

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SANDY
SPRINGS, GEORGIA, TO AMEND ARTICLE II OF CHAPTER 109 OF THE CODE OF
ORDINANCES

BE IT ORDAINED by the Mayor and City Council of the City of Sandy Springs, Georgia that the City's Code of Ordinances be amended by replacing Article II relating to Floodplain Management, of Chapter 109 relating to Natural Resources and Environmental Protection, as follows:

SECTION I: Sections 109-19 through 109-149 are amended by striking its current language and adding as follows:

Sec. 109-19. - Definitions.

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

Addition means any walled and roofed expansion to the perimeter or height of a building.

Appeal means a request for a review of the ordinance administrator's interpretation of any provision of this article.

Area of Future-conditions Flood Hazard means the land area that would be inundated by the one-percent-annual-chance flood based on future-conditions hydrology (100-year future-conditions flood).

Area of shallow flooding means a designated AO or AH zone on a community's flood insurance rate map (FIRM) with a one percent or greater chance of flooding to an average depth of one to three 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. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard means the land area subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and flood prone areas at or below the base flood elevation designated as Zones A, A1-30, A-99, AE, AO, AH, and AR on a community's Flood Insurance Rate Map (FIRM).

Accessory Structure or Facility means a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the primary structure.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year, e.g., the 100-year flood.

Base flood elevation means the highest water surface elevation anticipated at any given location during the base flood.

Basement means any area of a building having its floor subgrade (below ground level) on all sides.

Building has the same meaning as *Structure*.

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, and any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials.

ORDINANCE NO. 2015-06-18

Director means the director of the city's community development department.

Elevated building means a non-basement building which has its lowest elevated floor raised above the ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing construction means any structure for which the start of construction commenced before July 5, 2006.

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 July 5, 2006.

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).

FEMA means the Federal Emergency Management Agency.

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

Flood insurance rate map or *FIRM* means an official map of a community, issued by FEMA, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood insurance study or *FIS* means the official report FEMA providing an examination, evaluation and determination of flood hazards and corresponding flood profiles and water surface elevations of the base flood.

Floodplain or *Flood-prone Area* means any land area susceptible to flooding.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway or *regulatory floodway* means the channel of a stream, river, or other watercourse and the adjacent areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally dependent use means a use which 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 ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Future-conditions flood means the flood having a one percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100-year future-conditions flood.

Future-conditions flood elevation means the highest water surface elevation anticipated at any given location during the future-conditions flood.

Future-conditions floodplain means any land area susceptible to flooding by the future-conditions flood.

Future-conditions hydrology means the flood discharges associated with projected land-use conditions based on a community's zoning maps, comprehensive land-use plans, and/or watershed study projections,

and without consideration of projected future construction of stormwater management (flood detention) structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

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:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) 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;
- (3) Individually listed on a state inventory of historic places by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places by communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable 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 other provisions of this article.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when attached to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term does not include a *recreational vehicle*.

Mean sea level means the datum to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced. For purposes of this article, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988.

New construction means any structure for which the start of construction commenced on or after July 5, 2006, and includes any subsequent improvements to the structure.

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 July 5, 2006.

Owner means the legal or beneficial owner of a site, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person in control of the site.

Permit means the permit issued by the city's community development department to the applicant which is required for undertaking any land development activity.

Recreational vehicle means a vehicle which is:

ORDINANCE NO. 2015-06-18

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Repetitive Loss 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.

Site means the parcel of land being developed, or the portion thereof on which the land development project is located.

Start of construction includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of the structure on a site, such as the pouring of slabs 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 initial 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 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 (including a gas or liquid storage tank), that is principally above ground, or a manufactured home.

Subdivision means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

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 50 percent of the market value of the structure before the damage occurred. This term also includes Repetitive Loss.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement to a structure, taking place during a ten-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the building means:

- (1) The appraised value of the structure prior to the start of the initial repair or improvement; or
- (2) In the case of damage, the value of the structure prior to the damage occurring.

Substantial improvement includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include those improvements of a structure required to comply with existing state or local health, sanitary, or safety code specifications which are the minimum necessary to assure safe living conditions, which have been identified by the code enforcement official. The term does also not include any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

ORDINANCE NO. 2015-06-18

Substantially improved existing manufactured home park or subdivision means the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance means a grant of relief from the requirements of this article.

Violation means the failure of a structure or other development to be fully compliant with the requirements of this article. A structure or other development without the elevation certifications, or other evidence of compliance required in this article is presumed to be in violation until such time as that documentation is provided.

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 2), 11-21-2006; Ord. No. 2009-02-07, § 1, 2-17-2009)

Sec. 109-20. - Purpose and intent.

The purpose of this article is to protect, maintain and enhance the public health, safety, environment and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetland preservation and ecological and environmental protection by provisions designed to:

- (1) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (2) Restrict or prohibit uses which are dangerous to health, safety and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion;
- (3) Control filling, grading, dredging and other development which may increase flood damage or erosion;
- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;
- (5) Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; and
- (6) Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 1(a)), 11-21-2006)

Sec. 109-21. - Applicability.

This article shall be applicable to all areas of special flood hazard within the city.

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 1(b)), 11-21-2006)

Sec. 109-22. - Basis for Establishing Areas of special flood hazard, Areas of Future-Conditions Flood Hazard and Associated Floodplain Characteristics -- Flood Area Maps and Studies.

For the purposes of defining and determining *Areas of Special Flood Hazard, Areas of Future-conditions Flood Hazard, Areas of Shallow Flooding, Base Flood Elevations, Floodplains, Floodways, Future-conditions Floodplains*, potential flood hazard or risk categories as shown on FIRM maps, and other such terms used in this article, the following documents and sources may be used for such purposes and are adopted by reference thereto:

- (1) The flood insurance study (FIS) for the county, dated May 7, 2001, with accompanying maps and other supporting data and any revision thereto.

ORDINANCE NO. 2015-06-18

- (2) Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the base or one-percent (100-year) floodplain and flood-prone areas, including:
 - a. Any flood or flood-related study conducted by the United States Corps of Engineers, the United States Geological Survey, or any other local, state or federal agency applicable to the city; and
 - b. Any base flood study conducted by a licensed professional which has been prepared utilizing FEMA-approved methodology and approved by the director.
- (3) Other studies which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and flood-prone areas including:
 - a. Any flood or flood-related study conducted by the United States Corps of Engineers, the United States Geological Survey, or any other local, state, or federal agency applicable to the city; and
 - b. Any future-conditions flood study conducted by a licensed professional engineer which has been prepared by utilizing FEMA-approved methodology approved by the director.
- (4) The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the city hall.

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 1(d)), 11-21-2006)

Sec. 109-23. - Compatibility with other regulations.

This article is not intended to modify or repeal any other chapter, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this article are in addition to the requirements of any other chapter, rule, regulation or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other chapter, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 1(f)), 11-21-2006)

Sec. 109-24. - Warning and disclaimer of liability.

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

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 1(g)), 11-21-2006)

Sec. 109-25. - Violations, enforcement, and penalties.

Any action or inaction which violates the provisions of this article, or the requirements of an approved stormwater management plan or permit, may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief.

(1) *Notice of violation.*

- a. If the community development department determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved

ORDINANCE NO. 2015-06-18

stormwater management plan or the provisions of this article, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this article without having first secured a permit therefor, the notice of violation is served on the owner or the responsible person in charge of the activity being conducted on the site.

b. The notice of violation shall contain:

1. The name and address of the owner or the applicant or the responsible person;
2. The address or other description of the site upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this article and the date for the completion of such remedial action;
5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
6. A statement that the determination of violation may be appealed to the community development department by filing a written notice of appeal within 30 days after the notice of violation.

(2) *Penalties.* In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the community development department shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient), to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the community development department may take any one or more of the following actions or impose any one or more of the following penalties:

- a. *Stop work order.* The community development department may issue a stop work order which is served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
- b. *Withhold certificate of occupancy.* The city may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- c. *Suspension, revocation or modification of permit.* The city may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the

ORDINANCE NO. 2015-06-18

community development department may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

- d. *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the community development department shall deem appropriate (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient) after the department has taken one or more of the actions described in subsections (2)a—c of this section, it may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- e. *Criminal penalties.* For intentional and flagrant violations of this article, the community development department may issue a citation to the applicant or other responsible person, requiring such person to appear in court to answer charges for such violation. Upon conviction, such person shall be guilty of a violation of this Code.

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 7), 11-21-2006)

Secs. 109-26—109-51. - Reserved.

Sec. 109-52. - Designation of administrator.

- (a) *Appointed.* The director or his designee is hereby appointed to administer and implement the provisions of this division.
- (b) *Duties and responsibilities.* Duties of the director shall include, but not be limited to:
 - (1) Review all land development applications and permits to assure that the requirements of this article have been satisfied/and to determine whether proposed building sites will be reasonably safe from flooding;
 - (2) Require that copies of all necessary permits from governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1344, be provided and maintained on file;
 - (3) Require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, when base flood elevation data or floodway data have not been provided, in order to meet the provisions of sections 109-154 and 109-155
 - (4) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures;
 - (5) Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been floodproofed;
 - (6) Obtain certification of design criteria from a registered professional engineer or architect, when floodproofing is utilized for a structure;
 - (7) Notify affected adjacent communities and the state 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 (FEMA);
 - (8) Make the necessary interpretation where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (e.g., where there appears to be a conflict between

ORDINANCE NO. 2015-06-18

a mapped boundary and actual field conditions). Any person contesting the location of the boundary is given a reasonable opportunity to appeal the interpretation as provided in this article. Where floodplain elevations have been defined, the floodplain is determined based on flood elevations rather than the area graphically delineated on the floodplain maps.

- (c) *Records.* All records pertaining to the provisions of this article is maintained in the office of the director, and is open for public inspection.

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, §§ 1(c), 3(d)), 11-21-2006)

Sec. 109-53. - Permit application requirements.

- (a) No owner or developer shall perform any land development activities on a site where an Area of Special Flood Hazard or Area of Future-conditions Flood Hazard is located, without first meeting the requirements of this division prior to commencing the proposed activity.
- (b) Unless specifically excluded by this division, any landowner or developer desiring a permit for a land development activity shall submit to the city a permit application on a form provided by the city for that purpose.
- (c) No land development permit will be approved for any land development activities that do not meet the requirements, restrictions and criteria of this division.

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 3(a)), 11-21-2006)

Sec. 109-54. - Floodplain management plan requirements.

- (a) An application for a development project with any Area of Special Flood Hazard located on the site shall include a floodplain management/flood damage prevention plan. This plan shall include the following items:
- (1) Site plan drawn to scale, which includes but is not limited to:
- a. Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;
 - b. For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site;
 - c. Proposed locations of water supply, sanitary sewer, and utilities;
 - d. Proposed locations of drainage and stormwater management facilities;
 - e. Proposed grading plan;
 - f. Base flood elevations and future-conditions flood elevations;
 - g. Boundaries of the base flood floodplain and future-conditions floodplain;
 - h. If applicable, the location of the floodway; and
 - i. Certification of the information required in this subsection by a licensed professional engineer or surveyor;
- (2) Building and foundation design detail, including but not limited to:
- a. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;

ORDINANCE NO. 2015-06-18

- b. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;
 - c. Certification that any proposed nonresidential floodproofed structure meets the criteria in section 109-114(b);
 - d. For enclosures below the base flood elevation, location and total net area of flood openings as required in section 109-113(5); and
 - e. Design plans certified by a licensed professional engineer or architect for all proposed structure(s).
- (3) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
- (4) Hard copies and digital files of computer models, if any, copies of work maps, comparison of predevelopment and post development conditions base flood elevations, future-conditions flood elevations, flood protection elevations, special flood hazard areas and regulatory floodway, flood profiles and all other computations and other information similar to that presented in the FIS;
- (5) Copies of all applicable State and Federal permits necessary for proposed development, including but not limited to permits required by Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334; and
- (6) All appropriate certifications required under this article.
- (b) The approved floodplain management/flood damage prevention plan shall contain certification by the applicant that all development activities will be done according to the plan or previously approved revisions. Any and all development permits and/or use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 3(b)), 11-21-2006)

Sec. 109-55. - Construction stage submittal requirements.

- (a) *New construction and substantial improvements.* For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the director a certified as-built elevation certificate or floodproofing certificate for nonresidential construction, including the lowest floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed. A final elevation certificate is provided after completion of construction including final grading of the site. Any lowest floor certification made relative to mean sea level is prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. When floodproofing is utilized for nonresidential structures, said certification is prepared by or under the direct supervision of a professional engineer or architect and certified by same, using the FEMA Floodproofing Certificate. This certification shall also include the design and operation/maintenance plan to assure continued viability of the floodproofing measures.
- (b) *Failure to obtain a permit or certification.* Any work undertaken prior to approval of these certifications is at the permit holder's risk. The director shall review the referenced certification data submitted. Deficiencies detected by such review are corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit certification or failure to make the corrections required hereby is cause to issue a stop work order for the project.

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 3(c)), 11-21-2006)

Sec. 109-56. - Appeals and variances.

The following variance and appeals procedures shall apply to an applicant who has been denied a permit for a development activity, or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this ordinance.

- (a) The city board of appeals shall hear and decide requests for appeals or variances from the requirements of this article. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
- (b) The city board of appeals shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the director in the enforcement or administration of this article. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
- (c) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance issued is the minimum necessary to preserve the historic character and design of the structure.
- (d) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (e) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (f) In reviewing such requests, the board of appeals shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this article.
- (g) Conditions for variances:
 - (1) A variance is 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, or the creation of a nuisance.
 - (2) The provisions of this article are minimum standards for flood loss reduction, therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (3) Any applicant to whom a variance is granted is given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance resulting from the lowest floor elevation being placed below the base flood elevation will be commensurate with the increased risk to life and property, and that such costs may be as high as \$25 for each \$100 of insurance coverage provided.

ORDINANCE NO. 2015-06-18

- (4) The director shall maintain the records of all variance actions, both granted and denied, and report them to the Georgia Department of Natural Resources and the Federal Emergency Management Agency upon request.
- (h) Any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as the board of appeals shall deem necessary for the consideration of the request.
- (i) Upon consideration of the factors listed in this section and the purposes of this article, the board of appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
- (j) Variances shall not be issued "after the fact"
(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 6), 11-21-2006; Ord. No. 2009-03-12, § II, 3-17-2009)

Secs. 109-57—109-86. - Reserved.

Sec. 109-87. - Definition of floodplain boundaries.

- (a) Studied "A" zones, as identified in the FIS, is used to establish base flood elevations whenever available.
- (b) For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations are provided by the city. If future-conditions elevation data is not available from the city, then it is determined by a licensed professional engineer using a method approved by FEMA and the city.
(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 4(a)), 11-21-2006)

Sec. 109-88. - Definition of floodway boundaries.

The width of a floodway is determined from the FIS or FEMA-approved flood study. For all streams with a drainage area of 100 acres or greater, the regulatory floodway is provided by the city. If floodway data is not available from the city, then it is determined by a licensed professional engineer using a method approved by FEMA and the city.

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 4(b)), 11-21-2006)

Sec. 109-89. - General standards.

- (a) No development shall be allowed within any Area of Special Flood Hazard or Area of Future-conditions Flood Hazard that could result in any of the following:
 - (1) Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;
 - (2) Reducing the base flood or future-conditions regulatory flood storage capacity;
 - (3) Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the property; or
 - (4) Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.
- (b) Any development within any Area of Special Flood Hazard or Area of Future-conditions Flood Hazard allowed under subsection (a) of this section shall also meet the following conditions:
 - (1) Compensation for storage capacity shall occur between the average groundwater table elevation and the base flood elevation for the base flood, and between the average groundwater table

ORDINANCE NO. 2015-06-18

elevation and the future-conditions flood elevation for the future-conditions flood, and lie within the boundaries of ownership of the property being developed and is within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation:

- a. Include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain;
 - b. Storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the natural (predevelopment) stream channel unless such excavation results from the widening or relocation of the stream channel;
- (2) Cut areas are stabilized and graded to a slope of no less than two percent;
 - (3) Effective transitions are provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;
 - (4) Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics are provided via a step-backwater analysis meeting the requirements of section 109-90(2);
 - (5) Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, are located and constructed to minimize or eliminate infiltration or contamination from floodwaters; and
 - (6) Any significant physical changes to the base flood floodplain is submitted as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. The CLOMR submittal is subject to approval by the city community development department using the FEMA community Concurrence forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval is the responsibility of the applicant. Within six months of the completion of development, the applicant shall submit as-built surveys and plans for a final letter of map revision (LOMR).

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 4(c)), 11-21-2006)

Sec. 109-90. - Engineering study requirements for floodplain encroachments.

An engineering study is required, as appropriate to the proposed development activities on the site, whenever a development proposes to disturb any land within the future-conditions floodplain, except for a residential single-lot development on streams without established base flood elevations and floodways. This study is prepared by a licensed professional engineer and made a part of the application for a permit. This information is submitted to and approved by the city community development department prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include:

- (1) Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;
- (2) Step-backwater analysis, using a FEMA-approved methodology approved by the city community development department. Cross sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating FIS results and will then be rerun with the proposed modifications to determine the new base flood profiles and future-conditions flood profiles;
- (3) Floodplain storage calculations based on cross sections (at least one every 100 feet) showing existing and proposed floodplain conditions to show that base flood floodplain and future-conditions floodplain storage capacity would not be diminished by the development;

ORDINANCE NO. 2015-06-18

- (4) The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all future-conditions floodplain encroachments.

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 4(d)), 11-21-2006)

Sec. 109-91. - Floodway encroachments.

Located within areas of special flood hazard are areas designated as floodways. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- (1) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in (2) below.
- (2) Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment will not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A licensed professional engineer must provide supporting technical data and certification thereof; and
- (3) If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway is issued by the city until an affirmative conditional letter of map revision (CLOMR) is issued by FEMA or a no-rise certification is approved by the city community development department.

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 4(e)), 11-21-2006)

Sec. 109-92. - Maintenance requirements.

The property owner is responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on the property so that the flood-carrying or flood storage capacity is maintained. The city may direct the property owner, at no cost to the city, to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the city community development department.

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 4(f)), 11-21-2006)

Secs. 109-93—109-112. - Reserved.

Sec. 109-113. - General standards.

- (a) In all areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard the following provisions apply:
 - (1) New construction and substantial improvements of structures (residential or nonresidential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of Sections 109-89, 109-90, and 109-91 have been met.
 - (2) New construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.
 - (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

ORDINANCE NO. 2015-06-18

- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (5) Elevated building. All new construction and substantial improvements that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls are designed so as to be an unfinished or flood-resistant enclosure. The enclosure is designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 - a. Designs for complying with this requirement must either be certified by a licensed professional engineer or architect to meet or exceed the following minimum criteria:
 1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings are no higher than one 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 floodwater in both directions.
 - b. So as not to violate the lowest floor criteria of this article, the unfinished or flood-resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and
 - c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.
- (6) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities are designed and/or located three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (7) Manufactured homes are anchored to prevent flotation, collapse, and 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 is in addition to and consistent with applicable state requirements for resisting wind forces.
- (8) All proposed development shall include adequate drainage and stormwater management facilities per the requirements of the city to reduce exposure to flood hazards.
- (9) New and replacement water supply systems are designed to minimize or eliminate infiltration of floodwaters into the system;
- (10) New and replacement sanitary sewage systems are designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
- (11) On-site waste disposal systems are located and constructed to avoid impairment to, or contamination from such systems during flooding;
- (12) Other public utilities such as gas and electric systems shall be located and constructed to avoid impairment to them, or public safety hazards from them during flooding;
- (13) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this article is undertaken only if the nonconformity is not furthered, extended or replaced;

ORDINANCE NO. 2015-06-18

- (14) If the proposed development is located in multiple flood zones or multiple base flood elevations cross the proposed site, the higher or more restrictive base flood elevation or future-condition elevation and development standards shall take precedence;
- (15) When only a portion of a proposed structure is located within a flood zone or the future conditions floodplain, the entire structure shall meet the requirements of this ordinance; and
- (16) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reasonably safe from flooding:
 - (a) All such proposals shall be consistent with the need to minimize flood damage within the flood-prone area;
 - (b) All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage; and
 - (c) Adequate drainage shall be provided to reduce exposure to flood hazards.

(Ord. No. 2006-11-88, § 1 (ch. 14, art. 3, § 5(a)), 11-21-2006; Ord. No. 2008-12-64, § 1, 12-16-2008)

Sec. 109-114. - Building standards for structures and buildings within the future-conditions floodplain.

(a) *Residential buildings.*

- (1) *New construction.* New construction of principal residential structures shall not be allowed within the limits of the future-conditions floodplain.
- (2) *Substantial improvements.* Substantial improvement of any principal residential structure shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is highest. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of section 109-113(5).

(b) *Nonresidential buildings.*

- (1) *New construction.* New construction of principal non-residential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sections 109-89, 109-90, and 109-91. If all of the requirements of Sections 109-89, 109-90, and 109-91 have been met, all new construction shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 109-113(5)(a). New construction that has met all of the requirements of Sections 109-89, 109-90, and 109-91 may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the director using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan.
- (2) *Substantial improvements.* Substantial improvement of any principal nonresidential structure located in A1-30, AE, or AH zones may be authorized by the director to be elevated or

ORDINANCE NO. 2015-06-18

floodproofed. Substantial improvements shall have the lowest floor, including basement elevated no lower than one foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 109-113 (5)(a). Substantial improvements may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is highest, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the director using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan.

- (c) *Accessory structures and facilities.* Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, recreational facilities and other similar non-habitable structures and facilities) which meet the requirements of Sections 109-89, 109-90, and 109-91 and are permitted to be located within the limits of the future-conditions floodplain shall be constructed of flood-resistant materials and designed to provide adequate flood openings in accordance with section 109-113(5)(a) and be anchored to prevent flotation, collapse, and lateral movement of the structure.
- (d) *Recreational vehicles.* All recreational vehicles placed on sites must either:
- (1) Be on the site for fewer than 180 consecutive days and 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
 - (2) Meet all the requirements for Residential Buildings--Substantial Improvements set forth in subsection (a)(2) of this section, including the anchoring and elevation requirements.
- (e) *Manufactured homes.*
- (1) New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of Sections 109-89, 109-90, and 109-91 have been met, all new construction and substantial improvement shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 109-113 (5)(a).
 - (2) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision is elevated so that either:
 - a. The lowest floor of the manufactured home is elevated no lower than three feet above the level of the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher; or
 - b. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
 - (3) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with standards of section 109-113(7).

ORDINANCE NO. 2015-06-18

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 5(b)), 11-21-2006)

Sec. 109-115. - Building standards for structures and buildings authorized adjacent to the future-conditions floodplain.

- (a) *Residential buildings.* For new construction and substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, is at least three feet above the level of the highest base flood (100-year) elevation adjacent to the building or at least one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 109-113(5)(a).
- (b) *Nonresidential buildings.* For new construction or substantial improvement of any principal nonresidential building, the elevation of the lowest floor, including basement and access to the building, is at least three feet above the level of the highest base flood elevation adjacent to the building or at least one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 109-113(5)(a). Non-residential buildings may be floodproofed in lieu of elevation.

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 5(c)), 11-21-2006)

Sec. 109-116. - Building standards for residential single-lot development on streams without established base flood elevations and/or floodway (A zones).

For a residential single-lot development not part of a subdivision that has areas of special flood hazard, where streams exist but no base flood data have been provided (A zones), the director shall review and reasonably utilize any available scientific or historic flood elevation, data, base flood elevation floodway data or future-conditions flood elevation data available from a federal, state, or other source in order to administer the provisions and standards of this article.

If data are not available from any of these sources, the following provisions shall apply:

- (1) No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or fifty feet from the top of the bank of the stream, whichever is greater.
- (2) In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided for flood prone enclosures in accordance with Section 109-113(5)(a).

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 5(d)), 11-21-2006)

Sec. 109-117. - Building standards for areas of shallow flooding (AO zones).

Areas of special flood hazard may include designated AO shallow flooding areas. These areas have base flood depths of one foot to three feet above ground, with no clearly defined channel. In these areas the following provisions apply:

- (1) All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to no lower than one foot above the flood depth number specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, is elevated at

ORDINANCE NO. 2015-06-18

least three feet above the highest adjacent grade. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided in accordance with standards of Section 109-113(5)(a);

- (2) New construction and substantial improvement of a nonresidential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to the specified FIRM flood level plus one foot above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice, and shall provide such certification to the city using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan; and
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 5(e)), 11-21-2006)

Sec. 109-118. - Standards for subdivisions of land.

- (a) All subdivision proposals shall identify the Areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard therein and provide base flood elevation data and future-conditions flood elevation data;
- (b) All residential lots in a subdivision proposal shall have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required;
- (c) All subdivision plans will provide the elevations of proposed structures in accordance with section 109-54(2).

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 5(f)), 11-21-2006)

Sec. 109-119. - Standards for utilities.

- (a) All new and replacement water supply and sanitary sewerage systems are designed to minimize or eliminate:
 - (1) Infiltration of floodwaters into the systems; and
 - (2) Discharges from the systems into floodwaters.
- (b) On-site waste disposal systems are located outside the floodplain to avoid impairment to them, or contamination from them during flooding.

(Ord. No. 2006-11-88, § 1(ch. 14, art. 3, § 5(g)), 11-21-2006)

Secs. 109-120—109-149. - Reserved.

SECTION II: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

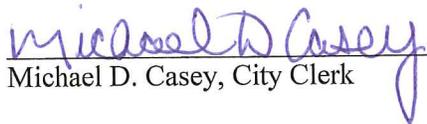
RESOLVED this the 16th day of June, 2015.

Approved:



Russell K. Paul, Mayor

Attest:



Michael D. Casey, City Clerk

(Seal)

