

Div. 9.5. - Floodplain Management

Sec. 9.5.1. - In General

- A. **Purpose** The purpose of this Division 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. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;~~
 - ~~2.3.~~ 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;
 - ~~3.4.~~ Control filling, grading, dredging and other development which may increase flood damage or erosion;
 - ~~4.5.~~ Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;
 - ~~5.6.~~ Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; and
 - ~~6.7.~~ Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.
- B. **Applicability** This Division shall be applicable to all areas of special flood hazard within the City. 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 Division, 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.
 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 floodprone areas, including:
 3. 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
 4. Any base flood study conducted by a licensed professional which has been prepared utilizing FEMA-approved methodology and approved by the Director.
 5. Other studies which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and floodprone areas including:
 6. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, state, or federal agency applicable to the City; and
 7. Any future-conditions flood study conducted by a licensed professional engineer which has been prepared by utilizing FEMA-approved methodology approved by the Director.
 8. The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the City hall.

- C. **Compatibility with Other Regulations** This Division 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 Division are in addition to the requirements of any other chapter, rule, regulation or other provision of law, and where any provision of this Division 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.
- D. **Severability** If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.
- E. ~~D.~~ **Warning and Disclaimer of Liability** The degree of flood protection required by this Division 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 Division 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 Division 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 Division or any administrative decision lawfully made thereunder.
- F. ~~E.~~ **Violations, Enforcement and Penalties** Any action or inaction which violates the provisions of this Division, 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.
- G. ~~F.~~ **Notice of Violation** If the Department determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this Division, 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 Division 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. 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 Division 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 Department by filing a written notice of appeal within 30 days after the notice of violation.
- H. ~~G.~~ **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 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 Department may take any one or more of the following actions or impose any one or more of the following penalties:

1. **Stop Work Order** The 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.
2. **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.
3. **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 Department may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
4. **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 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 Sec. 9.5.1.G, the Department 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.
5. **Criminal penalties** For intentional and flagrant violations of this Division, the 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. of 4-17-2018\(7\)](#), §§ 9-47, 9-49)

Sec. 9.5.2. - Administration and Enforcement

A. **Designation of Administrator**

1. **Appointed** The Director or his designee is hereby appointed to administer and implement the provisions of this division.
2. **Duties and Responsibilities** Duties of the Director shall include, but not be limited to:
 - a. Review all land development applications and permits to assure that the requirements of this Division have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
 - b. [Review proposed development to assure that all necessary permits have been received from those](#) ~~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;~~
 - c. 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 Sec. 9.8.4 and Sec. 9.8.5;

- d. 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;
- e. Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been floodproofed;
- f. Obtain certification of design criteria from a registered professional engineer or architect, when floodproofing is utilized for a structure;
- g. 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);
- h. 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 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 Division. Where floodplain elevations have been defined, the floodplain is determined based on flood elevations rather than the area graphically delineated on the floodplain maps.
- i. [Coordinate all FIRM revisions with the Georgia Department of Natural Resources and FEMA.](#)
- j. [Review variance applications and make recommendations to the \(appointed board\).](#)

3. **Records**

- a. All records pertaining to the provisions of this Division is maintained in the office of the Director, and is open for public inspection.
- b. 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 adopted City building code.

B. **Permit Requirements**

1. 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.
2. No land development permit will be approved for any land development activities that do not meet the requirements, restrictions and criteria of this division.

C. **Additional Requirements**

1. 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:
2. 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;

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 Sec. 9.5.4.A.5.a.
- E. 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 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 the standards of Sec. 9.5.4.A.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.
- F. Standards for Subdivisions of Land and Other Development**
1. 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;
 2. 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;
 3. All subdivision plans will provide the elevations of proposed structures in accordance with Sec. 9.5.2.C.
- G. Standards for Utilities**
1. All new and replacement water supply and sanitary sewerage systems are designed to minimize or eliminate:
 - a. Infiltration of floodwaters into the systems; and
 - b. Discharges from the systems into floodwaters.
 2. On-site waste disposal systems are located outside the floodplain to avoid impairment to them, or contamination from them during flooding.

([Ord. of 4-17-2018\(7\)](#), §§ 9-54—9-60)