

TITLE 14

ZONING AND LAND USE CONTROL¹

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. MOBILE HOMES (TRAILERS).
3. FLOOD DAMAGE PREVENTION.
4. BUILDING PERMIT REQUIRED.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Additional powers.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and another member of the board of commissioners selected by the board of commissioners; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for three (3) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of no more than two (2) members shall expire each year. The terms of the mayor and the member selected by the board of commissioners shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (as amended by Ord. #01111, Jan. 2007)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13.

¹Municipal code reference

Fair housing provisions: title 9, chapter 3.

14-103. Additional powers.¹ Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions.

¹State law reference

To make this section effective the municipality should request the State Planning Office, under authority granted by Tennessee Code Annotated, section 13-3-102 to designate the municipal planning commission as a regional planning commission.

CHAPTER 2

MOBILE HOMES (TRAILERS)

SECTION

- 14-201. Definitions as used in this chapter.
- 14-202. Individual mobile homes.
- 14-203. Regulations for mobile home parks.
- 14-204. Regulating travel trailers and travel trailer parks.
- 14-205. Application for permit.
- 14-206. Legal provisions.

14-201. Definitions as used in this chapter. Except as specifically defined herein, all words used in this chapter have their customary dictionary definitions where not inconsistent with the context. For the purposes of the chapter certain words or terms are defined as follows:

The term "shall" is mandatory.

Where not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular.

Words used in the present tense include the future.

"Green strip." A strip of land not less than ten (10) feet in width planted in grass, groundcover, shrubs and/or trees. No structures are permitted in the green strip.

"Health officer." The town health officer, county or district health department having jurisdiction over the community health in the Town of Graysville, Tennessee, or his authorized representative.

"Manufactured home." A structure transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing heating, air conditioning, and electrical systems contained therein. It includes both mobile homes and modular homes as defined or used in this chapter.

"Mobile home or trailer." A detached, single-family dwelling unit with any or all of the following characteristics:

(1) Is not self-propelled, but is transportable on its own or detachable wheels, or on a flat-bed or other trailer, and which in the traveling mode is eight (8) body feet or more in width, or thirty-five (35) feet or more in length, or when erected on site is three hundred twenty (320) feet or more square feet;

(2) Designed for long-term occupancy and containing sleeping accommodations, flush toilet, a tub or shower or both, a kitchen facility,

plumbing and electrical connections provided for attachment to outside systems;

(3) Arriving at the site where it is to be inhabited or occupied on a single chassis and a complete dwelling, including major appliances and items of furniture, ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, anchoring, connection of utilities and the like.

"Mobile home park." The term mobile home park shall mean any plot of ground within the Town of Graysville on which three (3) or more mobile homes, occupied for dwelling or sleeping purposes, are located.

"Mobile home space." A mobile home space shall mean an area of land designated for the accommodation of one mobile home in a mobile home park.

"Motor home." A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

"Recreational vehicle." A vehicular type unit primarily designed as temporary living quarters for recreation, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities classified as "recreational vehicles" are: travel trailers, camping trailers, truck camper, and motor homes.

"Set up." The support system which is a combination of footings, piers, caps and shims that will, when properly installed, support the mobile home.

"Travel trailer." A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than three hundred twenty (320) square feet and dimensions of less than eight (8) feet wide and thirty-five (35) feet in length.

"Travel trailer park." Any designated permitted site constructed in such manner on which two (2) or more travel trailers, recreational vehicles, or motor homes occupied for camping or period of short stay are located. Adequate sewage disposal facilities shall be on site to serve as a dumping station. The design of the sewage disposal facilities shall have the approval of the Rhea County Health Department.

"Truck camper." A portable unit constructed to provide temporary living quarters for recreational use, travel, or camping use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck. (Ord. #1989-1, Art. I, as replaced by Ord. #1995-1, Sept. 1995, and amended by Ord. #97-5, Aug. 1997, and Ord. #2005-5, July 2005)

14-202. Individual mobile homes and modular homes. Each mobile home or modular home located within the Town of Graysville shall have a building

permit issued by the town recorder or his designee, subject to the following conditions:

(1) The mobile home or modular home shall meet the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974 and TCA 68-126-201 et. seq., as amended;

(2) The mobile home or modular home shall be set up and properly anchored in accordance with the requirements of the Manufactured Home Anchoring Act (TCA 68-126-401 et. seq.) as amended. The applicant shall present a copy of the permit issued by the State of Tennessee's electrical inspector, approving the installation/set up of the structure.

(3) The mobile home or modular home shall have an adequate sewage disposal system provided and a copy of the health officer's permit or approval of the septic tank and soil absorption system must be provided by the applicant.

(4) Where applicable, the recorder shall require all documents and permits under the current Graysville Flood Damage Prevention Ordinance be approved and copies submitted prior to issuing building permits.

(5) There shall be permanent steps with landing area not less than 3-feet by 3-feet provided for every exterior door to the manufactured that is two (2) feet or more above the ground. Steps shall be properly constructed within sixty (60) days of installation of the manufactured home. Steps constructed from stacked loose materials shall not be constructed as properly installed.

(6) Skirting shall be installed to enclose the open space between the bottom of the manufactured home floor and the grade level of the lot. Screens or ventilated areas shall be installed in the skirting where applicable to comply with § 14-305(2)(c) (Flood Damage Prevention) and access shall be provided for inspection and maintenance of the enclosed area. Materials permitted for use for foundation enclosures or skirting include solid concrete, masonry, hardboard, brick, block, stone, and substantial vinyl or aluminum. Said skirting shall be installed within sixty (60) calendar days of placement of said manufactured home.

(7) Any other applicable conditions as provided in the town code or by ordinance.

(8) Payment of building permit fee, as provided in § 14-201, as amended.

(9) Neither public water or trash collection service will be provided to any structure until the building permit is approved. (Ord. #1989-1, Art. II, as replaced by Ord. #1995-1, Sept. 1995, and amended by Ord. #2005-5, July 2005)

14-203. Regulations for mobile home parks. (1) Permit for mobile home park. No place or site within said town shall be established by any person, group of persons, or corporation as a mobile home park unless a valid permit has been issued by the recorder in the name of such person or persons for the specific mobile home park. The recorder is authorized to issue, suspend, or revoke permits in accordance with the provisions of this chapter.

(2) Site requirements. (a) Each mobile home park shall be located outside of flood zone areas on a well-drained site and shall be situated so drainage will not endanger water supply. Each mobile home park shall be located on a single lot or on adjacent lots of the same ownership and planned so as to facilitate the efficient management and administration of such park.

(b) Any area of land designated to be used as a mobile home park shall be at least one (1) acre, or 43,560 square feet.

(3) Size of mobile home spaces. Each mobile home space shall be at least 7,200 square feet, including parking area, with a minimum width of sixty (60) feet and length of one hundred twenty (120) feet.

Each mobile home located in a mobile home park shall be situated such that there is at least:

(a) Twenty (20) feet from the mobile home to any adjacent property line;

(b) Twenty-five (25) feet from any public street right-of-way to a mobile home; and

(c) Forty (40) feet of clear and open space between adjacent mobile homes, attachments such as screen porches, or other buildings.

(4) Street requirements. The minimum widths of various private streets within a mobile home park shall comply with the following:

- (a) One-way with no on-street parking 10 ft. wide;
- Two-way with no on-street parking 18 ft. wide;
- Parallel parking on one side 8 ft. additional width;
- Parallel parking on two sides 16 ft. additional width;

(b) The internal street system should provide convenient circulation by means of minor streets and properly located collector streets.

(c) Dead-end streets and cul-de-sacs shall not exceed five hundred (500) feet in length and have an adequate turnaround with a minimum diameter of eighty (80) feet.

(d) Internal streets for parks of ten (10) spaces or more must be constructed and surfaced to the design standards required by the Town of Graysville provided pavement widths shown in this chapter shall govern. Parks with less than ten spaces may have gravel surfaced streets (two inches minimum).

(e) All internal streets shall be private and maintenance of the streets in a safe condition is the responsibility of the park management.

(f) Park management shall determine rules for use of the internal streets, post appropriate traffic control signs and enforce these rules.

(g) Streets shall be identified by permanent signs.

(5) Parking and buffer area. (a) Each mobile home park shall provide two parking spaces per mobile home space. Each parking space shall be

at least 9 feet by 18 feet. They may be arranged side-by-side or end-to-end.

(b) Each mobile home park shall have a green strip along all exterior boundaries of the park to be not less than ten feet.

(6) Recreation area. A centrally-located area (or areas in parks of more than 50 spaces) in each mobile home park shall be provided for use by the occupants for recreation and entertainment. Such recreational area shall be at least 250 square feet per mobile home space. Such recreational area shall be maintained in an attractive manner and shall be well-drained. Provided, that in parks which have fewer than ten (10) spaces, 500 square feet may be added to each mobile home space in lieu of a recreation area.

(7) Water supply. Water shall be piped directly to each mobile home space or site. The developer of a mobile home park shall attach to Graysville's water supply. Fire hydrant(s) may be required.

If it is impossible or impractical to connect to town water, the planning commission may allow an independent water supply, which it shall be constructed only with written approval of plans and specifications by the health officer.

(8) Sewage disposal. (a) Each mobile home park shall provide an adequate disposal system approved in writing by the health officer.

(b) The developer of a mobile home park shall first attempt to dispose of sewage through a public sewage system. If this is not feasible, then a septic tank and subsurface soil absorption system may be used provided the soil characteristics are suitable and an adequate disposal area is available.

(c) No mobile home shall be placed over a soil absorption field.

(d) Mobile homes with or without toilet facilities that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.

(9) Solid waste collection. The storage, collection, and disposal of refuse within a mobile home park shall be so managed as to create no health hazards. All refuse shall be stored in fly-tight, watertight, and rodent-proof containers. Garbage and refuse shall be collected and disposed of no less than once a week at designated or approved pick-up sites.

(10) External access. (a) Entrances to mobile home parks shall have direct connections to a public road and shall be designed to allow free movement of traffic on the adjacent public street.

(b) Where the mobile home park does not abut a public road, width, and length of the access strip shall be determined by the planning commission.

(c) Where the mobile home park does not abut a public road, the access road shall be constructed to design standards, pavement cross-section standards, and width as required by the Graysville Planning Commission.

(11) Utilities to each space. Each mobile home park shall provide and maintain sanitary sewer, water and electric connections for each mobile home space.

(12) Skirting. The owner or operator of a mobile home park shall require individual mobile homes within the park to be skirted within a specified period of time, not to exceed sixty (60) days. Permitted materials for said skirting include hardboard, block, brick, vinyl or aluminum.

(13) Mobile home stands. (a) Each mobile home space shall have a pad a minimum of twelve (12) feet by fifty (50) feet, which shall have minimum depth of four (4) inches of compacted gravel.

(b) Each space shall have a permanent site number or address sign clearly visible from the street, affixed on the power panel box serving that space.

(c) All mobile homes shall be cited and anchored in conformance with the "Tennessee Manufactured Home Anchoring Act"¹ and the regulations adopted thereunder by the Department of Commerce and Insurance. The park owner shall provided setups as required by these laws and regulations.

(d) The total area occupied by the mobile home and any accessory structures shall not exceed sixty six and two-thirds (66 2/3) percent of the mobile home.

(14) Accessory structures. (a) Storage and normal accessory buildings shall be set back five (5) feet from mobile home space lines.

(b) Awnings, cabanas, and other additions shall be installed only if permitted and approved by the park management when installed they shall be maintained in good repair.

(c) A cabana shall be designed and constructed as a free-standing structure, provided said cabana may be attached to a mobile home with appropriate flashing or sealing materials to provide a weather seal.

(15) Uses permitted. (a) Mobile homes or modular homes shall not be used for commercial, industrial or other nonresidential uses within the mobile home park. Provided, however, one managerial office and neighborhood convenience services serving only residents of said park, such as a laundromat are permitted.

(b) The sale of manufactured homes is allowed in mobile home parks provided the home is displayed and offered for sale on the site

¹State law reference

Tennessee Code Annotated, §§ 68-126-401, et seq.

intended for location of the home. Homes may not be offered for sale on a retail basis in the mobile home park for sitting outside said park.

(16) Signage. The mobile home park is allowed one sign designating the community not to exceed fifty (50) square feet in surface size or two signs not to exceed sixty (60) square feet in surface size. (Ord. #1989-1, Art. III, as replaced by Ord. #1995-1, Sept. 1995, and amended by Ord. #2001-1, May 2001, and Ord. #2005-5, July 2005)

14-204. Regulating travel trailers and travel trailer parks.

(1) Permit for travel trailer park. No place or site within said town shall be established or maintained by any person, group of persons, or corporation as travel trailer park unless he holds a valid permit issued by the recorder in the name of such persons or persons for the specific travel trailer park. The recorder is authorized to issue, suspend, or revoke permits in accordance with the provisions of this chapter.

(2) Inspections by recorder and county health officer. The recorder, town or county health officer is hereby authorized and directed to make inspections to determine the condition of travel trailer parks, in order that he may perform his duty of safeguarding the health and safety of the occupants of travel trailer parks and of the general public. The recorder, inspector, or county health officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.

(3) Length of occupancy. Travel trailer spaces shall be rented by the day or week only. A travel trailer shall not remain in the same trailer park for more than 14 days without the written approval of the Town of Graysville.

(4) Location. Travel trailer parks should be located in commercial areas or recreational areas.

(5) Minimum size of travel trailer space. Each travel trailer space shall have a minimum width of thirty (30) feet and a minimum length of sixty (60) feet.

(6) Site planning and improvements shall conform to the standards established in sections 14-203 and 14-206 where applicable. (Ord. #1989-1, Art. IV, as replaced by Ord. #1995-1, Sept. 1995)

14-205. Application for permit.

(1) New mobile home parks. Applications for a mobile home park, after the adoption of this chapter,¹ shall be filed with the planning commission and issued by the recorder subject to the planning commission's approval of the mobile home park plan. Applications shall be in writing and signed by the

¹This chapter is taken from Ordinance No. 1989-1 that was adopted in 1989, and replaced by Ord. No. 1995-1, which was adopted in September 1995.

applicant and shall be accompanied with a site plan of the proposed mobile home park. No permit for a mobile home park shall be issued without approval of the planning commission. The plan shall contain the following information and conform to the following requirements:

- (a) the plan shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch;
- (b) name and address of owner of record;
- (c) proposed name of park;
- (d) north point and graphic scale and date;
- (e) vicinity map showing location and acreage of mobile home park;
- (f) exact boundary lines of the tract by bearing and distance;
- (g) names of owners of record of adjoining land;
- (h) existing streets, utilities, easements, and water courses on and adjacent to the tract, contour lines at five (5) feet intervals;
- (i) proposed design including streets, proposed street names, lot and space lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile home spaces, ingress and egress from the park;
- (j) provisions for water supply, sewerage and drainage, including provisions for town acceptance of the water system, if applicable, and appropriate approvals by the health department;
- (k) the applications and all accompanying plans and specifications shall be filed in triplicate;
- (l) a non-refundable application review fee of one hundred (\$100.00) dollars shall accompany the application. (Ord. #1989-1, Art. V, as replaced by Ord. #1995-1, Sept. 1995)

14-206. Legal provisions. (1) Enforcement. It shall be the duty of the county health officer and the town recorder, or his designee, to enforce provisions of this chapter.

(2) Violation and penalty. Any persons or corporation who violates the provisions of the chapter or the rules and regulations adopted pursuant thereto, or fails to perform the reasonable requirements of the recorder or county health officer after receipt of the certified mail receipt of such requirements, shall be fined not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars for each offense and each day of continued violation shall constitute a separate offense.

(3) Conflicts with other ordinances or regulations. This chapter supersedes and replaces any preceding chapter regulations and/or controlling mobile homes. In any case where a provision of this chapter is found to be in conflict with a provision of any private or public act or local ordinance or code,

the provision which establishes the higher standard for promotion and protection of the health and safety of the people shall prevail.

(4) Board of appeals. (a) The Board of Appeals shall consist of the Graysville Planning Commission. The Board of Appeals shall be guided by procedures and powers compatible with state law.

(b) Any party aggrieved because of an alleged error in any order, requirement, decision or determination made by the recorder in the enforcement of this chapter may appeal for and receive a hearing by the board of appeals for an interpretation of pertinent chapter provisions. In exercising the power of interpretation of this chapter, the board of appeals with advice from the town attorney, may, in conformity with the provisions of this chapter, reverse, or affirm any order, requirement, decision or determination may by the recorder.

(c) The board of appeals may grant a variance to these requirements where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, by reasons of exceptional topographic conditions, or other extraordinary and exception situation or condition, where strict application of these regulations would result in peculiar and exceptional practical difficulties and hardship to relieve such difficulties or hardships; provided that such relief is in the public good and does not impair the purpose of this chapter.

(5) Appeal from the planning commissioner. Any person aggrieved by any decision of the planning commission's board of appeals for the Town of Graysville, may file a written petition for review in any court of competent jurisdiction.

(6) Existing mobile home parks (grandfather clause). Any mobile home park or travel trailer park permitted pursuant to the provisions of the Graysville Mobile Home Ordinance adopted in 1989, or the subsequent amendments may be continued even though such use does not entirely conform with the provisions of this chapter provided they do not violate public health regulations and provided, however, that this chapter will govern:

(a) Mobile home parks or travel trailer parks re-established after a discontinuance for more than one (1) year;

(b) The extension or enlargement of any mobile home park or travel trailer park in existence prior to the adoption of this chapter; and,

(c) Mobile home park or travel trailer parks rebuilt, altered, or repaired after the effective date of the ordinance due to damage or destruction of more than one-half (1/2) of the park's total capacity.

(7) Amendment. Any member of the town commission may introduce such amendment to this chapter. All changes and amendments shall be effective only after a fifteen (15) day official notice and public hearing. No such amendment shall become effective unless it is first submitted to the planning commission for approval. If such amendment is disapproved by the planning

commission, it shall receive the favorable vote of a majority of the entire membership of the Graysville Board of Commissioners.

(8) Severability. If any provision of this chapter or its application to any person or circumstances is held invalid, this shall not affect other provisions or applications of the chapter which are independent of the invalid provision or application, and to that end the various provisions of this chapter are severable.

(9) Approval by board of commissioners necessary. This chapter becomes effective upon approval by a majority vote of the Graysville Board of Commissioners following an advertised public hearing in a newspaper of general circulation (TCA 13-7-203). (Ord. #1989-1, Art. VI, as replaced by Ord. #1995-1, Sept. 1995)

CHAPTER 3

FLOOD DAMAGE PREVENTION

SECTION

- 14-301. Statutory authorization, findings of fact, purpose, and objectives.
- 14-302. Definitions.
- 14-303. General provisions.
- 14-304. Administration.
- 14-305. Provisions for flood hazard reduction.
- 14-306. Variance procedures.

14-301. Statutory authorization, findings of fact, purpose, and objectives.

(1) Statutory authorization. The Legislature of the State of Tennessee has in chapter 230, Private Acts of 1992 delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Graysville, Tennessee, Mayor and Board of Commissioners, does ordain as follows.

(2) Findings of fact. (a) The Graysville Mayor and Board of Commissioners wishes to maintain 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 (10-1-88 Edition) and subsequent amendments.

(b) Areas of Graysville 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.

(c) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. This chapter is designed to:

(a) Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause damaging increases in erosion, flood heights or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;

(d) Control filling, grading, dredging, and other development which may increase erosion or flood damage; and

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.

(4) Objectives. The objectives of this chapter are:

(a) To protect human life and health;

(b) To minimize expenditure of public money for costly flood-control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in floodable areas;

(f) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas;

(g) To insure that potential home buyers are notified that property is in a flood area; and

(h) To establish eligibility for participation in the National Flood Insurance Program. (Ord. # 1987-1, Art. 1, as replaced by Ord. #1993-4, Art. I, June 1993)

14-302. Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

(1) "Accessory structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

(a) Accessory structures shall not be used for human habitation.

(b) Accessory structures shall be designed to have low flood damage potential.

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(d) Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.

(e) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

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

(3) "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.

(4) "Appeal" means a request for a review of the city recorder's interpretation of any provision of this chapter or a request for a variance.

(5) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three 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.

(6) "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.

(7) "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.

(8) "Base Flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

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

(10) "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.

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

(12) "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.

(13) "Elevated Building" means a non-basement building

(a) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers),

(b) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base

flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

(14) "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.

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

(16) "Exception" means a waiver from the provisions of this chapter which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this chapter.

(17) "Existing Construction" any structure for which the "start of construction" commenced before the effective date of this chapter.¹

(18) "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 this chapter.¹

(19) "Existing Structures" see "Existing Construction."

(20) "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).

(21) "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.

(22) "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 percent or greater chance of occurrence in any given year.

(23) "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.

¹These provisions were taken from Ordinance No. 1993-4, which passed final reading June 14, 1993.

(24) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

(25) "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.

(26) "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.

(27) "Floodplain" or "flood-prone Area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(28) "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.

(29) "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.

(30) "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.

(31) "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 an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

(32) "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.

(33) "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.

(34) "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.

(35) "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.

(36) "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.

(37) "Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

(39) "Historic Structure" means any structure that is:

(a) 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;

(b) 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;

(c) 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

(d) Individually, listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(i) By an approved state program as determined by the Secretary of the Interior, or

(ii) Directly by the Secretary of the Interior in states without approved programs.

(40) "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.

(41) "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.

(42) "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 chapter.

(43) "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".

(44) "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.

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

(46) "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 chapter, 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.

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

(48) "New Construction" any structure for which the "start of construction" commenced on or after the effective date of this chapter.¹ The term also includes any subsequent improvements to such structure.

(49) "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 chapter.¹

¹These provisions were taken from Ordinance No. 1993-4, which passed final reading June 14, 1993.

(50) "100-year Flood" see "Base Flood".

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

(52) "Recreational vehicle" means a vehicle which is:

(a) built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projections;

(c) designed to be self-propelled or permanently towable by a light duty truck; and

(d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(53) "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.

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

(55) "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.

(56) "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.

(57) "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.

(58) "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.

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

(60) "Substantial Improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or;

(b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

(61) "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 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(62) "Variance" is a grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

(63) "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 chapter is presumed to be in violation until such time as that documentation is provided.

(64) "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. (Ord. #1987-1, Art. 2, modified, as replaced by Ord. #1993-4, Art. 2, June 1993)

14-303. General provisions. (1) Application. This chapter shall apply to all areas within the incorporated area of Graysville, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Graysville, Tennessee, Federal

Emergency Management Agency, Flood Insurance Rate Maps, Community - Panel Numbers 470153, 0001 C; Effective Date: December 2, 1988 and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this chapter.

(3) Requirement for development permit. A development permit shall be required in conformity with this chapter prior to the commencement of any development activity.

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

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

(6) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body, and;
- (c) deemed neither to limit nor repeal any other powers granted

under state statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter 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 chapter shall not create liability on the part of the Town of Graysville, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this chapter 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 Graysville, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #1987-1, Art. 3, as replaced by Ord. #1993-4, Art. 3, June 1993)

14-304. Administration. (1) Designation of city recorder. The city recorder is hereby appointed to administer and implement the provisions of this chapter.

(2) Permit procedures. The city recorder shall cause a certificate of occupancy to be issued to the applicant when such certification is received. Provided further, the recorder or his/her designee may inspect and measure the elevation is in compliance with the permit and any variance. Where certification of the lowest floor elevation is not received or inspection of the property discovers a substantive deviation from the terms of the permit, no certificate of occupancy shall be issued. In addition to any other remedy, the city recorder shall deny water service to said residence or property until there is compliance and a certificate of occupancy may be issued. Application for a development permit shall be made to the city recorder 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:

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings.*

(ii) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed, where base flood elevation data is available.*

(iii) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in section 14-304(2)(b), where base flood elevation data is available.*

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

*(see 2. below)

(b) Construction stage. Within unnumbered A zones, where flood elevation data are not available, the city recorder 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. USGS Quadrangle maps may be utilized when no more detailed reference exists to establish reference elevations.

Within all flood zones where base flood elevation data are utilized, the city recorder shall require that upon placement of the lowest floor, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the city recorder a certification of the elevation of the lowest floor, or flood-proofed elevation, 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,

professional engineer, or architect and certified by same. When flood-proofing is utilized for a particular 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 City Recorder 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 make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the city recorder. Duties of the city recorder shall include, but not be limited to:

(a) Review of all development permits to assure that the requirements of this chapter have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) 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.

(c) 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.

(d) Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with § 14-304(2)(b)

(e) 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 flood-proofed, in accordance with § 14-304(2)(b).

(f) When flood-proofing is utilized, the City Recorder shall obtain certification from a registered professional engineer or architect, in accordance with section 14-304(2)(b).

(g) 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 City Recorder 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 section 14-306.

(h) When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the city recorder 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 FHBM or FIRM meet the requirements of this chapter.

(i) All records pertaining to the provisions of this chapter shall be maintained in the office of the city recorder and shall be open for public inspection. Permits issued under the provisions of this chapter shall be maintained in a separate file or marked for expedited retrieval within combined files.

(j) Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained. (Ord. #1987-1, Art. 4, as replaced by Ord. #1993-4, Art. 4, June 1993, and amended by Ord. #2004-5, April 2004)

14-305. Provisions for flood hazard reduction. (1) General standards. In all flood prone areas the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(b) 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;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) 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;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) 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;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter; and,

(j) Any alteration, repair, reconstruction or improvement to a building which is not in compliance with the provision of this chapter, shall meet the requirements of "new construction" as contained in this chapter and provided said non-conformity is not extended.

(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 14-303(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 14-305(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 City Recorder as set forth in section 14-304(2)(b).

(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.

(i) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.

(A) 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;

(B) The bottom of all openings shall be no higher than one foot above grade; and

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) 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

(iii) 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 14-305(2) of this chapter.

(d) Standards for manufactured homes and recreational vehicles.

(i) 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.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(A) 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;

(B) The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,

(C) 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 14-305(2)(d)(ii)(A) and (B).

- (iii) All recreational vehicles placed on sites must either:
 - (A) Be on the site for fewer than 180 consecutive days;
 - (B) Be fully licensed and ready for highway use; or
 - (C) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of section 14-305(2)(d)(i) or (ii)(A) and (B).

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 14-304(3)(h) shall be utilized for all requirements relative to the base flood elevation or floodways.

(3) Standards for areas of special flood hazard zones A1-30 and AE with established base flood elevation but without floodways designated. Located within the areas of special flood hazard established in section 14-303(2) where streams exist with base flood data provided but where no floodways have been provided, (zones A1-30 and AE) the following provisions apply:

(a) 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.

(b) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with section 14-305(2).

(4) Standards for areas of shallow flooding (AO and AH zones. Located within the areas of special flood hazard established in section 14-303(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(a) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to 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 two (2) feet above the highest adjacent grade.

(b) All new construction and substantial improvements of nonresidential buildings shall:

(i) have the lowest floor, including basement, elevated to 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 two (2) feet above the highest adjacent grade; or,

(ii) together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight 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.

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(5) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in section 14-303(2) are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 Zones) the following provisions apply:

(a) All provisions of section 14-304 and section 14-305(1) shall apply.

(6) 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 14-303(2) where streams exist with base flood data and floodways provided, the following provisions apply:

(a) 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.

(b) If section 14-305(6)(a) above is satisfied, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with section 14-305(2).

(7) Reserved for future use. (a) When flood elevation data is available, new construction or substantial improvements of buildings

shall be elevated or flood-proofed to elevations established in accordance with section 14-304(2)(b).

(8) Standards for subdivision proposals. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, 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:

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) 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.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(d) 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 lots and/or five acres. (Ord. #1987-1, Art. 5, as replaced by Ord. #1993-4, Art. 5, June 1993)

14-306. Variance procedures. (1) Board of floodplain review.

(a) Creation and appointment. A board of floodplain review is hereby established which shall consist of three members appointed by the chief executive officer. The term of membership shall be four (4) years except that the initial individual appointments to the board of floodplain review shall be terms of one, two, and three years respectively. Vacancies shall be filled for any unexpired term by the mayor.

(b) Procedure. Meetings of the board of floodplain review shall be held at such times as the board shall determine. All meetings of the board of floodplain review shall be open to the public. The board of floodplain review shall adopt rules of procedure and shall keep records of applications and actions thereon, which shall be a public record. Compensation of the members of the board of floodplain review shall be set by the board of commissioners.

(c) Appeals: how taken. An appeal to the board of floodplain review may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, or bureau affected by any decision of the city recorder based in whole or in part upon the provisions of this chapter. Such appeal shall be taken by filing with the board of floodplain review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of twenty-five (\$25.00) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The city recorder shall transmit to the board of floodplain review all papers constituting the

record upon which the appeal action was taken. The board of floodplain review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The board of floodplain review shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the city recorder or other administrative official in the carrying out or enforcement of any provisions of this chapter.

(ii) Variance procedures. (A) The Graysville Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) 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.

(C) In passing upon such applications, the board of floodplain review shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) 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;

(10) 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.

(D) Upon consideration of the factors listed above, and the purposes of this chapter, the board of floodplain review may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this chapter.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) 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.

(b) 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.

(c) 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 from flood insurance, and that such construction below the base flood level increases risks to life and property.

(d) The city recorder shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (Ord. #1993-4, Art. 6, June 1993)

CHAPTER 4

BUILDING PERMIT REQUIRED

SECTION

14-401. Building permit required.

14-402. Minimum yard setbacks required.

14-401. Building permit required. A building permit shall be obtained from the town recorder before the erection, alteration, or moving of any building. The fee for a building permit shall be as set from time to time by the board of commissioners. The fee for a building permit shall be:

Single family, duplex, or mobile home	\$40.00
Multi-family, for each dwelling unit	\$20.00
Accessory and outbuildings	\$5.00

Provided that where the owner or applicant fails to obtain a permit prior to the start of construction or moving a mobile home onto a property, the cost of said permit shall be doubled. (Ord. 1981-6, modified, as amended by Ord. #2004-6, May 2004)

14-402. Minimum yard setbacks required. (1) Prior to the town recorder issuing a building permit, the recorder shall ensure that every structure (including mobile homes) shall have setbacks from the property line and other structure on the same lot as shown below.

Front Yard	20 feet
Back Yard	15 feet
Side Yard	20 feet
Minimum Distance Between Residential Structures on the same lot	40 feet
Accessory Buildings, side rear yard	5 feet
Accessory Buildings, front yard	20 feet

(2) Variance. The planning commission, acting as a board of appeals, may grant a variance to these setback requirements on application of the property owner, only when:

(a) The lot of record is exceptionally narrow, shallow, steep, or other unique physical conditions would result in a practical difficulty or unnecessary hardship which would deprive the owner of all reasonable use of the land.

(b) The burden of showing the variance should be granted is upon the applicant. Self-imposed hardships and mere loss in value do not justify a variance - there must be a deprivation of beneficial use of the land.

(3) Where a structure is under construction and a building permit has not been issued, or the owner is in violation of the terms of his/her building permit, the town recorder shall issue a stop work order. Failure to comply with a stop work order constitutes a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). Each day the violation continues shall constitute a separate offense. (as added by Ord. #1995-1, Sept. 1995, and amended by Ord. #2001-3, May 2001)