

Section 2100 F/H FLOOD HAZARD DISTRICT

Purpose

The Flood Hazard District includes all areas covered by the Floodway District plus all Areas of Special Flood Hazard as set forth and identified as such by the Federal Emergency Management Agency in its Flood Boundary-Floodway Map dated November 7, 2002, and the Flood Insurance Rate Map (FIRM) dated November 7, 2002, along with supporting profiles, and any revisions thereto. Said Flood Boundary Map and Flood Insurance Rate Map are adopted by reference and declared to be a part of these regulations.

Any property contended to be below the Base Flood elevation shall be accompanied by certification and documentation by a registered professional engineer, architect or land surveyor showing that the property in question is actually above the Base Flood elevation. Such certification and documentation shall be submitted to the Chief Building Official and shall be maintained as part of the permanent record.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of East Ridge. (Formerly 2100; Ord. No. 535, 12-10-1992 and Ord. No. 794, 7/28/05)

2100 Establishment of Development Permit

A Development permit shall be required to conform with the provisions of this Ordinance prior to the commencement of any Development activities.

2101 Compliance

No Structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

2102 Abrogation and Greater Restrictions

These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and another conflict or overlap, whichever imposes the most stringent restrictions shall prevail.

2103 Interpretation

In the interpretation and application of these regulations 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.

2104 Warning and Disclaimer of Liability

The degree of Flood protection required by these regulations 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. These regulations do not imply that land outside the Area of Special Flood Hazard or uses permitted

within such Areas will be free from Flooding or Flood damages. These regulations shall not create any liability on the part of the City of East Ridge or by any officer or employee thereof for any Flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

2105 Penalties for Violation

Any person who violates these regulations or fails to comply with any of these requirements shall, upon conviction thereof, be punished as provided in ARTICLE XII, Section 100, of this Ordinance, and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of East Ridge, Tennessee, from taking such other lawful action as is necessary to prevent or remedy any violation.

2106 Designation of Chief Building Official

The Chief Building Official is hereby appointed to administer and implement the provisions of these regulations.

2107 Permit Procedures

Application for a Development permit shall be made to the Chief Building Official on forms furnished by him or her prior to any Development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations 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:

A. Application Stage:

1. Elevation in relation to Mean Sea Level of the proposed lowest Floor (including Basement) of all Buildings;
2. Elevation in relation to Mean Sea Level to which any non-residential Building will be Flood-proofed;
3. A certificate from a registered professional engineer or architect that the non-residential Flood-proofed Building meets the Flood-proofing criteria set forth in ARTICLE V, Section 2116;
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed Development; and

B. Construction Stage:

Floor elevation or Flood-proofing certification after the lowest Floor is completed. Upon placement of lowest Floor, or Flood-proofing by whatever construction means, or upon placement of horizontal structural members of the lowest Floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Chief Building Official certification of the elevation of the lowest Floor, Flood-proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest Floor, whichever is applicable, as built, in relation to Mean Sea Level. Said certification shall be prepared by or under the direct

supervision of a registered land surveyor or professional engineer and certified by the same. When Flood-proofing is utilized for a particular building, said certification shall be prepared under the direct supervision of a registered land surveyor or professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Chief Building Official shall review the Floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to take said corrections required hereby, shall be cause to issue a stop-work order for the project.

2108

Duties and Responsibilities of the Chief Building Official

Duties of the Chief Building Official shall include, but are not limited to:

- A. Review all Development permits to assure that the permit requirements of these regulations have been satisfied;
- B. Advise permittee that additional federal (TVA, Section 26a Permit and/or U.S. Army COE404 Permit) or state (Aquatic Resources Alteration Permit) permits may be required, and if required, copies of such permits shall be provided and maintained on file with the Development permit;
- C. Notify adjacent communities and the Tennessee State Local Planning Office prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
- D. Assure that maintenance is provided within the altered or relocation portion of said watercourse so that the Flood carrying capacity is not diminished;
- E. Verify and record the actual elevation (in relation to Mean Sea Level) of the lowest Floor (including Basement) of all new or Substantially Improved Buildings in accordance with ARTICLE V, Section 2108(2) of this Ordinance;
- F. Verify and record the actual elevation (in relation to Mean Sea Level) to which the new or Substantially Improved Buildings have been Flood-proofed, in accordance with ARTICLE V, Section 2108(2) of this Ordinance.
- G. When Flood-proofing is utilized for a particular Building, the Chief Building Official shall obtain certification from a registered professional engineer or architect in accordance with ARTICLE V, Section 2116, of this Ordinance;
- H. Where interpretation is needed as to the exact location of the boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Chief Building Official shall make the necessary interpretation. The person contesting the location of the boundary shall be given a

reasonable opportunity to Appeal the interpretation as provided in this Ordinance; When Base Flood elevation and Floodway data have not been provided in accordance with ARTICLE V, Section 2100, then the Chief Building Official shall obtain, review, and reasonably utilize any Base Flood elevation data available from a federal, state or other source, in order to administer the provisions of this Ordinance; and

- I. All records pertaining to the provisions of these regulations shall be maintained in the Office of the Chief Building Official and shall be open for public inspection.

2109

Variance Procedures

The Board of Zoning Appeals, as established by these regulations, shall hear the decide Appeals and requests for Variances from the requirements of this section. The Board of Zoning Appeals shall hear and decide Appeals when it is alleged there is an error in any requirement, decision, or determination made by the Chief Building Official in the enforcement or administration of these regulations. Any person aggrieved by the decision of the Board of Zoning Appeals, or any taxpayer, may Appeal such decision to the courts by the process of statutory certiorari as provided in the Tennessee Code Annotated 27-8-101. Variances may be issued for the reconstruction, rehabilitation or restoration of Structures listed on the National Register of Historic Places without regard to the procedures set forth in the remainder of these regulations. In passing upon application which relate to Areas of Special Flood Hazard, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, standards specified in other section of these regulations, and:

- A. The danger that materials may be swept onto other lands to the injury of others;
- B. The danger of life and property due to Flooding or erosion damage;
- C. The susceptibility of the proposed facility and its content to Flood damage and the effect of such damage on the individual owner;
- D. The importance of the services provided by the proposed facility to the community;
- E. The necessity to the facility of a waterfront location, in the case of a Functionally Dependent Facility;
- F. The availability of alternative locations, not subject to Flooding or erosion damage, for the proposed use;
- G. The compatibility of the proposed use with existing and anticipated Development;
- H. The relationship of the proposed use to the General Plan and Floodplain management program for that area;
- I. The safety of access to the property in times of Flood for ordinary and emergency vehicles;

- J. The expected heights, velocity, duration, rate of rise and sediment transport of the Floodwaters and the effects of wave action, if applicable, expected at the site; and
- K. The cost of providing governmental services during and after Flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and Streets and bridges.

Generally, Variances may be issued for New Construction and Substantial Improvements to be erected on a Lot of one-half (1/2) Acre or less in size, contiguous to and surrounded by Lots with existing Structures constructed below the Base Flood level. As the Lot size increased beyond one-half (1/2) Acre, the technical justification required or issuing the Variance increases.

Upon consideration of the factors listed above and the purposes of these regulations, the City Council may attach such conditions to the granting of Variances as it deems necessary to further the purposes of these regulations.

Variances shall not be issued within the Floodway District if any increase in Flood levels during the Base Flood discharge would result.

2110

Conditions for Variances

Variances shall only be issued upon a determination that the Variance is the minimum necessary, considering the Flood Hazard, to afford relief. Variances shall only be issued upon:

- A. A showing of good and sufficient cause;
- B. A determination that failure to grant the Variance would result in exceptional hardship to the applicant;
- C. A determination that the granting of a Variance will not result in increased Flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or regulations.

Any applicant to whom a Variance is granted shall be given written notice specifying the difference between the Base Flood elevation and the elevation to which the Building is to be built and stating that the cost of Flood insurance will be commensurate with the increased risk resulting from the reduced lowest Flood elevation.

The Chief Building Official shall maintain the records of all Appeal actions and report any Variances to the Federal Emergency Management Agency upon request.

2111

Permitted Uses

Any lawful use permitted in the various Zoning districts shall also be permitted in the portions of such Zoning districts underlying the Flood Hazard District subject to all applicable height, Yard area, Setback, off-Street parking, or other

regulations applicable in such zones; provided, however, that the following provisions for Flood Hazard reduction shall apply.

2112 General Standards for Flood Hazard Reduction

In all Areas of Special Flood Hazard the following provisions are required:

- A. All New Construction and Substantial Improvements shall be anchored to prevent flotation, collapse or lateral movement of the Structure;
- B. All New Construction and Substantial Improvements shall be constructed with materials and utility equipment resistant to Flood damage;
- C. All New Construction or Substantial Improvements shall be constructed by methods and practices that minimize Flood damage;
- D. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of Floodwaters into the system in accordance with regulations of the Tennessee Department of Health;
- E. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of Floodwaters into the systems and discharges from the systems into Floodwaters in accordance with regulations of the Tennessee Department of Health and Environment. Sewers and manholes constructed below the 100-Year elevation shall be water tight as approved by the Chief Building Official. All manholes shall be constructed so that the manhole covers are not below the Base Flood elevation, or they shall be water tight as approved by the Chief Building Official. All sewer extensions must be submitted to and approved by the Tennessee Department of Health and Environment.
- F. On-site waste disposal systems shall not be allowed;
- G. Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this ordinance, shall meet the requirements of 'new construction' as contained in this ordinance. (Ord. No. 535, 12/10/1992)
- H. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of Flooding;
- I. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this ordinance shall be undertaken only if said non-conformity is not furthered, extended, or replaced. (Ord. No. 535, 12/10/1992)
- J. Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces. (Ord. No. 535, 12/10/1992)

2113 Specific Standards

In all Areas of Special Flood Hazard where Base Flood elevation data has been determined, the following specific provisions are required as determined by the intended land use.

2114 Residential Construction

New construction or substantial improvement of any residential building shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation. The lowest floor, including basement, shall be measured from the bottom of the floor joists if constructed of wood, and from the top of the slab if constructed of concrete or other material not subject to damage by flood waters. Minimum building site must be at or above the base flood elevation. (Ord. No. 583, 12/8/1994)

2115 Non-Residential Construction

New Construction or substantial improvement of any commercial, industrial, or other non-residential building or any manufactured Home shall either have the lower floor, including basement, elevated to one (1) foot above the level of the base flood elevation or, together with attendants utility and sanitary facilities, be flood-proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification and the specific elevation (in relation to Main Sea Level) to which such structures are flood proofed shall be provided to the chief building official in accordance with ARTICLE V, Section 2109 (g) of this ordinance. (Ord. No. 535, 12/10/1992)

2116 Elevated Buildings

New Construction or Substantial Improvements of elevated Buildings that include fully enclosed areas formed by foundation and other exterior walls below the Base Flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic Flood forces on exterior walls.

- A. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
  - 1. Provide a minimum of two (2) openings having a total area of not less than one (1) square inch for every square foot of enclosed area subject to Flooding;
  - 2. The bottom of all openings shall be no higher than one (1) foot above grade; and
  - 3. Openings may be equipped with screens, louvers, valves or other covering devices provided they permit the automatic flow of floodwaters in both directions.
- B. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance

equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

- C. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

2117

Standards for Manufactured Homes and Recreational Vehicles

- A. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.
- B. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
  - 1. The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation, or
  - 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade.
- C. The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
- D. In an existing manufactured home park or subdivision on which a manufactured home has incurred 'substantial damage' as the result of a flood, any manufactured home placed on substantially improved must meet the standards of ARTICLE V, Section 2117 B (1) and (2) above.
- E. All recreational Vehicles placed on a site must either:
  - 1. Be fully licensed and ready for highway use, or
  - 2. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of ARTICLE V, Section 2118 A or B (1) and (2) above.

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 structures. (Ord. No. 535, 12/10/1992)

2118

Standards for Subdivision Proposals

All subdivision proposals shall be consistent with the need to minimize Flood damage. All subdivision proposals shall have the public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize Flood damage. All subdivision proposals shall have adequate drainage provided to reduce exposure to Flood Hazards. Base Flood elevation data shall

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be provided for subdivision proposals and other proposed Development which is greater than the lesser of fifty (50) Lots or five (5) Acres.