

1 accommodate a structure of the same gross floor area, a new
2 structure may be constructed on such site in the flood fringe
3 provided that the new structure does not exceed the gross floor
4 area nor the footprint of the legal nonconforming structure and
5 the footprint is sized to minimize flood hazard.

6 (c) If the legal nonconforming structure was located in the floodway
7 but there is a site on the property within the flood fringe that will
8 accommodate a structure of the same gross floor areas as the
9 legal nonconforming structure, any new structure shall be
10 constructed on such site within the flood fringe and not replaced
11 within the floodway. The footprint of the new structure shall be
12 sized to minimize flood hazard and shall in no case exceed the
13 footprint of the legal nonconforming structure.

14 (d) If the legal nonconforming structure was located within the
15 floodway, and there is no other site on the property that will
16 accommodate a structure of the same gross floor area, a new
17 structure may be constructed on such site in the floodway
18 provided that the new structure does not exceed the gross floor
19 area nor the footprint of the legal nonconforming structure and
20 the footprint is sized to minimize flood hazard.

21 (e) Any new structure constructed within the special flood hazard
22 area in accordance with this paragraph (2) shall comply with all
23 applicable FEMA requirements and all provisions of §14-8.3 that
24 are more stringent than the FEMA requirements.

25 (f) A new structure built in accordance with this paragraph (2) shall

1 not require a variance to be constructed in a special flood hazard
2 area; provided that, if the new structure's location requires
3 variances to other requirements of this Chapter, the Board of
4 Adjustment, Planning Commission or other review body, as
5 applicable, grants a variance from such other requirements
6 including, but not limited to, setbacks and terrain management.

- 7 (g) As a condition of building permit issuance for a new structure,
8 any remaining legal nonconforming structure in the flood hazard
9 area shall be demolished or removed.

10 **Section 2. Section 14-8.3(C)(3) SFCC 1987 (being Ord. #2001-38, §2 as**
11 **amended) is amended to read:**

12 (3) No uses shall be permitted within the floodway, except those set out in
13 this paragraph provided that such uses do not constrict the flow or create
14 a rise in the base flood elevation during the one percent chance event, as
15 follows:

- 16 (a) Cultivating and harvesting of crops according to recognized soil
17 conservation practices;
18 (b) Pasture, grazing land and outdoor plant nursery;
19 (c) Wildlife sanctuary, woodland preserve, arboretum;
20 (d) Outlet installations for sewage treatment plants, sealed public
21 water supply wells;
22 (e) Passive recreational uses such as parks, picnic areas or trails;
23 (f) Open area residential uses, such as lawns, gardens and play
24 areas;
25 (g) Stormwater management and arroyo or watercourse stabilization

1 structures, such as check dams and gabions, if these structures
2 are in compliance with all applicable state and federal
3 regulations; and

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

9 **Section 3. Section 14-8.3(C)(4)(e) SFCC 1987 (being Ord. #2001-38, §2 as**
10 **amended) is amended to read:**

11 (e) Except as permitted in paragraph (5) of this section, if an
12 existing lot contains land both within and outside of the special
13 flood hazard area, any new construction, including roads and
14 driveways, shall only occur on the portion outside of the special
15 flood hazard area. If an existing lot contains no land outside of
16 the special flood hazard area, any new construction, including
17 roads and driveways shall only occur in the flood fringe upon
18 approval of a variance from the Planning Commission as set
19 forth in §14-3.9(E) and shall conform to the provisions set forth
20 in paragraph (5), of this section. This paragraph (e) shall not
21 apply to legal nonconforming structures described in paragraph
22 (2) of this section;

23 **Section 4. A new Section 14-10.7 SFCC 1987 is ordained to read:**

24 **14-10.7 [NEW MATERIAL.] LEGAL NONCONFORMING STRUCTURES IN**
25 **SPECIAL FLOOD HAZARD AREAS**

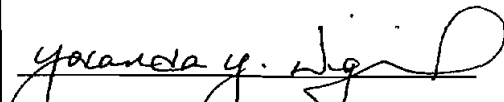
1 Legal nonconforming structures located in special flood hazard areas may be
2 replaced as set forth in §14-8.3(C)(2).

3 PASSED, APPROVED, and ADOPTED this 9th day of December, 2009.

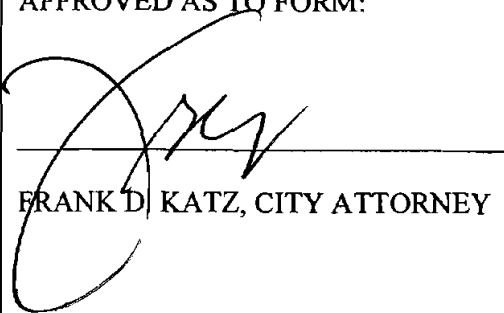
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7 DAVID COSS, MAYOR

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9 ATTEST:

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11 
12 YOLANDA Y VIGIL, CITY CLERK

13
14 APPROVED AS TO FORM:

15 
16 FRANK D. KATZ, CITY ATTORNEY