

ARTICLE IV. - FLOOD DAMAGE CONTROL<sup>[6]</sup>

## DIVISION 1. - STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, OBJECTIVES, AND DEFINITIONS

## Sec. 7-70. - Statutory authorization.

The legislature of the State of Alabama has in Code of Ala., 1975, title 11, Chapter 19, sections 1—24, chapter 45, section 1, chapter 52, sections 1—84, and title 41, chapter 9, section 166, authorized local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city does ordain as follows.

(Ord. No. 1539, § 1, 3-23-09)

## Sec. 7-71. - Findings of fact.

- (a) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

(Ord. No. 1539, § 1, 3-23-09)

## Sec. 7-72. - Statement of purpose.

It is the purpose of this article 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) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (2) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- (3) Control filling, grading, dredging and other development which may increase flood damage or erosion;
- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and
- (5) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters.

(Ord. No. 1539, § 1, 3-23-09)

## Sec. 7-73. - Objectives.

The objectives of this article are:

- (1) To protect human life and health;
- (2) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (3) To help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize flood blight areas;
- (4) To minimize expenditure of public money for costly flood control projects;
- (5) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

- (6) To minimize prolonged business interruptions; and
- (7) To insure that potential home buyers are notified that property is in a flood area.

(Ord. No. 1539, § 1, 3-23-09)

Sec. 7-74. - Definitions.

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

*Accessory structure (appurtenant structure)* means a structure located on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure. Garages, carports, and storage sheds are common urban accessory structures.

*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 an independent perimeter load-bearing wall shall be considered "new construction".

*Appeal* means any request for a review of the chief building official's interpretation of any provision of this article.

*Area of shallow flooding* means a designated AO or AH zone on a community's flood insurance rate map (FIRM) with a one (1) percent chance of flooding to an average depth of one (1) to three (3) feet and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard* means the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, areas of special flood hazard shall be those designated by the local community and referenced in section 7-79.

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

*Base flood elevation* means the elevation shown on the FIRM for zones AE, AH, A1-A30, AR, AR/A, AR/AR, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one (1) percent chance of being equaled or exceeded in any given year.

*Basement* means any area of a building having its floor subgrade (below ground level) on all sides.

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

*Building*. See "Structure."

*Chemical storage facility* means a structure, portion of a structure, or exterior area adjacent to a structure used for the storage of any chemical or chemically reactive products.

*Coastal barrier resource system (CBRS)* consists of undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (COBRA) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by the federal or state governments or private conservation organizations identified as otherwise protected areas (OPA).

*Coastal high hazard area* means the area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as zone V1-30, VE or V.

*Critical action* means a facility for which a slight chance of flooding might be too great. The minimum floodplain of concern for critical actions is the 500-year floodplain, i.e., critical action floodplain. Critical actions include, but are not limited to, those which create or extend the useful life of structures or facilities:

- (1) Such as those which produce, use or store highly volatile, flammable, explosive, toxic or water reactive materials;
- (2) Such as hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;
- (3) Such as emergency operation centers, or data storage centers which contain records or services that may become lost or inoperative during flood or storm events;
- (4) Such as generating plants, and other principal points of utility lines.

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

*Elevated building* means, for insurance purposes, a nonbasement building which has its lowest elevated floor raised above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

*Encroachment* means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

*Existing construction* means, for the purposes of determining rates, structures for which the "start of construction" commenced prior to January 1, 1975; for purposes of floodplain management, structures for which the "start of construction" commenced prior to the effective date of the FIRM (July 9, 1971).

*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 final site grading or the pouring of concrete pads) is completed before July 9, 1971.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*Flood or flooding* means:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters, or
  - b. The unusual and rapid accumulation or runoff of surface waters from any source.
  - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined by (1)b. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or 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 or unforeseeable event which results in flooding as defined by (1)a. of this definition.

*Flood hazard boundary map (FHBM)* means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as zone A.

*Flood insurance rate map (FIRM)* means an official map of a community, issued by Federal Emergency Management Agency, delineating both the special hazard areas and the risk premium zones applicable to the community.

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

*Floodplain or floodprone area* means any land area susceptible to being inundated by water from any source (see definition of flooding).

*Floodplain administrator* means the individual appointed to administer and enforce the city's floodplain management regulations.

*Floodplain development permit* means any type of permit that is required in conformance with the provisions of this article, prior to commencement of any development activity.

*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.

*Floodway*. See "Regulatory floodway."

*Freeboard* means a factor of safety usually expressed in feet above a flood level for purposes of flood plain 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.

*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 or port facilities that are necessary for the loading and unloading of cargo or passengers and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

*Hazardous waste facility* means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

*Highest adjacent grade* means the highest natural elevation of the ground surface, prior to construction, nearest to the proposed walls of a structure.

*Historic structure* means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. 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 and determined as eligible by 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 and determined as eligible by 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.

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

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

*Lowest adjacent grade (LAG)* means the lowest natural elevation of the ground surface prior to construction next to the proposed walls of construction.

*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, 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 provisions in this article for 44 C.F.R. section 60.3.

*Manufactured home* means a structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when attached to the required utilities. The term does not include a "recreational vehicle."

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

*Market value* means the building value, which is the property value excluding the land value and that of any detached accessory structures and other improvements on the site. Market value can be established by independent certified appraisals (other than a limited or curbside appraisal) or based on income approach. Actual cash value is the replacement cost depreciated for age and quality of construction of structure or adjusted tax assessed values.

*Mean sea level* means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

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

*New construction* means, for floodplain management purposes, structures for which the "start of construction" commenced after July 9, 1971, and includes any subsequent improvements to the structure.

*New manufactured home park or subdivision* means, for floodplain management purposes, 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 July 9, 1971.

*Post-FIRM* means construction or other development for which the "start of construction" occurred on or after the effective date of the initial FIRM for the development site.

*Pre-FIRM* means construction or other development for which the "start of construction" occurred before the effective date of the initial FIRM for the development site.

*Primary frontal dune* means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

*Public safety and/or nuisance* means anything which is injurious to the safety or health of an entire community or neighborhood (or any considerable number of persons) or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.

*Recreational vehicle* means a vehicle which is:

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

*Repetitive loss* means flood-related damages sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damages occurred.

*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.

*Remedy a violation* means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impact of its noncompliance. Ways the impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the article or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

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

*Sand dunes* means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

*Start of construction* (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement, and means the date the building (development) permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of the structure on the site, such as the pouring of slabs or footings, installation of piles, 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 initial 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. (Note: Accessory structures are not exempt from any article requirements.) 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.

*Structure* means, for floodplain management purposes, a walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

*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 fifty (50) percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damages occurred.

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

*Substantially improved existing manufactured home parks or subdivisions* means when the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

*Variance* means a grant of relief from the terms of this article. Granting of a variance must be consistent with provisions of this article for C.F.R. 44, section 60.6, Granting of variances and exceptions.

*Violation* means the failure of a structure or other development to be fully compliant with this article. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in [C.F.R. 44,] section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

*Water surface elevation* means the height in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. No. 1539, § 1, 3-23-09)

Secs. 7-75—7-77. - Reserved.

DIVISION 2. - GENERAL PROVISIONS: APPLICABILITY, ESTABLISHING SPECIAL FLOOD HAZARD AREA, DEVELOPMENT PERMIT, COMPLIANCE, RESTRICTIONS, INTERPRETATION, WARNING AND DISCLAIMER, PENALTIES

Sec. 7-78. - Applicability.

This article shall apply to all areas of special flood hazard within the permitting jurisdiction of the city.

(Ord. No. 1539, § 1, 3-23-09)

Sec. 7-79. - Basis for establishing special flood hazard area.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study (FIS) for the city, dated July 31, 2017, with accompanying maps and other supporting data and any subsequent revisions thereto, are adopted by reference and declared a part of this article. For those land areas acquired by a municipality through annexation, the current effective FIS and data for Baldwin County are hereby adopted by reference. Areas of special flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS. The flood insurance study (FIS) and flood insurance rate map (FIRM) are maintained on file in the city building department.

(Ord. No. 1539, § 1, 3-23-09; Ord. No. 1857, § 1, 9-11-17)

Sec. 7-80. - Establishment of development permit.

A development permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.

(Ord. No. 1539, § 1, 3-23-09)

Sec. 7-81. - Compliance.

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

(Ord. No. 1539, § 1, 3-23-09)

Sec. 7-82. - Abrogation and greater restrictions.

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

(Ord. No. 1539, § 1, 3-23-09)

Sec. 7-83. - Interpretation.

In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 1539, § 1, 3-23-09)

Sec. 7-84. - Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Ord. No. 1539, § 1, 3-23-09)

Sec. 7-85. - Penalties for violations.

Violation of the provisions of this article 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. Any person who violates or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than one (1) day, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained herein shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 1539, § 1, 3-23-09)

Secs. 7-86—7-88. - Reserved.

DIVISION 3. - ADMINISTRATION: DESIGNATION OF FLOODPLAIN ADMINISTRATOR, PERMIT PROCEDURES, DUTIES AND RESPONSIBILITIES, CORRECTIVE PROCEDURES, VARIANCE PROCEDURES

Sec. 7-89. - Designation of floodplain administrator.

The chief building official is hereby appointed to administer and implement the provisions of this article.

(Ord. No. 1539, § 1, 3-23-09)

Sec. 7-90. - Permit procedures.

Application for a development permit shall be made to the chief building official on forms furnished by the building department prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing nature, location, dimensions, and elevation of the development in question, existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following are required:

(1) *Application stage.*

- a. A plot plan drawn to scale which shall include, but not be limited to the following specific details of the proposed development:
  1. Elevation in relation to mean sea level (or highest adjacent grade) of the proposed lowest floor (including basement) of all structures;
  2. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;
  3. Certificate from a registered professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria in section 7-98;
  4. Description of the extent to which any water course will be altered or relocated as a result of proposed development.
- b. Proposed elevation, and method thereof, of all development within a SFHA including, but not limited to:
  1. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all new substantially improved structures;
  2. Elevation in relation to mean sea level to which any nonresidential structure in zone AE will be floodproofed;



3. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
  4. Copies of all other local, state, and federal permits in accordance with section 7-91.
- (2) *Construction stage.* Upon placement of the lowest floor, or floodproofing by whatever construction means, or bottom of the lowest horizontal structural member, it shall be the duty of the permit holder to submit to the chief building official a certification of the NGVD or NAVD elevation of the lowest floor or floodproofed elevation, or lowest horizontal structural member as built, in relation to mean sea level. Said certification shall be prepared by or under direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a licensed professional engineer or registered architect and certified by the same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The chief building official shall review the lowest floor and floodproofed elevation survey data submitted. The permit holder shall immediately and prior to further progressive work being permitted to proceed, correct violations detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall cause issuance of a stop-work order for the project.

(Ord. No. 1539, § 1, 3-23-09)

Sec. 7-91. - Duties and responsibilities of the floodplain administrator.

Duties of the chief building official shall include, but not be limited to, the following:

- (1) Review all development applications and issue permits for all proposed development to ensure sites are reasonably safe from flooding.
- (2) Review all development permits to ensure that the permit requirements of this article have been satisfied.
- (3) Review proposed development to ensure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (4) Require that copies of all necessary permits be provided and permanently maintained on file with the floodplain development permit.
- (5) Notify adjacent communities, Alabama Department of Economic and Community Affairs, Office of Water Resources, State Coordinator for the National Flood Insurance Program, FEMA, and other federal and/or state agencies with statutory or regulatory authority prior to any relocation or alteration of a watercourse.
- (6) Ensure that maintenance is provided within the altered or relocated portion of said watercourse.
- (7) Prevent encroachments into floodways and nonencroachment areas unless the certification and flood-hazard reduction provisions of section 7-97 are met.
- (8) Obtain actual elevation (in relation to mean sea level) of the lowest floor (A zones) or bottom of the lowest horizontal structural member of the lowest floor (V zones) and all attendant utilities of all new and substantially improved structures in accordance with section 7-98 or obtain the elevation (in relation to mean sea level) of the lowest floor to which all new or substantially improved structures and utilities have been floodproofed in accordance with section 7-98.
- (9) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with section 7-98.
- (10) Review required certifications by registered professional engineers or architects for floodproofing, foundations, or breakaway walls in accordance with section 7-97, and subsections 7-98(1) and (2).
- (11) Where the interpretation is needed as to the exact location of boundaries of the special flood hazard area (for example: Where there appears to be a conflict between a mapped boundary and actual field locations), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (12) When base flood elevation data has not been provided in accordance with subsections 7-98(1) and (2), obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source including data developed pursuant to section 7-93 in this article (for 44 C.F.R. section 60.3 (b)(3), 50 lots or five acres).
- (13) When base flood elevation data is provided but no floodway nor nonencroachment area data has been provided in accordance with this article, obtain, review, and reasonably utilize any floodway data or nonencroachment area data

available from a federal, state, or other source in order to administer the provisions of this article in accordance with section 7-90; and, obtain, review and reasonably utilize any floodplain data or nonencroachment area data available from a federal, state, or other source in order to administer the provisions of this article.

- (14) When the lowest ground elevation of a parcel or structure in a special flood hazard area is above the base flood elevation, advise the property owner of the option to apply for a letter of map amendment (LOMA) from FEMA. Maintain a copy of the letter of map amendment (LOMA) issued by FEMA in the floodplain development permit file.
- (15) Permanently maintain all records that pertain to the administration of this article and make these records available for public inspection recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (16) Make on-site inspections of work progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure the work is being done according to the provisions of the local ordinance and terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement.
- (17) Issue stop work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this article, the chief building official may order the work to be immediately stopped. The stop work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop work order constitutes a misdemeanor.
- (18) Revoke floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder, in writing, stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications, for refusal or failure to comply with the requirements of state or local laws, or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- (19) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The chief building official and each member of the building inspection department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purpose of inspection or other enforcement action.
- (20) Follow through with corrective procedures as set forth in section 7-92.
- (21) Review, provide input and make recommendations for variance requests.
- (22) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted by the city, including any revisions thereto including letters of map change issued by FEMA.
- (23) Notify state and FEMA of mapping needs.
- (24) Coordinate revisions to FIS reports and FIRMs, including letters of map revisions based on fill (LOMA-R) and letters of map revision (LOMR) with the requester, the state and FEMA.

(Ord. No. 1539, § 1, 3-23-09)

Sec. 7-92. - Corrective procedures.

- (a) *Violations to be corrected.* When the chief building official finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (b) *Actions in event of failure to take corrective action.* If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give the owner written notice, by certified or registered mail, to the owner's last known address or by personal service, stating:
  - (1) That the building or property is in violation of this article.
  - (2) That a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person to present arguments and evidence pertaining to the matter.

- (3) That following the hearing, the floodplain administrator may issue an order to alter, vacate or demolish the building or to reappears appropriate.
- (c) *Order to take corrective action.* If upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of this article, an order shall be issued, in writing, to the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred eighty (180) calendar days. Where the chief building official finds that there is imminent danger to life or other people, it may be ordered that corrective action be taken in such lesser period as may be feasible.
- (d) *Appeal.* Any owner who has received an order to take corrective action may appeal the order to the city by giving notice of appeal in writing to the floodplain administrator and the city clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The zoning board of adjustments and appeals for the city shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (e) *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

(Ord. No. 1539, § 1, 3-23-09)

Sec. 7-93. - Variance procedures.

- (a) The board of zoning adjustments and appeals for the city shall hear and decide requests for variances from the requirements of this article.
- (b) Any person aggrieved by the decision of the board of zoning adjustments and appeals may appeal such a decision to the Circuit Court of Baldwin County.
- (c) Variances may be issued for:
- (1) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
  - (2) Functionally dependent facilities, if determined to meet the definition as stated in this article, provided provisions of this article have been satisfied and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
  - (3) Any other types of development provided it meets the requirements stated in this section.

In passing upon variances, the board of zoning adjustments and appeals shall consider all technical evaluations, all relevant factors and all standards specified in other sections of this article and:

- (1) The danger that materials may be swept onto lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The availability of alternative locations not subject to flooding or erosion damage for the purpose used;
- (5) The importance of the services provided by the proposed facility to the community;
- (6) The necessity to the facility of a waterfront location as defined in section 7-74 as a functionally dependent facility, where applicable;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable at the site;
- (11) 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, water systems, streets and bridges.

A written report addressing each of the above factors shall be submitted with the application for a variance upon consideration of the factors listed above and the purposes of this article.

The board of zoning adjustments and appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

Any applicant to whom a variance is granted, shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases the risk to life and property and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to twenty-five dollars (\$25.00) per one hundred dollars (\$100.00) of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance. A copy of the notice shall be recorded by the chief building official and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The floodplain administrator shall maintain the records of all appeal actions and report any variances to FEMA and the state.

(d) Conditions of variance.

- (1) Variances shall not be issued when the variance will make the structure in violation of other federal, state or local laws, regulations or ordinances.
- (2) Variances shall not be issued within any designated floodway or nonencroachment area if the variance would result in any increase in flood levels during the base flood discharge.
- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) Variances shall only be issued prior to development permit approval.
- (5) Variances shall only be issued upon:
  - a. A showing of good and sufficient cause;
  - b. A determination that failure to grant the variance would result in exceptional hardship; and
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public or conflict with existing local laws and ordinances.

(Ord. No. 1539, § 1, 3-23-09)

Secs. 7-94—7-96. - Reserved.

DIVISION 4. - GENERAL STANDARDS, SPECIFIC STANDARDS, AND COASTAL HIGH HAZARD ZONES (ZONE VE)

Sec. 7-97. - General standards.

In all flood hazard areas, the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include but are not limited to the 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) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage (see applicable technical bulletins for guidance).
- (4) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (5) Electrical, heating, plumbing, air conditioning and other service facilities, including duct work, shall be designed and or

- located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
  - (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters.
  - (8) On-site disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
  - (9) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this article, shall meet the requirements of "new construction" as defined within this article.
  - (10) Any alteration, repair, reconstruction, or improvement to a structure that is not compliant with the provisions of this article shall be undertaken only if the nonconformity is not furthered, extended or replaced.
  - (11) Nothing in this article shall prevent the repair, reconstruction or replacement of a building or structure existing on the effective date of this article and located totally or partially within the floodway, nonencroachment area, or stream setback and provided there is no additional encroachment below the required elevation in the floodway, nonencroachment area, or stream setback and provided that such repair, reconstruction, or replacement meets all of the other requirements of this article.

(Ord. No. 1539, § 1, 3-23-09)

Sec. 7-98. - Specific standards in all special flood hazard areas where BFE data has been provided.

The following provisions, as set forth in this article, are required:

- (1) *Residential construction.* New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated to or above the regulatory flood protection elevation as defined in this article (section 7-98).
- (2) *Nonresidential construction.* New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated to or above the regulatory flood protection elevation as defined in this article (section 7-98). Nonresidential structures located in A zones may be floodproofed in lieu of elevation to the regulatory flood protection elevation provided that all areas of the structure, together with attendant utility and sanitary facilities below the regulatory flood protection elevation, are watertight with walls substantially impermeable to the passage of water and use structural components having buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied using the FEMA floodproofing certificate. Such certification shall be provided to the floodplain administrator as set forth in this article at section 7-90, along with the operational maintenance plans.
- (3) *Elevated buildings.* Fully enclosed areas of new construction and substantially improved structures, which are below the lowest floor:
  - a. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed areas shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed spaces shall not be finished or partitioned into separate rooms, except to enclose storage areas; these areas shall be limited to a maximum total enclosed area of three hundred (300) square feet.
  - b. Shall be constructed entirely of flood resistant materials, up to regulatory flood protection elevation (section 7-98).
  - c. Shall include, in A zones, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect to meet the following minimum design criteria:
    1. A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;
    2. The total net area of all flood openings must be at least one (1) square inch per one (1) square foot of enclosed area subject to flooding;

3. If a building has more than one (1) enclosed area, each enclosed area must have flood openings to allow floodwater and exit;
  4. The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
  5. Flood openings may be equipped with screens, louvers or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
  6. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes and therefore do not require flood openings as outlined above.
- d. Shall allow in coastal high hazard areas (zone VE), breakaway wall, open wood lattice work or insect screening, provided it is not part of the structural support of the building and is designed so as to break away under abnormally high tides or wave action without causing damage to the structural integrity of the building, provided the following design specifications are met:
1. Material shall consist of open wood or insect screening, or
  2. Breakaway walls shall meet the following design specifications:
    - A. Design safe loading resistance of each wall shall be not less than ten (10) or more than twenty (20) pounds per square foot; or
    - B. Breakaway walls that exceed a design safe loading resistance of twenty (20) pounds per square foot (either by design or when so required by state or local codes) shall be certified by a licensed professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event and the elevated portion of the building supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). The water loading values used shall be those associated with the base flood. The wind loading values shall be those required by the city adopted building codes.

(4) *Standards for manufactured homes.*

- a. All manufactured homes that are placed or substantially improved within zones A or AE, on sites:
  1. Outside of an existing manufactured home park or subdivision;
  2. In new or substantially improved manufactured home parks or substantially improved manufactured home parks or subdivisions;
  3. In expansions to existing manufactured home parks or subdivisions; or
  4. On a site in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor located no lower than one (1) foot above BFE and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
  1. The lowest floor of the manufactured home is elevated no lower than one (1) foot above the BFE, or
  2. The manufactured home chassis and supporting equipment is supported by reinforced piers, or other foundation elements, of at least equivalent strength and is elevated to a minimum of three (3) feet. Manufactured homes shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, either by certification of a licensed engineer from the state or in accordance with the most current edition of the State of Alabama Manufactured Housing Commission requirements, or additionally when the elevation would be met by elevation of the chassis thirty-six (36) inches or less above the grade at site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
    - A. All enclosures or skirting below the lower floor shall meet the requirements of this article (section 7-98).
    - B. An evacuation plan must be developed for evacuation of residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within floodprone areas. This

plan shall be filed with and approved by the floodplain administrator.

- c. Floodways. The following requirements, in addition to those from section 7-97 shall apply:
1. Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of the flood more than one (1) foot at any point.
  2. Prohibit encroachments including fill, new construction, substantial improvements or other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase of the flood levels within the community during the occurrence of the base flood discharge.
  3. Notwithstanding any other provisions of this article, encroachments may be permitted within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions for 44 C.F.R. section 65.12, and receives the approval of FEMA.
- d. Building standards for streams without established base flood elevations (A-zones) located within the areas of special flood hazard where streams exist but no base flood data has been provided, the following provisions apply:
1. No encroachments, including structures or fill material, (44 C.F.R., section 60.3 (c), (10)).
  2. 44 C.F.R., section 60.3 (b)(3) (50-lot, five-acre rule).
  3. 44 C.F.R., section 60.3 (b)(4).
  4. 44 C.F.R., section 60.3 (c)(8).
- e. Additional improvements.
1. Additions and/or improvements to pre-FIRM structures when the addition and or improvements in combination with any interior modifications to the existing structure are:
    - A. Not a substantial improvement: The addition and or improvements must be designed to minimize flood damages and must not be any more nonconforming than the existing structure.
    - B. A substantial improvement: Both the existing structure and the addition and or improvements must comply with the standards for new construction.
    - C. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
    - D. Additions and or improvements to post-FIRM structures when the addition and or improvements in combination with any interior modifications to the existing structure are:
      - i. Not a substantial improvement: The addition and or improvements must comply with the standards for new construction.
      - ii. A substantial improvement: Both existing structure and the addition and or improvements must comply with the standards of new construction.
      - iii. Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered separate and only the addition must comply with the standards of new construction.
- f. Subdivisions.
1. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage;
  2. All subdivision proposals and other development 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 and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards;
  4. All subdivision proposals and other development proposals shall have received all necessary permits from those government agencies from which approval is required by federal and state law, including 404 of the

Federal Water Pollution Act, Amendments of 1972; 33 U.S.C 1334;

5. All subdivision proposals shall be consistent with the need to minimize flood damage; and
  6. Base flood elevation data shall be provided for subdivision proposals and all other proposed development including manufactured home parks and subdivisions greater than fifty (50) lots or five (5) acres, whichever is less.
- g. Recreational vehicles. Recreational vehicles shall either:
1. Be on-site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels, or hacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions), or
  2. Meets all the requirements of new construction.
- h. Temporary nonresidential structures. Prior to issuance of a floodplain development permit for a temporary structure, the applicant must submit to the floodplain administrator a plan for the removal of such structure in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the floodplain administrator for review and written approval:
1. A specified time period for which the temporary use will be permitted. Time specified should not exceed three (3) months, renewable up to one (1) year;
  2. The name, address and phone number of the individual responsible for the removal of the temporary structure;
  3. The time frame prior to the flood event at which a structure will be removed (i.e., minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification);
  4. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
  5. Designation, accompanied by documentation of a location outside the special flood hazard area, to which the temporary structure will be moved.
- i. Accessory structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria shall be met:
1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas).
  2. Accessory structures shall not be temperature controlled.
  3. Accessory structures shall be designed to have low flood damage potential.
  4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
  5. Accessory structures shall be firmly anchored in accordance with this article.
  6. All service facilities, such as electrical, shall be installed in accordance with this article.
  7. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below the regulatory flood protection elevation in accordance with this article.
- An accessory structure with a footprint less than one hundred fifty (150) square feet that satisfies the criteria outlined above does not require an elevation of floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures.

(Ord. No. 1539, § 1, 3-23-09)

Sec. 7-99. - Coastal high hazard area (zone VE).

Properties located within areas of special flood hazard established in coastal high hazard areas are special flood hazard areas established in section 7-74 and designated as zone VE (or V1-30, or V if applicable). These areas have special flood hazards associated with high velocity waters from storm surges or seismic activity and therefore, in addition to meeting all requirements of this article, the following provisions also apply:



- (1) Meet the requirements of section 7-97.
- (2) All new construction and substantial improvements in zones V1-30, VE and V with a BFE of one (1) foot or greater shall:
  - a. Be located landward of the reach of mean high tide;
  - b. Be located landward of the first line of stable natural vegetation;
  - c. Be located landward of the coastal construction line (CCL); and
  - d. Comply with all ADEM regulations and setback requirements.
- (3) All new construction and substantial improvements in zones V1-30, VE and V with BFE of one (1) foot or greater shall be elevated so that:
  - a. The bottom of the lowest horizontal structural member of the lowest floor is no lower than one (1) foot above the regulatory flood protection elevation required for residential construction located south of State Highway 180 and no lower than the regulatory flood protection elevation required for commercial structures. Floodproofing shall not be utilized on any structures located in a coastal high hazard area to satisfy the regulatory flood protection elevation requirements.
  - b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading will be those values associated with the base flood. Wind loading values will be those required by the applicable state or local codes if more stringent than those of the state building standards.
- (4) A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with the accepted standards of this article.
- (5) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures. The building official shall maintain a record of such information.
- (6) All new construction and substantial improvements shall have the space below the required elevation (three (3) feet above the lowest floor) either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice work or insect screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building supporting the foundation system. For the purpose of this section, a breakaway wall shall have a design stage loading resistance of not less than ten (10) and not more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions:
  - a. Breakaway wall collapse shall result from water loads less than that which would occur during the base flood.
  - b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). The water loading shall be those values associated with the base flood. The wind loading values shall be those required by applicable state or local, if more stringent than those of the state's building standards.
  - c. Such enclosed space shall be useable solely for parking of vehicles, building access or storage. Such space shall not be finished, partitioned into multiple rooms or temperature controlled.
- (7) Prohibit the use of fill for structural support. No development permit shall be issued for development involving fill in coastal high hazard areas unless it has been demonstrated through appropriate engineering analyses that the subject fill does not cause any adverse impacts to the structure onsite or adjacent structures. Placement of fill that would result in an increase in the base flood elevation or cause adverse impacts by wave ramping and deflection may be permitted, provided that the permit application first applies for and receives a conditional FIRM revision, fulfilling the requirements for such revisions as established by FEMA.
- (8) There shall be no alteration of sand dunes which would increase potential flood damage.
- (9) No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided

the anchoring and elevation standards of this section (and other applicable sections to be referenced) have been satisfied.

- (10) Recreational vehicles may be permitted in coastal high hazard areas provided that they meet the recreational vehicle criteria of this article and temporary structures.

(Ord. No. 1539, § 1, 3-23-09; Ord. No. 1857, § 2, 9-11-17)