

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2009-20

No. 91 AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE ENTITLED "THE CITY OF PROVIDENCE ZONING ORDINANCE" APPROVED JUNE 27, 1994, AS AMENDED, TO AMEND SECTION 423 – SPECIAL FLOOD HAZARD AREAS AND ARTICLE X.

Approved March 5, 2009

Be it ordained by the City of Providence:

Section 1: Article IV, Section 423 shall be deleted in its entirety and replaced with the following:

Section 423 – Special Flood Hazard Areas

423.1 – Purpose: The purpose of this Section is to ensure public safety; minimize hazards to persons and property from flooding; protect watercourses from encroachment; and to maintain floodplains' capability of retaining and carrying floodwaters.

423.2 – Applicability

- A) The City complies with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program (NFIP) established by said act provides that areas of the city having a special flood hazard be identified by the Federal Emergency Management Agency (FEMA) and that floodplain management measures be applied in such flood hazard areas. The requirements of this Section shall apply to any construction or other development that lies wholly or partly within an area of special flood hazard, as identified as Zone A, AE, AH, AO, A1-30, A99, V, V1-30, and VE on the Flood Insurance Rate Map (FIRM) and Flood Hazard Boundary Map (FHBM) prepared by FEMA, dated March 2, 2009. Said FIRM, including any subsequent adopted amendments, is hereby made part of this Article and Section. The exact boundaries of the District may be defined by the 100-year base flood elevations (BFE) shown on the FIRM and further defined by the Flood Insurance Study booklet revised March 2, 2009.
- B) The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection. If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall control.
- C) For the purposes of this section, "other development" shall be defined as any action exclusive of that which requires the issuance of a building permit under the Rhode Island State Building Code. Such other development shall include, but not necessarily be limited to, the following:
1. Earth, gravel or mineral removal or extraction.
 2. Alteration of the topography by cutting, filling or grading.
 3. Storage of bulk materials outside of a structure.
 4. Construction or placement of facilities or improvements not normally requiring a building permit.
- D) The requirements set forth in this Section shall be in addition to any applicable requirements in this Ordinance and any other regulation that may be applicable. Additionally, more stringent requirements shall apply to coastal high-hazard areas, which are defined as those special flood hazard areas along the city's coastline subject to high-velocity waters from hurricane

wave wash and wave run-up as designated as Zone V1-30 on the Flood map (hereinafter referred to as the "V-Zone").

423.3 – Permits Required

- A) In addition to all other required applications and approvals, application for a flood hazard development permit shall be submitted to the Director and shall include:
1. The name and address of the applicant.
 2. An address or map indicating the location of the construction site.
 3. A site plan showing the location of existing and proposed structures, sewage disposal facilities; areas to be cut and filled, and the dimensions of the lot or parcel.
 4. A statement of the intended use of the structure.
 5. A statement as to the type of sewage system proposed.
 6. Specification of dimensions of the proposed structures.
 7. The elevation (in relation to mean sea level) of the lowest floor, including basement, and, if the lowest floor is below grade on one or more sides, the elevation of the floor immediately above.
 8. Base flood elevation (BFE) data for all new, relocated, or substantially improved structures.
 9. The elevation (in relation to mean sea level) to which the structure will be flood-proofed.
 10. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development; said description shall be prepared and stamped by a licensed professional engineer.
- B) Prior to the issuance of a building or development permit, the applicant shall submit evidence that all permits and approvals have been received from all government agencies from which approval is required by federal or state law.

423.4 – Review of Flood Hazard Development Applications: The Director or designee shall:

- A) Review all applications for development or construction in flood hazard areas to determine that all pertinent requirements as described in Section 423.5 have been or will be met;
- B) In the review of all flood hazard development permit applications utilize the data contained in the "Flood Insurance Study – City of Providence, Rhode Island, Providence County," as described in Section 423.2.
- C) Make interpretations of the location of boundaries of special flood hazard areas shown on maps described in Section 423.2.
- D) In A-Zones, in the absence of FEMA BFE data and floodway data, obtain, review and reasonably utilize other BFE and floodway data as a basis for elevating residential structures to or above the base flood level, and for flood-proofing or elevating non-residential structures to or above the base flood level.
- E) In review of flood hazard development permit applications, determine that all necessary permits have been obtained from those federal, state and local government agencies from which prior approval is required.
- F) Notify adjacent municipalities, the Rhode Island Department of Environmental Management (RI DEM), Rhode Island Emergency Management Agency (RIEMA), and the Coastal Resources Management Council (CRMC) prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA and maintain the carrying capacity of altered watercourses; and
- G) Maintain, as a permanent record, copies of all flood hazard development permits issued and data relevant thereto, including reports of the Zoning Board of Review on variances and special use permits.

423.5 – Development Standards: In addition to state and local codes and regulations, the following standards shall apply to any construction or other development located wholly or partly within an area of special flood hazard as defined in Section 423.2 A). The CRMC may also require permits for development on the coastal feature.

- A) No watercourse may be altered in a manner that will, in the opinion of the Director or designee, result in any decrease in the capacity of the watercourse, and no land shall be graded or altered in such a manner as to increase the BFE within the City of Providence. Where any alteration is permitted, the Director or designee, in consultation with the City Engineer, shall notify the adjacent communities, the Rhode Island Statewide Planning Program and FEMA.
- B) In a regulatory floodway, any encroachment is prohibited that would cause any increase in the Base Flood level unless hydrologic and hydraulic analyses prove that the proposed encroachment would not increase flood levels during the Base Flood discharge.
- C) The filling or excavation of land may be permitted only under the following conditions:
 - 1. Said action will not encroach upon a watercourse.
 - 2. Said action will not result in an increase in the potential flood level. Where it is determined that said action may result in an increase in the potential flood level, the Director or designee shall require appropriate measures to offset the potential increase. Adequate drainage shall be provided so as to reduce the exposure of the site or any other land to flood hazard.
- D) No outdoor storage of materials or equipment that is likely to cause damage to property, create a potential obstruction to floodwaters, create a potential fire hazard, or pollute waters during flood periods shall be permitted in any special flood hazard area. Such materials or equipment shall include but not necessarily be limited to lumber and other buoyant materials, water-soluble materials, volatile or flammable materials, acids, and poisons.
- E) Provisions shall be made for anchoring facilities, equipment or yard features that are capable of moving or floating in floodwaters. Such items shall include but not necessarily be limited to: fences, sheds, animal shelters, tanks, storage boxes, planters, vehicles, boats, and other items normally positioned or stored on a site outside of a structure.
- F) Flood-resistant materials shall be used for structures within areas of special hazard as defined in Section 423.2 (A).
- G) Construction methods and practices shall be used that minimize flood damage.
- H) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water entry accumulation.
- I) On-site waste disposal systems shall be designed to avoid impairment or contamination of the floodway.
- J) New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration.
- K) BFE data is required for subdivision proposals or Land Development Projects.
- L) In addition to the foregoing, in a V-Zone, the following requirements shall apply to any proposed development:
 - 1. The alteration of sand dunes, where existing, is prohibited.
 - 2. All new construction shall be located landward of the reach of mean high tide (See also Section 425.3 for additional requirements).

423.6 – Specific Standards

- A) Construction Standards in Special Flood Hazard Areas (SFHA), Zones A, A1-30, AE.
 - 1. Residential Construction: All new construction, substantial improvement to and repair of structures that have sustained substantial damage shall have the bottom of the lowest floor, including basement, elevated above the BFE (refer to the Rhode Island State Building Code for more specific elevation requirements).
 - 2. Non-residential Construction: All new construction, substantial improvement to and repair of structures that have sustained substantial damage and which are commercial, industrial or otherwise non-residential shall meet the following standards:
 - a. The bottom of the lowest floor, including basement, shall be elevated above the BFE (refer to the Rhode Island State Building Code for more specific elevation requirements); or
 - b. In lieu of being elevated, non-residential structures may be dry flood-proofed to one (1) foot above the BFE, provided that, together with all attendant utilities and

sanitary facilities, the areas of the structure below the required elevation are watertight, with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Rhode Island-registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with the acceptable standards of practice or meet the provisions of this section. Such certification shall be provided to the Director or designee.

3. Fully Enclosed Areas Below the BFE of Elevated Buildings: All new construction, substantial improvement to or repair of substantial damage to a residential or non-residential structure that includes fully enclosed areas formed by a foundation and other exterior walls below the BFE of an elevated building shall be designed to preclude finished living space and allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a Rhode Island-registered professional engineer or architect, or meet the following criteria:
 - a. Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. These hydraulic openings must be located on at least two different walls. Only the area (square footage) that lies below the BFE can be used in the calculation of net area of vents required;
 - b. The bottom of all openings shall be no higher than one (1) foot above grade. At least one side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the structure. The foundation slab of a residential structure, including the slab of a crawlspace, must be set equal to the outside finished grade on at least one side of the building;
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control, such as human intervention that includes electrical or non-automatic mechanical means. Other coverings may be designed and certified by an engineer or approved by the Director or designee;
 - d. The area cannot be used as a finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation or partitioned into separate rooms;
 - e. All interior wall, floor and ceiling materials located below the BFE shall be unfinished and resistant to flood damage;
 - f. Electrical, plumbing, machinery or other utility equipment that services the structure (furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washers, dryers, electrical junction boxes, circuit breaker boxes, food freezers) are prohibited in the fully enclosed area below the BFE. Utilities or service equipment located in this enclosed area, even if elevated above the BFE in the space, will subject the structure to increased flood insurance rates;
 - g. A residential building with a structurally attached garage having its floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Section 423.6(A)3. A garage that is attached to a residential structure and is constructed with the garage slab below the BFE must be designed to allow the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. The human intervention necessary to open garage doors when flooding occurs is not an acceptable means of meeting the openings requirements. In addition to the automatic entry of floodwaters, the areas of the garage below BFE must be constructed with flood-resistant materials. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry flood-proofed per the requirements of Section 423.6(A)2.
4. Manufactured Homes (including Mobile Homes) and Recreational Vehicles (RVs).
 - a. In all Special Flood Hazard Areas (SFHA), any manufactured (mobile) homes to be newly placed, substantially improved or repaired as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is at or above the

BFE. This includes SFHAs outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park in which a manufactured home has incurred substantial damage as a result of a flood.

- b. All manufactured and mobile homes within a SFHA shall be placed on permanent foundations, securely anchored so as to resist flotation, lateral movement and hydrostatic pressure. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.
 - c. All manufactured and mobile homes within a SFHA shall be installed using methods and practices that minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.
 - d. Recreational vehicles placed on sites within a SFHA shall (i) be on the site for fewer than 180 consecutive days and (ii) be fully licensed and ready for highway use or (iii) be elevated and anchored. An RV is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices, and has no permanently attached additions.
 - e. Public utilities and facilities in manufactured and mobile homes or subdivisions within a SFHA shall be constructed so as to minimize flood damage.
5. Accessory Structures: Detached accessory structures (e.g. garages, sheds) in Zones A, AE, A1-30, AO, and AH are not required to meet elevation or dry flood-proofing requirements if the following standards are met:
- a. The structure is no more than 500 square feet and has a value less than \$3000.
 - b. The structure has unfinished interiors and is not used for human habitation. An apartment, office or other finished space over a detached garage is considered human habitation and would require the structure to be elevated.
 - c. The structure is used solely for parking vehicles and/or limited storage.
 - d. The accessory structure is wet flood-proofed and designed to allow the automatic entry and exit of flood water.
 - e. The accessory structure is firmly anchored to prevent flotation, collapse and lateral movement.
 - f. Service facilities such as electrical, mechanical and heating equipment must be elevated or flood-proofed to or above the BFE.
 - g. The structure complies with the floodway encroachment provision in Section 423.5(B).

B) Additional Construction Standards in Coastal V-Zones

1. Residential and Non-Residential Construction: In V1-30, VE and V-Zones, information specifying the elevation of the bottom of the lowest horizontal structural member of the lower floors of all new and substantially improved structures shall be provided by the property owner or developer to the Director or designee and such information shall be maintained on file. Further, for all new construction, substantial improvements:
 - a. Shall be elevated and secured to anchored pilings or columns so that the bottom of the lowest horizontal structural member is above the BFE (refer to the Rhode Island State Building Code for more specific elevation requirements).
 - b. Shall be certified by a registered professional engineer or architect that the design and methods of construction meet anchoring and elevation requirements.
 - c. Shall have space below the lowest floor that is either free of obstruction or constructed with breakaway walls.
 - d. Shall not use fill for structural support.
2. A manufactured home placed or substantially improved within V1-V30, VE, or V-Zones meeting any one of the following criteria shall meet V-Zone standards:
 - a. It is located outside of a manufactured home park or manufactured home subdivision;

- b. It is in a manufactured home park or manufactured home subdivision;
- c. It is an expansion of a manufactured home park or manufactured home subdivision; or
- d. It is on a site in an existing park in which a manufactured home has incurred substantial damage as the result of a flood.

C) Construction Standards in Special Flood Hazard Area Zones AO and AH

- 1. Drainage paths shall be required around structures on slopes to guide water away from structures.
- 2. Any new or substantially improved non-residential structure shall have its lowest floor elevated or completely flood-proofed above the highest adjacent grade to a level at least as high as the depth number on the FIRM.
- 3. Any new or substantially improved residential structure shall have its lowest floor (including basement) elevated or completely flood-proofed above the highest adjacent grade to a level at least as high as the depth number on the FIRM.

423.7 – Variance

A) In addition to applying the criteria and requirements of this section, the Zoning Board of Review may hear and grant a variance only when the following conditions are met:

- 1. The decision describes the exact extent of the variance granted.
- 2. The decision indicates that granting the variance may affect flood insurance rates up to as high as \$25 per \$100 of insurance coverage as they apply to the subject property, and that construction or other development below the BFE may increase risk to life and property.
- 3. Copies of the decision shall be forwarded to the applicant, the Director or designee, the Rhode Island Statewide Planning Program, and the Federal Insurance Administration in the annual report of the City to the Administration.

B) No variance shall be granted that will result in any increase in flood levels.

Section 2: Article X shall be amended to add the following definitions:

Accessory Structure, as used in Section 423 – A structure which is 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.

Area of Shallow Flooding, as used in Section 423 – A designated AO, AH, AR/AO, AP/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM)

Area of Special Flood Hazard – see definition for "Special Flood Hazard Area" (SFHA).

Base Flood – The flood having a one (1) percent chance of being equaled or exceeded in any given year; also referred to as the 100-year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

Base Flood Elevation (BFE) – The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Basement, as used in Section 423 – Any area of a building having its floor sub-grade (below ground level) on all sides.

Building – see definition of "Structure."

Cost, as used in Section 423 – As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair, or other improvement of a structure established by a detailed written contractor's estimate. The estimate shall include but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be *excluded* include: cost of plans and specifications; survey costs; permit fees; outside improvements, such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

Development, as used in Section 423 – Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Dry Flood-proofing - Any combination of structural and non-structural protection measures incorporated in a building that is not elevated above the base flood elevation (BFE) that keeps water from entering the building to prevent or minimize flood damage. **Note:** For insurance purposes, a dry flood-proofed, non-residential structure is rated based on the elevation of its lowest floor, unless it is flood-proofed to one foot above the BFE.

Existing Manufactured Home Park or Manufactured Home Subdivision – A manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the effective date of this Section 423 as amended.

Expansion of an Existing Manufactured Home Park or Existing Manufactured Home Subdivision – 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).

Federal Emergency Management Agency (FEMA) - The federal agency that administers the National Flood Insurance Program (NFIP).

Finished Living Space – Finished living space can include, but is not limited to, a space that is heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and contains other amenities such as furniture, appliances, bathrooms, fireplaces, and other items that are easily damaged by floodwaters and are expensive to clean, repair or replace. Fully enclosed areas below the base flood elevation (BFE) that are not considered basements cannot have finished living space and need to be designed to be exposed to flood forces. These spaces can only to be used for parking, building access or limited storage.

Flood or Flooding – A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM) – The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated the limits of the regulatory floodway and 100-year floodplain.

Flood Hazard Boundary Map (FHBM) – A map based on approximate data that identifies, in general, the Special Flood Hazard Areas (SFHA) within a community. It is used in the NFIP's Emergency Program for floodplain management and insurance purposes.

Flood Insurance Rate Map (FIRM) – The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community. FIRMs published after January 1990 may also show the limits of the regulatory floodway.

Flood Insurance Study (FIS) – The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The Flood Insurance Rate Maps (FIRM), which accompany the FIS, provide both flood insurance rate zones and base flood elevations (BFE), and may provide the regulatory floodway limits.

Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. For the purposes of these regulations, the term "Regulatory Floodway" is synonymous in meaning with the term "Floodway."

Functionally Dependent Use or Facility – A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales, or service facilities.

Highest Adjacent Grade – The highest natural elevation, prior to construction, of the ground surface next to the proposed walls of a structure.

Historic Structure, as used in Section 423 – Any structure that is: (a) Listed individually in the National Register of Historic Places (maintained by the Department of the Interior) or preliminarily determined by

the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor, as used in Section 423 – The lowest floor of the lowest enclosed area (including basement).

Manufactured Home – A structure, transportable in one (1) or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles, and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

Manufactured Home Park or Manufactured Home Subdivision – A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

Market Value, as used in Section 423 – Market value is the price of a structure that a willing buyer and seller agree upon. This can be determined by an independent appraisal by a professional appraiser; the property's tax assessment minus land value; the replacement cost minus depreciation of the structure; or the structure's Actual Cash Value.

Mean Sea Level (MSL) – The average height of the sea for all stages of the tide, usually determined from hourly height observations over a 19-year period on an open coast or in adjacent waters having free access to the sea. The National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) to which base flood elevations (BFE) shown on a community Flood Insurance Rate Map (FIRM) are referenced.

New Construction as used in Section 423 – Structures for which the "start of construction" commenced on or after the effective date of this Section 423, as amended, including any subsequent improvements to such structures.

New Manufactured Home Park or Manufactured Home Subdivision – A manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Section 423 as amended.

Recreational Vehicle – A vehicle that is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towed by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway – see definition of "Floodway."

Sand Dunes – Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Sheet Flow Area – see definition of "Area of Shallow Flooding."

Special Flood Hazard Area (SFHA) – The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFE provided on Flood Insurance Rate Maps (FIRMs) are only approximated (rounded up or down) and should be verified with the BFE published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH, and the Coastal High Hazard Areas shown as Zones V, V1-30, and VE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

Start of Construction, as used in Section 423 – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement, or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure, as used in Section 423 – A walled and roofed building that is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facility or infrastructure.

Substantial Damage, as used in Section 423 – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement, as used in Section 423 – Any combination of repair, reconstruction, rehabilitation, alteration, addition, or other improvement to a structure taking place during a ten (10) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure as determined at the beginning of such ten (10) year period. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. For 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 structure. 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 identified by the Director or designee 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."

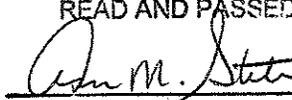
Violation, as used in Section 423 – Failure of a structure or other development to be fully compliant with this Section 423 as amended. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation – 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.

Wet Flood-proofing – Measures designed to minimize damage to a structure or its contents by water that enters the structure.

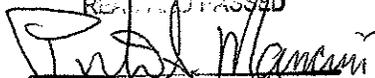
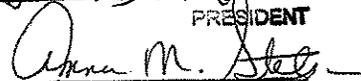
Section 3: This Ordinance shall take effect upon passage.

IN CITY COUNCIL
FEB 19 2009
FIRST READING
READ AND PASSED


CLERK

IN CITY
COUNCIL

FIRST READING
READ AND PASSED


PRESIDENT

CLERK

APPROVED


MAYOR 3/1/09