

**ORDINANCE NO. 97-016**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF MAR 25 1997

**AN ORDINANCE AMENDING SECTIONS 9.26.1002, 9.26.1003, 9.26.1004 AND 9.26.1005 OF THE SACRAMENTO CITY CODE, RELATING TO FLOODPLAIN MANAGEMENT REGULATIONS**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

**SECTION 1.**

Sections 9.26.1002, 9.26.1003, 9.26.1004 and 9.26.1005 of the Sacramento City Code are hereby amended to read as follows:

9.26.1002 Definitions.

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

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**Market value** means the current estimated market value of a structure, excluding the value of the land on which the structure is located, and also excluding the value of any landscaping or detached accessory structures on such land. The current tax assessed value of the structure as provided by the County Tax Assessor's Office shall be used as the market value where the cost of the proposed improvement to the structure does not exceed 40 percent, or exceeds 60 percent, of the structure's current tax assessed value, unless a different value is set forth in an independent appraisal prepared by a professional appraiser no earlier than 90 days before a building permit is issued for the improvement.

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In cases where the cost of the proposed improvement to the structure exceeds 40 percent but does not exceed 60 percent of the current tax assessed value of the structure, the applicant must provide an independent estimate of market value prepared by a professional appraiser no earlier than 90 days before a building permit is issued for the improvement, provided that the current tax assessed value may be used as the market value if the local administrator determines for good cause that an independent appraisal should not be required. Whenever the current tax assessed value of a structure is used to determine market value of the structure, the local administrator may make such adjustments to the current tax assessed value as are necessary, in the professional judgement of the local administrator, to produce an accurate estimate of market value. In cases where a current tax assessed value of a structure is not available from the County Tax Assessor's Office, the applicant must provide an independent estimate of market value prepared by a professional appraiser no earlier than 90 days before a building permit is issued for the improvement to the structure.

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**Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement** means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged, and is being restored, before the damage occurred.

For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

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2. Any alteration of a structure listed on the national register of historic places or a State inventory of historic places.

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9.26.1003 General Provisions.

- (a) Lands to which this chapter applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Sacramento. This chapter shall not apply to areas designated as Zone A-99 on the FIRM, unless otherwise provided in Chapter 9.27 of this Title.
- (b) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Insurance Agency (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for the City of Sacramento dated March 1978 and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs) dated February 4, 1988 and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. The FIS and attendant mapping describe the minimum area of applicability of this chapter and may be supplemented by studies for other areas adopted by ordinance of the City Council. The FIS, FIRMs, and FBFMs are on file with the Utilities Department Floodplain Management Section located at 5770 Freeport Blvd., Ste. 100, Sacramento, CA 95822 and the Planning and Development Permit Assistance Center, 1231 I Street, Room 200, Sacramento, California 95814.

Areas of special flood hazard are identified as overlay zones in Section 26 of the Zoning Ordinance.

- (c) Compliance. No structure shall hereafter be constructed, located, extended, converted, or substantially improved nor shall land be graded for development without full compliance with the terms of this chapter and other applicable regulations.
- (d) Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

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- (e) Interpretation. In the interpretation and application of this chapter, all provisions shall be:
1. Considered as minimum requirements;
  2. Liberally construed in favor of the governing body; and,
  3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- (f) Warning and Disclaimer of Liability. The degree of flood protection required by this chapter 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 chapter does not imply that land outside the areas of special flood hazards and areas of flood-related erosion hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Sacramento, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
- (g) Severability. This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

§9.26.1004 Administration.

- (a) Establishment of Flood Hazard Evaluation. Flood hazard evaluation shall be obtained before construction or development begins within any area of special flood hazards established in Section 9.26.1003(b). Application for flood hazard evaluation shall be made on forms furnished by the local administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

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1. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in Zone AO or A elevation of highest adjacent grade and proposed elevation of lowest floor of all structures.
  2. Proposed elevation in relation to mean sea level to which any structure will be floodproofed;
  3. All appropriate certifications and/or permits; and
  4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (b) Designation of the Local Administrator. The Director of Planning and Development or his/her authorized agent is hereby appointed to administer and implement this chapter by granting or denying building permits in accordance with its provisions.
- (c) The Applicant's Registered Engineer shall certify the following to the local administrator:
1. That the requirements of this ordinance have been satisfied.
  2. All required state and federal permits have been obtained.
  3. The site, subdivision or other proposed development is reasonably safe from flooding.
  4. 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 subsection, "adversely affect" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.
  5. Whenever a watercourse is to be altered or relocated:

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- a. Adjacent communities and the California Department of Water Resources have been notified prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the local administrator for submittal to the Federal Insurance Administration.
  - b. That the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.
- (d) The local administrator shall:
- 1. Obtain and maintain for a reasonable period of time for public inspection and make available as needed:
    - a. The certification required in Section 9.26.1005.(a).3.a (floor elevations).
    - b. The certification required in Section 9.26.1005.(a).3.b (elevations in areas of shallow flooding).
    - c. The certification required in Section 9.26.1005.(a).3.c (elevation or floodproofing of nonresidential structures).
    - d. The certification required in Section 9.26.1005.(a).3.d (wet floodproofing standard).
    - e. The certified elevation required in Title 40, Subdivision Regulations, Chapter 40.10, section 40.10.1035 (subdivision standards).
    - f. The certified elevation required in Section 9.26.1005.(e) (floodway encroachments).

9.26.1005 Provisions for flood hazard reduction.

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(a) **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 for Section 9.26.1005.(c).

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 structure on slopes to guide flood waters around and away from proposed structures.

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3. Elevation and Floodproofing:

- a. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated one foot (1') above the base flood elevation. Nonresidential structures may meet the standards in Section 9.26.1005.(a).3.c. Upon the completion of the structure the elevation of the lowest floor, including basement shall be certified by a qualified registered professional engineer or land surveyor, to be properly elevated. Such certification or verification shall be provided to the local administrator.
- b. New construction and substantial improvement of any structure in Zone AH or AO, shall have the lowest floor, including basement, elevated one foot (1') above the depth number specified in feet on the FIRM or two feet (2') if no depth number is specified. The elevation is to be measured from the highest adjacent grade. Nonresidential structures may meet the standards in Section 9.26.1005.(a).3.c. Upon the completion of the structure the elevation of the lowest floor including basement shall be certified by a qualified registered professional engineer or land surveyor to be properly elevated. Such certification or verification shall be provided to the local administrator.
- c. Nonresidential construction shall either be elevated in conformance with Section 9.26.1005.(a).3.a or b, or, together with attendant utility and sanitary facilities:
  - (1) Be floodproofed below the elevation required for the lowest floor so that the structure is watertight with walls substantially impermeable to the passage of water;
  - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - (3) Be certified by a registered professional engineer that the standards of this sub-section are satisfied. Such certifications shall be provided to the local administrator.

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d. For all new construction and substantial improvements, fully enclosed areas below the lowest floor 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 flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

(1) 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 (1') 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 flood waters.

e. Manufactured homes shall also meet the standards in Section 9.26.1005.(a).3.d.

**(b) Standards for Utilities.**

1. All new and replacement water supply and sanitary sewer 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 septic and well systems shall be located to avoid impairment to them or contamination from them during flooding as approved by the Sacramento City/County Health Department.

**(c) Standards for Manufactured Homes.**

1. All manufactured homes that are placed or substantially improved, within Zones A1-30, AH and AE on the community's FIRMs on sites located: (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home

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is elevated to one foot above the base flood elevation and shall be securely fastened to an adequately anchored foundation system to resist flotation collapse and lateral movement.

2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the provisions of subsection (c)1 will be securely fastened to an adequately anchored foundation system to resist flotation collapse, and lateral movement, and be elevated so that either the (i) lowest floor of the manufactured home is one foot above the base flood elevation or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

(d) **Standards for Recreational Vehicles.** All recreational vehicles placed on sites within Zones A1-30, AH, and AE:

1. Shall meet the requirements of Section 9.26.1004 and the elevation and anchoring requirements for manufactured homes in Section 9.26.1005 (c)1; and
2. Shall not be on the site for more than 180 consecutive days, and shall be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(e) **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 development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

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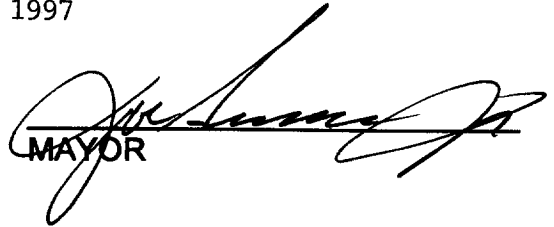
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2. If Section 26.1005.(e).1 is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 9.26.1005.


DATE PASSED FOR PUBLICATION: March 18, 1997

DATE ENACTED: March 25, 1997

DATE EFFECTIVE: April 24, 1997

  
MAYOR

ATTEST:

  
CITY CLERK

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