

## ARTICLE IV. - FLOODPLAIN MANAGEMENT

### DIVISION 1. - IN GENERAL

#### Sec. 404-1. - Short title.

This chapter may also be known as the "Floodplain Management Ordinance."

(Ord. No. 08-2019, § I, 6-3-2019)

#### Sec. 404-1.1. - Definitions specific to floodplain management.

The following words, terms and phrases, when used in the context of floodplain management, shall have the meanings ascribed to them in this section:

*Basement*, for purposes of this article only, means any area of the building having its floor subgrade (below ground level) on all sides.

*Building*, for purposes of this article only, see definition for "structure" in this section.

*Elevated building* means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

*Existing construction*, for purposes of this article only, means any structure for which the "start of construction" commenced before October 24, 1974.

*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 October 24, 1974.

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Structure*, for purposes of this article only, means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

(Ord. No. 03-2020, § I, 4-6-2020)

#### Sec. 404-2. - Findings.

It is hereby determined that:

- (1) The flood hazard areas of the city are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) Flood hazard areas can serve important stormwater management, water quality, stream bank protection, stream corridor protection, wetland preservation and ecological purposes when permanently protected as undisturbed or minimally disturbed areas.
- (3) Effective floodplain management and flood hazard protection activities can:
  - a. Protect human life and health;
  - b. Minimize damage to private property;
  - c. Minimize damage to public facilities and infrastructure such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains; and
  - d. Minimize expenditure of public money for costly flood control projects associated with flooding and generally undertaken at the expense of the general public.
- (4) Article IX, section II of the Constitution of the State of Georgia (Ga. Const. art. IX, § II), O.C.G.A. § 36-1-20(a), have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. There, the city does ordain this chapter and establishes this set of floodplain management and flood hazard reduction policies for the purpose of regulating the use of flood hazard areas. It is determined that the regulation of flood hazard areas and the prevention of flood damage are in the public interest and will minimize threats to public health and safety, as well as to private and public property.

(Ord. No. 08-2019, § I, 6-3-2019)

#### Sec. 404-3. - Purpose and intent.

The purpose of this chapter 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, stream bank and stream corridor protection, wetlands 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, stream bank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.

(Ord. No. 08-2019, § I, 6-3-2019)

Sec. 404-4. - Applicability.

This chapter shall be applicable to all areas of special flood hazard and all areas adjacent to the future-conditions floodplain with the city.

(Ord. No. 08-2019, § I, 6-3-2019; Ord. No. 03-2020, § I, 4-6-2020)

Sec. 404-5. - Designation of administrator.

The Community Development Director or his designee is hereby appointed to administer and implement the provisions of this chapter.

(Ord. No. 08-2019, § I, 6-3-2019)

Sec. 404-6. - Basis for area of special flood hazard; flood area maps and studies.

For the purposes of this article, the following are adopted by reference:

- (1) The flood insurance study (FIS), dated September 29, 2006, with accompanying maps and other supporting data and any revision thereto are hereby adopted by reference.
- (2) Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the 100-year floodplain and flood prone areas include:
  - a. 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; or
  - b. Any base flood study authored by a registered professional engineer in the state which has been prepared by FEMA approved methodology and approved by the Community Development 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 include:
  - a.

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; or

- b. Any future-conditions flood study authored by a registered professional engineer in the state, which has been prepared by FEMA approved methodology and approved by the Community Development Director.

- (4) The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the office of the Community Development Director.

(Ord. No. 08-2019, § I, 6-3-2019)

#### Sec. 404-7. - Compatibility with other regulations.

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

(Ord. No. 08-2019, § I, 6-3-2019)

#### Sec. 404-8. - 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 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 chapter or any administrative decision lawfully made thereunder.

(Ord. No. 08-2019, § I, 6-3-2019)

### DIVISION 2. - PERMIT PROCEDURES AND REQUIREMENTS

#### Sec. 404-9. - Permit application requirements.

- (a) No owner or developer shall perform any development activities on a site where an area of special flood hazard or an area adjacent to the future-conditions floodplain is located without first meeting the requirements of this chapter prior to commencing the proposed activity.

(b)

Unless specifically excluded by this chapter, any landowner or developer desiring a permit for a development activity shall submit to the Community Development Department a permit application on a form provided by the Community Development Department for that purpose. No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this chapter. (Ord. No. 08-2019, § I, 6-3-2019; Ord. No. 03-2020, § I, 4-6-2020)

Sec. 404-10. - Floodplain management plan requirements.

- (a) An application for a development project with any area of special flood hazard or an area adjacent to the future-conditions floodplain located on the site will be required to include a floodplain management/flood damage prevention plan. This plan shall include the following items:
  - (1) Site plans 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 (a)(1) by a registered 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) or the lowest floor, including basement, of all proposed structures;
    - 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 subsection 404-21(2) or 404-24(2);
    - d. For enclosures below the base flood elevation;
    - e.

Design plans certified by a registered professional engineer or architect for all proposed structures.

- (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 pre- and post-development conditions based flood elevations, future-conditions flood elevations, flood protection elevations, special flood hazard areas and regulatory floodway widths, 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; and
  - (6) All appropriate certifications required under this chapter.
- (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. 08-2019, § I, 6-3-2019; Ord. No. 03-2020, § I, 4-6-2020)

Sec. 404-11. - Construction stage submittal requirements.

- (a) For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the Community Development 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 shall be provided after completion of construction including final grading of the site. Any lowest floor certification made relative to mean sea level 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 nonresidential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
- (b) Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The Community Development Director shall review the certification data submitted in accordance with subsection (a) of this section. Deficiencies detected by such review shall be 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 shall be cause to issue a stop work order for the project.

(Ord. No. 08-2019, § I, 6-3-2019)

Sec. 404-12. - Duties and responsibilities of the administrator.

Duties of the Community Development Director shall include, but shall not be limited to:

- (1) Review all development applications and permits to assure that the requirements of this chapter 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 but not limited to section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334, be provided and maintained on file;
- (3) When base flood elevation data or floodway data have not been provided, then the Community Development Director shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to meet the provisions of subsections (4) and (5) of this section;
- (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 new or substantially improved nonresidential structures have been floodproofed;
- (6) When floodproofing is utilized for a nonresidential structure, the Community Development Director shall obtain certification of design criteria from a registered professional engineer or architect;
- (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) 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) the Community Development Director shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area graphically delineated on the floodplain maps; and
- (9) All records pertaining to the provisions of this chapter shall be maintained in the office of the Community Development Director and shall be open for public inspection.

(Ord. No. 08-2019, § I, 6-3-2019; Ord. No. 03-2020, § I, 4-6-2020)

Sec. 404-13. - Reserved.

### DIVISION 3. - STANDARDS FOR DEVELOPMENT

Sec. 404-14. - Designation of floodplain boundaries.

- (a) Studies "A" zones, as identified in the FIS, shall be 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 shall be provided by the Community Development Department. If future-conditions elevation data is not available from the Community Development Department, then it shall be determined by a registered professional engineer using a method approved by FEMA and the Community Development Department.

(Ord. No. 08-2019, § I, 6-3-2019)

Sec. 404-15. - Same—Floodway boundaries.

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

(Ord. No. 08-2019, § I, 6-3-2019)

Sec. 404-16. - General standards.

- (a) No development shall be allowed within the future-conditions floodplain 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 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 development area; or
  - (4) Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.
- (b) Any development within the future-conditions floodplain allowed under subsection (a) of this section shall also meet the following conditions:

- (1) Compensation for storage capacity shall occur between the average ground water table elevation and the base flood elevation for the base flood, and between the average ground water table elevation and the future-condition flood elevation for the future-conditions flood, and lie either within the boundaries of ownership of the property being developed and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the top of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel;
- (2) Cut areas shall be stabilized and graded to a slope of no less than two percent;
- (3) Effective transitions shall be 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 shall be provided via a step-backwater analysis meeting and requirements of section 107-72;
- (5) Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, shall be located and constructed to minimize or eliminate infiltration or contamination from floodwaters; and
- (6) Any significant physical changes to the base flood floodplain shall be submitted as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the Community Development Department using the community consent 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 shall be the responsibility of the applicant. Within six months of the completion of construction, the applicant shall submit as-built surveys for a final letter of map revision (LOMR).

(Ord. No. 08-2019, § I, 6-3-2019)

Sec. 404-17. - Engineering study requirements for floodplain encroachments.

An engineering study is required, as appropriate to the proposed developments 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/or floodways for which the provisions of section 107-95 apply. This study shall be prepared by a currently registered professional engineer in the state and made a part of the application for a permit. This information shall be

submitted to and approved by the 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 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;
- (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. 08-2019, § I, 6-3-2019)

Sec. 404-18. - Floodway encroachments.

Located within areas of special flood hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, floodways much 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 subsection (2) of this section;
- (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 shall not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A registered 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 shall be issued by the Community Development Department until an affirmative conditional letter of map revision (CLOMR) is issued by FEMA and no-rise certification is approved by the Community Development Department.

(Ord. No. 08-2019, § I, 6-3-2019)

Sec. 404-19. - Maintenance requirements.

The property owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on his property so that the flood-carrying or flood storage capacity is not diminished. The Community Development Department 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 Community Development Department.

(Ord. No. 08-2019, § I, 6-3-2019)

DIVISION 4. - FLOOD DAMAGE REDUCTION

Sec. 404-20. - General standards.

In all areas of special flood hazard the following provisions apply:

- (1) New construction and substantial improvement of principal buildings (residential or nonresidential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of sections 404-16, 404-17 and 404-18 have been met;
- (2) New construction or substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structures;
- (3) New construction or substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (5) Elevated buildings. All new construction and substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished and flood resistant enclosure. The enclosure shall be 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 professional engineer or architect or meet the following minimum criteria:
    1. Provide a minimum of two openings having a total new area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be 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 chapter, the unfinished and flood resistant enclosure shall solely 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 partitioned or finished into separate rooms.
- (6) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be 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 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;
  - (8) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
  - (9) 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;
  - (10) On-site waste disposal systems shall be located and constructed to avoid impairment to them, or contamination from them, during flooding;
  - (11) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this chapter, shall be undertaken only if the non-conformity is not furthered, extended or replaced; and
  - (12) If the proposed development is located in multiple flood zones or multiple base flood elevation cross the proposed site, the higher or more restrictive base flood elevation or future-condition elevation and development standards shall take precedence.

(Ord. No. 08-2019, § I, 6-3-2019; Ord. No. 03-2020, § I, 4-6-2020)

Sec. 404-21. - Building standards for structures and buildings within the future-conditions floodplain.

The following provisions, in addition to those in section 404-20, shall apply:

- (1) *Residential buildings.*

- a. *New construction.* New construction and substantial improvement of principal buildings, including manufactured homes shall not be allowed within the limits of the future-conditions floodplain unless all requirements of sections 404-16, 404-17 and 404-18 have been met. If all of the requirements of sections 404-16, 404-17 and 404-18 have been met, all new construction and substantial improvements 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 equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of section 404-20(5).
- b. *Substantial improvements.* Substantial improvement of any principal structure or manufactured home 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 a structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 404-20(5).

(2) *Nonresidential buildings.*

- a. *New construction.* New construction and substantial improvement of principal buildings, including manufactured homes shall not be allowed within the limits of the future-conditions floodplain unless all requirements of sections 404-16, 404-17 and 404-18 have been met. If all of the requirements of sections 404-16, 404-17 and 404-18 have been met, all new construction and substantial improvements shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation or above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of section 404-20. E. New construction or substantial improvements that have met all of the requirements of sections 404-16, 404-17 and 404-18 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 registered 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 in this subsection (2), and shall provide such certification to the Community Development Director.

b. *Substantial improvements.* Substantial improvement of any principal nonresidential structure located in A1-30, AE, or AH zones, may be authorized by the Community Development Director to be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight 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 registered 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 in this subsection b. and shall provide such certification to the Community Development Director.

(3) *Accessory structures and facilities.* Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking lots, recreational facilities and other similar non-habitable structures and facilities) which are permitted to be located within the limits of the floodplain shall be constructed of flood-resistant materials and designed to pass all floodwater in accordance with section 404-20(5) and be anchored to prevent flotation, collapse or lateral movement of the structure.

(4) *Standards for recreation vehicles.* All recreational vehicles placed on sites must either:

- a. 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
- b. The recreational vehicle must meet all the requirements for residential buildings, substantial improvements (subsection (1) of this section), including the anchoring and elevation requirements.

(5) *Standards for manufactured homes.*

- a. New or substantially improved manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of sections 404-16, 404-17 and 404-18 have been met.
- b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:

- 1.

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

2. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) or no less than 36 inches in height above grade.
- c. 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 404-20(7).

(Ord. No. 08-2019, § I, 6-3-2019; Ord. No. 03-2020, § I, 4-6-2020)

Sec. 404-22. - Buildings standards for structures and buildings authorized adjacent to the future-conditions floodplain.

- (a) *Residential buildings.* For new construction or substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, shall be at least 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 equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 404-20(5).
- (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, shall be at least one foot above the level of 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 equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 404-20(5).

(Ord. No. 08-2019, § I, 6-3-2019; Ord. No. 03-2020, § I, 4-6-2020)

Sec. 404-23. - Building standards for residential single-lot developments on streams without established base flood elevations and/or floodway (A zones).

- (a) 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 Community Development Director shall review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation and floodway data, or future-conditions flood elevation data available from a federal, state, local or other source, in order to administer the provisions and standards of this chapter.

(b) 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 50 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 of existing structures 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. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with section 404-20(5).

(Ord. No. 08-2019, § I, 6-3-2019)

Sec. 404-24. - Building standards for areas of shallow flooding (AO zones).

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

- (1) New 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 in feet 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, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of section 404-20(5).
- (2) New and substantial improvements 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 water tight 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 registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice; and
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(Ord. No. 08-2019, § I, 6-3-2019)

Sec. 404-25. - Standards for subdivisions.

Standards for subdivisions shall be as follows:

- (1) All subdivision proposals shall identify the special flood hazard area 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 section 404-10;
- (4) All subdivision proposals shall be consistent with the need to minimize flood damage and shall be reasonably safe from flooding;
- (5) All subdivision proposals shall have public utilities and facilities such as water, sanitary sewer, gas, and electrical systems located and constructed to minimize or eliminate infiltration of floodwaters, and discharges from the systems into floodwaters; and,
- (6) All subdivision proposals shall include adequate drainage and stormwater management facilities per the requirements of the city to reduce potential exposure to flood hazards.

(Ord. No. 08-2019, § I, 6-3-2019; Ord. No. 03-2020, § I, 4-6-2020)

#### DIVISION 5. - VARIANCES

##### Sec. 404-26. - Procedures.

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 chapter. A request for a variance may be submitted by an applicant who has been denied a permit by the Community Development Department or by an owner or developer who has not previously applied for a permit for the reasons stated hereinabove.

- (1) Requests for variances from the requirements of this chapter shall be submitted to the Community Development Department. All such requests shall be heard and decided in accordance with procedures to be published in writing by the Community Development Department. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
- (2) Any person adversely affected by any decision of the Community Development Department shall have the right to appeal such a decision to the Zoning Board of Appeals as established by the city in accordance with procedures to be published in writing by the Zoning Board of Appeals. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.

- (3) Any person aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the superior court of the county, as provided in O.C.G.A. § 5-4-1.
- (4) 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 shall be the minimum necessary to preserve the historic character and design of the structure.
- (5) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this section 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.
- (6) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (7) In reviewing such requests, the Community Development Department and the Zoning Board of Appeals shall consider all technical evaluations, relevant factors, and all standards specified in this section and other sections of this chapter.
- (8) Conditions for variances:
  - a. A variance shall be issued only when there is:
    1. A finding of good and sufficient cause;
    2. A determination that failure to grant the variance would result in exceptional hardship; and
    3. 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.
  - b. The provisions of this chapter 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; and, in the instance of a historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
  - c. Any person to whom a variance is granted shall be 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 will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
  - d. The Community Development Director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

- (9) 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 Community Development Authority and the Zoning Board of Appeals may attach such conditions to the granting of variances as they deem necessary to the consideration of the request.
- (10) Upon consideration of the factors listed in this section and the purposes of this chapter, the Community Development Department and the Zoning Board of Appeals may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this chapter.
- (11) Variances shall not be issued "after the fact."

(Ord. No. 08-2019, § I, 6-3-2019)

#### DIVISION 6. - VIOLATIONS, ENFORCEMENT AND PENALTIES

##### Sec. 404-27. - Enforcement.

Any action or inaction which violates the provisions of this chapter or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this article. 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. The imposition of any of the penalties described in this article shall not prevent such equitable relief.

(Ord. No. 08-2019, § I, 6-3-2019)

##### Sec. 404-28. - 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 stormwater management plan or the provisions of this chapter, 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 chapter without having first secured a permit therefor, the notice of violation shall be 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 chapter and the date for the completion of such remedial action;

- (5) A statement of the penalty 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 (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient).

(Ord. No. 08-2019, § I, 6-3-2019)

#### Sec. 404-29. - 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 shall be 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:

- (1) *Stop work order.* The Community Development Director may issue a stop work order which shall be 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 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 violations.
- (2) *Withhold certificate of occupancy.* The Community Development Department 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 Community Development Department may suspend, revoke or modify the permit authorizing the 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 Community Development Department may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measure 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 city shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) after the city has taken one or more of the actions described in this section, the city may impose a fine 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 chapter, the city may issue a citation to the applicant or other responsible person, requiring such person to appear in municipal court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days, or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Ord. No. 08-2019, § I, 6-3-2019)