

ORDINANCE NO. 22

AN ORDINANCE TO AMEND TITLE II OF THE MUNICIPAL CODE OF THE TOWN OF ASHLAND CITY, TENNESSEE, TO ESTABLISH MINIMUM STANDARDS FOR THE DEVELOPMENT OF LANDS WITHIN AREAS SUBJECT TO FLOODING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ASHLAND CITY TENNESSEE:

ARTICLE III DEFINITION OF TERMS RELATING TO THE MUNICIPAL ZONING ORDINANCE IS AMENDED AND ADDED TO READ AS FOLLOWS:

19. Development. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.
20. Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of rivers or streams or the unusual and rapid accumulation of runoff of surface waters from any source.
21. Floodplain. A relatively flat or low area adjoining a river or stream which is periodically subject to partial or complete inundation by floodwaters, or a low area subject to the unusual and rapid accumulation of runoff of surface waters from any source. For the purposes of this ordinance the land subject to inundation by the 100-year flood, i.e., the 100-year floodplain.
22. Floodproofing. Any combination of structural additions, changes, or adjustments which reduces or eliminates flood damage to real estate, improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.
23. Floodway. The stream channel and the portion of the adjacent flood plain which must be reserved solely for the passage of floodwaters in order to prevent an increase in upstream flood heights or more than one (1) foot above the predevelopment conditions.

24. Floodway Fringe Areas. Lands lying outside a designated floodway but within the area subject to inundation by the 100-year flood.
25. Land Subject to Flood. In applying the provisions of this ordinance, land subject to flood shall be defined as follows:
  - 25.1 Along Cumberland River, sinkholes, and other low places identified as having special flood hazards by the Office of Federal Insurance and Hazard Mitigation (FIHM). The lands identified as subject to inundation by the 100-year flood elevation as demonstrated by the maps and charts contained in the FLOOD INSURANCE STUDY, Town of Ashland City, Tennessee, Cheatham County, dated April 7, 1980, as prepared by the Federal Emergency Management Agency, Office of Federal Insurance and Hazard Mitigation, and all subsequent revision thereto, which are made a part of this ordinance.
  - 25.2 Along Small Streams and Watercourses. The lands lying within one hundred (100) feet of the top of the bank of the channel (measured horizontally) unless the developer demonstrates to the satisfaction of the Planning Commission that the property in question is free from the danger of inundation by the 100-year flood or that adequate remedial measures have been taken to allow the watercourse to safely accommodate the 100-year flood. The developer shall submit such data or studies based on the water shed characteristics, probable runoff, and other topographic and hydraulic data prepared by a registered professional engineer as the Planning Commission may reasonably require to adequately make its determination of the flood susceptibility of the property.
26. One Hundred Year Flood. A flood which has, on the average, a 1 percent chance of being equaled or exceeded in any given year. It is sometimes referred to as the "1-percent-chance flood."
27. Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the repair or improvement or (2) before the damage occurred.

For the purposes of this ordinance, substantial improvement is considered to occur when the 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 structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions, or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

28. Watercourse. Any depression serving to give direction to a flow of water, having a bed and well-defined banks, where the drainage area above the same is ten (10) acres or more in extent, provided that it shall, upon the rule or order of the Planning Commission also include other generally or specifically designated areas where flooding may occur. The flow of water need not be on a continuous basis but may be intermittent resulting from the surface runoff of precipitation.

#### ARTICLE IX

PROVISIONS GOVERNING FLOODPLAIN DISTRICTS is amended as follows:

1. Purposes of the District--The purposes of this district are to promote the public health, safety, and general welfare and to minimize or eliminate loss of life and property, health and safety hazards, disruption of commerce and governmental services, unusual public expenditures for flood protection and relief, and impairment of the tax base by provisions designed to prohibit or restrict developments which are dangerous to health, safety, or property in times of flood or which cause undue increases in flood heights or velocities; to require that developments vulnerable to floods, including public facilities which serve such development, shall be protected against flood damage at the time of initial construction; and to protect individuals from purchasing lands which are unsuitable for development purposes because of flood hazard. The criteria set forth in this section are minimum requirements which shall apply to all new construction of buildings or other structures, substantial improvements to existing buildings or other structures, and other developments which are located or proposed to be located within areas subject to flooding within the jurisdiction of this ordinance.

2. Application of the District--To enable the district to operate in harmony with the plan for land use and population density embodied in this ordinance, the FP Floodplain District is created as a special district to be superimposed on other districts contained in these regulations and is to be so designated by a special symbol for its boundaries on the Zoning Map of Ashland City, Tennessee. Except where in conflict with the specific requirements of the FP Floodplain District, permitted uses, accessory uses, signs, minimum lot requirements, minimum yard requirements, maximum height, and requirements for off-street parking and loading shall be determined by the requirements of the basic district regulations contained elsewhere in this ordinance.
3. Warning and Disclaimer of Liability--The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as channel siltation or bridge openings restricted by debris. This ordinance shall not create a liability on the Town Ashland City or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
4. General Development Requirements--Within the FP Floodplain District the following general flood damage reduction requirements shall apply:
  - 4.1 No building or structure shall be erected and no existing building or structure shall be substantially improved, extended, enlarged, or moved unless the lowest floor (including basement) of said building or structure is placed at least one (1) foot above the level of the 100-year flood or the building or structure (non-residential only) is properly floodproofed to a height of at least one (1) foot above the level of the 100-year flood.
  - 4.2 All new or replacement water supply and sanitary sewage systems, together with attendant facilities, shall be designed and constructed so as to minimize or eliminate flood damage, infiltration or inflow of floodwater into the system, and discharges or overflows from the system into floodwaters. Onsite waste disposal systems, such as septic tanks and drainfields, shall be designed and constructed so as to avoid impairment of their operation or contamination from them in time of flood.

4.3 All new or replacement gas or electrical distribution systems, together with attendant facilities, shall be designed and constructed so as to minimize or eliminate flood damages.

4.4 Due to their high vulnerability to flood damage, any mobile home proposed to be located in an area subject to flood, existing mobile home parks or mobile home subdivisions included, shall be subject to the following specific requirements.

4.4(1) The placement of a mobile home on a lot or in a mobile home park or mobile home subdivision shall require a building permit.

4.4(2) Mobile homes shall be elevated on compacted fill so that the lowest floor is not less than one (1) foot above the level of the 100-year flood. Mobile homes shall not be permitted to be located on pilings to attain the required floor elevation.

4.4(3) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top ties and frame ties to ground anchors. Specifically:

4.4(3.1) Over-the-top ties shall be provided at each of the four corners of the mobile home, with two (2) additional ties per side at intermediate locations on mobile homes fifty (50) feet or greater in length (a total of eight [8] ties are required), and one additional tie per side on mobile homes less than fifty (50) feet in length (a total of six [6] ties are required).

4.4(3.2) Frame ties shall be provided at each of the four corners of the mobile home, with five (5) additional ties per side at intermediate locations on mobile homes fifty (50) feet or greater in length (a total of fourteen [14] ties are required); and four (4) additional ties per

side on mobile homes less than fifty (50) feet in length (a total of twelve [12] ties are required).

4.4(3.3) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

4.4(3.4) Any additions to the mobile home shall be similarly anchored.

## 5. Floodway Area Requirements

5.1 Floodways Established--Floodways are hereby established for the purposes of meeting the needs of the streams to safely carry floodwaters; to protect the stream channels and their floodplains from encroachment so that flood heights and flood damages will not be appreciably increased; to provide the necessary regulation for the protection of the public health and safety in areas subject to flooding; and to reduce the financial burdens imposed on the community by floods. In applying the provisions of this ordinance, floodways shall be defined as follows:

5.1(1) Along Cumberland River. The floodway as delineated by the Flood Insurance Study, Town of Ashland City, Tennessee, Cheatham County, dated April 7, 1980, and all subsequent revisions thereto. The boundaries of the floodway shall be shown on the Zoning Map of the Town of Ashland City, Tennessee. The Flood Insurance Study shall be kept and maintained by the building inspector and shall be available for inspection and examination by the public during normal office hours.

5.1(2) Along sinkholes and other low places. All lands lying below the elevation of the lowest point in the watershed boundary unless a study prepared by a registered professional engineer demonstrates that a lower elevation would be safe from the danger of inundation by the 100-year flood.

5.1(3) Along small streams and watercourses. The stream channel and land lying within twenty-five (25) feet of the top of the bank of the channel (measured horizontally) unless

the developer demonstrates to the satisfaction of the Planning Commission that a lesser distance (but not less than fifteen 15 feet) is adequate based on studies and data prepared by a registered professional engineer.

- 5.2 Permitted Uses--The following open-type uses are permitted within a designated floodway subject to the approval of the Planning Commission, subject to the applicable zoning district regulations, and subject to such conditions as the Planning Commission may specify to protect the public interest.
- 5.2(1) Agriculture and forestry, general farming, truck gardening, cultivation of field crops, orchards, nurseries, turf farming, livestock grazing, and other uses of a similar nature.
  - 5.2(2) Open-type private or commercial recreational uses or facilities such as golf courses, driving ranges, archery ranges, picnic grounds, parks, playgrounds, and other uses of a similar nature provided no principal structure is located within the floodway.
  - 5.2(3) Yard areas, lawns, green and open spaces, wildlife habitat and refuges, hiking trails, nature trails, bikeways, and other uses of a similar nature.
  - 5.2(4) Storage yards for equipment and materials not subject to major damage by floodwaters and that are firmly anchored to prevent flotation or which are readily removable from the area within the time available after flood warning. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or that could be injurious to human, animal, or plant life is prohibited. The storage or dumping of wrecked or junked automobiles, machinery, or appliances is prohibited.
  - 5.2(5) Loading and unloading areas, parking lots, new and used car lots, and other uses of a similar nature provided no principal structure is located within the floodway.

- 5.2(6) Railroads, streets, bridges, and public or private utilities.
- 5.2(7) Recreational camps and campgrounds provided that restroom facilities are constructed in accordance with Health Department requirements and that no principal structure is located within the floodway. No overnight camping shall be permitted within a floodway.
- 5.2(8) Marina and boat launching ramps provided that no principal buildings are located within a floodway unless they are designated and constructed to withstand, without significant damage, the 100-year flood conditions at the site.
- 5.2(9) Accessory uses incidental to and customarily found in connection with permitted uses of the premises as determined by this section and applicable district regulations.

5.3 Requirements for Permitted Uses

- 5.3(1) No new structure for human habitation, including mobile homes, modular homes, or cabins shall be permitted within any designated floodway.
- 5.3(2) The following shall not be placed or caused to be placed in any designated floodway or in any stream channel: fences (except one- or two-wire stock fences), dam, embankment, levee, dike, pile, abutment, fill, culvert, bridge, structure, or matter in, along, across, or projecting into the floodway or stream channel which may constrict, retard, impede, or change the direction of the flow of floodwaters, either in itself or by catching debris carried by such water, or that is placed where the flow of floodwaters might carry the same downstream to the detriment of life or property.
- 5.3(3) When a developer proposes to offset the effects of a development in the floodway or on the flood-carrying capacity of any stream by the construction of channel improvements, he shall submit to the Planning Commission an engineering study which fully evaluates

the effects of such development. The study shall use the 100-year flood as herein defined as the basis of such analysis. All adjacent communities and the Tennessee State Planning Office shall be notified by the developer via certified mail of all such intended activities prior to any alteration or relocation of a watercourse, and he shall submit copies of such notifications to the Federal Insurance Administrator. In addition, the developer shall assure the Town of Ashland City in writing, that the altered or relocated portion of the watercourse will be maintained such that its flow capacity is not diminished by debris accumulation, silt deposition, or vegetative growth.

5.3(4) Within any designated floodway any building or structure in existence prior to the effective date of these flood damage prevention requirements that is hereafter destroyed or substantially damaged by any means may be reconstructed and used as before only if the following requirements are met.

5.3(4.1) The reconstruction does not exceed the volume and external dimensions of the original structure or does not offer any greater obstruction to the flow of floodwaters than did the original structure.

5.3(4.2) Nonresidential structures may be reconstructed only if the lowest floor (including basement) elevation is at least one (1) foot above the level of the 100-year flood or the structure is floodproofed (in accordance with the requirements of section 6 paragraph 6.2) to a height of at least one (1) foot above the level of the 100-year flood.

5.3(4.3) Residential structures may be reconstructed only if the lowest floor (including basement) of the structure is elevated to a point at least one (1) foot above the level of the 100-year flood.

5.3(4.4) The level of the 100-year flood shall not be increased above that demonstrated in the Flood Insurance Study, Town of Ashland City, Tennessee, by such reconstruction.

5.3(5) No permit shall be issued for the construction or erection of any structure (temporary or permanent) including railroads, streets, bridges, and utility, or for any other development (temporary or permanent) within a designated floodway until the plans for such development have been submitted to the Planning Commission and approval is given in writing for such construction or use.

5.3(6) In its review of the plans submitted, the Planning Commission shall be guided by the following standards, keeping in mind that the purpose of the floodway is to prevent floodplain encroachment which will increase flood heights or endanger life or property.

5.3(6.1) No structure (temporary or permanent), fill (including fill for roads, levees, railroads, etc), culvert, bridge, storage of equipment or materials, or other development shall be permitted which, acting alone or in combination with existing or future uses, decreases the flow capacity of the floodway or increases flood heights.

5.3(6.2) Any permitted structure or filling of land shall be designed and constructed on the property so as to offer the minimum obstruction to and effect on the flow of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjacent structures.

5.3(6.3) Any permitted structure shall be of adequate structural strength to withstand the effects of water pressure and flood velocities and shall be firmly anchored to prevent flotation or lateral movement.

6. Floodway Fringe Area Requirements--For the purposes of this ordinance, land lying outside a designated floodway and subject to flood is considered floodway fringe area. Development within floodway fringe areas shall be subject to the following specific regulations.
- 6.1 No residential building or structure shall be erected and no existing residential structure shall be enlarged, extended, moved, or substantially improved unless the lowest floor (including basement) of said building or structure is placed at least one (1) foot above the level of the 100-year flood at the site.
- 6.2 Commercial, industrial, or other nonresidential structures may be constructed with the lowest floor below the level of the 100-year flood, provided the structure is floodproofed to a point at least one (1) foot above the level of the 100-year flood. Such structures or substantial improvements to existing structures shall be designed and constructed such that the structure is watertight with walls substantially impervious to the passage of water and shall be of sufficient structural strength to withstand the hydrostatic, hydrodynamic, buoyant, impact, or other forces resulting from the flood depths, velocities, pressures, debris, and other factors associated with the 100-year flood conditions at the site. Floodproofing measures shall be in accordance with the watertight performance standards of the publication Flood Proofing Regulations prepared by the Office of the Chief of Engineers, U.S. Army, Washington, D.C., dated June 1972.
- 6.3 Any permitted structures shall be of adequate structural strength to withstand the effects of water pressures and firmly anchored to prevent flotation or lateral movement.
- 6.4 Permitted development within the floodway fringe area shall be in accordance with the development requirements for the underlying zoning classification subject to the flood damage requirements set forth in this chapter.
7. Plan Requirements--The building inspector shall require the following specific information to be included as part of an application for building permit for new construction, substantial improvements to existing structures, or other development within the FP Floodplain District.

- 7.1 Copies of all Federal and State permits required for the construction of the development shown on the plans.
- 7.2 For structures to be elevated to secure a lowest floor elevation of at least one (1) foot above the level of the 100-year flood:
- 7.2(1) A site plan showing the boundaries of the property and the location and size of the proposed structures.
- 7.2(2) Topographic information showing existing ground elevations, proposed ground elevations, and lowest floor elevations in relation to mean sea level certified by a registered professional engineer, architect, or land surveyor.
- 7.2(3) Plans showing the method of elevating the proposed structure, including details of proposed fill, pile structures, retaining walls, foundations, and erosion protection measures. When required by the building inspector, these plans shall be prepared by a registered professional engineer or architect.
- 7.3 For structures to be floodproofed (nonresidential structures only) to an elevation of at least one (1) foot above the level of the 100-year flood:
- 7.3(1) A site plan showing the boundaries of the property and the location and size of the proposed structure.
- 7.3(2) Topographic information showing existing ground elevations, proposed ground elevations, lowest floor elevations, and floodproofing limit in relation to mean sea level certified by a registered professional engineer, architect, or land surveyor.
- 7.3(3) Detailed plans for the floodproofing measures prepared by a registered professional engineer or architect certifying that the proposed structure, together with attendant utilities and sanitary sewer facilities, is designed so that (i) below an elevation of one (1)

foot above the level of the 100-year flood the structure is watertight with walls substantially impervious to the passage of water, and (ii) the structure will withstand the hydrostatic; hydrodynamic, buoyant, impact, or other forces resulting from the flood depths, velocities, pressures, debris, and other factors associated with the 100-year flood conditions at the site.

8. Variations--The following requirements are additional to those set forth in other sections of this ordinance and apply to the granting of variance from the provisions of Article IX FP Floodplain District.

- 8.1 The Board of Zoning Appeals shall not grant any variance within a designated floodway unless the developer submits a study prepared by a registered professional engineer certifying that no increase in the 100-year flood would result from the proposed development.
- 8.2 Variations shall only be issued upon a determination by the Board that the relief granted is the minimum necessary considering the flood hazard.
- 8.3 The chairman of the Board shall notify the applicant for variance in writing that (i) the issuance of a variance to construct the lowest floor of the structure below the elevation of the 100-year flood will result in increased premium rates for flood insurance and (ii) such construction below the elevation of the 100-year flood increases the risks to life and property. Such notification and variance supporting evidence shall be maintained with the records of the proceedings of the Board.

I certify that the above Ordinance is a true and exact copy of the original that passed:

First Reading February 10, 1981

Second Reading February 23, 1981

Mayor

James C. Bala

Attest

W. C. Jackson  
City Recorder