

ORDINANCE #93 005

Wilsonville, Alabama
Flood Damage Prevention Ordinance

ARTICLE 1. Statutory Authorization

The Legislature of the State of Alabama has in Title 11, Chapter 52, 1-84: and Title 41, Chapter 9, Section 166 of the Code of Alabama 1901 authorized local governmental units to adopt regulations designed to promote the health, safety, and general welfare of its citizenry. Therefore, the Council of Wilsonville, Alabama does ordain as follows:

SECTION B. Finding of Fact

(1) The flood hazard areas of Wilsonville are subject to periodic inundation which results in hazards to property, health and safety, and may disrupt commerce and governmental services. Also, this inundation can result in extraordinary public expenditures for flood protection and relief and a reduction of the tax base which adversely affect the public health, safety and general welfare.

(2) These potential 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 flood damage hazardous to other properties which are inadequately elevated, flood proofed or otherwise protected from flood damage.

SECTION C. 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 by provisions designed to:

(1) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damage due to erosion or in flood heights or velocities;

(2) require that uses vulnerable to floods, including facilities which house such uses, be protected against flood damage at the time of initial construction;

(3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(4) control filling, grading, dredging and other development which increase erosion or flood damage, and;

(5) prevent or regulate the construction of flood barriers which will naturally divert flood waters or which may increase flood hazards to adjacent lands.

SECTION D. Objectives

"Addition (to an existing building)" means any walled and roofed expansion of the perimeter of a building in which the addition is connected by a 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 local administrator's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO Zone on a community's Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is predictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the floodplain within a subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one 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.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

"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, excavating, drilling operations, or permanent placement of materials or equipment.

"Elevated building" means a non-basement building built to have the first floor elevated above the ground level by means of fill, solid foundation, perimeter walls, pilings, columns (posts and piers), shear walls, or retaining walls.

"Existing construction" means any structure for which the "start of construction" commenced before (the effective date of the first floodplain management ordinance, or standard based upon specific technical base flood elevation data which established the area of special flood hazard) or (specific date).

"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 minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by the community (before the effective date of the first floodplain management ordinance, or standard based upon specific technical base flood elevation data which established the area of special flood hazard) or (specific date).

"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 installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. This term does not include long-term storage, manufacture, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, adjacent to construction, next to the proposed walls of a building.

"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 preliminarily 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

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

"Local Administrator" means the person or office designated to administer this ordinance and is the Town Clerk.

"Manufactured home" means a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or less and intended to be improved property.

"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 flood plain. For purposes of this ordinance the term is synonymous with National Geodetic Vertical Datum (NGVD).

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

"New construction" means structures for which the "start of construction" commenced after the effective date of this ordinance.

"New manufactured home park or subdivision home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the units 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 floodplain management regulations adopted by a community.

"Recreational vehicle" means a vehicle which is:

(1) built on a single chassis;

"Substantial improvement" means any combination of repairs, reconstruction, alterations or improvements to a building, taking place during a five (5) year period, in which the cost equals or exceeds fifty percent of the market value of the building. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building immediately 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 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 any project for improvement of a building required to comply with electrical, health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

"Substantially improved existing manufactured home parks or subdivision" is where the 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 or 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.

ARTICLE #. GENERAL PROVISIONS.

Section A. Lands to which this ordinance applies.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Wilsonville.

Section B. Basis for establishing the areas of special flood hazard.

The areas OF SPECIAL FLOOD HAZARD IDENTIFIED BY THE Federal Emergency Management Agency in its Flood Hazard Boundary Map dated September 7, 1979, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance.

Section C. Establishment of development permit.

A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

Section D. Compliance

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

Section E. Abrogation and greater restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements or deed restrictions. However, where this ordinance and another conflict or overlap, the one which ever imposes the more stringent restrictions shall prevail.

Section F. Interpretation.

Section B. Permit Procedures.

Application for a Development Permit shall be made to the local administrator on form furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthwork, storage of materials, drainage facilities, and the location of the foregoing. Special requirements for 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;

(b) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;

(c) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Article 5, Section B (2);

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development, and;

(2) Construction Stage.

Provide a floor elevation or flood-proofing certification after the lowest floor is placed. Upon placement of the lowest floor, or flood-proofing by whatever construction means, it shall be the duty of the permit holder to submit to the local administrator a certification of the elevation of the lowest floor, flood-proofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by 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 local administrator 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 comply with the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section C. Duties and Responsibilities of the Local Administrator.

Duties of the local administrator shall include, but not be limited to:

(1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied.

(2) Advise permittee that additional federal or state permits may be required, and when specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.

(3) Notify adjacent communities and the Alabama Department of Economic and Community Affairs prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(4) Assure that maintenance is provided within the altered or relocated watercourse.

Section D. Variance Procedures

(1) The Board of Adjustment as established by the Town Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(2) The Board of Adjustment shall hear and decide appeals when it is determined that there is an error in any requirement, decision, or determination made by the local administrator in the enforcement or administration of this ordinance.

(3) Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Circuit Court as provided by law.

(4) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the character and design of the structure.

(5) In passing upon such application, the Board of Adjustment 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 lands to the detriment of others;

(b) the danger to life and property due to flooding or erosion damage;

(c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

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

(e) the necessity of the facility to a waterfront location, in the case of a functionally dependent facility.

(f) the availability of alternative location, not subject to flood damage or erosion damage, for the proposed use;

(g) the compatibility of the proposed use with existing and anticipated development;

(h) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

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

(j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;

(k) the costs of providing governmental services during and after construction conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and

Article 5. Provisions for Flood Hazard Reduction.

Section A. General Standards.

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- (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 using 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 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 discharge 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, and;
- (9) Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this ordinance or shall meet the requirements of "new construction" as contained in this ordinance.
- (10) Any alteration, repair, construction or improvements to a building which is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or

Section B. Specific Standards.

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Article 3, Section B, or Article 4, Section C (11), the following provisions are required:

- (1) Residential Construction. New construction or substantial improvement of any residential building or manufactured home shall have the lowest finished basement, elevated no lower than one foot above base flood elevation. Should solid foundation perimeter walls be used to elevate a structure

(iii) Openings may be equipped with screens, louver, valves or devices provided they permit the automatic flow of floodwater in both directions.

(b) Access to the enclosed area shall be the minimum necessary for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) leading to the living area (stairways or elevator); and

(c) The interior portion of such enclosed area shall not be partitioned into separate rooms.

(4) Standards for Manufactured Homes and Recreational Vehicles

(a) All manufactured homes placed, or substantially improved, on lots or parcels, in expansions to existing manufactured home parks or subdivisions, in substantially improved manufactured home parks or subdivisions, or in new manufactured home parks or subdivisions must meet all the requirements for new construction, including elevation and anchoring.

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

(i) The lowest floor of the manufactured home is elevated no less than one foot above the level of the base flood elevation, or

(ii) The manufactured home chassis is supported by reinforced foundation elements of at least an equivalent strength, of no less than 12 inches in height above grade.

(iii) The manufactured homes must be securely anchored to the foundation system to resist flotation, collapse and lateral movement.

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of any flood, any manufactured home placed or substantially improved must meet the requirements of Article 5, Section B (4)(b)(i) and (iii) above.

(c) All recreational vehicles placed on sites must either;

(i) Be fully licensed and ready for highway use, or

(ii) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Article 5, Section B (4)(a) or (b),(i) and (iii) above.

(5) Floodways. Located within areas of special flood hazard designated in Article 3, Section B, are areas designated as floodways. Since floodways are an extremely hazardous area due to the velocity of flood water, floodways may carry debris, potential projectiles and has erosion potential, the provisions shall apply:

(b) If Article 5, Section B (5)(a) above, is satisfied, all new and substantial improvements shall comply with all applicable provisions of Article 5, Section B (5)(b) above.

Section D. Standards For Subdivision Proposals

- (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 flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (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 the lesser of fifty lots or five acres.

Section E. Standards For Areas of Shallow Flooding (AO Zones)

Located within the areas of special flood hazard established in Article Section B, are areas designated as shallow flooding areas. These are 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 extent 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 the depth 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.
- (2) All new construction and substantial improvements of non-residential buildings shall:
 - (a) Have the lowest floor, including basement, elevated to the depth 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) 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.

This Flood Damage Prevention Ordinance for the Town of Wilsonville, A

Adopted on _____.

TOWN OF WILSONVILLE

JAMES (JAKE) MORRIS