

AN ORDINANCE  
ENTITLED 12-119  
AN ORDINANCE AMENDING THE FLOODPLAIN  
MANAGEMENT ORDINANCE; REPEALING PRIOR  
ORDINANCES IN CONFLICT AND FOR OTHER  
PURPOSES.

WHEREAS, the City of Albany adopted its Floodplain Management Ordinance No. 09-130, on September 22, 2009; and

WHEREAS, Staff has prepared text amendments to the Floodplain Management Ordinance based on comments received by Collis Brown, State Floodplain Management Coordinator, Department of Natural Resources, Floodplain Management Division; and

WHEREAS, it would be in the best interests of the citizens of the City of Albany to amend its present Floodplain Management Ordinance, all as described in a November 2, 2012 Agenda Item prepared by the Planning and Development Services Department,

BE IT ORDAINED by the Board of Commissioners of the City of Albany, Georgia and it is hereby ordained by authority of same:

SECTION 1. From and after adoption of this Ordinance, the Definition provisions of Ordinance 09-130 shall read as follows:

**ARTICLE 2: DEFINITIONS**

***Expansion to an existing manufactured home park or subdivision:*** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

***Flood Hazard Boundary Map (FHBM):*** an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood areas have been defined as Zone A.

***Flood Insurance Study:*** the official report provided by the Federal Emergency Management Agency. The report contains flood profiles and the water surface elevation of the base flood.

**Freeboard:** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**Historic Structure:** means any structure that is;

- a. 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:
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district:
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  1. By an approved state program as determined by the Secretary of the Interior, or
  2. Directly by the Secretary of the Interior in states without approved programs.

**Start of construction:** means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes 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 buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) 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.

**Substantial Improvements:** any combination of repairs, reconstruction, rehabilitation, addition, alteration, or other improvement to a structure, the cost of which equals or exceeds 50 percent of the market value of the structure prior to the “start of construction” of the improvement. The market value of the structure should be (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. This term includes structures, which have incurred “substantial damage,” regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, include (1) those improvements of a structure required to comply with existing violations of State or local health, sanitary, or safety code specifications which have been identified by the Building Official and/or Code Enforcement Official and which are solely necessary to assure safe living conditions and not solely triggered by an improvement or repair project, or (2) any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

**Variance:** a grant of relief to a person from the requirements of these regulations, as provided in Article 4, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement of this ordinance would result in exceptional hardship.

SECTION 2. From and after adoption of this Ordinance, Section F of the Administration provisions of Ordinance 09-130 shall read as follows:

#### **SECTION F. ESTABLISHMENT OF A BOARD OF REVIEW**

A Board of Review is hereby established which shall consist of seven members appointed by the City Commission. The initial appointees shall serve staggered terms, with three members serving three years, three members serving two years, and one member serving one year. Each member shall thereafter serve a term of three years. Any vacancy on the board shall be filled by the City Commission for the unexpired term of such vacancy.

SECTION 3. From and after adoption of this Ordinance, Section A5 of the Non-Conforming Floodway Uses provisions of Ordinance 09-130 shall read as follows:

5. An existing non-residential, non-conforming floodway use may be modified, altered or repaired to incorporate flood-proofing reassures.

SECTION 4. This ordinance shall become effective immediately upon adoption.

SECTION 5. All Ordinances, or parts of Ordinances, in conflict herewith are repealed.

*Dorothy Hubbard*  
MAYOR

ATTEST:

*Sanja Albert*  
CITY CLERK

Adopted: *November 27, 2012*

Introduced By Commissioner: *Roger Marotta*  
Date(s) read: *November 27, 2012*