

CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2008 - 29

AN ORDINANCE

AMENDING SECTION 14-3.9 SFCC 1987 REGARDING DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS, SECTION 14-8.3 SFCC 1987 REGARDING FLOOD REGULATIONS, SECTION 14-11.5(C) SFCC 1987 REGARDING PENALTIES FOR VIOLATIONS OF FLOOD REGULATIONS; AND MAKING SUCH OTHER RELATED CHANGES TO CHAPTER 14 SFCC 1987 AS ARE NECESSARY.

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

Section 1. Table 14-2.1-1: Review and Decision-Making Bodies and Responsibilities (being Ord. No. 2001-38, §2 as amended) is amended to read:

TABLE 14-2.1-1: Review and Decision-Making Bodies and Responsibilities

PROCEDURE	§	GB	PC	BOA	BCD DRC	HDSS	AT	PLUD STAFF
Amendments to the General Plan	14-3.2	R/D	R/REC	-	-	-	-	R/REP
Amendments to the Text of the Code	14-3.3	R/D	R/REC	-	-	R/REC (some)	R/REC (some)	R/REP
Annexations	14.3.4	R/D	R/REC	-	-	-	-	R/REP
Rezoning	14-3.5	R/D	R/REC	-	R (for Redvt. Districts)	R (if referred)	R (if referred)	R/REP

TABLE 14-2.1-1. Review and Decision-Making Bodies and Responsibilities

PROCEDURE	§	GB	PC	BOA	BCD DRC	HDRB	AC	PLUD STAFF
Special Exceptions	14-3.6	A		R/D	-	-	-	-
Subdivisions of Land	14-3.7	A	R/D A (some)	-	-	-	-	R/REP
Development Plans	14-3.8	A	R/D A (some)	-	R/D (some)	-	-	R D (some)
Development in Special Flood Hazard Areas	14-3.9	-	A	[A]	-	-	-	R/D Floodplain Administrator
Building Permits	14-3.10	-	A (some)	A	-	-	-	R/D
Certificates of Occupancy	14-3.11	-	-	-	-	-	-	R/D (IAE Office)
Archaeological Clearance Permits	14-3.13	A	-	-	-	-	R/D	-
Demolition of Historic Structure	14-3.14	A	-	-	-	R/D	R (if referred)	-
Minor Modifications	14-3.15							
Variances	14-3.16	-	R/D (some)	R/D	R/D (some)	-	-	-
NOTES: GB = Governing Body PC = Planning Commission BOA = Board of Adjustment BCD = BCD Design Review Committee HDRB = Historic Design Review Board AC = Archaeological Committee PLUD = Land Use Department Staff				"A" = Appeal "R" = Review "R/D" = Review and Decision "R/REC" = Review and Recommendation "R/REP" = Review and Report				

1 **Section 2. Section 14-2.3(C)(5) SFCC 1987 (being Ord. No. 2001-38, §2 as**
2 **amended) is amended to read:**

3 (5) **Appeals**

4 The Planning Commission is the principal City administrative board
5 reviewing and granting or denying appeals from decisions of:

6 (a) The Summary Committee;

7 (b) City staff regarding the zoning regulations set forth in all areas
8 except the Historical Districts and the Archaeological Review
9 Districts, and the subdivision regulations set forth in Article 14-
10 9, provided that the request is also part of a development plan or
11 subdivision request requiring the Planning Commission's
12 approval;

13 (c) City staff regarding the terrain management regulations (§14-
14 8.2) and the Escarpment Overlay District (§14-5.6); and

15 (d) Floodplain Administrator regarding development in Special
16 Flood Hazard Areas (§14-3.9) and the flood regulations (§14-
17 8.3) when it is alleged there is an error in any requirement,
18 decision, or determination in the enforcement or administration
19 of these sections.

20 **Section 3. Section 14-2.3(C)(6) SFCC 1987 (being Ord. No. 2001-38, §2 as**
21 **amended) is amended to read:**

22 (6) **Variances of Escarpment Regulations and Flood Regulations**

23 (a) The Planning Commission is the principal City administrative
24 board reviewing and granting or denying requests for variances
25 from escarpment regulations set forth in §14-5.6. When deciding

1 variances the Planning Commission shall use the criteria set
2 forth in §14-5.6(K)(1).

3 (b) The Planning Commission is the principal City administrative
4 board reviewing and granting or denying requests for variances
5 from development in Special Flood Hazard Areas set forth in
6 §14-3.9 and flood regulations set forth in §14-8.3. When
7 deciding variances the Planning Commission shall use the
8 criteria set forth in §14-3.9(E).

9 **Section 4. Section 14-3.9 SFCC 1987 (being Ord. No. 2001-38, §2) is amended**

10 to read:

11 **14-3.9 DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS**

12 **(A) Applicability**

13 Any plat governed by Article 14-9 or in some part within the Special Flood
14 Hazard Area shall meet the requirements of this section and §14-8.3 and shall
15 have the approval and signature of the Floodplain Administrator.

16 **(B) Administration by Floodplain Administrator**

17 (1) The Floodplain Administrator shall administer and enforce this section
18 and other appropriate sections of 44 CFR (National Flood Insurance
19 Program Regulations) pertaining to floodplain management. If the
20 Floodplain Administrator finds a violation of the provisions of §§14-3.9
21 and 14-8.3, the Floodplain Administrator shall notify the person
22 responsible for such violation, indicating the nature of the violation and
23 ordering the action necessary to correct it. If the violation is not
24 corrected, legal action shall be taken 30 days after notification of the
25 violation.

1 (2) Duties and responsibilities of the Floodplain Administrator shall include,
2 but not be limited to, the following:

- 3 (a) Maintain and hold open for public inspection all records
4 pertaining to the provisions of §§14-3.9 and 14-8.3;
- 5 (b) Review permit application to determine whether proposed
6 building site will be reasonably safe from flooding;
- 7 (c) Review, approve or deny all applications for development
8 permits required by adoption of §§14-3.9 and 14-8.3;
- 9 (d) Review permits for proposed development to assure that all
10 necessary permits have been obtained from those federal, state or
11 local governmental agencies (including §404 of the federal water
12 pollution control act amendments of 1972, 33 U.S.C. 1334) from
13 which prior approval is required;
- 14 (e) Where interpretation is needed as to the exact location of the
15 boundaries of the flood hazard area (for example, where there
16 appears to be a conflict between a mapped boundary and actual
17 field conditions) the Floodplain Administrator shall make the
18 necessary interpretation;
- 19 (f) Notify, in riverine situations, adjacent communities and the state
20 coordinating agency that is the state engineer, prior to any
21 alteration or relocation of a watercourse, and submit evidence of
22 such notification to the Federal Emergency Management Agency
23 (FEMA);
- 24 (g) Assure that the flood carrying capacity within the altered or
25 relocated portion of any watercourse is maintained;

1 (h) When base flood elevation data has not been provided in
2 accordance with §14-8.3(B), the Floodplain Administrator shall
3 obtain, review and reasonably utilize any base flood elevation
4 data and floodway data available from federal, state or other
5 source, in order to administer the provisions of §14-8.3(C);

6 (i) When a regulatory floodway has not been designated, the
7 Floodplain Administrator shall require that no new construction,
8 substantial improvements, or other development (including fill)
9 shall be permitted within Zones A and AE on the City's Flood
10 Insurance Rate Map (FIRM), unless it is demonstrated that the
11 cumulative effect of the proposed development, when combined
12 with all other existing and anticipated development, will not
13 increase the base flood elevation of the base flood more than one
14 foot at any point within the City;

15 (j) Establish a floodplain management program to meet the
16 prerequisites for the sale of flood insurance as set forth in the
17 National Flood Insurance Program Regulations (44 CFR part
18 59.22); and

19 (k) Maintain a record of all actions involving an appeal and shall
20 report variances to the Federal Emergency Management Agency
21 upon request.

22 (C) **Enforcement**

23 (1) An application for a permit, license, or certificate pertaining to the use of
24 land or building in any Special Flood Hazard Area shall be approved by
25 the Floodplain Administrator.

1 (2) The Floodplain Administrator may make reasonable entry upon any
2 lands and waters within the City's jurisdiction for the purpose of making
3 any investigation, survey, removal or repair contemplated by §§14-3.9
4 and 14-8.3. An investigation of any obstruction shall be made by the
5 Floodplain Administrator either on the Floodplain Administrator's own
6 initiative, or the written request of any titleholder abutting the channel or
7 drainageway involved.

8 (3) Whenever it is necessary to make an inspection to enforce any of the
9 provisions of §§14-3.9 and 14-8.3, the Floodplain Administrator may
10 enter such buildings or premises at a reasonable time to inspect the same
11 or to perform any duty imposed upon the Floodplain Administrator by
12 this section provided that if such building or premises be occupied, the
13 Floodplain Administrator shall first present proper identification and
14 demand entry, and if such building or premises be unoccupied, the
15 Floodplain Administrator shall first make a reasonable effort to locate the
16 owner or other persons having charge or control of the building or
17 premises and demand entry. If entry is refused, the City shall proceed to
18 obtain a search warrant by filing a complaint made before the magistrate
19 court or district court upon oath or affirmation. The complaint shall
20 state:

21 (a) The particular building, premises or portion thereof sought to be
22 inspected;

23 (b) That the owner or occupant of the building, premises or portion
24 thereof, has refused entry;

25 (c) That inspection of the building, premises or portions thereof is

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necessary to determine whether it complies with the requirements of this section;

- (d) The particular provisions of §§14-3.9 and 14-8.3 sought to be enforced;
- (e) Any other reason necessitating the inspection, including knowledge or belief that a particular condition exists in the building, premises or portion thereof which constitutes a violation of §§14-3.9 and 14-8.3; and
- (f) That the complainant is authorized by the City to make the inspection.

(4) Each Floodplain Administrator shall carry identification indicating the Floodplain Administrator's authority and shall present such identification to the magistrate court or district court for the purpose of this section and to other persons, when requested to do so during the performance of the Floodplain Administrator's duty. No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made, to promptly permit entry by the Floodplain Administrator for the purpose of inspection and examination pursuant to this section.

(5) The powers and duties of the Floodplain Administrator relative to obstructions in a Special Flood Hazard Area shall include the following:

- (a) Where an obstruction to a floodway has been created by fallen trees, silt, debris and like matter, the City may remove the obstruction; and
- (b) Where, after investigation, an order has been issued to the owner

1 of an obstruction for its removal or repair and the order is not
2 complied with, within such reasonable time as may be prescribed
3 by the City or if the owner cannot be found or determined, the
4 City may cause such removal or repairs to be made. The
5 reasonable cost of the removal or repairs shall constitute a lien
6 against the lot from which the obstruction was removed or on
7 which it was repaired. The lien shall be foreclosed in the manner
8 provided in §§ 3-36-1 through 3-36-5 NMSA 1978.

9 **(D) Appeals**

10 The Planning Commission shall hear appeals as set forth in §14-2.3(C)(5)(d).

11 **(E) Variances**

12 Variances to §14-8.3 may be approved by the Planning Commission as follows:

- 13 (1) Variances may be issued for the reconstruction, rehabilitation or
14 restoration of structures listed on the National Register of Historic Places
15 or the State Inventory of Historic Places, without regard to the
16 procedures set forth in this paragraph (E).
- 17 (2) Variances may be issued for new construction and substantial
18 improvements to be erected on a lot of one-half acre or less in size
19 contiguous to and surrounded by lots with existing structures constructed
20 below the base flood level, providing the relevant factors in paragraphs
21 (5) and (6) below have been fully considered. As the lot size increases
22 beyond the one-half acre, the technical justification required for issuing
23 the variance increases.
- 24 (3) Variances shall not be issued within any designated floodway if any
25 increase in flood levels during the base flood discharge would result.

1 (4) Variances may be issued for the repair or rehabilitation of historic
2 structures upon a determination that the proposed repair or rehabilitation
3 will not preclude the structure's continued designation as a historic
4 structure and the variance is the minimum necessary to preserve the
5 historic character and design of the structure.

6 (5) Variances may be approved for new construction and substantial
7 improvements and for other development necessary for the conduct of a
8 functionally dependent use provided that:

9 (a) The criteria outlined in paragraphs (2), (3) and (6) of this
10 paragraph (E) are met, and

11 (b) The structure or other development is protected by methods that
12 minimize flood damages during the base flood and create no
13 additional threats to public safety.

14 (6) The prerequisites for granting variances are:

15 (a) Variances shall only be issued upon a determination that the
16 variance is the minimum necessary, considering the flood
17 hazard, to afford relief.

18 (b) Variances shall only be issued upon:

19 (i) Showing a good and sufficient cause;

20 (ii) A determination that failure to grant the variance would
21 result in exceptional hardship to the applicant, and

22 (iii) A determination that the granting of a variance will not
23 result in increased flood heights, additional threats to
24 public safety, extraordinary public expense, create
25 nuisances, cause fraud on or victimization of the public,

1 or conflict with existing local laws or ordinances.

2 (7) The Planning Commission may attach such conditions to the granting of
3 variances as it deems necessary to further the purpose and objectives of
4 §14-8.3.

5 (8) Any application to whom a variance is granted shall be given written
6 notice that the structure may be permitted to be built with the lowest
7 floor elevation below the base flood elevation, and that the cost of flood
8 insurance will be commensurate with the increased risk resulting from
9 the reduced lowest floor elevation.

10 **Section 5. Section 14-8.3 SFCC 1987 (being Ord. No. 2001-38, §2 as amended)**

11 **is amended to read:**

12 **14-8.3 FLOOD REGULATIONS**

13 **(A) Adoption of Special Flood Hazard Areas**

14 (1) The City adopts the Special Flood Hazard Areas identified by the Federal
15 Emergency Management Agency (FEMA) in the current scientific and
16 engineering report entitled, "The Flood Insurance Study (FIS) for Santa
17 Fe County, New Mexico and Incorporated Areas", effective date June
18 17, 2008, with accompanying Flood Insurance Rate Maps (FIRM)
19 effective date June 17, 2008 and subsequent Letters of Map Amendment
20 and Letters of Map Revision as approved by FEMA.

21 (2) The City adopts and establishes other flood hazard areas or elevations as
22 identified in:

23 (a) Subsequent drainage studies prepared for and accepted by the
24 City;

25 (b) Subsequent Letters of Map Amendment and Letters of Map

1 Revision, as prepared for and accepted by FEMA; and

- 2 (c) Other known flood hazard areas identified by the Floodplain
3 Administrator and adopted by the Governing Body.

4 **(B) Engineering Criteria**

- 5 (1) When the analysis and determination of base flood elevation, Special
6 Flood Hazard Area, floodway or flood fringe are required by the
7 Floodplain Administrator, these designations shall adhere to professional
8 hydrologic and hydraulic engineering techniques. In this regard,
9 engineering practice manuals of the American Society of Civil Engineers
10 and similar competent manuals of professional hydrologic and hydraulic
11 engineering techniques may be used in accordance with FEMA
12 requirements. In all cases, the base flood elevation or the boundary of the
13 Special Flood Hazard Area or flood fringe, or the floodway shall be
14 delineated by a given area's topographic land features and its physical
15 characteristics. Professional hydrologic and hydraulic techniques,
16 supplemented with data obtained by field examination and surveys as
17 necessary, will initially be used to delineate Special Flood Hazard Areas
18 or base flood elevations on topographic maps.

- 19 (2) The following objectives shall be evaluated by the Floodplain
20 Administrator wherever a floodway is defined through hydrological
21 methods. The Floodplain Administrator may, as becomes necessary,
22 draft more detailed rules and regulations, pursuant to §14-3.9(B)(2):

- 23 (a) A floodway shall be designed to minimize erosion. Preferably a
24 floodway shall be designed with a pervious bottom to allow
25 infiltration to the subsurface;

- 1 (b) Initial construction costs and estimated maintenance and repair
2 costs evaluated over the project life shall be considered;
- 3 (c) City plans, ordinances and policies adopted by the Governing
4 Body shall be considered;
- 5 (d) The effect of storm runoff shall be analyzed by hydrologic
6 methods to ensure that any change in the Special Flood Hazard
7 Area will not unreasonably or adversely affect the Special Flood
8 Hazard Area or cause its capacity to be exceeded;
- 9 (e) Standing wave action and superelevation at horizontal curve
10 shall be determined and adequate freeboard heights established;
11 and
- 12 (f) Channel slope and alignment shall be established by analysis of
13 engineering data and hydraulic calculations.

14 (C) Use Regulations

- 15 (1) The requirements of this section are in addition to and not in lieu of other
16 provisions of this chapter.
- 17 (2) No new development or substantial improvements shall be undertaken on
18 lands within a Special Flood Hazard Area unless such erection or
19 alteration shall be in compliance with the provisions of this section.
- 20 (3) No uses shall be permitted within the floodway, except those set out in
21 this paragraph provided that the uses do not constrict the flow or reduce
22 the carrying capacity, as follows:
- 23 (a) Cultivating and harvesting of crops according to recognized soil
24 conservation practices;
- 25 (b) Pasture, grazing land and outdoor plant nursery;

- 1 (c) Wildlife sanctuary, woodland preserve, arboretum;
- 2 (d) Outlet installations for sewage treatment plants, sealed public
- 3 water supply wells;
- 4 (e) Passive recreational uses such as parks, picnic areas or trails;
- 5 (f) Open area residential uses, such as lawns, gardens and play
- 6 areas; and
- 7 (g) Stormwater management and arroyo or watercourse stabilization
- 8 structures, such as check dams and gabions, if these structures
- 9 are in compliance with all applicable state and federal
- 10 regulations.
- 11 (4) The provisions applying to the flood fringe are that:
- 12 (a) All permits for construction within a flood fringe shall be
- 13 reviewed by the Floodplain Administrator;
- 14 (b) Storage, processing or disposal of materials that in time of
- 15 flooding are buoyant, flammable, explosive, toxic or could be
- 16 injurious to human, animal or plant life, are prohibited within the
- 17 Special Flood Hazard Area;
- 18 (c) Railroads, streets, bridges, private and public utility lines and
- 19 facilities, structural works for the control and handling of
- 20 floodflows, such as dams, embankments, floodwalls, velocity
- 21 control structures or required storm drainage control and
- 22 handling works, may be allowed within the Special Flood
- 23 Hazard Area if properly floodproofed and approved by the
- 24 Floodplain Administrator;
- 25 (d) All newly created lots shall contain a buildable area that is

1 entirely outside of a Special Flood Hazard Area;

2 (e) Except as permitted in paragraph (5) of this section, if an
3 existing lot contains land both within and outside of the Special
4 Flood Hazard Area, any new construction, including roads and
5 driveways, shall only occur on the portion outside of the Special
6 Flood Hazard Area. If an existing lot contains no land outside of
7 the Special Flood Hazard Area, any new construction, including
8 roads and driveways shall only occur in the flood fringe upon
9 approval of a variance from the Planning Commission as set
10 forth in §14-3.9(E) and shall conform to the provisions set forth
11 in paragraph (5), of this section;

12 (f) On any application for subdivision plat or development plan
13 approval, where the tract of land or portions thereof are located
14 within a Special Flood Hazard Area, the Floodplain
15 Administrator shall require the submittal of detailed hydrologic
16 data indicating the water surface elevations for a one percent
17 chance event, to be shown for sections of the drainage channel at
18 intervals of no greater than 100 feet. The Special Flood Hazard
19 Area shall be further defined as floodway and flood fringe. Upon
20 on-site investigation, the Floodplain Administrator may waive
21 the requirement for the submittal of detailed hydrologic data. A
22 surveyor licensed in the State of New Mexico shall certify on the
23 subdivision plat the FIRM zones, FIRM panel number and date.
24 The Special Flood Hazard Area shown on the plat shall be
25 accurately depicted by an architect, surveyor or engineer licensed

1 in the State of New Mexico. If a development plan is required,
2 the Special Flood Hazard Area shall be accurately depicted by an
3 architect, surveyor or engineer licensed in the State of New
4 Mexico. If both a plan and development plan are required, only
5 the plat is required to be signed by the architect, surveyor or
6 engineer;

7 (g) All development, including excavation and fill operations, within
8 Special Flood Hazard Areas shall receive approval from the
9 Floodplain Administrator prior to beginning any work;

10 (h) In drainageways where there is evidence of undercutting and
11 bank erosion, the Floodplain Administrator may require an
12 additional set back. The additional set back distance shall be
13 determined by the Floodplain Administrator based on soils and
14 hydrologic information supplied by the applicant;

15 (i) For purposes of this section, the Special Flood Hazard Area shall
16 be as shown on the appropriate FIRM. Flood fringe, flood way
17 and base flood elevation shall be shown as required by the
18 Floodplain Administrator;

19 (j) No fence, wall, or similar structure shall be erected in or across
20 any arroyo, stream, or watercourse; and

21 (k) In A and AE Zones, recreational vehicles shall be:

22 (i) Elevated and anchored; or

23 (ii) On the site for less than 180 consecutive days; or

24 (iii) Fully licensed and highway ready.

25 (5) Structures or uses within the flood fringe portion of the Special Flood

1 Hazard Area upon the approval of a variance by the Planning
2 Commission, to the extent that they are not prohibited by any other city
3 ordinances, plans and policies, shall meet the following requirements:

- 4 (a) Residential or nonresidential structures, to be constructed or
5 substantially improved in the flood fringe, shall have the
6 elevation of the lowest floor not less than one foot above the
7 level of the base flood elevation. Where existing streets or
8 utilities are at elevations which make compliance with this
9 provision infeasible, or in other special circumstances, the
10 Floodplain Administrator may authorize other techniques for
11 protection of the structures;
- 12 (b) Structures shall be designed and constructed to withstand flood
13 conditions at the proposed construction site;
- 14 (c) New construction and substantial improvements, with fully
15 enclosed areas below the lowest floor that are subject to flooding
16 shall be designed to automatically equalize hydrostatic flood
17 forces on exterior walls by allowing for the entry and exit of
18 floodwaters. Designs for meeting this requirement shall either be
19 certified by a New Mexico registered professional engineer or
20 architect or meet or exceed the following minimum criteria:
- 21 (i) A minimum of two openings on different walls having a
22 total net area of not less than one square inch for every
23 square foot of enclosed area subject to flooding shall be
24 provided;
- 25 (ii) The bottom of all openings shall be no higher than one

1 foot above finished grade; and

2 (iii) Openings may be equipped with screens, louvers, valves,
3 or other coverings or devices provided that they permit
4 the automatic entry and exit of floodwaters.

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

11 (e) Sanitary and storm sewer drains shall be equipped with valves
12 capable of being closed, manually or automatically, to prevent
13 backup of sewage and storm waters into the building or
14 structure;

15 (f) The base flood elevation shall be certified by a surveyor licensed
16 in the State of New Mexico and superimposed on the site plan.
17 The base flood elevation shall be accurately depicted by an
18 architect licensed in the State of New Mexico on the elevation
19 drawings for all sides of the building. The site plan and elevation
20 drawings shall be submitted to the Land Use Department for
21 issuance of a building permit. The elevation drawings shall also
22 indicate the lowest floor elevation and location of all windows,
23 doors or other openings. The Floodplain Administrator may
24 request additional data for the building permit if deemed
25 necessary;

1 (g) Before issuance of a building permit for the construction of a
2 structure in the flood fringe, a professional engineer licensed in
3 the state of New Mexico shall certify that the structure has been
4 designed to conform with the provisions of paragraphs (5)(c)(i)
5 through (5)(c)(iii) of this section, and that the bottom of all
6 openings in the enclosure are no more than one foot above the
7 base flood elevation. The same professional engineer that
8 certifies that the structure is designed to conform with the
9 provisions of paragraphs (5)(c)(i) through (5)(c)(iii) of this
10 section shall also certify, upon completion of the structure, that
11 construction complies with the submitted plans;

12 (h) A manufactured home or mobile home shall be elevated on
13 compacted fill or pilings. The lowest floor of the manufactured
14 home or mobile home shall be no less than one foot above the
15 level of the base flood elevation;

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

18 (i) Over-the-top ties at each of the four corners, with two
19 additional ties per side at intermediate locations and for
20 manufactured or mobile homes less than 50 feet long,
21 one over the-top tie at each of the four corners is
22 required;

23 (ii) Frame ties at each corner of the manufactured or mobile
24 home with five additional ties per side at intermediate
25 points and for manufactured or mobile homes less than

1 50 feet long, four ties are required per side;

2 (iii) All components of the anchor system shall be capable of
3 carrying a force of 4,800 pounds; and

4 (iv) Additions to the manufactured home or mobile home
5 shall be similarly anchored.

6 (j) For existing manufactured or mobile home parks located in the
7 Special Flood Hazard Area, a vehicular circulation plan
8 indicating alternative vehicular access and escape routes during
9 the one percent chance event shall be submitted as part of any
10 improvement, construction or development project;

11 (k) No new manufactured homes, mobile homes or foundations for
12 either type of structure, shall be permitted in the Special Flood
13 Hazard Area.

14 **(D) Amendment to Flood Insurance Rate Map (FIRM)**

15 (1) Amendments to the established base flood elevations and Special Flood
16 Hazard Areas may be initiated either by the Floodplain Administrator or
17 by any other person through application to FEMA. Such application shall
18 be accompanied by sufficient copies of supporting plans and reports as
19 may be required by FEMA meeting the minimum requirements of the
20 National Flood Insurance Program (NFIP). If the application is not made
21 by the Floodplain Administrator, a copy of the submittal to FEMA shall
22 be forwarded to the Floodplain Administrator. Submission of inaccurate
23 information with an application is grounds for denial from FEMA. The
24 Floodplain Administrator may provide comments to FEMA on any
25 submittal for a map change.

1 (2) In addition to the change described in paragraph (1) above and on the
2 basis of hydrologic data, the Governing Body may change the
3 established flood hazard areas by adoption of an ordinance. Such
4 amendment may be for non-FEMA approved changes but shall not be
5 less restrictive than FEMA requirements. Where the change affects land
6 owned by persons other than the applicant, all affected property owners
7 shall be notified of the change by certified mail, return receipt requested.
8 The signed receipts shall be submitted to the Floodplain Administrator.

9 (a) The Governing Body's decision to add or amend a flood hazard
10 area shall be based on any appropriate information, including
11 detailed engineering analysis and recommendations in reports
12 and plans done by or for the City or other governing agencies,
13 including those prepared for building permits and subdivisions.

14 (b) If the Governing Body denies a change to the flood hazard area,
15 the reasons for denial shall be stated in a written report.

16 (c) Prior to approval by the Governing Body, the Floodplain
17 Administrator shall notify the State Coordinator for the NFIP at
18 the New Mexico Department of Homeland Security and
19 Emergency Management.

20 (3) If major alterations to a watercourse are proposed adjacent to the
21 corporate limits of the City of Santa Fe, the Floodplain Administrator
22 shall notify the Santa Fe County Manager and Santa Fe County
23 Floodplain Administrator of such proposal.

24 **(E) Warning and Disclaimer of Liability**

25 The degree of flood protection intended to be provided by this section is

1 considered reasonable for regulatory purposes and is based on engineering and
2 scientific methods of study. Larger floods may occur on occasions or the flood
3 height may be increased by natural or man-made causes. This section does not
4 imply that areas outside the Special Flood Hazard Area, flood hazard area or land
5 uses permitted within such area will always be totally free from flooding or flood
6 damages. This section shall not create liability on the part of the Governing
7 Body or any official, employee or agent thereof for any flood damages that result
8 from reliance on this section or any administrative decision lawfully made
9 hereunder.

10 **Section 6. [REPEAL.] Section 14-11.5(C) (being Ord. No. 2001-38, §2) is**
11 **repealed.**

12 **Section 7. [NEW MATERIAL.] The following definitions shall be added to**
13 **Article 14-12 SFCC 1987 (being Ord. #2001-38, §2 as amended):**

14 **BASE FLOOD ELEVATION (BFE)**

15 The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying
16 Flood Insurance Study (FIS) for Zones A and AE that indicates the water surface elevation
17 resulting from the flood that has a one percent chance of equaling or exceeding that level in any
18 given year, also called the base flood.

19 **FLOODPLAIN ADMINISTRATOR**

20 The person(s) designated by the Land Use Director to administer the city's flood regulations. The
21 person(s) shall be a New Mexico Certified Floodplain Manager as set forth in 3-18-7 NMSA
22 1978. The Floodplain Administrator may delegate any task assigned to the Floodplain
23 Administrator set forth in this Chapter to an appropriate staff member who is also a New Mexico
24 Certified Floodplain Manager.

25 **FLOODPROOFING**

1 Any combination of structural and non-structural additions, changes, or adjustments to structures
2 which reduce or eliminate flood damage to real estate or improved real property, water and
3 sanitary facilities, structures and their contents.

4 **ONE PERCENT CHANCE EVENT**

5 The flood having a one percent chance of being equaled or exceeded in any given year. Same as
6 base flood.

7 **SPECIAL FLOOD HAZARD AREA**

8 As used in §14-8.3, the land in the floodplain within the City subject to a 1 percent or greater
9 chance of flooding in any given year. After detailed ratemaking has been completed in
10 preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, X or shaded
11 X. For the city, the special flood hazard area shall be further defined as floodway and flood
12 fringe.

13 **SUBSTANTIAL DAMAGE**

14 As used in §14-8.3, damage of any origin sustained by a structure whereby the cost of restoring
15 the structure to it's before damaged condition would equal or exceed 50 percent of the market
16 value of the structure before the damage occurred.

17 **Section 8. The following definitions in Article 14-12 SFCC 1987 (being Ord.**
18 **#2001-38, §2 as amended) are amended to read:**

19 **WATER SURFACE ELEVATION**

20 As used in §14-8.3, the height in relation to the North American Vertical Datum (NAVD) of 1988
21 (or other datum where specified) of floods of various magnitudes and frequencies in riverine
22 floodplains.

23 **CITY ENGINEER**

24 An employee of the Land Use Department of the City who is both a registered professional
25 engineer and a certified floodplain manager in the State of New Mexico.

1 **DEVELOPMENT**

2 Any man-made change to improved or unimproved real estate, including but not limited to
3 buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling
4 operations. As used in §14-8.3, development also includes the storage of equipment or materials.

5 **FLOOD FRINGE**

6 As used in §14-8.3, the portion of the Special Flood Hazard Area that in the one percent chance
7 event will:

8 (A) On a predominantly residential premises, neither attain a maximum depth greater
9 than one foot nor exceed a numerical product of four when the velocity of the
10 flood waters in feet-per-second is multiplied by the depth in feet; or

11 (B) On a premises not predominantly residential neither attain a maximum depth
12 greater than two feet nor exceed a numerical product of seven when the velocity
13 of the flood waters in feet-per-second is multiplied by the depth in feet.

14 **FLOODWAY**

15 The channel of a river or other watercourse and the adjacent land areas that shall be reserved in
16 order to discharge the one percent chance event without cumulatively increasing the water surface
17 elevation more than one foot in height.

18 **FREEBOARD**

19 As used in §14-8.3, a factor of safety usually expressed in feet above a base flood elevation for
20 purposes of floodplain management. Freeboard tends to compensate for the many unknown
21 factors that could contribute to flood heights greater than the height calculated for a selected size
22 flood and floodway conditions, such as wave actions, bridge openings and the hydrological effect
23 or urbanization of the watershed.

24 **LOWEST FLOOR**

25 As used in §14-8.3, the lowest floor of the lowest enclosed area (including basement). An

1 unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or
2 storage in an area other than a basement area is not considered a building's lowest floor; provided
3 that such enclosure is not built so as to render the structure in violation of the applicable
4 nonelevation design requirement of §60.3 of the National Flood Insurance Program regulations.

5 **START OF CONSTRUCTION**

6 As used in §14-8.3, the date the building permit was issued, provided the actual start of
7 construction, repair, reconstruction, placement, or other improvement was within 180 days of the
8 permit date. The actual start means either the first placement of permanent construction of a
9 structure on a site, such as the pouring of slabs or footings, the installation of piles, the
10 construction of columns, or any work beyond the stage of excavation; or the placement of a
11 manufactured home on a foundation. Permanent construction does not include land preparation,
12 such as clearing, grading and filling; nor does it include the installation of streets and/or
13 walkways; nor does it include excavation for a basement, footings, piers or foundations or the
14 erection of temporary forms; nor does it include the installation on the property of accessory
15 buildings such as garages or sheds not occupied as dwelling units or not as part of the main
16 structure.

17 **Section 9. [REPEAL.] The following definitions in Article 14-12 SFCC 1987**
18 **(being Ord. #2001-38, §2) are repealed.**

19 **[APPEAL**

20 ~~As used in §14-8.3, a request for a review of the floodplain administrator's interpretation of any~~
21 ~~provision of this section or a request for a variance.]~~

22 **[AREA OF SHALLOW FLOODING**

23 ~~As used in §14-8.3, a designated AO, AH, or VO zone on the City's flood insurance rate map~~
24 ~~(FIRM) with a 1 percent chance or greater annual chance of flooding to an average depth of 1 to 3~~
25 ~~feet where a clearly defined channel does not exist, where the path of flooding is unpredictable~~

1 and where velocity flow may be evident. Such flooding is characterized by ponding or sheet
2 flow.]

3 **[AREA OF SPECIAL FLOOD HAZARD**

4 As used in §14-8.3, the land in the floodplain within the City subject to a 1 percent or greater
5 chance of flooding in any given year. The area may be designated as Zone A on the flood hazard
6 boundary map (FHBM). After detailed ratemaking has been completed in preparation for
7 publication of the firm, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30,
8 VE or V.]

9 **[CRITICAL FEATURE**

10 As used in §14-8.3, an integral and readily identifiable part of a flood protection system, without
11 which the flood protection provided by the entire system would be compromised.]

12 **[EXISTING CONSTRUCTION**

13 As used in §14-8.3, for the purpose of determining rates, structures for which the start of
14 construction commenced before the effective date of the flood insurance rate map or before
15 January 1, 1975. Existing construction may also be referred to as existing structures.]

16 **[FLOOD ELEVATION DETERMINATION**

17 As used in §14-8.3, a determination by the federal insurance administration of the water surface
18 elevations of the one hundred year flood.]

19 **[FLOOD ELEVATION STUDY**

20 As used in §14-8.3, an examination, evaluation and determination of flood hazards, and if
21 appropriate, corresponding water surface elevation, or an examination, evaluation and
22 determination of mudslide, i.e., mudflow, or flood-related erosion hazards.]

23 **[FLOOD HAZARD AREA**

24 As used in §14-8.3, Zone A on the flood hazard boundary map or Zones A and B on the flood
25 insurance rate map, or the area of a channel or drainageway, which drains five or more acres, and

1 which will be inundated by flood flows as a result of the one hundred year frequency flood,
2 whether or not the flood hazard area or flow lines are shown upon the flood hazard boundary map
3 or flood hazard rate map.]

4 ~~[FLOOD PLAIN OR FLOOD PRONE AREA As used in §14-8.3, any land area susceptible to
5 being inundated by water from any source (see definition of flooding).]~~

6 ~~[FLOOD PROTECTION SYSTEM~~

7 ~~As used in §14-8.3, those physical structural works for which funds have been authorized,
8 appropriated and expended and which have been constructed specifically to modify flooding in
9 order to reduce the extent of the areas within a City subject to a special flood hazard and the
10 extent of the depths of associated flooding. Such a system typically includes dams, reservoirs,
11 levees or dikes. These specialized flood modifying works are those constructed in conformance
12 with sound engineering standards.]~~

13 ~~[FLOODWAY ENCROACHMENT LINES~~

14 ~~As used in §14-8.3, the lines marking the limits of floodways on federal, state and local
15 floodplain maps.]~~

16 ~~[FLOWLINE~~

17 ~~As used in §14-8.3, a line following the lowest part of a drainageway or channel that drains 40
18 acres or more and which is shown on the official zone maps indicating flows which are either
19 continuous or intermittent but for which flood hazard areas have not been established.]~~

20 ~~[FUNCTIONALLY DEPENDENT USE~~

21 ~~As used in §14-8.3, a use that cannot perform its intended purpose unless it is located or carried
22 out in close proximity to water. The term includes only docking facilities, port facilities that are
23 necessary for the loading and unloading of cargo or passengers, and ship building and ship repair
24 facilities, but does not include long term storage or related manufacturing facilities.]~~

25 ~~[HABITABLE FLOOR~~

1 ~~Any floor usable for the following purposes; which includes working, sleeping, eating, cooking or~~
2 ~~recreation, or a combination thereof. A floor used only for storage purposes only is not a~~
3 ~~habitable floor.]~~

4 **[LEVEE SYSTEM**

5 ~~A flood protection system that consists of a levee, or levees, and associated structures, such as~~
6 ~~closure and drainage devices that are constructed and operated in accordance with sound~~
7 ~~engineering practices.]~~

8 **[MEAN SEA LEVEL**

9 ~~As used in §14-8.3, for purposes of the national flood insurance program, the national geodetic~~
10 ~~vertical datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a~~
11 ~~community's flood insurance rate map are referenced.]~~

12 **[ONE HUNDRED YEAR FREQUENCY RAINSTORM**

13 ~~The total accumulation of two and seventy five hundredths inches of rain at the end of a one-hour~~
14 ~~period.]~~

15 **[VIOLATION**

16 ~~As used in §14-8.3, the failure of a structure or other development to be fully compliant with the~~
17 ~~City's floodplain management regulations. A structure or other development without the~~
18 ~~elevation certificate, other certificates, or other evidence of compliance required in §60.3(b)(5),~~
19 ~~(e)(4), (e)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that~~
20 ~~documentation is provided.]~~

21 *Editor's Note: The word "flood plain" shall be changed to the word "floodplain" throughout*
22 *Chapter 14.*

23 **Section 4.** This ordinance shall be effective June 12, 2008.

24 **PASSED, APPROVED and ADOPTED** this 11th day of June, 2008.

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David Coss

DAVID COSS, MAYOR

ATTEST:

Yolanda Y. Vigil
YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

Frank D. Katz
FRANK D. KATZ, CITY ATTORNEY