

1ST READING 11-10-09  
2ND READING 11-17-09  
INDEX NO. \_\_\_\_\_

ORDINANCE NO. 12318

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SECTIONS 38-2, 38-361, 38-363, 38-365 THROUGH 38-368, AND 38-378, TO UPDATE FLOOD REGULATIONS.

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WHEREAS, an information exchange visit was conducted by the State of Tennessee as a review of current flood regulations for the purpose of enforcement of the National Flood Insurance Program in Chattanooga; and

WHEREAS, the State assessment has determined that minor definitions, references, and effective Flood Insurance Rate Map references should be included in the current Flood Hazard regulations; and

WHEREAS, The Chattanooga-Hamilton County Regional Planning Agency has recommended these amendments as necessary in order for the City of Chattanooga to maintain eligibility in the National Flood Insurance Program.

NOW, THEREFORE

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-2, Definitions be and hereby is amended by adding the definitions below in alphabetical order and deleting the definition of "Substantial Damage" and substituting the definition below:

*Base Flood:* For purposes of adopted flood regulations, means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1) percent annual chance flood.

*Highest Adjacent Grade:* For purposes of adopted flood regulations, means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

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

*New Construction:* For purposes of adopted flood regulations, means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such a structure.

*Repetitive Loss:* For purposes of adopted flood regulations, means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

*Substantial Damage:* For purposes of adopted flood regulations, means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

*Violation:* For purposes of adopted flood regulations, means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in the adopted flood regulations is presumed to be in violation until such time as that documentation is provided.

SECTION 2. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-361, be and hereby is amended by adding the following:

(3) The areas of special flood hazard identified on the City of Chattanooga, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers listed below, effective date November 7, 2002, are adopted by reference.

470072C0214	470072C0216	470072C0217	470072C0218
470072C0219	470072C0228	470072C0229	470072C0236
470072C0237	470072C0238	470072C0239	470072C0243
470072C0315	470072C0316	470072C0317	470072C0318
470072C0319	470072C0326	470072C0327	470072C0328
470072C0329	470072C0331	470072C0332	470072C0333
470072C0334	470072C0336	470072C0337	470072C0338
470072C0339	470072C0341	470072C0342	470072C0343
470072C0344	470072C0351	470072C0352	470072C0353
470072C0354	470072C0456	470072C0357	470072C0358
470072C0359	470072C0361	470072C0362	470072C0363
470072C0364	470072C0366	470072C0367	470072C0368
470072C0369	470072C0378	470072C0379	470072C0380
470072C0386	470072C0387	470072C0388	470072C0430
470072C0431	470072C0451	470072C0452	470072C0456
470072C0457	470072C0477	470072C0481	470072C0482

SECTION 3. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II,

Chapter 38, Zoning Ordinance, Section 38-363, be and hereby is amended by deleting subsection

(9) in its entirety and substituting in lieu thereof the following:

(9) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are used solely for parking of vehicles, building access or storage in an area other than a basement and subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

SECTION 4. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Sections 38-365 through 38-368, be and are hereby amended by deleting same in their entirety and substituting in lieu thereof the following:

**Sec. 38-365. Residential construction.**

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than two (2) feet above the Base Flood Elevation if constructed of wood or one (1) foot above base flood elevation if constructed of concrete (slab on grade type construction). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of "Enclosures" as provided in Section 38-366.

**Sec. 38-366. Non-residential construction.**

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of "Enclosures" as provided in Section 38-367.

A registered professional engineer, architect, or licensed surveyor shall certify that the standards of this subsection are satisfied. Such certification and the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be provided to the Chief Building Inspector or Chief Zoning Inspector.

**Sec. 38-367. Enclosures.**

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest flood that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(a) Designs for complying with this requirement must either be certified by a Tennessee professional engineer, architect or

licensed registered surveyor or meet or exceed the following minimum criteria.

- 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
- 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
- 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(b) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(c) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Sections 38-365 and 366.

**Sec. 38-368. Standards for manufactured homes and recreational vehicles.**

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

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

a) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than two (2) feet above the level of the Base Flood Elevation.

b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade.

c) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.

In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of subsection (2) (a) and (c) above.

(3) All recreational vehicles placed in an identified Special Flood Hazard Area must either:

- a) Be on the site for fewer than 180 consecutive days;
- b) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or
- c) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of subsection (1) or (2) (a) and (c) above.

SECTION 4. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, be and is hereby amended by adding a new Section 38-378 as follows:

**Sec. 38-378. Warning and disclaimer of liability**

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do 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. These regulations shall not create liability on the part of the City of Chattanooga, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made hereunder.

SECTION 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

PASSED on Second and Final Reading

November 17, 2009.

W. Jack Benson  
CHAIRPERSON

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

DATE: 11-18, 2009

[Signature]  
MAYOR

/add