

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-025-2019, A ZONING TEXT AMENDMENT TO SECTION 9.04.060 OF THE GARDEN GROVE MUNICIPAL CODE TO ADD DEFINITIONS FOR TERMS USED IN EXISTING PORTIONS OF TITLE 9 PERTAINING TO THE FLOOD HAZARD OVERLAY ZONE TO MEET THE MINIMUM REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM

CITY ATTORNEY SUMMARY

This Ordinance approves a text amendment to Section 9.04.060 of the Garden Grove Municipal Code to add five (5) definitions for terms used in the City's existing Flood plain Management Regulations in order to satisfy the requirements of the National Flood Insurance Program. The added definitions are consistent with the definitions set forth Title 44 of the Code of Federal Regulations, Section 59.1.

THE CITY OF COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, the City of Garden Grove is a participant in the National Flood Insurance Program (NFIP), which allows the owners of properties located within special flood hazard areas to purchase flood insurance through the NFIP;

WHEREAS, cities who participate in the National Flood Insurance Program (NFIP) are required to adopt flood plain management regulations in conformance with the requirements contained in the Code of Federal Regulations for the NFIP, 44 CFR Parts 59, 60, 65 and 70;

WHEREAS, the City's Flood plain Management Regulations are currently set forth in Sections 9.04.06 (Definitions), 9.08.030.040 (Single-Family Residential), 9.12.030.050 (Multiple-Family Residential), 9.16.030.060 (Commercial, Office Professional, Industrial, and Open Space), and 9.18.180.010 (mixed-use), of the Garden Grove Municipal Code;

WHEREAS, the California Department of Water Resources has reviewed the City's existing Flood plain Management Regulations and has recommended that the City add definitions for five (5) key terms used in the City's existing Flood plain Management Regulations, which are consistent with the definitions of those terms set forth in Title 44 of the Code of Federal Regulations (44 CFR) section 59.1 in order to meet the minimum requirements of the National Flood Insurance Program (NFIP);

WHEREAS, in order to ensure that its Flood plain Management Regulations continue to be consistent with the National Flood Insurance Program regulations, the City of Garden Grove has initiated Amendment No. A-025-2019, which is a

zoning text amendment to Section 9.04.060 (Definitions) of Chapter 9.04 (General Provisions) of Title 9 (Land Use Code) of the Garden Grove Municipal Code in order to add definitions for five (5) key terms used in the City's existing Flood plain Management Regulations, which definitions correspond to the definitions of these terms set forth in Title 44 of the Code of Federal Regulations Section 59.1;

WHEREAS, following a Public Hearing held on September 5, 2019, the Planning Commission adopted Resolution No. 5964-19 recommending approval of Amendment No. A-025-2019;

WHEREAS, pursuant to a legal notice, a Public Hearing regarding the proposed adoption of this Ordinance was held by the City Council on October 8, 2019, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter; and

WHEREAS, the City Council hereby makes the following findings regarding Amendment No. A-025-2019:

- A. The Amendment is internally consistent with the goals, objectives and elements of the City's General Plan;
- B. The Amendment will promote the public interest, health, safety and welfare; and

WHEREAS, the City Council finds that the proposed Ordinance is not subject to California Environmental Quality Act ("CEQA"; Cal. Pub. Resources Code Section 21000 et seq.) pursuant to Section 15061(b)(3) of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1: The above recitals are true and correct.

SECTION 2: Amendment No. A-025-2019 is hereby approved pursuant to the findings set forth herein and the facts and reasons stated in Planning Commission Resolution No. 5964-19, a copy of which is on file in the Office of the City Clerk, and which is incorporated herein by reference with the same force and effect as if set forth in full.

SECTION 3: Subsection C of Section 9.04.060 of Chapter 9.04 of Title 9 of the Garden Grove Municipal Code is hereby amended to include the following definitions for "Existing manufactured home park or subdivision", "Expansion to an existing manufactured home park or subdivision", "Historic structure", "New manufactured home park or subdivision", and "Substantial damage":

"Existing manufactured home park or subdivision" means, for flood plain management purposes, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of a flood plain management regulation adopted by the City of Garden Grove.

"Expansion to an existing manufactured home park or subdivision" means, for flood plain management purposes, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Historic structure" means, for flood plain management purposes, any structure that is: 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"New manufactured home park or subdivision" means, for flood plain management purposes, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of a flood plain management regulation adopted by the City of Garden Grove.

"Substantial damage" means, for flood plain management purposes, 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.

SECTION 4: If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 5: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.