

## Chapter 8

### FLOODPLAIN REGULATIONS\*

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\***Cross references**--Buildings, construction and related activities, Ch. 5; public safety, Ch. 12; subdivisions, Ch. 17.

#### Section 8-1 Statutory authorization.

The legislature of the state has by general enactment delegated the responsibility of local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council does ordain the following chapter.  
(Ord. of 6-22-87)

#### Section 8-2 Findings of fact.

(a) The flood hazard areas of the city are subject to periodic inundation which results in loss of life, property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, 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 cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damages.

(Ord. of 6-22-87)

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Section 8-3 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

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

(Ord. of 6-22-87)

Section 8-4 Objectives.

The objectives of this chapter are to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- (7) Ensure that potential home buyers are notified that property is in a flood area.

(Ord. of 6-22-87)

Section 8-5 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*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 independent perimeter load-bearing walls is new construction.

*Appeal* means a request for a review of the chief building official's interpretation of any provisions of this chapter or a request for a variance.

*Area of shallow flooding* means a designated AO or VO zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

*Area of special flood hazard* is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year.

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

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

*Breakaway wall* means a wall that is not a 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* means any structure built for support, shelter, or enclosure for any occupancy or storage.

*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, excavating, drilling operations, or permanent storage of materials.

*Elevated building* means a nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), shear walls, or breakaway walls.

*Existing construction* means any structure for which the "start of construction" commenced before the effective date of the ordinance from which this chapter derives.

*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 either final site grading or the pouring of concrete pads) is completed before the effective date of the ordinance from which this chapter derives.

*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 a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

*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 defined as Zone A.

*Flood Insurance Rate Map (FIRM)* means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

*Flood Insurance Study* is the official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

*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 one (1) foot.

*Floor* means the top surface of an enclosed area in a building, including basement, i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include floor of a garage used solely for parking vehicles.

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

*Historic structure* means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or
- b. 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; or
- c. Individually listed on a state inventory of historic places in states with historic preservation

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- programs which 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.

*Manufactured home* means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

*Mean sea level* means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

*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 structures for which the start of construction commenced on or after the effective date of the ordinance from which this chapter derives.

*New 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 either final site grading or the pouring of concrete pads) is completed on or after the effective date of the ordinance from which this chapter derives.

*Recreational vehicle* means a vehicle which 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 towable 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.

*Start of construction* includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure, including a manufactured home, on a 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 land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways or both, nor does it include excavation for basements, 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* means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures.

*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 improvement* means any repair, reconstruction, alteration, or improvement to a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however,

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include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

*Substantially improved existing manufactured home park or subdivisions* is where 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* is a grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

(Ord. of 6-22-87; Ord. of 7-12-93, § I)

Section 8-6 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.  
(Ord. of 6-22-87)

Section 8-7 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled "The Flood Insurance Study for the City of Thomasville," with accompanying flood insurance rate maps and flood boundary and floodway maps and any revision thereto, are hereby adopted by reference and declared to be a part of this chapter.

(Ord. of 6-22-87)

Section 8-8 Establishing of development permit.

A development permit shall be required in compliance with the provisions of this chapter. (Ord. of 6-22-87)

Section 8-9 Compliance required.

After the adoption of the ordinance from which this section derives, no structure or land shall be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(Ord. of 6-22-87)

Section 8-10 Abrogation and greater restriction.

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

(Ord. of 6-22-87)

Section 8-11 Interpretation.

In the interpretation and application of this chapter, 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.

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(Ord. of 6-22-87)

Section 8-12 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter 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 chapter 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 chapter or any administrative decision lawfully made thereunder.

(Ord. of 6-22-87)

Section 8-13 Designation of chief building official.

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

(Ord. of 6-22-87)

Section 8-14 Permit procedures.

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

(1) *Application stage.*

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all structures;
- b. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;
- c. Certificate from a registered professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofed criteria in subsection (2) of section 8-19;
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and,

- (2) *Construction stage.* Provide a floor elevation or floodproofing certification after the lowest floor is completed. Upon placement of the lowest floor, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the chief building official a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Such certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by such professional engineer or architect. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The chief building official shall review the floor elevation survey data submitted. Deficiencies detected by such a review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make such corrections required by this section, shall be cause to issue a stop-work order for the project.

(Ord. of 6-22-87)

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Section 8-15 Duties and responsibilities of the chief building official.

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

- (1) Review all development permits to ensure that the permit requirements of this chapter have been satisfied.
  - (2) Advise permittee that additional federal or state permits may be required, and, if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
  - (3) Notify adjacent communities and the environmental protection division of the department of natural resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  - (4) Assure that maintenance is provided within the altered or relocated portion of such watercourse so that the flood-carrying capacity is not diminished.
  - (5) Verify and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures, in accordance with subsection (2) of section 8-14.
  - (6) Verify and record the actual elevation, in relation to mean sea level, to which the new or substantially improved structures have been floodproofed, in accordance with subsection (2) of section 8-14.
  - (7) When floodproofing is utilized for a particular structure, the chief building official shall obtain certification from a registered professional engineer or architect, in accordance with subsection (2) of section 8-19.
  - (8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the chief building official shall make the interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.
  - (9) When base flood elevation data or floodway data have not been provided in accordance with section 8-7, then the chief building official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of this chapter.
  - (10) All records pertaining to the provisions of this ordinance shall be maintained in the office of the chief building official and shall be open for public inspection.
- (Ord. of 6-22-87)

Section 8-16 Variance procedures.

(a) The floodplain management board of appeals as established by the city council shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) The floodplain management board of appeals shall hear and decide appeals when it is alleged there is an error in any requirements, decision, or determination made by the chief building official in the enforcement or administration of this chapter.

(c) Any person aggrieved by the decision of the floodplain management board of appeals or any taxpayer may appeal such decision to the superior court of the county, as provided in the general law.

(d) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section, except for subsections (h)(1) and (h)(4), and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.

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(e) In passing upon such applications, the board of appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:

- (1) Danger that materials may be swept onto other lands to the injury of others;
- (2) Danger to life and property due to flooding or erosion damage;
- (3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) Importance of the services provided by the proposed facility to the community;
- (5) Necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
- (6) Availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) Compatibility of the proposed use with existing and anticipated development;
- (8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) Safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) Expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(f) Upon consideration of the factors listed above, and the purposes of this chapter, the floodplain management board of appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(g) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(h) Conditions for variances:

- (1) Variances shall only be used upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (2) 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 the 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 or this Code.
- (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built, and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest flood elevation.
- (4) The chief building official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(Ord. of 6-22-87)

Section 8-17 Floodplain management board of appeals.

(a) *Membership and appointments.* The floodplain management board of appeals, referred to as "the board" throughout this section, shall consist of five (5) members appointed by the city council. The members shall be residents of the city.

(b) *Terms of office.* The term of office of each member of the board shall be three (3) years; however,

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in the appointment of the first board, two (2) members shall be appointed for three (3) years and two (2) for two (2) years and one (1) for one (1) year. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

(c) *Compensation.* The board members shall receive no compensation for their services except that they will be reimbursed for out-of-pocket expenditures made in connection with their duties.

(d) *Rules and procedures.* The board shall elect one (1) of its members as chairperson, who shall serve for one (1) year or until reelected or a successor is elected. The board shall elect a secretary who may be an officer of the city or of the board. The board shall have the authority to adopt rules and procedures not inconsistent with the other provisions of this section.

(e) *Administrative assistance.* The chief building official shall provide administrative and clerical assistance as required by the board to carry out its function under the provision of these regulations.  
(Ord. of 6-22-87)

Section 8-18 Provisions for flood hazard reduction--General standards.

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

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (6) 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 floodwaters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,
- (9) Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter.

(Ord. of 6-22-87)

Section 8-19 Same--Specific standards.

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in section 8-7, or subsection (9) of section 8-15, the following provisions are required:

- (1) *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection (3).
- (2) *Nonresidential construction.* New construction or substantial improvement of any commercial,

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industrial, or nonresidential structure shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Structures located in all A-zones may be floodproofed in lieu of being elevated provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.

- (3) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    1. Provide 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;
    2. The bottom of all openings shall be no higher than one (1) foot above grade; and,
    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. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;
  - c. Access to the enclosed area shall be the minimum necessary to allow for 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); and
  - d. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (4) *Standards for manufactured homes and recreational vehicles.*
- a. 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.
  - b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
    - (i) The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation, or
    - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than thirty-six (36) inches in height above grade.
    - (iii) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
    - (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of section 8-19(4)(b)(i) and (iii) above.
  - c. All recreational vehicles placed on site must either:
    - (i) Be fully licensed and ready for highway use, or
    - (ii) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of section 8-19(4)(a) or (b)(i) and (iii) above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is

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attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

- (5) *Floodways*. Located within areas of special flood hazard established in section 8-7 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:
- a. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
  - b. If subsection (5)a. above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
  - c. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of subsection (2) of section 8-18, and the elevation standards of subsection (1) above, are met.

(Ord. of 6-22-87; Ord. of 7-12-93, § II)

Section 8-20 Standard for streams without established base flood elevations or floodways.

Located within the areas of special flood hazard established in section 8-19 where small streams exist but where no base flood data have been provided or where no floodways have been provided, the following provisions apply:

- (1) No encroachments, including fill materials or structures shall be located within a distance of the stream bank equal to two (2) times the width of the stream at the top of bank or twenty (20) feet each side from top of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) New construction or substantial improvements of structures shall be elevated or floodproofed to elevations established in accordance with subsection (9) of section 8-15.

(Ord. of 6-22-87)

Section 8-21 Standards for subdivision proposals.

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development, including manufactured home parks and subdivisions, which are greater than the lesser of fifty (50) lots or five (5) acres.

(Ord. of 6-22-87)

Section 8-21.1 Standards for areas of shallow flooding (AO Zones).

Located within the areas of special flood hazard established in section 8-7, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is

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unpredictable and indeterminate; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.
- (2) All new construction and substantial improvements of non-residential buildings shall:
  - a. Have the lowest floor, including basement elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade; or
  - b. Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(Ord. of 7-12-93, § III)

Section 8-22 Penalties for violation.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variances of special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than seven hundred fifty dollars (\$750.00) or imprisoned for not more than sixty (60) days, 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 in this chapter shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. of 6-22-87)