

Chapter 15.56

DISASTER RECOVERY AND RECONSTRUCTION

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15.56.010 Purposes. The implementation of consistent standards and removal of unreasonable barriers, including design review for aesthetic purposes, to achieve the timely repair and replacement of residences after a disaster is a matter of Town concern. The purposes of this chapter are to authorize in advance of a disaster a process to expedite recovery and reconstruction in order to assist residents in returning to their homes after such an event. It is the Town's intent to encourage the reconstruction of like-kind residences by removing obstacles to their reconstruction. (Ord. 650 (part), 2013; Ord. 647 (part), 2013; Ord. 634 (part), 2012).

15.56.020 Involuntarily Damaged or Destroyed Dwelling Units. The town building official may permit the repair, reconstruction, restoration, or rebuilding of any single-family dwelling that is involuntarily damaged or destroyed. No prior Town Council discretionary review or a public hearing that may otherwise be required under Title 18, including variance, design review, hillside lot or other approvals, shall be required, provided that all of the following criteria are met:

(1) The applicant provides documentation, satisfactory to the building official, supporting the claim that the damage or destruction occurred involuntarily.

(2) Except as otherwise provided by this section, the project will comply with all codes and standards adopted by the Town of Ross, including the California Building Standards Code and local amendments, and any more restrictive local building standards in effect at the time of repair or reconstruction, including access, water supply, improvements to the lateral support system, weather proofing and/or sound proofing. In addition, all new structures shall comply with California Building Standards Code Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure) where applicable per the adopted WUI map or other adopted Town Standard. The building official may apply the State Historical Building Code (Part 2.7 (commencing with Section 18950) of Division 13 of the California Health and Safety Code) for work on qualified historical buildings or structures.

(3) The building is reconstructed to the same configuration, floor area, lot coverage, height, appearance and use as the original building or structure, except as otherwise required by this section. The building official may consult with the town planner to make this determination.

(4) The building will conform to the Flood Damage Prevention Chapter 15.36 and National Flood Insurance Program (NFIP) requirements and procedures. With the exception of garage space, any residential building located in a Special Flood Hazard Area shall have a finished floor elevated above the base flood elevation and up to two feet above the base flood elevation. The building official may permit the structure to be modified to meet the requirements of this subsection. The building official may permit necessary landings and stairs to grade even if the landings and stairs do not comply with zoning regulations such as lot coverage or setbacks.

(5) No portion of the building or structure will encroach into a right of way.

(6) If the structure is a historic building or structure, the repair or reconstruction will comply with the most recent United States Secretary of Interior Standards for the Treatment of Historic Property (36 C.F.R. Part 68).

(7) The application for reconstruction is filed within six months after the event of its damage or destruction, unless the town council grants an extension to the six month time period due to special circumstances justifying the delay in filing an application.

(8) The reconstruction is not detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will not be detrimental or injurious to property and improvements in the neighborhood.

(9) The application does not involve reconstruction or substantial improvement of structures that are located within 5 feet of a property line or 25 feet of the top bank of a creek.

(10) Complete demolition and reconstruction will only be permitted if the structure has been substantially damaged. For this chapter only, a structure shall be considered substantially damaged when the cost of repair is greater than 50 percent of the replacement cost of the structure. Replacement cost is the cost of replacing the structure in kind, up to all applicable codes. The applicant shall submit a detailed cost estimate for the project prepared by an estimator certified by the American Society of Professional Estimators or other professional satisfactory to the building official. (Ord. 650 (part), 2013; Ord. 647 (part), 2013; Ord. 634 (part), 2012).

15.56.030 Submittal Requirements. The town may establish specific forms and submittal requirements to ensure that an applicant provides documentation satisfactory to the building official to establish the configuration, floor area, lot coverage, height, appearance and use of the structure prior to the disaster and to demonstrate that it was lawfully established. The documentation shall include details on the size and style of exterior siding, roofing, trim, windows and colors sufficient for the building official to determine that the proposed structure will be replaced in-kind. Photographs or detailed plans depicting each elevation of a structure filed with the town prior to the disaster shall satisfy the requirement regarding the appearance of the structure. The applicant shall sign a statement under penalty of perjury that the documentation is true and correct. The town may establish written policies regarding acceptable exterior changes, such as replacing single-pane windows with double-pane windows. (Ord. 650 (part), 2013; Ord. 647 (part), 2013; Ord. 634 (part), 2012).

15.56.040 Landscape Screening. The building official, in consultation with the town planner, may impose requirements for the installation of new screening landscaping in order to replace necessary screening landscaping lost by the involuntary disaster or to minimize aesthetic impacts from elevated structures. Any decision by the building official regarding landscape screening may be appealed to the town council pursuant to the procedures set forth in Chapter 18.60. The appeal must be filed prior to project final. (Ord. 650 (part), 2013; Ord. 647 (part), 2013; Ord. 634 (part), 2012).

15.56.050 Penalties for Noncompliance. The building official may suspend or revoke a permit any time prior to construction completion if, based on substantial evidence, the building official determines that the applicant submitted false, inaccurate or misleading documentation or misrepresented information in the application regarding the configuration, floor area, lot coverage, height, appearance and use of the structure prior to the disaster or if the construction differs from, or in any way exceeds, the work authorized by the building permit. The building official may require the property owner to demolish improvements that do not comply with paragraph 15.56.020(a)(3) above. The property owner may also be subject to fines, penalties and other punishments provided by law. (Ord. 650 (part), 2013; Ord. 647 (part), 2013; Ord. 634 (part), 2012).

15.56.060 Appeal. Any decision by the building official under this chapter may be appealed by the applicant to the town council pursuant to the procedures set forth in Chapter 18.60. (Ord. 650 (part), 2013; Ord. 647 (part), 2013; Ord. 634 (part), 2012).