

## **ORDINANCE NO. 1866**

### **AN ORDINANCE TO AMEND ORDINANCE NO. 1854: FLOOD DAMAGE PREVENTION FOR THE CITY OF TALLADEGA, ALABAMA.**

**BE IT ORDAINED** by the City Council of the City of Talladega, Alabama that for the purpose of conforming to the required State Flood Plain Model Ordinance No. 1854 shall be amended as follows:

**SECTION I.** Article 5, Section E “Conditions for Variance” and Section F “Variance Notification and Records” shall be as follows:

#### **ARTICLE 5**

#### **VARIANCE PROCEDURES**

#### **SECTION E. CONDITIONS FOR VARIANCES**

- (1) A variance may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of Sections E(3), E(4), F(1) and F(2) of this Article.
- (2) In the instance of a Historic Structure, a determination is required that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (3) A variance shall be issued ONLY when there is:
  - (a) A finding of good and sufficient cause;
  - (b) A determination that failure to grant the variance would result in exceptional hardship; and
  - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (4) A variance shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Variances shall not be issued “after the fact.”

#### **SECTION F. VARIANCE NOTIFICATION AND RECORDS**

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- (1) Specifies the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with an increased risk to life and property resulting from the reduced lowest floor elevation. It could result in rate increases in the hundreds and possibly thousands of dollars annually depending on structure and site-specific conditions.
- (2) The Floodplain Administrator shall maintain a record of all variance actions and appeal actions, including justification for their issuance. Report any variances to the Federal Emergency Management Agency Region 4 and the Alabama Department of Economic and Community Affairs/Office of Water Resources upon request.
- (3) A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the City Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

**SECTION II.** That for purposes of clarity in Article 6, Definitions, the definition for **Appeal** shall be as follows:

**ARTICLE 6**

**DEFINITIONS**

**Appeal** means a request for a review of the Public Works Director’s interpretation of any provision of this ordinance.

**SECTION III.** If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

**SECTION IV.** All ordinances or resolutions inconsistent with this ordinance are hereby repealed.

**SECTION V.** This ordinance shall be effective immediately upon its passage and publication as provided by law.

APPROVED and ADOPTED this the 16<sup>th</sup> day of March, 2020.

Council President Joseph K. Power

Councilman Horace Patterson

Council Member Vickey Hall

Council Member Betty Spratlin

Councilman Trae Williams

City Manager Elizabeth Cheeks

Attested to: Joanna Medlen, City Clerk