

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

**SPONSORED BY: Tammy Fiebelkorn, by request**

2 AMENDING CHAPTER 14, ARTICLE 5, PART 1, SECTION 4 AND 9, A PORTION  
3 OF FLOOD HAZARD AND DRAINAGE CONTROL TO REPLACE FEMA ZONES  
4 DESIGNATIONS WITH FEMA DESIGNATED 100-YEAR FLOODPLAIN,  
5 REPLACE NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929 TO  
6 VERTICAL DATUM OF 1988 (NAVD 88) OR OTHER DATUM ADOPTED BY  
7 FEMA; AMENDING CHAPTER 14, ARTICLE 5, PART 1, SECTION 8, 9 AND 11,  
8 TO INCLUDE MECHANICAL EQUIPMENT; AMENDING CHAPTER 14, ARTICLE  
9 5, PART 2, SECTION 15 TO CHANGE THE APPEAL DEADLINE FROM 30 DAYS  
10 TO 15 DAYS AND AMENDING HEARING TO BE CONDUCTED NOT EARLIER  
11 THAN 15 DAY AND NOT LATER THAN 45 DAY VERSUS NOT EARLIER THAN  
12 10 DAYS AND NOT LATER THAN 30 DAYS; AMENDING CHAPTER 14,  
13 ARTICLE 5, PART 2, TO INCLUDE A NEW SECTION 18 SENSITIVE LANDS.  
14 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
15 ALBUQUERQUE:

20 ELEVATED BUILDING. A nonbasement building built, in the case of a  
21 building in [~~Zones A1-30, A, A99, AO, AH, B, and C~~][a FEMA-designated 100-  
22 year floodplain] to have the top of the elevated floor elevated above the  
23 ground by means of pilings, columns, (posts and piers), or shear walls parallel  
24 to the flow of the water, and adequately anchored so as not to impair the  
25 structural integrity of the building during a flood of up to the magnitude of the

1 base flood. In the case of [a FEMA-designated 100-year floodplain,] [~~Zones~~  
2 ~~A1-30, A, A99, AO, AH, B, and C,~~] **ELEVATED BUILDING** also includes a  
3 building elevated by means of fill or solid foundation perimeter walls with  
4 openings sufficient to facilitate the unimpeded movement of flood waters.

5 **MEAN SEA LEVEL.** For purposes of the National Flood Insurance Program,  
6 the [~~National Geodetic Vertical Datum (NGVD) of 1929~~] [National American  
7 Vertical Datum of 1988 (NAVD '88)] or other datum [adopted by FEMA,] to  
8 which base flood elevations shown on a community's Flood Insurance Rate  
9 Map are referenced.

10 **WATER SURFACE ELEVATION.** The height, in relation to the [~~National~~  
11 ~~Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified), of~~  
12 ~~floods-~~] [National American Vertical Datum of 1988 (NAVD '88) or other datum  
13 adopted by FEMA, for floods] of various magnitudes and frequencies in the  
14 floodplains of riverine areas.

15 ('74 Code, § 7-3-4) (Ord. 99-1981; Am Ord. 77-1983; Am. Ord. 66-1987)

16 § 14-5-1-8 **GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION.** In all  
17 areas of special flood hazards the following standards are required:

18 **(B) Construction Materials and Methods.**

19 (1) All new construction and substantial improvements shall be  
20 constructed with materials and utility equipment resistant to flood damage;

21 (2) All new construction and substantial improvements shall be  
22 constructed using methods and practices that minimize flood damage.

23 **(C) Utilities.**

24 (1) All new and replacement water supply systems shall be designed to  
25 minimize or eliminate infiltration of flood waters into the system;

26 (2) New and replacement sanitary sewage systems shall be designed to  
27 minimize or eliminate infiltration of flood waters into the systems and  
28 discharge from the systems into flood waters; and

29 (3) On-site waste disposal systems shall be located to avoid impairment  
30 to them or contamination from them during flooding.

31 (4) All new construction or substantial improvements shall be  
32 constructed with electrical, [mechanical,] heating, plumbing, ventilation, and

1 air conditioning equipment, and other service facilities that are designed  
2 and/or located so as to prevent water from entering or accumulating within the  
3 components during conditions of flooding.

4 **§ 14-5-1-9 SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION.**

5 In all areas of special flood hazards where base flood elevation data have  
6 been provided as set forth in § 14-5-1-6 or in § 14-5-1-7(B)(2), the following  
7 standards are required:

8 (A) Residential Construction. New construction and substantial  
9 improvement of any residential structure shall have the lowest floor (including  
10 basement [and mechanical equipment]) elevated to a minimum of one foot  
11 above the base flood elevation. A registered professional engineer or land  
12 surveyor shall submit a certification to the Floodplain Administrator [i.e., the  
13 Administrator] that the standard of this division as proposed in § 14-1-8 is  
14 satisfied.

15 (B) Nonresidential Construction. New construction and substantial  
16 improvement of any commercial, industrial or other nonresidential structure  
17 shall either have the lowest floor, including basement [and mechanical  
18 equipment], elevated a minimum of one foot above the base flood elevation; or  
19 together with attendant utility and sanitary facilities, shall:

20 (1) Be floodproofed so that below one foot above the base flood level the  
21 structure is watertight with walls substantially impermeable to the passage of  
22 water;

23 (2) Have structural components capable of resisting hydrostatic and  
24 hydrodynamic loads and effects of buoyancy; and

25 (3) Be certified by a professional engineer that the standards of this  
26 division (B) are satisfied. Such certifications shall be provided to the official  
27 [i.e., the Administrator] as set forth in § 14-5-1-7(B)(3).

28 (D) Manufactured Homes.

29 (1) Require that all manufactured homes to be placed within Zone A, shall  
30 be installed using methods and practices which minimize flood damage. For  
31 the purpose of this requirement, manufactured homes [and mechanical  
32 equipment] must be elevated and anchored to resist flotation, collapse, or

1 lateral movement. Methods of anchoring may include, but are not limited to,  
2 use of over-the-top or frame ties to ground anchors. This requirement is in  
3 addition to applicable State and local anchoring requirements for resisting  
4 wind forces.

5 (2) All manufactured homes shall be in compliance with division (A) of  
6 this section.

7 (3) Require that all manufactured homes to be placed or substantially  
8 improved within ~~[Zones A1-30, and AH ]~~[FEMA designated 100-year  
9 floodplains] on the community's FIRM be elevated on a permanent foundation  
10 such that the lowest floor of the manufactured home [and mechanical  
11 equipment] is a minimum of one foot above the base flood elevation; and be  
12 securely anchored to an adequately anchored foundation system in  
13 accordance with the provision of division (1) above.

14 ('74 Code, § 7-3-7B) (Ord. 99-1981; Am. Ord. 77-1983; Am Ord. 66-1987)

15 § 14-5-1-11 STANDARDS OF AREAS OF SHALLOW FLOODING (AO AND AH  
16 ZONES).

17 Located within the areas of special flood hazard established in § 14-5-1-6 are  
18 areas designated as shallow flooding. These areas have special flood hazards  
19 associated with base flood depths of one to three feet where a clearly defined  
20 channel does not exist and where the path of flooding is unpredictable and  
21 indeterminate; therefore, the following provisions apply:

22 (A) All new construction and substantial improvements of residential  
23 structures have the lowest floor (including basement [and mechanical  
24 equipment]) elevated above the highest adjacent grade at least one foot higher  
25 than the depth number specified in feet on the community's FIRM (at least two  
26 feet if no depth number is specified).

27 (B) All new construction and substantial improvements of nonresidential  
28 structures must:

29 (1) Have the lowest floor (including basement [and mechanical  
30 equipment]) elevated above the highest adjacent grade at least one foot higher  
31 than the depth number specified in feet on the community's FIRM (at least two  
32 feet if no depth number is specified); or

1 PART 2: DRAINAGE CONTROL

2 § 14-5-2-15 APPEALS; TECHNICAL STANDARDS COMMITTEE.

3 (A) Any applicant aggrieved by a decision as to actions provided for in §§  
4 14-5-2-6, 14-5-2-12 and 14-5-2-13 of the City Engineer or absence of such  
5 decision, may appeal such decision to the Technical Standards Committee of  
6 the city. Such appeal shall be made by notice of appeal in writing addressed to  
7 the Chairperson of the Technical Standards Committee and delivered to the  
8 office of the City Engineer within ~~[30]~~ [fifteen (15) calendar] days after the date  
9 the decision was mailed to the applicant. The Chairperson of the Technical  
10 Standards Committee shall notify the applicant and the City Engineer of the  
11 date, time, and place of the appeal hearing at least five days prior to the  
12 hearing date. Such hearing shall be conducted not earlier than ~~[ten]~~ [fifteen  
13 (15) calendar] days nor later than ~~[30]~~ [forty-five (45) calendar] days after the  
14 filing of the notice of appeal. At the hearing, the Technical Standards  
15 Committee may consider such facts, exhibits, and engineering principles as  
16 may be presented by the appellant or the City Engineer or his or her designee,  
17 or of which the members may have knowledge or experience, and may affirm,  
18 reverse or modify the decision appealed from, and attach as conditions to  
19 their decision such requirements as in their opinion may be necessary or  
20 appropriate in compliance with the policies of §§ 14-5-2-1 et seq. to safeguard  
21 persons and property from stormwater runoff. Each decision of the Technical  
22 Standards Committee shall be in writing and shall state reasons therefor. A  
23 copy of the decision shall be promptly mailed to the applicant and to the City  
24 Engineer.

25 (B) The City Engineer or applicant aggrieved by any decision of the  
26 Technical Standards Committee may appeal such decision to the City Council.  
27 Such appeal shall be requested by notice of appeal in writing addressed to the  
28 President of the City Council and delivered to the office of the City Council  
29 within ~~[30]~~ [fifteen (15) calendar] days after the date a copy of the decision was  
30 mailed to the applicant. Such appeal shall be heard after notice at the first  
31 available meeting of the City Council. The City Council may affirm, reverse, or  
32 modify the decision of the Technical Standards Committee.

1 (C) There is hereby created a Technical Standards Committee, consisting of  
2 five members who shall be appointed by the Mayor with the advice and  
3 consent of the City Council, and who shall serve without pay. Two members  
4 shall serve for a term ending August 1, 1983, one member shall serve for a  
5 term ending August 1, 1984, and two members shall serve for terms ending  
6 August 1, 1985. Subsequent terms shall be for three years. Four of such  
7 members shall be registered in this state as professional engineers, be  
8 competent in the science of surface water hydrology, and have experience in  
9 solving surface drainage problems. The members shall select one member to  
10 serve as Chairperson, and their decisions shall be by majority vote of the  
11 members attending a hearing. A quorum shall consist of three members. The  
12 Technical Standards Committee shall hear and determine all appeals as  
13 provided by this section. The Committee may from time to time recommend  
14 modifications of §§ 14-5-2-1 et seq. to the Mayor. The City Engineer shall  
15 provide such facilities, supplies, and services, including postage, stationery  
16 and secretarial assistance, as may be required by the Committee.

17 ('74 Code, § 7-9-15) (Ord. 63-1982; Am. Ord. 89-1989; Am. Ord. 2013-016)

18 **[§ 14-5-2-18 SENSITIVE LANDS]**

19 **Where a Sensitive Lands Analysis is reviewed and the Planning Director**  
20 **determines sensitive land features must be preserved, then the City Engineer**  
21 **must approve a Sensitive Lands Preservation Plan. The preservation plan**  
22 **must be implemented on site prior to any clearing and grubbing and dirt**  
23 **work.”**

24 Section 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
25 clause, word or phrase of this ordinance is for any reason held to be  
26 invalid or unenforceable by any court of competent jurisdiction, such  
27 decision shall not affect the validity of the remaining provisions of this  
28 ordinance. The Council hereby declares that it would have passed this  
29 ordinance and each section, paragraph, sentence, clause, word or  
30 phrase thereof irrespective of any provision being declared  
31 unconstitutional or otherwise invalid.

1      **Section 3.    COMPILATION.    Section 1 of this ordinance shall be**  
2      **incorporated in and made part of the Revised Ordinances of**  
3      **Albuquerque, New Mexico, 1994.**

4      **Section 4.    EFFECTIVE DATE.    This ordinance shall take effect five**  
5      **days after publication by title and general summary.**

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion



**CITY OF ALBUQUERQUE**  
**Albuquerque, New Mexico**  
**Office of the Mayor**

Mayor Timothy M. Keller

**INTER-OFFICE MEMORANDUM**

**TO:** Dan Lewis, President, City Council

**FROM:** Timothy M. Keller, Mayor *TMK*

**SUBJECT: Amendments to ARTICLE 5, §14-5 FLOOD HAZARD AND DRAINAGE CONTROL ORDINANCE**

During the City of Albuquerque's major Community Rating System (CRS) audit, the Federal Emergency Management Agency (FEMA) identified changes that need to be made to the Flood Hazard And Drainage Ordinance. The proposed amendments update the FLOOD HAZARD AND DRAINAGE CONTROL ORDINANCE, and incorporates the changes required by FEMA, as follows:

- a. Defining the Flood Zones as the "FEMA designated 100-year floodplains" versus different "Zones".
- b. Updating the Vertical Datum to Current Datum or other datum adopted by FEMA.
- c. Adding language to require placement of "Mechanical Equipment" above the designated 100-year floodplain elevation to meet the FEMA requirements under our Community Rating System (CRS). By maintaining a favorable rating with FEMA, Albuquerque property owners will be able obtain larger discounts on their flood insurance through the National Federal Insurance Program (NFIP).
- d. Streamlining the appeal deadline from 30 days to 15 days to be consistent with other City appeal deadlines and reducing scheduling the Technical Standard Committee hearing from within 45 days to within 30 days.
- e. Add § 14-5-2-18 SENSITIVE LANDS - Where a Sensitive Lands Analysis is reviewed and the Planning Director determines sensitive land features must be preserved, then the City Engineer must approve a Sensitive Lands Preservation Plan that must be implemented on the development site prior to any clearing, grubbing, and dirt work.

Approved:

Approved as to Legal Form:

*Samantha Sengel* 1/29/24  
Dr. Samantha Sengel Date  
Chief Administrative Officer

*[Signature]* 1/29/24  
City Attorney Date

Recommended:

*[Signature]* 1/29/24  
Alan Varela Date  
Director



## **Cover Analysis**

### **1. What is it?**

This is an amendment to ARTICLE 5, Section 14-5, FLOOD HAZARD AND DRAINAGE CONTROL ORDINANCE of the City of Albuquerque.

### **2. What will this piece of legislation do?**

The proposed updates and changes to the ordinance will accomplish the following purposes:

- a. Define the Flood Zones as the “FEMA designated 100-year floodplains” versus different “Zones”.
- b. Update the Vertical Datum to Current Datum or other datum adopted by FEMA.
- c. Add language to require placement of “Mechanical Equipment” above the designated 100-year floodplain elevation to meet the FEMA requirements under the City of Albuquerque’s Community Rating System (CRS). By maintaining a good rating with FEMA, Albuquerque property owners will be able obtain larger discounts on their flood insurance through the National Federal Insurance Program (NFIP).
- d. Streamline the appeal process by reducing the appeal time from 30 days to 15 days to be consistent with other City appeal deadlines, and reduce the scheduling of the Technical Standard Committee hearing from within 45 days to within 30 days.
- e. Add a section to address sensitive lands by requiring a Sensitive Lands Analysis to be reviewed by the Planning Director, who determines whether sensitive land features must be preserved. If so, the City Engineer must approve a Sensitive Lands Preservation Plan that must be implemented on site prior to any clearing, grubbing, and dirt work.

### **3. Why is this project needed?**

Per FEMA’s major audit of the City’s CRS, FEMA is requiring definition updates to the Flood Hazard And Drainage Control Ordinance and assurance that mechanical equipment will be installed at least one (1) foot above base flood elevation. Additionally,

sensitive lands may be irreversibly damaged during site preparation without implementation of an approved preservation plan.

**4. How much will it cost and what is the funding source?**

There will be no cost for these changes.

**5. Is there a revenue source associated with this contract? If so, what level of income is projected?**

N/A

**6. What will happen if the project is not approved?**

The City will jeopardize its favorable CRS rating with FEMA and lose flood insurance discounts through NFIP for Albuquerque property owners, and sensitive lands will not be preserved.

**7. Is this service already provided by another entity?**

No.