ORDINANCE #08-10

AN ORDINANCE TO AMEND TITLE 18, OF THE MUNICIPAL CODE OF THE TOWN OF NOLENSVILLE, TENNESSEE TO ADD CHAPTER 3

WHEREAS, the Charter of the Town of Nolensville, Tennessee authorizes the Town to adopt regulatory activities necessary to promote health, safety and welfare of the inhabitants of the Town of Nolensville; and,

WHEREAS, the Board of Mayor and Aldermen for the Town of Nolensville wish to exercise its authority to regulate floodplain issues within the Town of Nolensville; and,

WHEREAS, the Board of Mayor and Aldermen wish to amend said ordinance to add a new Chapter 3 regarding flood conditions; and,

NOW, THEREFORE, be it ordained by the Board of Mayor and Aldermen of the Town of Nolensville that Title 18, Water and Sewers, of the Nolensville Municipal Code is amended to add Chapter 3 Floodplain Regulations:

Chapter 3
Floodplain Regulations

18-301 Statutory Authorization

The legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-211, Tennessee Code, delegated the responsibility to local governmental units to adopt regulations designed to promote the health, safety, and general welfare of it's citizenry. Therefore, The Nolensville, Tennessee, Mayor, and Board of Aldermen, does ordain as follows:

1. Findings of Fact

1. The Nolensville Mayor and Board of Aldermen wishes to establish eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d), of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition) and subsequent amendments.
2. Areas of Nolensville are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood proofed, or otherwise unprotected from flood damages

2. Statement of Purpose It is the purpose of this Ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood

conditions in specific areas. This Ordinance is designed to:

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause any damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.

3. <u>Objectives</u> The objectives of this Ordinance are:

1. To protect human life and health;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodable areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas;
7. To ensure that potential buyers are notified that property is in a floodable area; and,
8. To establish eligibility for participation in the National Flood Insurance Program.

18-302 DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

Accessory Structure -- shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or flood proofed.

Act --means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

Addition (to an existing building) -- means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Appeal -- means a request for a review of the Building Official's interpretation of any provision of this Ordinance or a request for a variance.

Area of Shallow Flooding -- means a designated AO or AH Zone, on a community's Flood Insurance Rate Map (FIRM) with one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood-Related Erosion Hazard -- is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E, on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E, may be further refined.

Area of Special Flood Hazard -- is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A, usually is refined into Zones A, AO, AH, A1-30, AE, or A99.

Base Flood -- means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

Basement -- means that portion of a building having its floor subgrade (below ground level) on all sides.

Breakaway Wall -- means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building -- for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "Structure".)

Development -- means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Elevated Building -- means a non-basement building built to have the lowest floor of the lowest

enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Emergency Flood Insurance Program, or Emergency Program -- means the program as implemented on an emergency basis in accordance with Section 1336, of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

Erosion -- means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.

Exception -- means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

Existing Construction – means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

Existing Manufactured Home Park or Subdivision -- means 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 the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

Existing Structures, see Existing Construction

Expansion to an Existing Manufactured Home Park or Subdivision -- means 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).

Flood or Flooding -- means a general and temporary condition of partial or complete inundation of normally dry land areas from:
A. the overflow of inland or tidal waters;
B. the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Elevation Determination -- means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one (1) percent or greater chance of occurrence in any given year.

Flood Elevation Study -- means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Hazard Boundary Map (FHBM) -- means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

Flood Insurance Rate Map (FIRM) -- means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study -- is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.

Floodplain or Flood Prone Area -- means any land area susceptible to being inundated by water from any source. (See definition of "Flooding".)

Floodplain Management -- means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Flood Protection System -- means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodproofing -- means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood-Related Erosion -- means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or by some similarly unusual and unforeseeable event which results in flooding.

Flood-Related Erosion Area, or **Flood-Related Erosion Prone Area** -- means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

Flood-Related Erosion Area Management -- means the operation of an overall program of

corrective and preventive measures for reducing flood-related erosion damage, including, but not limited to, emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

Floodway -- means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway Fringe – that area of the floodplain lying outside the floodway but still lying within the one hundred (100) year floodplain.

Floor -- means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Freeboard -- means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade -- means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic Structure -- means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary 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 the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    a. 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.

Levee -- means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System -- means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor -- means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Manufactured Home -- means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision -- means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map -- means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

Mean-Sea-Level --means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

National Geodetic Vertical Datum (NGVD) --as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction --any structure for which the "start of construction" commenced on or after the effective date of this Ordinance. The term also includes any subsequent improvements to such structure.

New Manufactured Home Park or Subdivision -- means 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 this Ordinance and includes any subsequent improvements to such structure..

100-Year Flood see **Base Flood**.

Person -- includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

Recreational Vehicle -- means a vehicle which is:

1. built on a single chassis;
2. four hundred (400) square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -- means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine -- means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Hazard Area -- means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

Start of Construction -- includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State Coordinating Agency -- (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state.

Structure -- for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

Substantial Damage --means damage of any origin sustained by a structure whereby the cost of restoring the structure to it before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement -- means any repairs, reconstruction, rehabilitation, addition or other improvement of a structure, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.
For the purpose of this definition, “Substantial Improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Substantially Improved Existing Manufactured Home Parks or Subdivisions --is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance -- is a grant of relief from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

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.

18-303 GENERAL PROVISIONS

Section A. Application

This Chapter shall apply to all areas within the incorporated area of Nolensville, Tennessee. All site activity shall also comply with Nolensville ordinance 00-05, related to construction regulations within the floodplain.

Section B. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified on the Nolensville, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47187C0235F and 47187C0245F, dated September 29, 2006, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

Section C. Requirement for Development Permit

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activity.

Section D. Compliance

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

Section E. Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this Ordinance conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.

Section F. Interpretation

In the interpretation and application of this Ordinance, 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.

Section G. Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance 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. This Ordinance does not imply that land outside the flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Nolensville, Tennessee, or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

Section H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor punishable as other misdemeanors

as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Nolensville, Tennessee, from taking such other lawful actions to prevent or remedy any violation.

18-304 ADMINISTRATION

Section A. Designation of Building Inspector

The Administrator or his designee is hereby appointed to administer and implement the provisions of this Ordinance.

Section B. Permit Procedures

Application for a development permit shall be made to the Administrator or his designee on forms furnished by him prior to any development activity. The development permit may include, but is not 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, earthen fill, storage of materials or equipment, drainage facilities. Specifically, the following information is required:

1. Application Stage

a.. Elevation in relation to mean-sea-level of the proposed lowest floor (including basement) of all buildings where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.

b. Elevation in relation to mean-sea-level to which any nonresidential building will be floodproofed where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.

c. Certificate from a registered professional engineer or architect that the nonresidential floodproofed building will meet the floodproofing criteria in Article IV.B.2.

d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. *(See 2, Below.)

2. Construction Stage

Within unnumbered A Zones, where flood elevation data are not available, the Mayor or his designee shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building and the highest adjacent grade.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or floodproofing. Within unnumbered A Zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

Any lowest floor certification made relative to mean-sea-level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building, said certification shall be prepared by or under the direct supervision of a 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 Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section C. <u>Duties and Responsibilities of the Administrator</u>

Duties of the Administrator or his designee shall include, but not be limited to:

1. Review of all development permits to assure that the requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404, of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
3. Provide notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
5. Record the actual elevation (in relation to mean-sea-level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been floodproofed, in accordance with Article IV.B.2.
6. When floodproofing is utilized, the Administrator or his designee shall obtain certification from a registered professional engineer or architect, in accordance with Article IV.B.2.
7. Where interpretation is needed as to the exact location of 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 Administrator or his designee 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.

8. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator or his designee shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the Community FIRM, meet the requirements of this Ordinance.
   Within unnumbered A Zones, where base flood elevations have not been established and where alternative data is not available, the Administrator or his designee shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Ordinance). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV.B.2.
9. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Administrator or his designee and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

18-305 PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all flood prone areas the following provisions are required:

1. Any structure placed in the floodplain shall be anchored firmly to prevent floodwaters from carrying it downstream. Such anchoring shall be sufficient to withstand velocities of up to six (6) feet per second up to and including the 100year floodplain in a manner which ensures that debris is not caught. A written opinion from a registered professional engineer shall be submitted that states the proposed structural design meets these standards.
2. Manufactured homes shall be elevated and 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;
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. Electrical, heating, ventilation, plumbing, 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;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9 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 Chapter; and,
10. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is further extended or replaced.
11. **Permitted Uses and Improvements.** All floodplains shall be preserved as permanently protected open space. No uses or improvements other than those listed below shall be permitted in any floodway fringe if in accordance with zoning.

    a. Farm uses that involve crops, orchards, raising of dairy cattle, horses, poultry or other livestock. No structures appurtenant to such activities are allowed.
    b. The raising of tree and plant stock for clear cutting or nursery uses. No structures appurtenant to such activities are allowed.
    c. Public areas for active recreational activities including, but not limited to, jogging, cycling, tot lots, playfields, playgrounds, outdoor swimming pools, outdoor tennis courts and golf courses. Public areas for passive recreational activities including, but not limited to, parks, areas for hiking, arboretums, nature areas, wildlife sanctuaries, picnic areas, garden plots, cemeteries and beaches. Structures appurtenant to such activities may be considered by the Planning Commission and shall meet all requirements of this Section.
    d. Private parks and other open spaces such as youth recreation camps. No structures appurtenant to such activities are allowed.
    e. Picnic shelters and stormwater detention facilities provided that: a certified engineer has certified that such structures are designed to withstand the forces exerted by a 100-year flood; the facility does not increase the 100-year floodway profile by more than one (1) percent; the 100-year floodway profile is not increased on adjacent or upstream properties; and the facility does not increase the height of more frequent floods on adjacent or upstream properties.
    f. Bridges and approach fills provided that: the facility does not increase the 100-year floodway profile by more than one (1) percent; the 100-year floodway profile is not increased on adjacent or upstream properties; the facility does not increase the height of more frequent floods on adjacent or upstream properties; and in no case shall the lowest roadway elevation of a bridge or approach be below the 50-year flood. Construction of bridges and approaches shall be designed so that no more than one (1) foot of overtopping of the approaches or structures shall occur during the 100year storm.
    g. Private bridges and driveways serving a single family provided that: the facility does not increase the 100-year floodway profile by more than one (1)

percent; the 100-year floodway profile is not increased on adjacent or upstream properties; and the facility does not increase the height of more frequent floods on adjacent or upstream properties.

h. For lots of record existing prior to April 1, 1981, the effective date of the Federal Emergency Management Agency FIRM maps, the Mayor or his designee is authorized to allow uses and filling provided that the following conditions are met in addition to the requirements of other applicable sections of this ordinance.
    1. The Mayor or his designee must find that there is no other appropriate building site outside the floodplain on the lot of record.
    2. The filling of the floodplain must be shown on a plan prepared by a licensed professional engineer who has proven experience in hydrologic calculations. The plan must show existing and proposed structures and include a certification that proposed activities will not increase flood heights of the one through 100year flood on adjacent or upstream properties. This plan must be approved by the Mayor or his designee.
    3. The first habitable floor must be elevated to the level of three (3) feet above base flood or flood-proofed to a level of three (3) feet above the base flood.
    4. Only permitted residential uses are allowed under this provision.

Filling may be performed after approval by the Mayor or his designee and the issuance of a building permit and/or grading permit, which outlines the conditions of approval. Building construction may begin only after the developer's engineer certifies compliance with the approved grading plan.

The Planning Commission shall review requests in the placement of any use not specified above. No use that, in the opinion of the Planning Commission, would be damaged by floodwaters and no use that would cause additional flooding shall be permitted.

12. **Change of Use for Structure in Floodplain**. A change of use is permitted provided that the following criteria are met:
    a. First floor elevation is above the 100-year flood elevation.
    b. Structure is out of the 100-year flood frequency area and the floodway.
    c. Proposed use is deemed appropriate by the Planning Commission.

    If the first floor elevation is not above the 100-year flood elevation, the Planning Commission may impose additional conditions upon the approval.

13. **Nonconforming Uses and Structures in Floodplain**. The following regulations shall apply to nonconforming uses and structures existing in the floodplain at the time of adoption of this ordinance.
    a. **Expansion or Reconstruction**. If a nonconforming use or structure lies in a floodplain, the expansion or reconstruction of a nonconforming structure shall

only be permitted in the floodway fringe, as defined by this ordinance, and only if the first floor elevation is above the floodplain elevation. To perform such expansion or reconstruction, a plan prepared by a licensed professional engineer that certifies that the construction as proposed will not increase flooding in other areas, and that no rise will result in the base flood elevation. Said plan must be reviewed and approved by the Mayor or his designee before a building permit is issued.

b. **Destruction**. A structure that is in the identifiable floodplain and is destroyed, whose first floor elevation is above the floodplain elevation, is not considered in the floodplain and must only present data indication the first floor elevation would indeed be above the base flood elevation. Such data must be in the form of a survey completed by a licensed surveyor and presented to the codes enforcement officer and Mayor or his designee for approval to build back on the same foundation.

14. **Installation of Fill Materials.** Fill shall not be permitted for the purposes of future subdivision of land for development of property currently encumbered by the floodplain. Fill may be placed on existing lots within the floodplain as specified in Item 5.5.1.K.8 for single-family residential uses. Fill for uses other than single-family residential shall be reviewed by the Planning Commission and shall meet the following criteria:

a. Detailed plans prepared by a registered and licensed professional engineer shall be submitted that show existing and proposed conditions. If a structure is to be placed on the fill, the plans shall show the structure as well. These plans shall be reviewed by the Mayor or his designee to assure that the proposed construction will not increase flooding in other areas.
b. Compensatory floodwater storage shall be provided to offset the storage lost through filling. Such storage shall be designed to allow positive drainage at all times, and well contoured to be in character with the existing floodplain.
c. All changes in velocity, depth of flood elevation and storage shall be limited to the property of the owner doing the filling or those property owners who have been granted flood or flow easements. In no event shall an increase in velocity, depth of flood elevation or loss storage be permitted if it would affect any existing building or bring any building to within three (3) feet of the flood elevation.
d. All fill material construction shall be monitored by a geotechnical engineering firm with experience in this field. Reports shall be sealed by a Tennessee Registered professional Engineer (geotechnical). Reports and information shall be provided to the Mayor or his designee and the Town Hall. Information and monitoring shall be satisfactory to the Town. These reports and activities shall be at the developer's cost. As determined necessary by the Town, the Town may contract with an engineering firm to observe and monitor fill construction and charge the developer for these costs.
e. All fill areas subject to velocities greater than six (6.0) feet per second shall be stabilized with properly designed rip rap which will protect against erosion

hazards, undercutting or undermining.

f. Comply with Article V.A.15. Floodways, Article V.A.16. Floodway Fringe Alterations and Article V.A.17. Buffers.

15. **Floodways.** Areas designated as floodways are located within areas of special flood hazard. The floodway is an extremely hazardous area because of the velocity of floodwaters, which can carry debris and potential projectiles and have erosion potential. Floodways are also used as a base in determining the width of the required stream buffer as described in Article V.A.17. No alterations of the floodway will be allowed.

The open space uses listed below shall be permitted within the floodway to the extent that they are not prohibited in a particular area by any base zoning ordinance and all applicable flood hazard reduction provisions of this zoning ordinance are met.

a. Agricultural uses such as general farming, pasture, truck farming, forestry, sod farming and wide crop harvesting.
b. Public and private recreational uses not requiring permanent or temporary structures designed for human habitation, some examples are parks, greenways, swimming areas, golf courses, driving ranges, picnic grounds, wildlife and nature preserves, game and skeet ranges, and hunting, fishing and hiking areas. Temporary structures placed on a site for less than 180 consecutive days are not considered improved property.
c. Utility facilities such as flowage area transmission lines, pipelines, water monitoring devices, roadways and bridges.

16. **Floodway Fringe Alterations**. All floodway fringe alterations that result in the filling or elimination of floodplain storage shall provide compensating storage capacity by dredging out at least an equal amount of volume as occupied by fill. All dredged or cut materials shall be removed from the site before fill materials can be delivered, unless all fill materials is generated on-site. Dredging or cut volumes below the elevations of the 2-year storm event shall not be included in the compensating storage capacity calculation. Every effort shall be made to preserve natural flow lines and to avoid situations that encourage sediment deposition in slack water areas.

All dredged or cut areas shall be stabilized immediately to prevent erosion. Areas to be filled must be cleared of standing trees, stumps, brush, down timber, and all objects including structures on and above the ground surface. Topsoil shall be removed and stockpiled, while other spoil materials must be disposed of off- site. Fill materials shall be placed in compacted layers and the minimum distance from the perimeter of any proposed building to top of slope shall be either 25 feet or twice the depth of fill at that point, whichever is greater. The fill material must not have slopes steeper that 3H:1V unless stabilization measures approved by the Mayor or his designee are installed. All slopes shall be stabilized.

No alterations can be made to the floodway fringe land and stormwater management channels without the written approval of the Mayor or his designee. All applicable requirements of this ordinance as well as the following specific conditions must be met before such approval will be granted.

a. The construction of a levee, earth fill, building or other structure that alters a floodway fringe area shall only be permitted based on a plan prepared by a registered engineer, showing existing and proposed elevations, existing and proposed stormwater management channels and existing and proposed structures. The plan shall be approved by the Mayor or his designee certifying that the alteration and construction as proposed are in compliance with all applicable flood hazard reduction provisions of these guidelines.
b. The proposed excavation, filling or change of alignment of any existing channel under the jurisdiction of the U.S. Army Corps of Engineers shall be approved by same.

The plan shall be approved by the Nolensville Planning Commission. Any duly approved alteration of the floodplain will be so noted on the official zoning map as a matter of public information. This notation will be made upon such certification by the Mayor or his designee to the Planning Commission that such alteration has been completed in accordance with the approved plan.

17. **Buffers**. New development and significant re-development in or adjacent to the floodplain and floodway shall include buffers in the proposed plans. The buffer along waterways will be an area where the surface is left in a natural state and is not disturbed by construction activity.

The buffer shall be defined as follows;

a. In areas where a floodplain and a floodway have been determined and accepted by the Town, the buffer shall be the width of the floodway plus at least 50 feet perpendicular from the floodway on each side of the waterway.
b. In areas where the floodplain and floodway have not been determined and accepted by the Town, and it contains a “blue line” or intermittent “blue line” stream denoted on the United Stated Geological Survey Quadrangle maps or service a significant tributary area, of 40 or more acres, the buffer shall be at least 25 feet perpendicular from each side of the stream bank, creek, or unnamed water under “bank full” conditions.
c. In areas where the floodplain and floodway have not been determined and accepted by the Town, of the Federal Emergency Management Agency and does not contain a “blue line” or intermittent “blue line” stream denoted on the United Stated Geological Survey Quadrangle maps or service a significant tributary area, of 40 or more acres, a buffer is not required.

The following additional performance criteria shall apply:

a. In order to maintain the functional value of the buffer area, indigenous vegetation may be removed and minor grading performed only to provide for reasonable sight lines, stormwater conveyance to provide adequate drainage, access paths, general woodlot management, and stormwater quality Best Management Practices (BMP's) as follows:

1. Tree pruning or removal be minimized, but permitted as necessary to provide for sight lines, and vistas, provided that when removed they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff.
2. Any path, for public or private uses, shall be constructed and surfaced so as to effectively control erosion and minimize increase in excess stormwater runoff volume and velocity.
3. Dead, diseased or dying trees or shrubbery may be removed at the discretion of the landowner.

b. When the application of the buffer area would result in extreme loss of buildable areas, as defined by a 50% or greater loss on a lot of parcel, modifications to the width of the buffer may be allowed through the current appeals process, through the Town Storm Water Appeals Board.

Section B. Specific Standards

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

1. **Residential Construction.** Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than three (3) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of forces on both sides of exterior walls and to ensure unimpeded movements of flood waters shall be provided in accordance with standards of, Article V.B.3.

   Within unnumbered A Zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated of floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Ordinance). Applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV.B.2.

2. **Nonresidential Construction**. New construction or substantial improvement of any commercial, industrial, or nonresidential building, when BFE data is

available, shall have the lowest floor, including basement, elevated no lower than three (3) feet above the level of the base flood elevation.

Within unnumbered A Zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level off at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Ordinance). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV.B.2.

Buildings located in all A-Zones, may be floodproofed 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 Administrator or his designee as set forth in Article IV.B.2.

3. **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.

   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 net area of not less than one 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 coverings or 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); and

   c. 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 Article IV.B.2., of this Chapter.

4. **Standards for Manufactured Homes and Recreational Vehicles**

a. 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.
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 three (3) feet above the level of the base flood elevation on a permanent foundation;
    2. The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,
    3. Any manufactured home, which has incurred "substantial damage" as the result of a flood or that has substantially improved, must meet the standards of Article V.B.
c. All recreational vehicles placed on identified flood hazard sites must either:
    1. Be on the site for fewer than one hundred eighty (180) consecutive days;
    2. Be fully licensed and ready for highway use. (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 or additions.
    3. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of this section above if on the site for longer than one hundred-eighty (180) consecutive days.

    In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of Article IV.C.8. shall be utilized for all requirements relative to the base flood elevation or floodways.

Section C. Standards for Areas of Special Flood Hazard Zones AE, with Established Base Flood Elevation, but Without Floodways Designated

Located within the areas of special flood hazard established in Article III.B., where streams exist with base flood data provided but where no floodways have been provided, (Zones AE) the following provisions apply:

1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless

certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

2. New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Article V.B.

Section D. <u>Standards for Streams Without Established Base Flood Elevations or floodways (A Zones)</u>

Located within the Areas of Special Flood Hazard established in Article III, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

1. When base flood elevation data of floodway data have not been provided in accordance with Article III, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of Article V. Only if data is not available from these sources, then the following provisions (B & C) shall apply:
2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
3. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing buildings shall have the lowest floor of the enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article V.B. and “Elevated Buildings”.

Section E. <u>Standards For Areas of Shallow Flooding (AO and AH Zones)</u>

Located within the areas of special flood hazard established in Article III., are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (l' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential buildings shall

have the lowest floor, including basement, elevated to at least one (1') foot above the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Article V.B. and "Elevated Buildings".

2. All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to e completely floodproofed to at least one (1) foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be floodproofed to at least three (3) feet above the highest grade. A registered professional engineer or architect with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the Administrator as set forth above and as required in 5.5.2.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
4. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

Section F. <u>Standards for Areas Protected by Flood Protection System (A-99 Zones)</u>

Located within the areas of special flood hazard established in Article III, are areas of the 100-year flood protected by a flood protection system, but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 Zones), the following provisions apply:

1. All provisions of Article IV and Article V shall apply.

Section G. <u>Standards for Areas of Special Flood Hazard with Established Base Flood Elevation and with Floodways Designated</u>

Located within the areas of special flood hazard established in Article III.B. are areas designated as floodways. A floodway may be extremely hazardous area due to velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless hydrologic and hydraulic analyses performed in accordance with standard engineering practices and certified 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.

2. If Article V.G.1., above is satisfied, new construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Article V.

Section H. Standards for Unmapped Streams

Located within Nolensville, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream along each side of the stream, and not within the required buffer area as called out in the Nolensville Stormwater Ordinance.
2. When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Article IV.B.

Section I. Standards for Subdivision

Subdivision and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to ensure that:

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty (50) lots and/or five (5) acres.

18-306 VARIANCE PROCEDURES

The provisions of this section shall apply exclusively to areas of special flood hazard.

Section A. Storm Water Appeals Board

1. The Nolensville Storm Water Appeals Board shall hear and decide appeals and requests for variances from the requirements of this Chapter.
2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
3. In passing upon such applications, the Storm Water appeals Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
    a. The danger that materials may be swept onto other property to the injury of others;
    b. The danger to life and property due to flooding or erosion;
    c. The susceptibility of the proposed facility and its contents to flood damage;
    d. The importance of the services provided by the proposed facility to the community;
    e. The necessity of the facility to 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 relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
    h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
    i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
    j. The costs 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.
4. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Storm Water Appeals Board may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.
5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B. <u>Conditions for Variances</u>

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

2. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
4. The Mayor or his designee shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

This ordinance shall become effective after its passage and adoption, the public welfare demanding it.

Approved by the Board of Mayor and Aldermen

_____
First Reading

_____
Second Reading

_____ _____
Beth Lothers, Mayor Cindy Lancaster, Town Recorder

Approved by:

_____