

ORDINANCE NO. 13-7-203

AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE OF THE CITY OF BRIGHTON ON PROVISIONS GOVERNING FLOOD HAZARD REGULATIONS.

WHEREAS, Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated empowered the city to enact the Brighton Zoning Ordinance and provide for its administration, enforcement; and

WHEREAS, the Board of Mayor and Aldermen deems it necessary, for the purpose of promoting the health, safety, morals and general welfare of the City to amend said Ordinance; and

WHEREAS, the Brighton Mayor and Aldermen Planning Commission has reviewed said proposed amendment pursuant to Sections 13-7-203 and 13-7-204 of the Tennessee Code Annotated and recommends such amendment to the Brighton Board of Mayor and Aldermen; and

WHEREAS, the Board of Mayor and Aldermen has given due public notice of hearings on said amendment and has held public hearings; and

WHEREAS, all the requirements of Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated, with the regard to the amendment of the zoning ordinance by the Planning Commission and subsequent action of the Board of Mayor and Aldermen have been met.

NOW, THEREFORE, BE IT ORDAINED by the City of Brighton, Tennessee that the text of the Brighton Municipal Zoning Ordinance be revised by making the following changes:

SECTION 1. That Article VII, Section 2. Definitions, be amended by adding the following definitions:

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

SECTION 2. That Article VII, Section 5. Provisions for Floor Hazard Reduction be amended by inserting the following and subsequently renumbering 2 and 3 to 4 and 5.

2. Specific Standards

These provisions shall apply to all areas of special flood hazard as provided herein:

In all areas of special flood hazard where base flood elevation data have been provided, including A zones, A1-30 zones, AE zones, AO zones, AH zones and A99 zones, and has provided a regulatory floodway, as set forth in Section 3. 2., the following provisions are required:

- (a) Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 5, 2. (c).
- (b) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the (Building Official) as set forth in Section 4.2.
- (c) Elevated Building. 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 flood waters to automatically equalize hydrostatic flood forces on exterior walls.
 1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
 - i. Provide 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;
 - ii. The bottom of all openings shall be no higher than one foot above grade; and

- iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
2. 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); and
3. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Section 5. 2. of this Chapter.

(d) Standards for Manufactured Homes and Recreational Vehicles

- (1) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
- (2) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
 - i. The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;
 - ii. The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,
 - iii. In or outside of an existing or new manufactured home park or subdivision, or in an expansion of 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 or substantially improved must meet the standards of Section 5. 2 (d) (2) i. and ii. above.
- (3) All recreational vehicles placed on sites must either:
 - i. Be on the site for fewer than 180 consecutive days;
 - ii. Be fully licensed and ready for highway use; or
 - iii. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Section 5. 2 (d) (1) or (2) (i) 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.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of Section 4. 3. (H) shall be utilized for all requirements relative to the base flood elevation or floodways.

3. Standards for Areas of Special Flood Hazard With Established Base Flood Elevation And With Floodways Designated

Located within the areas of special flood hazard established in Section 3. 2., where streams exist with base flood data and floodways provided, the following provisions apply:

1. No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. If Section 5. 3. (a) above is satisfied, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 5. 2.

SECTION 3. BE IT FURTHER ORDAINED, that this Ordinance shall become effective immediately after the final reading, the public welfare so requiring it.

1st Reading January 2, 1995
Date
2nd Reading January 16, 1995
Date
3rd Reading February 20, 1995
Date

A. W. Smith
Mayor

ATTEST: Liville Bridges
City Recorder