

ORDINANCE NO. 554 N.S.

AN ORDINANCE AMENDING ORDINANCE NO. 460, CHAPTER 21.14 FLOOD DAMAGE PREVENTION REGULATIONS OF THE CITY OF EL PASO DE ROBLES, STATE OF CALIFORNIA.

The City Council of the City of El Paso de Robles, State of California does ordain as follows:

SECTION 4: Revise Chapter 21.14, Section 21.14.050 to read as follows:

21.14.050 Basis for establishing the areas of special flood hazard. The areas of special flood hazard, and areas of mudslide (i.e., mudflow) hazards identified by the Federal Emergency Management Agency or the Federal Insurance Administration in a scientific and engineering report entitled, "Flood Insurance Study for the City of Paso Robles, California, dated March 16, 1981, with an accompanying Flood Insurance Rate Map is hereby adopted by reference and declared to be a part of this ordinance. This Flood Insurance Study is on file in the Office of the City Engineer, 1030 Spring Street, Paso Robles, California. This Flood Insurance Study is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City Council by the Floodplain Administrator.

SECTION 4: Revise Chapter 21.14, Section 21.14.090 to read as follows:

21.14.090 Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.

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SECTION 4: Delete Chapter 21.14, Section 21.14.100 Interpretation, and include as Chapter 21.14, Section 21.14.100 Abrogation and Greater Restrictions.

21.14.100 Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 4: Revise Chapter 21.14, Section 21.14.110 to read as follows:

21.14.110 Warning and disclaimer of liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards, hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Paso Robles, any officer, or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 4: Revise Chapter 21.14, Section 21.14.140 (d) as follows:

21.14.140 (d) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this ordinance, "adversely affects" 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.

SECTION 4: Insert Chapter 21.14, Section 21.14.150 as follows:

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21.14.150 Severability. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

SECTION 4: Revise Chapter 21.14, Section 21.14.170, Specific Standards, to read as follows:

21.14.170 Standards of construction. In all areas of special flood hazards the following standards are required:

1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b. All manufactured homes shall meet the anchoring standards of Section 21.14.200 (2).

2. Construction Materials and Methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. All new construction and substantial improvements shall 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.

d. Require within Zones AH or AO, adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

3. Elevation and floodproofing.

that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. Either a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided, the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or

2. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration.

e. Manufactured homes shall also meet the standards in Section 21.14.200.

SECTION 4: Delete Chapter 21.14.180, Appeals and variance procedures. and add as Chapter 21.14.180 Standards for utilities as follows:

21.14.180 Standards for utilities.

1. All new and 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.

2. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION 4: Insert Chapter 21.14, Section 21.14.190 Standards for subdivisions

21.14.190 Standards for subdivisions.

1. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

2. All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad shall be certified by a registered

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professional engineer or surveyor and provided to the Floodplain Administrator.

3. All subdivision proposals shall be consistent with the need to minimize flood damage.

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

5. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

SECTION 4: Insert Chapter 21.14, Section 21.14.200, Standards for manufactured homes.

21.14.200 Standards for manufactured homes.

1. Be elevated so that the lowest floor is at or above the base flood elevation; and

2. Be securely anchored to a permanent foundation to resist flotation, collapse, or lateral movement.

3. Shall meet anchoring requirements as established by the State of California and/or its' appointed inspection agency.

SECTION 4: Insert Chapter 21.14, Section 21.14.210 Floodways.

21.14.210 Floodways. Located within areas of special flood hazard established in Section 21.14.050 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other developments 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.

2. If Section 21.14.210 (1) is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Chapter 21.14.

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SECTION 4: Insert Chapter 21.14, Section 21.14.220 Appeal Board.

21.14.220 Appeal Board.

1. The City Council of the City of Paso Robles shall hear and decide appeals and requests for variances from the requirements of this ordinance.

2. The City Council 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 ordinance.

3. In passing upon such applications, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance.

4. Generally, 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 base flood level, providing Section 21.14.220 (3) has been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

5. Upon consideration of the factors of Section 21.14.220 (3) and the purposes of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

6. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

SECTION 4: Insert Chapter 21.14, Section 21.14.230 Conditions for variances.

21.14.230 Conditions for variances.

1. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of Section 21.14.230 are satisfied and that the structure or other development is protected by methods that

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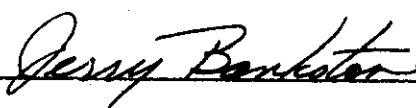
minimize flood damages during the base flood and create no additional threats to public safety.

2. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the Floodplain Board in the office of the San Luis Obispo County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

PASSED AND ADOPTED this 3rd day of May, 1988, by the following vote of the City Council:

AYES: Cousins, Ovitt, Dolan, Martin and Russell
NOES: None
ABSENT: None


MAYOR NICK RUSSELL

ATTEST:

JERRY BANKSTON, CITY CLERK