Dougherty County

Floodplain Management Ordinance

Adopted by:
Dougherty County Board of Commissioners
August 17, 2009

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ARTICLE 1: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

SECTION A. STATUTORY AUTHORIZATION

Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

Therefore, the Board of County Commissioners of Dougherty County, Georgia does ordain as follows:

SECTION B. FINDINGS OF FACT

1. The flood hazard areas of Dougherty County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2. These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

SECTION C. STATEMENT OF PURPOSE

It is the intent of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;

2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

4. Control filling, grading, dredging, and other development which may increase erosion or flood damage; and

5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES

The objectives of this Ordinance are:

1. To protect human life and health;

2. To minimize expenditure of public money for costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

6. To help maintain a stable tax base by providing for sound use and development of flood prone areas in such a manner as to minimize flood blight areas;

7. To ensure potential home buyers are notified that property is in a flood area; and

8. To ensure that flood insurance will continue to be available to the residents of Dougherty County.

ARTICLE 2: DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

Accessory Structure: a structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage sheds, pole barns, hay sheds and the like.

Accessory Use: a use of a nature customarily subordinate or incidental to, and located on the same parcel, as the principal use of any structure or property.

Addition (to an existing building): any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition that is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered "New Construction."

Appeal: a request for a review of the Albany/Dougherty Planning Commission's interpretation of any provision of this Ordinance or a request for a variance.

Area of Special Flood Hazard: the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the *Federal Emergency Management Agency, Areas of Special Flood Hazard* shall be those designated by the local community and referenced in Article 3, Section B.

Base Flood (Regulatory Flood): the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement: that portion of a building having its floor grade below ground level (sub-grade) on all sides.

Building: any structure built for support, shelter, or enclosure for any occupancy or storage.

Critical Facility: any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

1. Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
2. Hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;
3. Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and generating plants, and other principal points of utility lines.

Developed Area: an area of the County that is:

1. A primarily urbanized, built-up area that is a minimum of 20 contiguous acres, has basic urban infrastructure including roads, utilities, communications and public facilities, to sustain industrial, residential, and commercial activities, and
    a. Within which 75 percent or more of the parcels, tracts, or lots contain commercial, industrial, or residential structures or uses; or
    b. Is a single parcel, tract, or lot in which 75 percent of the area contains existing commercial or industrial structures or uses; or
    c. Is a subdivision developed at a density of at least two residential structures per acre within which 75 percent or more of the lots contain existing residential structures at the time the designation is adopted.

2. Undeveloped parcels, tracts, or lots, the combination of which is less than 20 acres and contiguous on at least three sides to areas meeting the criteria at the time the designation is adopted as noted in paragraph 1.a. above.
3. A subdivision that is a minimum of 20 contiguous acres that has obtained all necessary government approvals, provided that the actual "start of construction" of structures has occurred on at least 10 percent of the lots or remaining lots of a subdivision or 10 percent of the maximum building coverage or remaining building coverage allowed for a single lot subdivision at the time the designation is adopted and construction of structures is underway. Residential subdivisions must meet the density criteria as noted in paragraph 1.c. above.

Development: any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.

Elevated Building: a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, 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 floodplain management purposes, existing construction shall mean any structure for which the start of construction commenced in Dougherty County before April 3, 1978 (the effective date of the first floodplain management ordinance adopted by Dougherty County). For the purposes of determining rates, existing construction shall mean structures for which the start of construction commenced before April 17, 1978 (the effective date of the initial FIRM of Dougherty County).

Existing Manufactured Home Park or Subdivision: 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 April 17, 1978 (the effective date of the initial FIRM of Dougherty County).

Expansion to an Existing Manufactured Home Park or Subdivision: 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).

Fair Market Value: the value of property or structures, as used in the definition of "substantial improvement" shall mean, as determined by the tax assessor, either: (a) the appraised value of the structure prior to the start of the initial repair or improvement, or (b) if the structure has been damaged and is being restored, the value of the structure prior to the damage occurring.

Finished Floor: see "Lowest Floor."

Flood or Flooding:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
   a. The overflow of inland waters, and
   b. The unusual and rapid accumulation of runoff of surface waters from any source.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in 1.a. above.

Flood Control Works: any man-made construction, such as a dam, levee, groin, or jetty designed to alter the flood potential of the body of water on or adjacent to which it is built.

Flood Hazard Boundary Map (FHBM): an official map of a community, issued by the Federal Insurance Administration, where the boundaries of the Areas of Special Flood Hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM): an official map of a community, issued by the Federal Insurance Administration, delineating the Areas of Special Flood Hazard and/or risk premium zones applicable to the community.

Flood Insurance Study: the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Floodplain: the land within a community which is subject to a one percent chance of flooding in any given year.

Floodplain Management Administrator: the Official who is responsible for ensuring that development activities comply with the provisions of this Ordinance and other applicable codes and ordinances.

Flood-proofing: a combination of structural and/or non-structural additions, changes, or adjustments which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

Floodway Fringe: area of the floodplain lying outside the floodway.

Highest Adjacent Grade: the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Historic Structure: 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 of the Interior to qualify as a registered historic district;
3. 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
4. Individually listed on a local inventory of historic places and determined as eligible 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.

Letter of Map Amendment (LOMA): an official amendment, by letter, to an effective NFIP map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMA's are usually issued because a property has been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation.

Letter of Map Revision, Conditional (CLOMR): FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA.

Letter of Map Revision (LOMR): FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications.

Letter of Map Revision Based on Fill, Conditional (CLOMR-F): FEMA's comment on a proposed project based on the placement of fill outside the existing regulatory floodway. A CLOMR-F is submitted for properties on which fill has been placed to raise a structure or lot to or above the Base Flood Elevation (BFE). NFIP regulations require that the lowest adjacent grade of the structure be at or above the BFE for a CLOMR-F to be issued to remove the structure from the SFHA. The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA.

Letter of Map Revision Based on Fill (LOMR-F): FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway. A LOMR-F is submitted for properties on which fill has been placed to raise a structure or lot to or above the Base Flood Elevation (BFE). NFIP regulations require that the lowest adjacent grade of the structure be at or above the BFE for a LOMR-F to be issued to remove the structure from the SFHA.

Lowest Floor: the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, 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 code.

Manufactured Home: a building or structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision: a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level: the mean height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum.

National Geodetic Vertical Datum: as corrected in 1929, it is a vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction: for floodplain management purposes, "new construction" means structures for which the "start of construction" commenced after April 3, 1978 (the effective date of the first floodplain management ordinance adopted by Dougherty County) and includes any subsequent improvements to such structures. For the purposes of determining insurance rates, "new construction" means structures for which the start of

construction commenced after April 17, 1978 (the effective date of the initial FIRM of Dougherty County) and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision: 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 April 3, 1978 in Dougherty County.

Non-Conforming Floodway Fringe Use: any structure that is located within the floodway fringe on April 3, 1978 in Dougherty County and that does not meet standards for finished floor elevations and/or flood-proofing that applies to new construction in the floodway fringe. For example, the finished floor elevation of a single family residence might be three feet below the 100-year flood elevation; such a residence should be defined as a non-conforming floodway fringe use.

Non-Conforming Floodway Use: any residential, commercial, industrial, office institutional, or public building located within the floodway on the date of the adoption of these regulations, and which would not be permitted to be constructed within the floodway after the first date (April 3, 1978 in Dougherty County) of the adoption of this Ordinance. Any use of land within a floodway existing on the first date of the adoption of this Ordinance, and which will not be permitted as a new use within the floodway.

Non-Residential Buildings or Construction: includes, but is not limited to, small business concerns, churches, schools, farm buildings and other structures used for agricultural purposes (including grain bins and silos), pool houses not used as temporary sleeping units or guest cottages, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, hotels and motels with normal room rentals for less than six months' duration. High occupancy residential buildings, such as buildings owned and administered as condominiums or apartments and containing more than two family units, shall be considered as non-residential for the purposes of this Ordinance.

North American Vertical Datum (NAVD): as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

Person: any individual or group of individuals, corporation, partnership, association or any other organized group of persons, including State and local governments and agencies thereof.

Recreation Vehicle: a vehicle that is:

1. Built on a single chassis;
2. 400 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. Design primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Regulatory Flood: see "***Base Flood.***"

Regulatory Flood Elevation: the crest elevation in relation to a vertical datum expected to be reached by the base flood at any given point in an area of special flood hazard.

Residential Buildings or Construction: includes, but is not limited to, low occupancy residential buildings such as a single family dwelling, a tourist home or rooming house which has not more than four roomers, a residential building containing not more than two dwelling units and pool houses used as temporary sleeping units or guest cottages.

Start of Construction: 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.

Structure: a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank. The term includes a building while in the course of construction, alteration or repair. The term does not include building materials or supplies intended for use in construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises. The words "building" and "structure" shall have the same meaning for the purposes of this Ordinance.

Substantial Damage: 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.

Substantial Improvements: any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a 5-year period, in which the cumulative cost 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 are solely necessary to assure safe living conditions and which have been identified by the Code Enforcement Official, 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."

Substantially Improved Existing Manufactured Home Parks or Subdivisions: is where 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: a grant of relief to a person from the requirements of these regulations, as provided in Article 1, which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement of this Ordinance would result in unnecessary hardship.

Violation: the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this Ordinance is presumed to be in violation until such time as that documentation is provided.

ARTICLE 3: GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

This Ordinance shall apply to all lands within Dougherty County that are depicted on the Flood Boundary and Floodway Map, and the Flood Insurance Rate Map (FIRM) as lying within Areas of Special Flood Hazard.

SECTION B. BASIS FOR AREA OF SPECIAL FLOOD HAZARD

The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS), dated October 5, 2001 with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this Ordinance. Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated

in the FIS.

The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the office of Planning and Development Services, 640 Pine Avenue, Suite 300, Albany, Georgia.

SECTION C. ESTABLISHMENT OF A DEVELOPMENT PERMIT

A development permit shall be required in conformance with the provisions of this Ordinance prior to the commencement of any development activities.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTION

This Ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this Ordinance, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. RELATIONSHIP BETWEEN THE ZONING REGULATIONS AND FLOODPLAIN MANAGEMENT REGULATIONS

On March 1, 1999, Dougherty County adopted zoning regulations (Resolution #99-108). The Floodplain Management Ordinance that is now established imposes additional requirements on the use of property above and beyond those requirements that are stated in the zoning ordinance. Development of lands located within the floodplain shall comply with all of the requirements that are given in this Ordinance, as well as with all of those requirements that are given in the zoning ordinance. The County Commission may change the zoning district classification of lands located within the floodplain by following customary rezoning procedures.

SECTION H. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Ordinance 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 man-made or natural causes. This Ordinance 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 Ordinance shall not create liability on the part of Dougherty County or by an officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

SECTION I. PENALTIES FOR VIOLATION

Failure to comply with the provisions of this Ordinance or with any of its requirements, including conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a violation. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $300 or imprisoned for not more than 90 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Dougherty County from taking such other lawful actions as is necessary to prevent or remedy any violation.

ARTICLE 4: ADMINISTRATION SECTION

SECTION A. DESIGNATION OF FLOODPLAIN MANAGEMENT ADMINISTRATOR

The director of the Planning and Development Services is hereby appointed Floodplain Management Administrator to administer and implement the provisions of this Ordinance.

SECTION B. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN MANAGEMENT ADMINISTRATOR

Duties of the Floodplain Management Administrator shall include, but not be limited to:

1. Review proposed development to assure that all necessary permits have been received 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 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.

2. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

3. Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the FEMA.

4. For any altered or relocated watercourse, submit engineering data/analysis within six months to the FEMA to ensure accuracy of community flood maps through the Letter of Map Revision (LOMR) process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.

5. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Planning and Development Services and shall be open for public inspection.

6. Interacting with the State and Federal agencies and ensuring that all applicable reports and applications are completed.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE COUNTY PUBLIC WORKS DEPARTMENT

Duties of the County Public Works Department shall include, but not be limited to:

1. When base flood elevation data or floodway data has not been provided in accordance with Article 3, Section B, the County Public Works Department shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source in order to administer the provisions of this Ordinance.

2. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the County Public Works Department 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 Article.

3. Assure that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity or flood storage capacity is not diminished as set forth in Article 5, Section A12. of this Ordinance.

4. Assist the Board of Review in evaluating proposed projects in relation to flood heights and velocities, threatened erosion, the adequacy of the plans for flood and erosion protection, the adequacy of drainage facilities, and other technical matters.

5. 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 in accordance with Article 4, Section E2.

6. Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Article 4, Section E2.

SECTION D. DUTIES AND RESPONSIBILITIES OF THE BUILDING INSPECTION DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES

Duties of the Building Inspection Department of Planning and Development Services (hereafter referred to as Building Inspection Department) shall include, but not be limited to:

1. Review proposed development to assure that the permit requirements of this Ordinance have been satisfied.

2. When flood-proofing is utilized for a structure, the Building Inspection Department of Planning and Development Services shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Article 4, Section E or Article 5, Section D1. and 2.

3. The Building Inspection Department shall note on all building permits issued the elevation (in relation to mean sea level) of the finished floor of all new or substantially improved structures.

4. If a structure is to be flood-proofed, then the Building Inspector shall note on the building permit the elevation (in relation to mean sea level) to which the structure will be flood-proofed.

5. Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.

6. Issue permits.

SECTION E. PERMIT PROCEDURES

Applications for a development permit shall be made to the Building Inspection Department of Planning and Development Services on forms furnished by the department prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. The Building Inspection Department shall endeavor to inform the permit applicant of all permit requirements set forth in this Ordinance as well as required local, State and Federal permits fees, when the applicant requests the permit forms.

Specifically, the procedure and required information include the following:

1. Application Stage Procedure

   a. Procedure

      1) The applicant shall submit the development application and all applicable fees to Building Inspection Department of Planning and Development Services.

      2) Inspection staff shall determine if development is in floodplain or floodway. If development is not in floodplain or floodway, application will go through normal review.

      3) If development is in floodplain or the floodway, the Building Inspection Department shall ask the County Public Works Department to establish the following:
         (a) A minimum allowable elevation in relation to mean sea level of the lowest floor (including basement) of the building; and
         (b) The elevation in relation to mean sea level to which any non-residential building must be flood-proofed.

      4) If the development is in the floodplain but outside of the regulatory floodway boundaries, the Building Inspection Department shall verify that the following information is included as a part of the permit application:
         (a) Design certification from a professional engineer or registered architect that the nonresidential flood-proofed building will meet the flood-proofing criteria in Article 7.
         (b) The location of the lot of the existing structure, if an addition to the existing structure is being proposed for construction. The proposed elevation of the finished floor of the addition shall be indicated.

(c) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

5) If the development is within the boundaries of the floodway as shown on the Special Flood Hazard Mapping defined in Article 3, Section B, the Building Inspection Department shall verify that the permit application includes all information set forth in Article 6, Section B.

6) If all requirements are met, a permit shall be issued to the applicant. A copy of the permit shall be sent to Planning and Development Services for record keeping.

7) The Owner/applicant is responsible for the payment of all local, State and Federal fees associated with the development permit or required submittals to other regulatory agencies.

b. Required Information

1) Completed Elevation Certificate, including the elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures;

2) Completed Flood-proofing Certificate, including elevation in relation to mean sea level to which any nonresidential structure will be flood-proofed;

3) Design certification from a registered professional engineer or architect that any proposed non-residential, flood-proofed structure will meet the flood-proofing criteria of Article 7;

4) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development;

5) If the development is within the boundaries of the regulatory floodway as shown on the Special Flood Hazard Mapping defined in Article 3, the information included with the permit application shall be in accordance with the provisions of Article 6, Section B5.

2. Construction Stage

For all new construction and substantial improvements, the permit holder shall provide to the Floodplain Management Administrator an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood proofing is completed. 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 flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The County Public Works Department shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required; hereby, shall be cause to issue a stop-work order for the project. A copy of the Elevation Certificate shall be sent to the Planning and Development Services for record keeping.

SECTION F. ESTABLISHMENT OF A BOARD OF REVIEW

A Board of Review is hereby established which shall consist of seven members appointed by the Dougherty County 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. One member of the Board may be a member of Planning and Development Services. At least two members of the Board shall be engineers or land surveyors licensed to practice in the State of Georgia. Any vacancy on the board shall be filled by the County Commission for the unexpired term of such vacancy.

The Board of Review shall select a secretary, who will prepare and keep all permanent records of the Board of Review, including agendas, minutes, legal notices and other required papers.

SECTION G. DUTIES AND RESPONSIBILITIES OF THE BOARD OF REVIEW

1. The Board of Review shall adopt rules for the conduct of its business.

2. The Board of Review shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by an administrative official (including, but not limited to, Planning and Development Services, the Building Inspector, Floodplain Management Administrator and the County Public Works Department) in the enforcement or administration of this Ordinance.

3. The Board of Review shall hear and decide applications for Special Use Permits upon which it is authorized to pass under this Ordinance.

4. The Board of Review may authorize, upon appeal from a decision of the Planning and Development Services, the County Public Works Department or the Building Inspection Department, a variance from the requirements of this Ordinance.

5. The Board of Review shall interpret the boundaries of the floodway and the floodway fringe on appeal from a decision of the County Public Works Department, Floodplain Management Administrator or Building Inspector.

6. The Board of Review shall hear and decide appeals from the denial of building permits.

7. The Board of Review shall determine the specific flood or erosion hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard, and if a permit is to be issued, the Board of Review may attach appropriate conditions. In passing upon such applications, the Board of Review shall consider the technical evaluation of the County Public Works Department all relevant factors and standards specified in other sections of this Ordinance; and

    a. The danger that materials may be swept onto other lands to the injury of others.

    b. The danger of life and property due to flooding or erosion damage.

    c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

    d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual Owner.

    e. The importance of the services provided by the proposed facility to the community.

    f. The necessity to the facility of a waterfront location.

    g. The availability of alternative locations, not subject to flooding or erosion damage for the proposed use.

    h. The compatibility for the proposed use with existing development and development that is anticipated in the foreseeable future.

    i. The relationship of the proposed use to the comprehensive development plan and floodplain management program for that area.

    j. The safety of access to the property in times of flood for ordinary and emergency vehicles.

    k. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.

l. The cost of providing governmental services during and after flood conditions, including the maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

SECTION H. SPECIAL USE PERMIT PROCEDURES

1. General

A person may appear before the Board of Review:

a. To appeal a decision of the Director of Planning and Development Services, the County Public Works Department, or the Building Inspection Department;

b. To make application for a variance, or

c. To make application for a special use permit.

2. Permit Procedures

The Board of Review shall conduct a public hearing on all applications for special use permits. Public notice shall consist of publication of a legal advertisement in a newspaper of general circulation throughout the City and County. At the hearing, an applicant may appear in person, or by an agent or by an attorney to present evidence for the record. The Board of Review shall arrive at its decision on appeal for special use permits within 30 days after the hearing. In granting a special use permit, the Board of Review may impose whatever conditions it believes are necessary to promote the general objectives and purposes of this Ordinance. The decision of the Board of Review shall be in writing, and it must set forth the specific reasons which in view of the Board of Review justify its decision.

3. Required Documentation

a. Applications for uses requiring special use permits shall be submitted to the office of the Planning and Development Services on forms to be provided. Upon receipt of the properly completed application, planning staff shall submit it to the Board of Review. The application shall contain the following information and any additional information requested by the Board of Review.

1) A map in duplicate, drawn to scale showing the curvilinear line representing the regulatory flood elevation, dimensions of the lot, existing structures and uses on the lot and adjacent lots, soil type, existing flood control and erosion control works, existing drainage

elevations and ground contours, location and elevation of existing streets, water supply and sanitary facilities, and other pertinent information.

2) A preliminary plan showing the approximate dimensions, elevation and nature of the proposed use, amount, area and type of proposed fill; area and nature of proposed grading or dredging, proposed flood protection or erosion control works, proposed drainage facilities, proposed roads, sewers, water and other utilities, specifications for building construction and materials included in the flood-proofing.

b. The Board of Review is not required to conduct a public hearing on applications for variances or in acting on appeals made from a decision of the County Public Works Department, Building Inspector, or the Floodplain Management Administrator. In granting variances, the Board of Review may impose whatever conditions it believes are necessary to promote the general objectives and purposes of this Ordinance. The decision of the Board of Review shall be in writing, and it must set forth the specific reasons that in the view of the Board of Review justify its decision.

c. Violation of any condition that may have been established by the Board of Review in granting a variance or special use permits will be considered a violation of this Ordinance. A violation is punishable under the terms of Article 3, Section I.

SECTION I. VARIANCE PROCEDURES

1. The Board of Review as established by Dougherty County Commission shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2. The Board of Review shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Management Administrator, County Public Works Department or the Building Inspection Department of Planning and Development Services in the enforcement or administration of this Ordinance.

3. Any applicant aggrieved by the decision of the Board of Review may appeal such decision to the Dougherty County Superior Court, as provided in Section 5-4-1 of the Official Code of Georgia Annotated. The Floodplain Management Administrator may also appeal a decision of the Board of Review to the Dougherty County Superior Court if it is deemed that such decision is contrary to the objectives of this Ordinance.

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 is the minimum 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 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.

6. In passing upon variance applications, the Board of Review shall consider all technical evaluations, all relevant factors, all standards specified in this section and other sections of this Ordinance; and

    a. The danger that materials may be swept onto other lands to the injury of others;

    b. The danger to life and property due to flooding or erosion damage;

    c. The susceptibility of the proposed facility and its contents to flood damage on the individual Owner;

    d. The importance of the services provided by the proposed facility to the community;

    e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

    f. The availability of alternative locations, not subject to flooding or erosion damage for the proposed use;

    g. The compatibility of the proposed use with existing and anticipated development;

    h. The safety of access to the property in times of flood for ordinary and emergency vehicles;

    i. The relationship of the proposed use to the comprehensive development plan and floodplain management program for that area;

    j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and

    k. The cost of providing governmental services during and after flood conditions including maintenance and repair of public utilities and

facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

7. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Review may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.

8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

9. 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, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

   b. The provisions of this Ordinance are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a 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 applicant 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 Planning and Development Services shall maintain the records of all appeal actions and report any variances to the FEMA upon request.

10. Upon consideration of the factors listed above and the purposes of this Ordinance, the Board of Review may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.

ARTICLE 5: PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all Areas of the Special Flood Hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

2. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

3. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

4. Elevated Buildings - All new construction or 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 or 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 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 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 direction.

    b. So as not to violate the "Lowest Floor" criteria of this Ordinance, 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 partitioned or finished into separate rooms.

5. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Such facilities shall be located a minimum of three feet above base flood elevation.

6. 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.

7. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

8. 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.

9. On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and

10. Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance.

11. Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this Ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

12. An individual who plans to make alterations or relocations in any watercourse within Dougherty County shall notify Planning and Development Services in accordance with Article 4, Section E this Ordinance. The Property Owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on said property so that the flood-carrying or flood storage capacity is not diminished. The Floodplain Management Administrator and/or designee may direct the Property Owner, at no cost to Dougherty County, to restore the flood-carrying or flood storage capacity of the floodplain if the Owner has not performed maintenance as required by the conditions of the development permit.

    a. All owners of property subject to regulation under this Article shall maintain all areas on their property within any special flood hazard area free of debris or obstructions which may be hazardous to the public welfare or safety, or which would interfere with the free flow of water in such a way as would increase the need for flood protection, raise the flood

level, or increase the risk of hazardous inundation of adjacent properties or developments.

b. Where debris or obstruction have accumulated in areas within the base flood contour elevations in such a manner as to interfere with the free flow of water as would increase the need for flood protection, raise the flood level, or increase the risk of hazardous inundation of adjacent properties or jurisdictions, and the owners fail to remedy the problem, upon reasonable notice to the Owner, the County Public Works Department is hereby authorized to enter upon such special flood hazard areas and clear or remove such debris or obstructions as are hazardous to the public safety. The cost thereof may be charged to the individual or entity causing, creating or adding to the obstruction, in the judgment of the County Public Works Department.

13. The Owner/Developer of each proposed subdivision shall be responsible for all local, State or Federal permits that may be required in addition to the permit requirements set forth in this Ordinance. Copies of such permits shall be sent to the Planning and Development Services for record keeping.

SECTION B. SPECIFIC STANDARDS

In all Areas of Special Flood Hazard the following provisions are required:

1. New Construction and/or Substantial Improvements

Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of Article 5, Section A4, "Elevated Buildings."

a. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above three feet above the base flood elevation.

2. Non-Residential Construction

New construction and/or the substantial improvement of any structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to three feet above the base flood elevation, 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 above as well as the provisions of Article 7, and shall provide such certification to the official as set forth above and in Article 4, Section D3.

3. Standards for Manufactured Homes and Recreational Vehicles

Where base flood elevation data are available:

a. All manufactured homes placed and/or substantially improved on:

1) Individual lots or parcels,

2) In new and/or substantially improved manufactured home parks or subdivisions,

3) In expansions to existing manufactured home parks or subdivisions, or

4) On a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than three feet above the base flood elevation.

b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may 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

2) 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.

c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Reference- Article 5, Section A6 above).

d. All recreational vehicles placed on sites must either:

1) Be on the site for fewer than 180 consecutive days.

2) 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,

3) The recreational vehicle must meet all the requirements for "New Construction," including the anchoring and elevation requirements of Article 5, Section B3.a.c. above.

4. Floodway

Located within Areas of Special Flood Hazard established in Article 3, Section B, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area 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:

a. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, 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 in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.

b. Only if Article 5, Section B4.a. above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article 5.

c. The placement of manufactured homes (mobile homes) within the floodway is prohibited, except in an existing manufactured home (mobile home) park or subdivision. For the purposes of this section, the term "existing manufactured home park" shall be used in accordance with the definition of Existing Manufactured Home Park or Subdivision found in Section 2 of this Ordinance.

1) A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 5, Section A6, and the elevation standards of Article 5, Section B1 and the encroachment standards of Article 6, Sections B2 and B5 are met.

2) If a manufactured home park or subdivision is located outside of the regulatory floodway, as shown on the original plat and property boundary survey, and all or a portion of the property is placed inside of the floodway by the issuance of new FIRM mapping, the following provisions shall apply to the placement of manufactured homes on such property.

(a) A manufactured home that was in-place prior to the issuance of the new FIRM mapping may be replaced by a new or substantially improved manufactured home provided that:

- the dimensions of the replacement manufactured home result in the same footprint as the existing manufactured home, and
- the new manufactured home is placed in the same orientation as the existing manufactured home, and
- the value of the replacement manufactured home does not exceed 50 percent of the market value of the structure prior to the "start of construction" of the improvement (as defined by definition of Substantial Improvements given in Section 2 of this Ordinance).

The new manufactured home will be subject to all anchoring and elevation requirements of this Ordinance. If the footprint, orientation, anchoring, elevation and market value requirements are met, the replacement manufactured home shall be exempt from the No-Rise certification process defined in Article 6, Section B5. The Property Owner shall submit to the County a completed Elevation Certificate to document compliance with the anchoring and elevation requirements.

(b) A new manufactured home may be placed in a manufactured home park or subdivision provided that the lot was on record as being outside of the floodway prior to the issuance of the new FIRM mapping, but shall be subject to the anchoring standards of Article 5, Section A6, the elevation standards of Article 5, Section B1 and the encroachment standards of Article 6, Sections B2 and B5, including a No-Rise Certification.

(c) Should the Owner of a manufactured home park or subdivision that has been located in the regulatory floodway by the issuance of new FIRM mapping feel that the new FIRM mapping is in error, the Owner may apply for a variance hearing by the Board of Review. Such variance proceedings shall only apply to manufactured homes on lots that were platted prior to the date of the new FIRM mapping.

The Property Owner shall submit, as a part of the variance application, a map in duplicate, drawn to scale, showing the original plat and property boundary survey, the regulatory floodway of the existing FIRM mapping, and the regulatory floodway as shown on the superseded FIRM maps. The Property Owner shall also submit, as a part of the variance application, all documentation required by Article 4, Section H.3 of this Ordinance. The procedures of Article 4, Section I shall be followed when applying for a variance.

Should the Board of Review grant a variance to the Property Owner, all manufactured homes placed on the property will be subject to the anchoring standards of Article 5, Section A6, and the elevation standards of Article 5, Section B1.

SECTION C. BUILDING STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAY (A-ZONES)

Located within the Areas of Special Flood Hazard established in Article 3, Section B, where streams exist but no base flood data have been provided (A-Zones), or where base flood data have been provided but a floodway has not been delineated, the following provisions apply:

1. When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, then the County Public Works Department shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of Article 5. Only if data are not available from these sources, then the following provisions shall apply:

2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or 25 feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than a one foot increase in flood levels during the occurrence of the base flood discharge.

3. In special flood hazard areas without base 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 standards of Article 5, Section A4. "Elevated Buildings."

a. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than three feet above the highest adjacent grade at the building site.

b. The Floodplain Management Administrator shall ensure a record of the lowest floor elevation level becomes a permanent part of the permit file.

4. Where base flood elevations have not been determined, new construction or substantial improvements of buildings shall have the finished floor elevated at least three feet above highest adjacent grade on parcels that are less than 50 lots or five acres.

SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES)

Areas of Special Flood Hazard established in Article 3, Section B, may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. 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 the flood depth number specified on the 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 flood waters shall be provided in accordance with standards of Article 5, Section A4, "Elevated Buildings." The Building Inspection Department of Planning and Development Services shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

2. New construction or the substantial improvement of a non-residential structure may be flood-proofed 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 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 for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Article 4 Sections E1.a. and 2.

3. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

SECTION E. STANDARDS FOR SUBDIVISIONS

1. All subdivision and/or development proposals shall be consistent with the need to minimize flood damage;

2. All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

3. All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

4. For subdivisions and/or developments greater than 50 lots or five acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a Conditional Letter of Map Revision (C-LOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. Upon completion of the project, the Owner is responsible for submitting the "as-built" data to FEMA in order to obtain the final LOMR. The applicant shall be responsible for all local, State and Federal fees associated with the C-LMOR and LOMR submissions.

SECTION F. STANDARDS FOR CRITICAL FACILITIES

1. Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.

2. All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

ARTICLE 6: ESTABLISHMENT OF AREAS WITHIN THE FLOODPLAIN

SECTION A. GENERAL

The floodplain within Dougherty County is hereby divided into three separate areas - the floodway, the floodway fringe, and other floodplain areas.

SECTION B. FLOODWAY

1. Applicability

   The provisions of this section shall apply to the floodway as shown on the Official Flood Maps as defined in Article 3, Section B.

2. Restrictions Governing Development in Floodway

Located within Areas of Special Flood Hazard established in Article 3, Section B, are areas designated as floodway. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and has erosion potential, the provisions of Article 5, Section B shall also apply. Furthermore, all development and construction, regardless of nature, located in areas designated as a floodway shall be subject to the no-rise provisions and requirements set forth in Article 6, Section B5.

3. Permitted Uses

The following and other similar uses normally have low flood damage potential. These uses are permitted within the floodway provided that they are not prohibited by the Albany Dougherty County Zoning Ordinance or by any other ordinance, and provided that they do not require fill, dumping of materials or waste, or storage of materials or equipment. No use shall be permitted which acting along or in combination with existing or reasonably foreseeable future uses would result in an increase in the regulatory flood elevation in accordance with Article 6, Section B2. All permitted uses are subject to the no-rise provisions and requirements set forth in Article 6, Section B5.

a. Agricultural uses, including general farming, grazing, outdoor plant nurseries, horticulture, truck gardening, forestry, sod farming, and wild crop harvesting.

b. Non-structural industrial and commercial uses, including golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding rails.

c. Marinas, boat rentals, docks, piers, wharves.

4. Special Uses

All other uses may be permitted only upon application to the Planning and Development Services and the issuance of a special use permit by the Board of Review as provided in Article 4 of this Ordinance, and provided the applicant demonstrates (by technical analysis) that he/she is in compliance with the provisions of Article 6, Section B5; that the use will not cause any increase in the regulatory flood level, and further provided that such uses are permitted at the proposed location by the Albany Dougherty Zoning Ordinance.

5. Encroachments Resulting in No Increase in Base Flood Elevations

a. Pursuant to Article 5, Section B4 encroachments are prohibited unless it can be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. All new construction which will result in a floodway encroachment will be subject to the following provisions as well as the provisions and standards set forth in Article 5.

1) A No-rise Certification, complete with all technical supporting data, shall be submitted as a part of the development permit application. The No-rise Certification shall state that the proposed encroachment will not increase the base flood elevations or change floodway widths, as established under Article 3, Section B, at any point upstream or downstream of the proposed encroachment. The No-rise Certification shall be signed by a professional engineer currently registered in the State of Georgia.

2) Permanent embankment stabilization and long-term erosion control measures will be an integral part of the encroachment design. Embankment stabilization and long-term erosion control measures will be designed to remain in place over the lifetime of the new construction. Embankment stabilization and long-term erosion control plans shall be signed by a professional engineer currently registered in the State of Georgia.

3) New non-residential construction shall elevate all roads and access facilities to a minimum of one foot above the base flood elevation as defined in Article 3, Section B.

4) New non-residential construction shall include warning signs clearly stating the existence of an Area of Special Flood Hazard. Such warning signs shall be placed at the boundary of the regulatory floodway.

b. The following additional provisions shall apply to all new non-residential construction, as defined in Article 2, which will result in a floodway encroachment when the encroachment functions as structural support for any portion of the new construction, or a building foundation is located within 100 feet of the floodway boundary.

1) An automated flood warning system will be installed that will be activated by rising flood waters. The automated warning system shall be activated when the flood waters reach an elevation which is one foot below the base flood elevation, or equal to the 50-year

flood elevation as shown in the effective FIS, whichever is the lowest elevation. The system will sound an audible alarm for a minimum of one hour or until flood waters recede.

(a) The Owner shall conduct routine maintenance and testing of all automated warning system equipment on an annual basis, or in compliance with manufacturer recommendations, which ever is more frequent. A maintenance and testing schedule shall be included with the permit application. The Building Inspection Department shall provide a copy of the maintenance and testing schedule to the Dougherty County Emergency Management Director.

(b) The Owner shall submit a report of the annual flood warning system test results to the Dougherty County Emergency Management Director. The Dougherty County Emergency Management Director shall verify that maintenance and testing of the automated flood warning equipment is performed in accordance with the submitted schedule, and that the testing shows that the equipment is operational. If the test results show a deficiency in the operation of the flood warning system, the Dougherty County Emergency Management Director shall request, in writing, corrective action. The Owner shall submit verification of the corrective action within 60 days.

2) The Owner shall submit, as part of the permit application, an emergency evacuation plan demonstrating that the property can be safely evacuated in the warning period given by the automated flood warning system. The Building Inspection Department shall provide the evacuation plan to the Dougherty County Emergency Management Director for review.

(a) Documentation will be provided that evacuation of the property can be done in accordance with any existing emergency evacuation or disaster preparedness plans.

(b) The County Emergency Management Director shall review the evacuation plan for compliance with existing emergency evacuation or disaster preparedness plans prior to the issuance of the development permit.

(c) At the completion of the new construction, the evacuation plan will be posted in a prominent place which is visible to all persons that occupy the property.

(d) Upon completion of the new construction, the owner of the property shall provide each lessee or tenant of the property a copy of the evacuation plan. Documentation that each lessee or tenant of the property has received a copy of the

evacuation plan shall be submitted to the Building Inspection Department.

c. The Owner shall submit a permit application to the Building Inspection Department of Planning and Development Services pursuant to Article 4, Section E1.b. prior to commencement of any construction activities, including but not limited to clearing or site grading.

In addition to the information required by Article 4, Section E1.b., the permit application shall include the following as a minimum:

1) An evaluation by the Owner of alternatives which would not result in a floodway encroachment demonstrating why these alternatives are not feasible. The Floodplain Management Administrator will review the evaluation to ensure that the proposed development is in compliance with the purpose and objectives of this Ordinance as defined in Article 1.

2) A certification, signed by a professional engineer currently registered in the State of Georgia, stating that any buildings or structures included as a part of the floodway encroachment will be reasonably safe from flooding.

3) All supporting technical data and information as required by Title 44 of the Code of Federal Regulations. The supporting data required shall include, but is not limited to:
   (a) An engineering analysis supporting the No-rise Certification. The engineering analysis will be conducted using methods acceptable by the FEMA as specified in Title 44 of the Code of Federal Regulations. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on FIRM or Flood Boundary and Floodway Map.
   (b) The hydrologic analysis shall include evaluation of the same recurrence interval(s) studied in the effective FIS, such as the 10-, 50-, 100-, and 500-year flood discharges. Stream flow rates shown in the effective FIS may be used if the hydrologic study can demonstrate that the flow rates have not significantly changed since effective date of the FIS.
   (c) The hydraulic analysis shall include evaluation of the same recurrence interval(s) studied in the effective FIS, such as the 10-, 50-, 100-, and 500-year flood elevations, and shall include the floodway analysis. Unless the Owner can demonstrate that the data of the original hydraulic computer

model is unavailable or its use is inappropriate, the analysis shall be made using the same standard step-backwater computer model used to develop the 100-year floodway shown on the effective FIRM as defined in Article 3, Section B, and updated to show present conditions in the floodplain. Copies of the input and output data from the original and revised hydraulic analyses shall be submitted.

4) The Owner shall submit a Flood Damage Mitigation Plan for all accessory use areas located within the floodway. The Flood Damage Mitigation Plan shall provide reasonable measures to prevent repetitive flood damages from minor floods and to limit flood damages from the base flood.

d. Encroachment Review

All activities that result in a floodway encroachment will undergo an encroachment review by the County Public Works Department prior to the issuance of any and all permits associated with the proposed development. The County Public Works Department shall review the permit application and supporting technical data for completeness and compliance with the provisions of this Ordinance. The County Public Works Department may request technical assistance and review from the FEMA Regional Office, State National Flood Insurance Program coordinating agency or a professional engineer currently registered in the State of Georgia.

e. Conditional Letter of Map Revision

An application for a C-LOMR or Conditional Letter of Map Revision Base of Fill (C-LOMR-F) shall be submitted to the Floodplain Management Administrator. The C-LOMR submittal shall be subject to approval by the Floodplain Management Administrator using community consent forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the C-LOMR to FEMA, payment of the appropriate submittal fees and for obtaining the C-LOMR approval shall be the responsibility of the applicant. FEMA approval of the C-LOMR shall be received prior to the issuance of any and all permits associated with the proposed development. All supporting documentation shall be in compliance with the standards and provisions of Title 44 of the Code of Federal Regulations.

f. Letter of Map Revision

At the conclusion of all construction activities related to the floodway encroachment, the Owner shall submit to the Floodplain Management Administrator an application for a LOMR or Letter of Map Revision

Based on Fill (LOMR-F). The information included with the application will include, but will not be limited to, all as-built data for the construction. The Building Inspection Department shall verify the completeness of the data, and verify compliance with the provisions of the approved C-LOMR or C-LOMR-F before the LOMR or LOMR-F application submittal package is forwarded to FEMA for final approval. The responsibility for forwarding the LOMR or LOMR-F application to FEMA, payment of the appropriate submittal fees and for obtaining FEMA approval shall be the responsibility of the applicant. All data submitted shall be in compliance with the standards and provisions of Title 44 of the Code of Federal Regulations. The Floodplain Management Administrator shall submit the LOMR or LOMR-F application to FEMA for approval prior to the issuance of a Certificate of Occupancy for the development.

SECTION C. FLOODWAY FRINGE

1. Applicability

   The provisions of this Article shall apply to all areas designated as the floodway fringe on the Official Flood Maps as defined in Article 3, Section B.

2. Subdivision Development in the Floodway Fringe

   The plat of each subdivision that is developed in the Floodway Fringe after the effective date when this Ordinance was first adopted shall contain a notation clearly stating the water surface elevation of the 100-year flood in relation to the vertical datum referenced on the effective flood maps as defined in Article 3, Section B.

ARTICLE 7: FLOOD-PROOFING

SECTION A. MINIMUM FLOOD-PROOFING REQUIREMENTS

Wherever any of the provisions of this Ordinance require that a building be flood-proofed (non-residential construction only) or specify that flood-proofing may be used as an alternative to elevating a non-residential structure above the regulatory flood level, flood-proofing shall be deemed to include all of the following:

1. Wherever possible, the location, construction, and installation of all electrical and gas utility systems in such a manner as to ensure the continuing functioning of those systems in event of a regulatory flood;

2. The location, construction, and installation of all potable water supply systems in such a manner as to prevent contamination from floodwaters during the regulatory

flood. No water supply well shall be located within the foundation walls of a building or structure used for human habitation, medical or educational services, food processing, or public services.

3. Approved backflow preventers or devices shall be installed on main water service lines at water wells and at all building entry locations to protect the system from backflow or back siphonage of floodwaters or other contaminants.

4. Sanitary sewer and storm drainage systems that have openings below the regulatory flood elevation shall be equipped with automatic backwater valves or other automatic backflow devices that are installed in each discharge line passing through a building exterior wall.

5. Sanitary sewer systems, including septic tank systems that are required to remain in operation during a flood shall be provided with a sealed holding tank and the necessary isolation and diversion piping, pumps, ejectors, and appurtenances required to prevent sewage discharge during a flood. The holding tank shall be sized for storage of at least two days demand.

6. All sewer system vents shall extend to an elevation of at least three feet above the regulatory flood elevation.

7. A registered professional engineer or architect shall certify that any new construction or substantial improvement has been designed to withstand the flood depths, pressure, velocities, impact and uplift forces associated with the regulatory flood at the location of the building.

   The certificate shall state that specific elevation (in relation to mean sea level) to which the structure has been flood-proofed. The certificate shall be kept for public inspection in the office of the Albany Dougherty Planning Commission.

SECTION B. APPROVAL OF FLOOD-PROOFING

Prior to construction, plans for any structure that is required to be flood-proofed must be submitted to the Building Inspection Department of Planning and Development Services for review and approval. The Building Inspection Department shall review the plans for compliance with techniques specified in the U.S. Army Corps of Engineers publication entitled, *"Flood-proofing Regulations"* June 1972, GPO: 19730-505-026 and for compliance with any other applicable building codes or regulations. The Building Inspection Department shall approve, reject, or recommend modifications of the plans within 15 days from the receipt of the plans.

ARTICLE 8: NON-CONFORMING USES

SECTION A. NON-CONFORMING FLOODWAY USES

All structures located within a floodway on the first date of the adoption of this Ordinance and whose construction would not be permitted by right within the floodway after the first date of the adoption of this Ordinance, are hereby declared to be "non-conforming floodway uses."

The following regulations shall apply to non-conforming floodway uses:

1. No substantial improvement (as defined in Article 2) shall be made to any structure located within the floodway.

2. A duplex, apartment building, commercial building, office building, industrial building, or any associated accessory structure shall not be replaced, rebuilt or repaired if it has been damaged or destroyed by fire, flood, explosion, tornado, hurricane or by other means to the extent that the remaining value of the structure is less than 50 percent of its market value immediately before it was damaged or destroyed. In determining market value, estimates made by the Tax Department shall be relied upon.

3. A detached single family residence that is damaged or destroyed by fire, flood, explosion, tornado, hurricane or by any other means to the extent that the remaining value of the building is less than 50 percent of its market value immediately before it was damaged or destroyed may be rebuilt. Reconstruction of the single family residence is subject to all requirements established by all Articles of this Ordinance.

4. If a non-conforming use in the floodway is discontinued or abandoned for 12 months, the use shall not be resumed, and no other use may occupy the structure.

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

SECTION B. NON-CONFORMING FLOODWAY FRINGE USES

A structure or use of a structure in a floodway fringe area which was lawful on the date of the adoption of this Ordinance, and which does not comply with the various provisions of this Ordinance, is hereby declared to be "non-conforming floodway fringe uses." The following regulations shall apply to non-conforming floodway fringe uses:

1. Any substantial improvement (as defined in Article 2) shall comply with all of the requirements of this Ordinance for new construction in the floodway fringe.

2. A non-conforming floodway fringe use that is damaged or destroyed by fire, flood, explosion, tornado, hurricane or by other means may be repaired or restored, but only when such construction fully complies with the requirements that are given in this Ordinance for new construction in the floodway fringe.

ARTICLE 9: SEVERABILITY

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

09-027

A RESOLUTION
ENTITLED
A RESOLUTION PROVIDING FOR THE IMPLEMENTATION OF A DOUGHERTY COUNTY FLOODPLAIN MANAGEMENT ORDINANCE; REPEALING RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, on January 22, 2009, the Georgia Department of Natural Resources held a Briefing Meeting and Flood Risk Open House to discuss the preliminary FIS and associated digital flood insurance rate maps and receive public input on the Flood Insurance Study and the Flood Insurance Rate Maps at 222 Pine Avenue, Albany, Georgia 31701 between 4:00 p.m. – 5:30 p.m.

WHEREAS, the Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) have been completed for Dougherty County, Georgia; and

WHEREAS, the FIS and FIRMs will become effective on September 25, 2009: and

WHEREAS, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office is required to approve the legally enforceable floodplain management measures Dougherty County adopts in accordance with 44 Code of Federal Regulations Section 60.3(d); and

WHEREAS, the Georgia Department of Natural Resources office of Floodplain Management has conducted a review of the floodplain management ordinance, and

WHEREAS, Dougherty County has undertaken all of the above in order to continue the County's participation in the National Flood Insurance Program; and

WHEREAS, Dougherty County, Georgia is desirous of improving and implementing the attached Dougherty County Floodplain Management Ordinance dated February 26, 2009 and prepared by Integrated Science and Engineering.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Dougherty County, Georgia and it is hereby resolved by Authority of same as follows:

SECTION I. The attached Dougherty County Floodplain Management Ordinance dated February 26, 2009 as prepared by Integrated Science and Engineering is hereby approved and adopted this 17th day of August, 2009.

SECTION II. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed including any previously adopted Floodplain Management Ordinance and/or Resolution.

This the 17th day of August, 2009

BOARD OF COMMISSIONERS OF
DOUGHERTY COUNTY, GEORGIA

BY: _____
Jeff Sinyard, Chairman

ATTEST:
Barbara Engram
County Clerk