

**ARTICLE 32
FLOODPLAIN MANAGEMENT**

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Sec. 32.1. Findings.

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

Flood hazard areas can serve important stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological purposes when permanently protected as undisturbed or minimally disturbed areas.

Effective floodplain management and flood hazard protection activities can (1) Protect human life and health; (2) Minimize damage to private property; (3) Minimize damage to public facilities and infrastructure such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains; and (4) Minimize expenditure of public money for costly flood control projects associated with flooding and generally undertaken at the expense of the general public.

It is determined that the regulation of flood hazard areas and the prevention of flood damage are in the public interest and will minimize threats to public health and safety, as well as to private and public property.

Sec. 32.2. Authority.

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.

Sec. 32.3. Purpose and Intent.

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

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

Sec. 32.4. Applicability.

This Article shall be applicable to all Areas of Special Flood Hazard within the City of Flowery Branch.

Sec. 32.5. Definitions.

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 which 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 Zoning Administrator's interpretation of any provision of this Article.

Area of shallow flooding: A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard: The land subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and flood prone areas at or below the base flood elevation (including A, A1-30, A-99, AE, AO, AH, and AR on the Flood Hazard Boundary Map or the Flood Insurance Rate Map), all floodplain and flood prone areas at or below the future-conditions flood elevation, and all other flood prone areas as referenced or defined in this Article. All streams with a drainage area of 100 acres or greater shall have the area of special flood hazard delineated.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood.

Base flood elevation: The highest water surface elevation anticipated at any given point during the base flood.

Basement: That portion of a building having its floor subgrade (below ground level) on all sides.

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

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

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: Any structure for which the "start of construction" commenced before November 13, 1975, the effective date of the first floodplain management code or ordinance adopted by the City of Flowery Branch as a basis for the city's participation in the National Flood Insurance Program.

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 final site grading or the pouring of concrete pads) was completed before November 13, 1975, the effective date of the first floodplain management regulations adopted by the City of Flowery Branch as a basis for the city's participation in the National Flood Insurance Program.

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.

FEMA: The Federal Emergency Management Agency.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland or tidal waters; or (b) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map: An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map: 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: Any land area susceptible to flooding.

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

Floodway or Regulatory Floodway: The channel of a stream or other watercourse and the adjacent areas of the floodplain which are necessary to contain and discharge the base flood flow without cumulatively increasing the base flood elevation more than one foot.

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

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

Future-conditions flood elevation: The flood standard equal to or higher than the Base Flood Elevation. The future-conditions Flood Elevation is defined as the highest water surface anticipated at any given point during the future-conditions flood.

Future-conditions floodplain: Any land area susceptible to flooding by the future-conditions flood.

Future-conditions hydrology: The flood discharges associated with projected land-use conditions based on a community's zoning map, comprehensive land-use plans, and/or watershed study projections, and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

Highest adjacent grade: The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

Historic structure: In the context of this Article only, a historic structure is any structure that is; (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

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 ordinance.

Manufactured home: For purposes of this Article only, manufactured home is a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes any structure commonly referred to as a “mobile home” regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Mean Sea Level: The average 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 Article the term is synonymous with National Geodetic Vertical Datum (NGVD) and/or the North American Vertical Datum (NAVD) of 1988.

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

New Construction: Any structure (see definition) and any subsequent improvements for which the “start of construction” commenced on or after November 13, 1975, the effective date of the first floodplain management ordinance adopted by the community as a basis for community participation in the National Flood Insurance Program.

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 November 13, 1975, the effective date of the first floodplain management regulations adopted by the community.

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

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

Permit: The permit issued by the City of Flowery Branch to the applicant which is required prior to undertaking any development activity.

Recreational vehicle: For purposes of this Article only, it is a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by light duty truck; and, (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

Start of construction: The date the 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: For purposes of this Article only, it is a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

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

Substantial damage: 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 improvement: Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a 10-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the building means (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. 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, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Zoning Administrator, and not solely triggered by an improvement or repair project.

Substantially improved existing manufactured home park or subdivision: 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 from the requirements of this Article which permits construction in a manner otherwise prohibited by this Article.

Violation: In the context of this Article only, it is the failure of a structure or other development to be fully compliant with this Article. A structure or other development without the elevation

certificate, other certificates, or other evidence of compliance required by this Article is presumed to be in violation until such time as that documentation is provided.

Sec. 32.6. Designation of Administrator.

The Zoning Administrator is hereby appointed to administer and implement the provisions of this Article.

Sec. 32.7. Duties and Responsibilities of Administrator.

Duties and responsibilities of the Zoning Administrator shall include, but shall not be limited to, the following:

- (a) Review all development applications and permits to assure that the requirements of this Article have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
- (b) Require that copies of all necessary permits from governmental agencies from which approval is required by Federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, be provided and maintained on file;
- (c) When Base Flood Elevation data or floodway data have not been provided, then the Zoning Administrator shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, state or other sources in order to meet the provisions of this Article;
- (d) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures;
- (e) Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been flood-proofed;
- (f) When flood-proofing is utilized for a non-residential structure, the Zoning Administrator shall obtain certification of design criteria from a registered professional engineer or architect;
- (g) Notify affected 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 Federal Emergency Management Agency (FEMA);
- (h) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions) the Zoning Administrator 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 zoning ordinance. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area graphically delineated on the floodplain maps; and,

- (i) All records pertaining to the provisions of this Article shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.
- (j) The Zoning Administrator shall maintain the records of all variance and appeal actions and report any variances to the Federal Emergency Management Agency upon request.

Sec. 32.8. Flood Insurance Studies Adopted by Reference.

For the purposes of this Article, the Flood Insurance Study, dated September 29, 2006, with accompanying maps and other supporting data and any revision thereto are hereby adopted by reference. For those land areas annexed into the city, the current effective Flood Insurance Study and data for unincorporated Hall County, dated September 29, 2006, with accompanying maps and other supporting data and any revision thereto, are hereby adopted by reference.

Sec. 32.9. Other Studies that May be Relied Upon for 100-year Floodplains.

Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the 100-year floodplain and flood-prone areas include the following:

- (a) Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey or any other local, State or Federal agency applicable to the City of Flowery Branch; or
- (b) Any base flood study authored by a registered professional engineer in the State of Georgia which has been prepared by the Federal Emergency Management Agency's approved methodology and approved by the City of Flowery Branch.

Sec. 32.10. Other Studies that May be Relied Upon for Future-Conditions Floodplains.

Other studies which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and flood-prone areas include:

- (a) Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, State or Federal agency applicable to the City of Flowery Branch; or
- (b) Any future-conditions flood study authored by a registered professional engineer in the State of Georgia which has been prepared by the Federal Emergency Management Agency's approved methodology approved by the City of Flowery Branch.

Sec. 32.11. Repository of Studies.

The repository for public inspection of the Flood Insurance study, accompanying maps and other supporting data is located at the office of the Zoning Administrator of the City of Flowery Branch.

Sec. 32.12. Relationship to Other Regulations.

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

Sec. 32.13. Warning and Disclaimer of Liability.

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This Article does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City of Flowery Branch or by any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made there under.

Sec. 32.14. Permit and Compliance.

- (a) No owner or developer shall perform any development activities on a site where an Area of Special Flood Hazard is located without first meeting the requirements of this Article, including a permit where required, prior to commencing the proposed activity.
- (b) No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this ordinance.

Sec. 32.15. Permit Application Requirements Generally.

- (a) Unless specifically excluded by this Article, any landowner or developer desiring a permit for a development activity shall submit to the Zoning Administrator a permit application on a form provided by the Zoning Administrator for that purpose and all application specifications of this Article (Article 32 of this zoning ordinance).
- (b) Applications shall consist of a plan, building and foundation design details, a description of the extent watercourses will be altered, comparison of pre-and post development conditions base flood elevations, state and federal permits (where required), and certifications, as more fully described in this Article (Article 32 of this zoning ordinance).

Sec. 32.16. Floodplain Management/Flood Damage Prevention Plan Requirements.

An application for a development project with any Area of Special Flood Hazard located on the site will be required to include a floodplain management / flood damage prevention plan. This plan shall be drawn to an engineering scale and include the following items:

- (a) Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;

- (b) For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site;
- (c) Proposed locations of water supply, sanitary sewer, and utilities;
- (d) Proposed locations of drainage and stormwater management facilities;
- (e) Proposed grading plan;
- (f) Base flood elevations and future-conditions flood elevations;
- (g) Boundaries of the base flood floodplain and future-conditions floodplain;
- (h) If applicable, the location of the floodway; and
- (i) Certification of the above by a registered professional engineer or surveyor.

Sec. 32.17. Building and Foundation Design Detail.

The application for development approval shall include the following when a building or structure is to be constructed:

- (a) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
- (b) Elevation in relation to mean sea level to which any non-residential structure will be floodproofed;
- (c) Certification that any proposed non-residential floodproofed structure meets the criteria specified in this Article;
- (d) For enclosures below the base flood elevation, location and total net area of foundation openings as required by this Article.
- (e) Design plans certified by a registered professional engineer or architect for all proposed structure(s).

Sec. 32.18. Alteration of Water Courses.

The application for development approval shall include a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

Sec. 32.19. Flood-Related Information Requirements.

The application for development approval shall include the following:

- (a) Hard copies and digital files of computer models, if any;
- (b) Copies of work maps;

- (c) Comparison of pre-and post development conditions base flood elevations;
- (d) Future-conditions flood elevations;
- (e) Flood protection elevations;
- (f) Special Flood Hazard Areas;
- (g) Regulatory floodway widths;
- (h) Flood profiles; and
- (i) All other computations and other information similar to that presented in the Flood Insurance study.

Sec. 32.20. State and Federal Permits.

Copies of all applicable State and Federal permits necessary for proposed development shall be submitted with the permit application for the proposed development.

Sec. 32.21. Certifications.

In addition to the certifications required by this Article, the applicant shall provide the following signed certification:

“All development activities will be done according to the approved floodplain management / flood damage prevention plan and any approved revisions. Any and all development permits and/or use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

Applicant”

Sec. 32.22. Construction Stage Submittal Requirements.

For all new construction and substantial improvements on sites with a floodplain management / flood damage prevention plan, the permit holder shall provide to the Zoning Administrator the certifications required by this Section.

- (a) Surveyor or Engineer Certification. A certified as-built Elevation Certificate or Floodproofing Certificate for non-residential construction including the lowest floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is completed. A final Elevation Certificate shall be provided after completion of construction including final grading of the site. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.
- (b) Floodproofing Certificate. 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.

- (c) Prior Work. Any work undertaken prior to approval of these certifications shall be at the permit holder's risk.
- (d) Deficiencies and Stop Work Order. The Zoning Administrator 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 work being allowed to proceed. Failure to submit certification or failure to make the corrections required hereby shall be cause to issue a stop work order for the project.

Sec. 32.23. Definition of Floodplain Boundaries.

- (a) Studied "A" zones, as identified in the FIS, shall be used to establish base flood elevations whenever available.
- (b) For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations shall be provided by the Zoning Administrator. If future-conditions elevation data are not available from the Zoning Administrator or another acceptable source specified in this Article, then it shall be determined by a registered professional engineer using a method approved by FEMA and the Zoning Administrator.
- (c) If a proposed development is located in multiple flood zones or multiple base flood elevation cross the proposed site, the higher or more restrictive base flood elevation or future condition elevation and development standards shall take precedence.

Sec. 32.24. Definition of Floodway Boundaries.

The width of a floodway shall be determined from the Flood Insurance Study or FEMA approved flood study. For all streams with a drainage area of 100 acres or greater, the regulatory floodway shall be provided by the Zoning Administrator. If floodway data are not available from the Zoning Administrator or another acceptable source specified in this Article, then it shall be determined by a registered professional engineer using a method approved by FEMA and the Zoning Administrator.

Sec. 32.25. Limitations Regarding Future-Conditions Floodplain.

No development shall be allowed within the future-conditions floodplain that could result in any of the following:

- (a) Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;
- (b) Reducing the base flood or future-conditions flood storage capacity;
- (c) Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area; or,
- (d) Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.

Sec. 32.26. Standards for Development within Future Conditions Floodplain.

Any development within the future-conditions floodplain allowed under Section 32.25 above, if permitted, shall meet the following conditions:

- (a) Compensation for storage capacity shall occur between the average ground water table elevation and the base flood elevation for the base flood, and between the average ground water table elevation and the future-condition flood elevation for the future-conditions flood, and lie either within the boundaries of ownership of the property being developed and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the top of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel;
- (b) Cut areas shall be stabilized and graded to a slope of no less than 2.0 percent;
- (c) Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;
- (d) Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of this Article;
- (e) Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, shall be located and constructed to minimize or eliminate infiltration or contamination from flood waters; and
- (f) Any significant physical changes to the base flood floodplain shall be submitted as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the Zoning Administrator using the Community Consent forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval shall be the responsibility of the applicant. Within six months of the completion of construction, the applicant shall submit as-built surveys for a final Letter of Map Revision (LOMR).

Sec. 32.27. Engineering Study Required for Floodplain Encroachments.

- (a) An engineering study is required, as appropriate to the proposed development activities on the site, whenever a development proposes to disturb any land within the future-conditions floodplain, except for a residential single-lot development on

streams without established base flood elevations and/or floodways for which the provisions this Article shall otherwise apply.

- (b) This study shall be prepared by a currently registered Professional Engineer in the State of Georgia and made a part of the application for a permit.
- (c) This information shall be submitted to and approved by the Zoning Administrator prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain.

Sec. 32.28. Engineering Study Specifications.

An engineering study required for floodplain encroachments shall include the following:

- (a) Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;
- (b) Step-backwater analysis, using a FEMA-approved methodology approved by the Zoning Administrator. Cross-sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating Flood Insurance Study results and will then be rerun with the proposed modifications to determine the new base flood profiles, and future-conditions flood profiles;
- (c) Floodplain storage calculations based on cross-sections (at least one every 100 feet) showing existing and proposed floodplain conditions to show that base flood floodplain and future-conditions floodplain storage capacity would not be diminished by the development;
- (d) The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all future-conditions floodplain encroachments.

Sec. 32.29. Floodway Encroachments.

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

- (a) Prohibited. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in this Section.
- (b) Exception. Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;

- (c) Revision of Floodway Boundaries. If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway shall be issued by the Zoning Administrator until an affirmative Conditional Letter of Map Revision (CLOMR) is issued by FEMA and no-rise certification is approved by the Zoning Administrator.

Sec. 32.30. Maintenance Requirements.

The property owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on his property so that the flood-carrying or flood storage capacity is not diminished. The City of Flowery Branch through the Zoning Administrator may direct the property owner (at no cost to city) to restore the flood-carrying or flood storage capacity of the floodplain, if the owner has not performed maintenance as required by the approved floodplain management plan on file with the Zoning Administrator.

Sec. 32.31. General Standards for All Areas of Special Flood Hazard.

In all Areas of Special Flood Hazard the following provisions apply:

- (a) Future-Conditions Floodplain. New construction of principal buildings (residential or non-residential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of this Article (see Sections 32.25, 32.26, 32.27, 32.28, and 32.29) have been met;
- (b) Anchoring. New construction or substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (c) Damage-Resistant Materials. New construction or substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (d) Methods and Practices. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (e) Heating and Air. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (f) Manufactured Homes. 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;
- (g) Water Supply. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

- (h) Sanitary Sewage Systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and
- (i) On-site Disposal Systems. On-site waste disposal systems shall be located and constructed to avoid impairment to them, or contamination from them, during flooding.

Sec. 32.32. Areas Below Elevated Buildings.

- (a) Flood Resistance. All new construction and substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished and flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
- (b) Certification or Minimum Criteria. 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 directions.
- (c) Use Limits. So as not to violate the "Lowest Floor" criteria of this ordinance, the unfinished and flood resistant enclosure shall solely be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

Sec. 32.33. Nonconformities.

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

Sec. 32.34. Residential Buildings – New Construction.

- (a) Prohibition. New construction of principal buildings, including manufactured homes shall not be allowed within the limits of the future-conditions floodplain unless all requirements of this Article (Sections 32.25, 32.26, 32.27, 32.28 and 32.29) have been met.
- (b) Elevation of Lowest Floor. If all of the requirements of this Article (Sections 32.25, 32.26, 32.27, 32.28 and 32.29) have been met, all new construction shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher.

- (c) Unimpeded Movement of Floodwaters. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 32.32 (a), (b), and (c) of this Article.

Sec. 32.35. Residential Buildings – Substantial Improvement.

- (a) Elevation of Lowest Floor. Substantial improvement of any principal structure or manufactured home shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher.
- (b) Openings Below Elevated Structures. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards (Section 32.32 (a), (b), and (c)) of this Article.

Sec. 32.36. Nonresidential Buildings – New Construction.

- (a) Prohibition. New construction of principal buildings, including manufactured homes shall not be allowed within the limits of the future-conditions floodplain unless all requirements of this Article (Sections 32.25, 32.26, 32.27, 32.28 and 32.29) have been met.
- (b) Elevation of Lowest Floor. New construction that has met all of the requirements of this Article (Sections 32.25, 32.26, 32.27, 32.28 and 32.29) may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one (1) foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
- (c) Certification. 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 Zoning Administrator.

Sec. 32.37. Nonresidential Buildings – Substantial Improvement.

- (a) Floodproofing May be Authorized. Substantial improvement of any principal non-residential structure located in A1- 30, AE, or AH zones, may be authorized by the Zoning Administrator to be flood-proofed in lieu of elevation.
- (b) Specification for Floodproofing. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water, and

structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

- (c) Certification. 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 Zoning Administrator.

Sec. 32.38. Accessory Structures and Facilities.

Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking lots, recreational facilities and other similar non-habitable structures and facilities) which are permitted to be located within the limits of the floodplain shall be constructed of flood-resistant materials and designed to pass all floodwater in accordance with this Article (Section 32.32 (a), (b), and (c)) and be anchored to prevent flotation, collapse or lateral movement of the structure.

Sec. 32.39. Recreational Vehicles.

All recreational vehicles placed on sites must either:

- (a) Be Temporary. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
- (b) Meet Requirements for Substantial Improvement. The recreational vehicle must meet all the requirements for substantial improvement of residential buildings, including the anchoring and elevation requirements.

Sec. 32.40. Manufactured Homes.

- (a) Prohibition. New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of this Article (Sections 32.25, 32.26, 32.27, 32.28 and 32.29) have been met.
- (b) Elevation of Lowest Floor. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either: the lowest floor of the manufactured home is elevated no lower than three (3) feet above the level of the base flood elevation, or one (1) foot above the future-conditions flood elevation, whichever is higher; or 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) Anchoring. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with standards of Section 32.31(f) of this Article.

Sec. 32.41. Elevation of Residential Buildings and Manufactured Homes Authorized Adjacent to the Future Conditions Floodplain.

For new construction or substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, shall be at least three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher.

Sec. 32.42. Elevation of Nonresidential Buildings Authorized Adjacent to the Future Conditions Floodplain.

For new construction or substantial improvement of any principal non-residential building, the elevation of the lowest floor, including basement and access to the building, shall be at least one (1) foot above the level of the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher.

Sec. 32.43. Single-Lot Residential Development in A-Zones.

For a residential single-lot development not part of a subdivision that has Areas of Special Flood Hazard, where streams exist but no base flood data have been provided (A-Zones), the Zoning Administrator shall review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation and floodway data, or future-conditions flood elevation data available from a Federal, State, local or other source, in order to administer the provisions and standards of this Article. If data are not available from any of these sources, the following provisions shall apply:

- (a) Encroachments. No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or fifty (50) feet from the top of the bank of the stream, whichever is greater.
- (b) Elevation of Lowest Floor. In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site.
- (c) Openings Below Elevated Structures. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with Section 32.32 (a), (b), and (c) of this Article.

Sec. 32.44. Substantial Improvements of Residential Structures in AO Zones.

- (a) Described. Areas of Special Flood Hazard may include designated "AO" shallow flooding areas. These areas have base flood depths of one (1) to three (3) feet above ground, with no clearly defined channel.
- (b) Elevation of Lowest Floor. All substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the flood depth number in feet specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade.

- (c) Openings Below Elevated Structures. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 32.32 (a), (b), and (c) of this Article.
- (d) Drainage. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Sec. 32.45. Substantial Improvements of Nonresidential Structures in AO Zones.

- (a) Floodproofing Permitted. Substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation.
- (b) Standards. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one (1) foot above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
- (c) Certification. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice.
- (d) Drainage. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Sec. 32.46. Subdivisions.

- (a) All subdivision proposals shall identify the special flood hazard area and provide base flood elevation data and future-conditions flood elevation data.
- (b) All residential lots in a subdivision proposal shall have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required.
- (c) All subdivision plans will provide the elevations of proposed structures in accordance with Sections 32.16, 32.17, 32.18, 32.19, 32.20, and 32.21 of this Article.
- (d) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (e) All subdivision proposals shall have public utilities and facilities such as water, sanitary sewer, gas, and electrical systems located and constructed to minimize or eliminate infiltration of flood waters, and discharges from the systems into flood waters.
- (f) All subdivision proposals shall include adequate drainage and stormwater management facilities per the requirements of the City to reduce potential exposure to flood hazards.

Sec. 32.47. Relief by Variance Generally.

A request for a variance may be submitted by an applicant who has been denied a permit by the Zoning Administrator, or by an owner or developer who has not previously applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this Article (Article 32) or this ordinance.

Sec. 32.48. Variance Application Requirements.

Requests for variances from the requirements of this Article shall be submitted to the Zoning Administrator as specified in Article 37 of this zoning ordinance. In addition, any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as the Zoning Administrator and Governing Body shall deem necessary to the consideration of the request.

Sec. 32.49. Variance Procedures.

All variance requests made under this Article shall be heard and decided in accordance with procedures for variances as specified in Article 37 of this zoning ordinance, which require notice to all affected parties and the opportunity to be heard.

Sec. 32.50. Variances for Historic Structures and Functionally Dependent Uses.

- (a) Historic Structures. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance issued shall be the minimum necessary to preserve the historic character and design of the structure.
- (b) Functionally Dependent Uses. 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.

Sec. 32.51. Certain Variances Prohibited.

- (a) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (b) Variances shall not be issued "after the fact."

Sec. 32.52. Criteria to Consider in Granting Variances.

The provisions of this Article are minimum standards for flood loss reduction; therefore, any deviation from the standards through the variance process must be weighed carefully. In reviewing variance requests, the Zoning Administrator and Governing Body shall consider all technical evaluations, relevant factors, and all standards specified in this Article. A variance shall be issued only when the following requirements are met:

- (a) There is a finding of good and sufficient cause;

- (b) There is a determination that failure to grant the variance would result in exceptional hardship; and,
- (c) There is a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance.
- (d) Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building

Sec. 32.53. Conditional Approval of Variances.

Upon consideration of variance criteria and the purposes of this Article, the Zoning Administrator and the Governing Body may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this Article.

Sec. 32.54. Notice to Applicant When Variances are Granted.

Any person to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

Sec. 32.55. Appeals.

- (a) Any person adversely affected by any decision of the Zoning Administrator shall have the right to appeal such decision to the Governing Body in accordance with procedures for the appeal of administrative decisions as specified in Article 39 of this zoning ordinance. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
- (b) Any person aggrieved by the decision of the Governing Body may appeal such decision to the court of competent jurisdiction, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.

Sec. 32.56. Violations, Enforcement and Penalties.

- (a) Any action or inaction which violates the provisions of this Article or the requirements of an approved plan or permit, may be subject to the enforcement actions outlined in Article 43 of this zoning ordinance.
- (b) Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief.
- (c) The imposition of any penalties shall not prevent such equitable relief.