall be accompanied by sufficient copies of supporting plans
6 and reports as required by FEMA to meet the minimum requirements of the National Flood Insurance
7 Program (NFIP). If the *application* is not made by the *floodplain administrator*, a copy of the
8 submission to FEMA shall be forwarded to the *floodplain administrator*. Submission of inaccurate
9 information with an *application* is grounds for denial from FEMA. The *floodplain administrator* may
10 provide comments to FEMA on any submission for a map change.

11 (2) In addition to the change described in Section 14-8.3(H) and on the basis of
12 hydrologic data, the *governing body* may establish additional *flood hazard zones* and modify these
13 additional *flood hazard zones* by ordinance. The amendment may be for non-FEMA-approved
14 changes but shall not be less restrictive than FEMA requirements. Where the change affects land
15 owned by persons other than the applicant, all affected *property owners* shall be notified of the
16 change by certified mail, return receipt requested. The signed receipts shall be submitted to the
17 *floodplain administrator*.

18 (3) The *governing body's* decision to add or amend a *special flood hazard area*
19 shall be based on appropriate information, including detailed engineering analysis and
20 recommendations in reports and plans done by or for the *City* or other governing agencies, including
21 those prepared for construction *permits* and subdivisions.

22 (4) If the *governing body* denies a change to the *flood hazard zone*, the reasons
23 for denial shall be stated in a written report.

24 (5) Prior to approval by the *governing body*, the *floodplain administrator* shall
25 notify the state coordinator for the NFIP at the New Mexico homeland security and emergency

1 management department.

2 (6) If major *alterations* to a watercourse are proposed adjacent to the corporate
3 limits of Santa Fe, the *floodplain administrator* shall notify the Santa Fe county manager and Santa
4 Fe county *floodplain administrator* of such proposal.

5 **I. Warning and Disclaimer of Liability**

6 The degree of *flood* protection intended to be provided by this Section 14-8.3 is considered
7 reasonable for regulatory purposes and is based on engineering and scientific methods of study.
8 Larger *floods* may occur on occasions or the *flood* height may be increased by natural or manmade
9 causes. This Section 14-8.3 does not imply that areas outside the *special flood hazard area* or land
10 uses allowed within such area will always be totally free from *flooding* or *flood* damages. This
11 Section 14-8.3 does not create liability on the part of the *governing body* or any official, employee or
12 agent of the *governing body* for any *flood* damages that result from reliance on this Section 14-8.3 or
13 any administrative decision lawfully made pursuant to this Section 14-8.3.

14 **Section 4. Article 14-12 SFCC 1987 (being Ord. #2011-37, §15) is amended to**
15 **repeal the definition of FLOODPLAIN.**

16 **Section 5. Article 14-12 SFCC 1987 (being Ord. #2011-37, §15) is amended to**
17 **amend the following definitions:**

18 **ARCHITECT.** A person who is licensed by the *state* to practice architecture.

19 **BASE FLOOD ELEVATION (BFE).** The elevation shown on the *FIRM* and found in the
20 accompanying Flood Insurance Study (FIS) that indicates the water surface elevation resulting from
21 the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the
22 *base flood*.

23 **DRAINAGE EASEMENT.** The total area of land dedicated or reserved by plat or otherwise
24 acquired by the *City*, the *county* or the *state* primarily for the movement of storm water through a
25 *drainageway* or land susceptible to *flooding* and for the maintenance of drainage *structures*.

1 **FLOOD FRINGE.** The portion of the *special flood hazard area* that is outside of the
2 *floodway*.

3 **FLOOD HAZARD ZONE.** A *special flood hazard area*, inclusive of the *floodway* and the
4 *flood fringe*, where applicable.

5 **FLOODPLAIN INSURANCE STUDY.** The official report provided by the Federal
6 Emergency Management Agency that contains *flood profiles*, *water surface elevation* of the *base*
7 *flood*, as well as the *flood boundary-floodway* map and an examination, evaluation and determination
8 of flood hazards and, if appropriate, corresponding *water surface elevations*, or an examination,
9 evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

10 **LOWEST FLOOR**, as used in Section 14-8.3 (*Flood Regulations*), means the lowest floor
11 of the lowest enclosed area, including a basement. An unfinished or *flood* resistant enclosure usable
12 solely for parking or vehicles, *building* access or storage in an area other than a basement is not
13 considered a building's lowest floor; provided that such enclosure is built in compliance with the
14 applicable non-elevation design requirement of 44 CFR Section 60.3 , the National Flood Insurance
15 Program regulations.

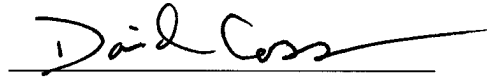
16 **SPECIAL FLOOD HAZARD AREA.** The land in the floodplain within the *City* that has a
17 one percent or greater chance of *flooding* in any given year. After detailed ratemaking has been
18 completed in preparation for publication of the *FIRM*, Zone A usually is refined in Zones A, AE, X or
19 shaded X. For the *City*, the *special flood hazard area* may be further defined as *floodway* and *flood*
20 *fringe*, where applicable.

21 **Section 6. Article 14-12 SFCC 1987 (being Ord. #2011-37, §15) is amended to add**
22 **the following definitions:**

23 **FLOOD INSURANCE RATE MAP.** The official map of a community, on which the
24 Federal Emergency Management Agency has delineated both the *special flood hazard areas* and the
25 risk premium zones applicable to the community.

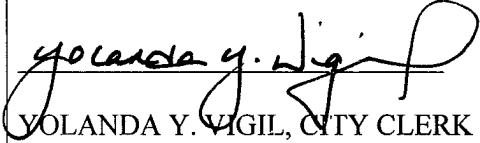
1 **WAIVER.** As used in Section 14-3.10 (Development in Special Flood Hazard Areas) and
2 14-8.3 (Flood Regulations), a *waiver* to flood regulations is equivalent to a variance to National Flood
3 Insurance Program regulations.

4 PASSED, APPROVED and ADOPTED this 9th day of May, 2012.

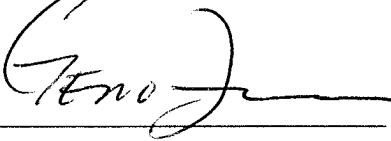
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7 DAVID COSS, MAYOR

8 ATTEST:

9
10 
11 YOLANDA Y. VIGIL, CITY CLERK

12 APPROVED AS TO FORM:

13 

14 _____
15 GENO ZAMORA, CITY ATTORNEY