

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2017-36

AN ORDINANCE TO AMEND THE *CODE OF CLAYTON COUNTY, GEORGIA*, AS AMENDED, SPECIFICALLY TO DELETE PART I, CHAPTER 38 “ENVIRONMENT”, ARTICLE VI “FLOODPLAIN MANAGEMENT”; TO ADD PART I, CHAPTER 46 “FLOODS”, ARTICLE III “FLOODPLAIN MANAGEMENT AND FLOOD DAMAGE PREVENTION ORDINANCE”; TO DELETE PART I, CHAPTER 46 “FLOODS”, ARTICLE II “FLOOD DAMAGE PREVENTION”, DIVISION 2 “ADMINISTRATION”, SECTION 46-51 “DESIGNATION OF ADMINISTRATOR”; TO REPLACE PART I, CHAPTER 46 “FLOODS”, ARTICLE II “FLOOD DAMAGE PREVENTION”, DIVISION 1 “GENERALLY”, SECTION 46-30 “DEFINITIONS”; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
CLAYTON COUNTY AND IT IS HEREBY ORDAINED

Section 1. The *CODE OF CLAYTON COUNTY, GEORGIA*, as amended, is hereby further amended by deleting Part I, Chapter 38 “Environment”, Article VI “Floodplain Management”.

Section 2. The *CODE OF CLAYTON COUNTY, GEORGIA*, as amended, is hereby further amended by adding Part I, Chapter 46 “Floods”, Article III “Floodplain Management and Flood Damage Prevention Ordinance” to read as follows:

“DIVISION 1. - GENERAL PROVISIONS

Sec. 46-100. - 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:

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

Sec. 46-101. - Applicability.

This article shall be applicable to all areas of special flood hazard within Clayton County, Georgia.

Sec. 46-102. - Designation of ordinance administrator.

The Clayton County Water Authority or their designee is hereby appointed to administer and implement the provisions of this article and provide appropriate recommendations for permit approval to the Clayton County Department of Transportation and Development and Clayton County Department of Community Development.

Sec. 46-103. - Basis for area of special flood hazard—Flood area maps and studies.

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

- (1) The Flood Insurance Study (FIS), dated November 20, 2000, with accompanying maps and other supporting data and any revision thereto. [For those land areas acquired by Clayton County through annexation, the current effective FIS and data for unincorporated Clayton County, the current effective FIS and data for Clayton County, as of the effective date of this ordinance, with accompanying maps and other supporting data and any revision thereto.]
- (2) Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the base or one-percent 100-year floodplain and flood-prone areas including:
 - 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 Clayton County, Georgia; or
 - b. Any base flood study conducted by a professional engineer licensed in the State of Georgia which has been prepared by FEMA approved methodology and approved by Clayton County, Georgia.
- (3) Other studies which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and flood-prone areas include:
 - a. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, state or federal agency applicable to Clayton County, Georgia; or

- b. Any future-conditions flood study authored by a registered professional engineer in the State of Georgia which has been prepared by FEMA approved methodology approved by FEMA.

- (4) The repository for public inspection of the FIS, accompanying maps and other supporting data is located at Clayton County Water Authority.

Sec. 46-104. - Compatibility with other regulations.

This article is not intended to modify or repeal any other ordinance, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and 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. 46-105. - Severability.

If the provisions of any section, subsection, paragraph, subdivision or clause of this article shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this article.

Sec. 46-106. - 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 Clayton County, Georgia or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

DIVISION 2. - PERMIT PROCEDURES AND REQUIREMENTS

Sec. 46-108. - Permit application requirements.

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 prior to commencing the proposed activity.

Unless specifically excluded by this article, any landowner or developer desiring a permit for a development activity shall submit to the Clayton County Department of Transportation and Development a permit application on a form provided by the Clayton County Department of Transportation and Development for that purpose.

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

Sec. 46-109. - Floodplain management plan requirements.

An application for a development project with any area of special flood hazard located on the site will be required to submit a floodplain management/flood damage prevention plan to the Clayton County Water Authority. This plan shall include the following items:

- (1) Site plan drawn to scale, which includes but is not limited to:
 - a. Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;

- 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 license professional engineer or surveyor.
- (2) Building and foundation design detail, including but not limited to:
- a. Elevation in relation to mean sea level (or highest adjacent grade) 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 in subsection 46-119(2);
 - d. For enclosures below the base flood elevation, location and total net area of flood openings as required in subsection 46-119(5).
 - e. Design plans certified by a licensed professional engineer or architect for all proposed structure(s).
- (3) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
- (4) Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre-and post development conditions base flood elevations, future-conditions flood elevations, flood protection elevations, special flood hazard areas and regulatory floodways, flood profiles and all other computations and other information similar to that presented in the FIS;
- (5) Copies of all applicable state and federal permits necessary for proposed development;, including but not limited to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334;and
- (6) All appropriate certifications required under this article.

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

Sec. 46-110. - 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 Clayton County Department of Community Development 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. The Clayton County Department of Community Development shall forward a copy of the elevation certificate or floodproofing certificate to the Clayton County Water Authority. Any lowest floor certification made relative to mean sea level shall be prepared

by or under the direct supervision of a licensed 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 licensed professional engineer or architect and certified by same. Using the FEMA Floodproofing Certificate. This certification shall also include the design and operation/maintenance plan to assure continued viability of the flood-proofing measures.

Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The Clayton County Department of Community Development 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. 46-111. - Duties and responsibilities of the administrator.

Duties of the Clayton County Water Authority shall include, but shall not be limited to:

- (1) 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;
- (2) Review proposed development to assure that all necessary permits have been received from those 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;
- (3) When base flood elevation data or floodway data have not been provided, then the Clayton County Water Authority 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 Divisions 3 and 4;
- (4) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new and substantially improved structures;
- (5) Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been flood-proofed;
- (6) When flood-proofing is utilized for a non-residential structure, the Clayton County Department of Community Development shall obtain certification design and operation/maintenance plan from a licensed professional engineer or architect and forward a copy of the certification to the Clayton County Water Authority;
- (7) Notify affected adjacent communities and the Georgia Department of Natural Resources (GADNR) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- (8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions) the Clayton County Water Authority 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. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area graphically delineated on the floodplain maps; and
- (9) All records pertaining to the provisions of this article shall be maintained in the office of the Clayton County Water Authority and Clayton County Department of Community Development and shall be open for public inspection.
- (10) Coordinate all FIRM revisions with the GADNR and FEMA.
- (11) Review variance applications and make recommendations to the (appointed board).

DIVISION 3. - STANDARDS FOR DEVELOPMENT

Sec. 46-112. - 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 streams with a drainage area between 100 acres and one square mile (640 acres), the future-conditions flood elevations shall be provided by the (jurisdiction). If future-conditions elevation data is not available from the (jurisdiction), then it shall be determined by a licensed professional engineer using a method approved by FEMA and the (jurisdiction).

Sec. 46-113. - Definition of floodway boundaries.

- (a) The width of a floodway shall be determined from the FIS or FEMA approved flood study. For all streams with a drainage area of 100 acres or greater, the regulatory floodway shall be provided by the Clayton County Water Authority (jurisdiction). If floodway data is not available from the Clayton County Water Authority, it shall be determined by a licensed professional engineer using a method approved by FEMA and the Clayton County Water Authority (jurisdiction).

Sec. 46-114. - General standards.

- (a) No development shall be allowed within the Area of Special Flood Hazard that could result in any of the following:
 - (1) Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;
 - (2) Reducing the base flood or future-conditions flood storage capacity;
 - (3) Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area; or
 - (4) Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.
- (b) Any development within the Area of Special Flood Hazard allowed under (a) above shall also meet the following conditions:
 - (1) Compensation for storage capacity shall occur between the average ground water table elevation and the base flood elevation for the base flood, and between the average ground water table elevation and the future-condition flood elevation for the future-conditions flood, and lie either within the boundaries of ownership of the property being developed and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel;
 - (2) Cut areas shall be stabilized and graded to a slope of no less than 2.0 percent;
 - (3) Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;
 - (4) Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of section 46-115;
 - (5) Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, shall be located and constructed to minimize or eliminate infiltration or contamination from flood waters; and

- (6) Any significant physical changes to the base flood floodplain shall be submitted as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the Clayton County Water Authority using the community concurrence 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 development, the applicant shall submit as-built surveys and plans for a final letter of map revision (LOMR).

Sec. 46-115. - Engineering study requirements for floodplain encroachments.

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 of section 46-121 apply. This study shall be prepared by a currently professional engineer licensed in the State of Georgia and made a part of the application for a permit. This information shall be submitted to and approved by the Clayton County Water Authority prior to the approval of any permit by the Clayton County Department of Transportation and Development which would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include:

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

Sec. 46-116. - 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:

- (1) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in (2) below.
- (2) Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A licensed professional engineer must provide supporting technical data and certification thereof; and
- (3) If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway shall be issued by the Clayton County Department of Transportation and Development until an affirmative conditional letter of map revision (CLOMR) is issued by FEMA and no-rise certification is approved by the Clayton County Water Authority.

Sec. 46-117. - 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 the property so that the flood-carrying or flood storage capacity is maintained. The Clayton County Water Authority may direct the property owner (at no cost to Clayton County, Georgia) 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 Clayton County Water Authority.

DIVISION 4. - PROVISIONS FOR FLOOD DAMAGE REDUCTION

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

Sec. 46-118. - General standards.

- (1) 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 sections 46-114, 46-115 and 46-116 have been met;
- (2) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Elevated buildings. All new construction and substantial improvements that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished and flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 - a. Designs for complying with this requirement must either be certified by a licensed professional engineer or architect to meet or exceed 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.
 - b. So as not to violate the "lowest floor" criteria of this article, the unfinished and flood resistant enclosure shall solely be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and
 - c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.
- (6) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (7) Manufactured homes shall be anchored to prevent flotation, collapse, or and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

- (8) All proposed development shall include adequate drainage and stormwater management facilities per the requirements of (jurisdiction) to reduce exposure to flood hazards.
- (9) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (10) 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;
- (11) On-site waste disposal systems shall be located and constructed to avoid impairment to them, or contamination from them, during flooding;
- (12) Other public utilities such as gas and electric systems shall be located and constructed to avoid impairment to them, or public safety hazards from them, during flooding;
- (13) 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;
- (14) If the proposed development is located in multiple flood zones or multiple base flood elevation cross the proposed site, the higher or more restrictive base flood elevation or future condition elevation and development standards shall take precedence.

Sec. 46-119. - Building standards for structures and buildings within the future-conditions floodplain.

(1) *Residential buildings.*

- a. *New construction.* New construction of principal residential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of sections 46-114, 46-115 and 46-116 have been met. If all of the requirements of sections 46-114, 46-115 and 46-116 have been met, all new construction shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection 46-118(5).
- b. *Substantial improvements.* Substantial improvement of any principal residential structure shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection 46-118(5).

(2) *Non-residential buildings.*

- a. *New construction.* New construction of principal non-residential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of sections 46-114, 46-115 and 46-116 have been met. If all of the requirements of Sections 46-114, 46-115 and 46-116 have been met, all new construction shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 46-118(5)(a). New construction that has met all of the requirements of sections 46-114, 46-115 and 46-116 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 foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed

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 Clayton County Department of Community Development using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan.

- b. *Substantial improvements.* Substantial improvement of any principal non-residential structure located in A1- 30, AE, or AH zones, may be authorized by the Clayton County Department Community Development to be elevated to the level specified in Section 46-119(2) or flood-proofed. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed 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 Clayton County Department of Community Development using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan.
- (3) *Accessory structures and facilities.* Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, , recreational facilities and other similar non-habitable structures and facilities) which meet the requirements of Sections 46-114, 46-115 and 46-116 and are permitted to be located within the limits of the future-conditions floodplain shall be constructed of flood-resistant materials and designed to provide adequate flood openings in accordance with subsection 46-118(5) and be anchored to prevent flotation, collapse or lateral movement of the structure.
 - (4) *Standards for recreational vehicles.* All recreational vehicles placed on sites must either:
 - a. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
 - b. The recreational vehicle must meet all the requirements for residential buildings— Substantial improvements (subsection 46-119) including the anchoring and elevation requirements.
 - (5) *Standards for manufactured homes.*
 - a. New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of sections 46-114, 46-115 and 46-116 have been met. If all of the requirements of Sections 46-114, 46-115 and 46-116 have been met, all new construction and substantial improvement 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. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 46-118(5)(a).
 - b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:
 1. The lowest floor of the manufactured home is elevated no lower than three feet above the level of the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher; or
 2. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) 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 in accordance with standards of subsection 46-118(7).

Sec. 46-120. - Building standards for structures and buildings authorized adjacent to the future-conditions floodplain.

- (a) *Residential buildings.* For new construction or and substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, shall be at least three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 46-118(5)(a).
- (b) *Non-residential buildings.* For new construction or and 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 foot above the level of the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 46-118(5)(a). Non-residential buildings may be flood-proofed in lieu of elevation.

Sec. 46-121. - Building standards for residential single-lot developments on streams without established base flood elevations and floodway (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 Clayton County Water Authority (ordinance 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:

- (1) No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or 50 feet from the top of the bank of the stream, whichever is greater.
- (2) In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided for flood prone enclosures in accordance with subsection 46-118(5).

Sec. 46-122. - Building standards for areas of shallow flooding (AO-zones).

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

- (1) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to no lower than one foot above the flood depth number in feet specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided in accordance with standards of subsection 46-118(5).

- (2) New construction and 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 the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice, and shall provide such certification to the (ordinance administrator) using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan; and
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Sec. 46-123. - Standards for 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 section 46-109.

DIVISION 5. - VARIANCE PROCEDURES

Sec. 46-124. - Variance and appeal procedures.

The following variance and appeals procedures shall apply to an applicant who has been denied a permit for a development activity, or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this article. A request for a variance may be submitted by an applicant who has been denied a permit by the Clayton County Department of Transportation and Development or Clayton County Department of Community Development, or by an owner or developer who has not previously applied for a permit for the reasons stated herein.

- (1) Requests for variances from the requirements of this article shall be submitted to the Clayton County Water Authority (jurisdiction). All such requests shall be heard and decided in accordance with procedures to be published in writing by the Clayton County Water Authority (jurisdiction). At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
- (2) Any person adversely affected by any decision of the Clayton County Water Authority (jurisdiction) shall have the right to appeal such decision to the Clayton County Board of Commissioners as established by Clayton County, Georgia in accordance with procedures to be published in writing by the Clayton County Board of Commissioners. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
- (3) Any person aggrieved by the decision of the Clayton County Board of Commissioners may appeal such decision to the Magistrate Court, as provided in O.C.G.A. § 5-4-1.
- (4) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure, and the variance issued shall be the minimum necessary to preserve the historic character and design of the structure.
- (5) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this section are met, no reasonable alternative exists, and the

development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

- (6) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (7) In reviewing such requests, the Clayton County Water Authority (jurisdiction) and Clayton County Board of Commissioners shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this article.
- (8) Conditions for variances:
 - a. A variance shall be issued only when there is:
 1. a finding of good and sufficient cause;
 2. a determination that failure to grant the variance would result in exceptional hardship; and
 3. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance.
 - b. The provisions of this article are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - c. Any person to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property, as high as \$25 for \$100 of insurance coverage, resulting from the lowest floor elevation being placed below the base flood elevation.
 - d. The Clerk of the Clayton County Board of Commissioners shall maintain the records of all appeal actions, both granted and denied, and report any variances to the Federal Emergency Management Agency upon request.
- (9) Any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as the Clayton County Water Authority (jurisdiction) and Clayton County Board of Commissioners shall deem necessary to the consideration of the request.
- (10) Upon consideration of the factors listed above and the purposes of this article, the Clayton County Water Authority (jurisdiction) and the Clayton County Board of Commissioners may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this article.
- (11) Variances shall not be issued "after the fact".

DIVISION 6. - VIOLATIONS, ENFORCEMENT AND PENALTIES

Sec. 46-125. - Enforcement.

Any action or inaction which violates the provisions of this article or the requirements of an approved stormwater management plan or permit, may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

Sec. 46-126. - Notice of violation.

If the Clayton County Department of Transportation and Development, Clayton County Water Authority or Clayton County Department of Community Development (jurisdiction) determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this article, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this article without having first secured a permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

- (1) The name and address of the owner or the applicant or the responsible person;
- (2) The address or other description of the site upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this article and the date for the completion of such remedial action;
- (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
- (6) A statement that the determination of violation may be appealed to the Clayton County Department of Transportation and Development (jurisdiction) by filing a written notice of appeal within 30 days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours notice shall be sufficient).

Sec. 46-127. - Penalties.

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Clayton County Department of Transportation and Development or Clayton County Department of Community Development (jurisdiction) shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Clayton County Department of Transportation and Development or Clayton County Department of Community Development (jurisdiction) may take any one or more of the following actions or impose any one or more of the following penalties.

- (1) *Stop work order.* The Clayton County Department of Transportation and Development (jurisdiction or local permitting authority) may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
- (2) *Withhold certificate of occupancy.* The Clayton County Department of Community Development (jurisdiction or local permitting authority) may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (3) *Suspension, revocation or modification of permit.* The Clayton County Department of Transportation and Development (jurisdiction or local permitting authority) may suspend, revoke or modify the permit authorizing the development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial

measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Clayton County Department of Transportation and Development (jurisdiction or local permitting authority) may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

- (4) *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the Clayton County Department of Transportation and Development (jurisdiction) shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours notice shall be sufficient) after the Clayton County Department of Transportation and Development (jurisdiction) has taken one or more of the actions described above, the Clayton County Department of Transportation and Development (jurisdiction) may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- (5) *Criminal penalties.* For intentional and flagrant violations of this article, the Clayton County Department of Transportation and Development (jurisdiction) may issue a citation to the applicant or other responsible person, requiring such person to appear in Magistrate Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

DIVISION 7. - CITATION OF STATUTORY AUTHORITY

Sec. 46-128. - Citation of statutory 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. Therefore, Clayton County, Georgia does ordain this chapter and establishes this set of floodplain management and flood hazard reduction provisions for the purpose of regulating the use of flood hazard areas. It is determined that the regulation of flood hazard areas and the prevention of flood damage are in the public interest and will minimize threats to public health and safety, as well to private and public property. ”

Section 3. The *CODE OF CLAYTON COUNTY, GEORGIA*, as amended, is hereby further amended by deleting Part I, Chapter 46 “Floods”, Article II “Flood Damage Prevention”, Division 2 “Administration”, Section 46-51 “Designation of administrator”.

Section 4. The *CODE OF CLAYTON COUNTY, GEORGIA*, as amended, is hereby further amended by deleting in its entirety Part I, Chapter 46 “Floods”, Article II “Flood Damage Prevention”, Division 1 “Generally”, Section 46-30 “Definitions” and and replaing it with a new Part I, Chapter 46 “Floods”, Article II “Flood Damage Prevention”, Division 1 “Generally”, Section 46-30 “Definitions” to read as follows:

“Sec. 46-30. - Definitions.

For purposes of this article, certain words and terms used herein shall be defined and interpreted as follows; all other terms not defined shall have their customary dictionary definitions:

"Addition" means any walled and roofed expansion to the perimeter or height of a building.

"Adjacent" might include those areas located a defined horizontal distance from the future-conditions floodplain boundary that are at or lower in elevation than either three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher, unless the area is hydraulically independent (meaning absolutely no connection to the flooding source such as through pipes, sewer laterals, down drains, foundation drains, ground seepage, overland flow, gated or valved pipes, excavated and backfilled trenches, and etc. with not fill or other manmade barriers creating the separation).

"Appeal" means a request for a review of the (ordinance administrator)'s interpretation of any provision of this article.

"Area of shallow flooding" means a designated AO or AH zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by sheet flow or ponding.

"Area of special flood hazard" is 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 Zones A, A1-30, A-99, AE, AO, AH, and AR on the FHBM or the FIRM), all floodplain and flood prone areas at or below the future-conditions flood elevation, and all other flood prone areas as referenced in Section 46-103. All streams with a drainage area of 100 acres or greater shall have the area of special flood hazard delineated.

"Base flood" means 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" means the highest water surface elevation anticipated at any given location during the base flood.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral-loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

"Building" see Structure.

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

"Existing construction" Any structure for which the "start of construction" commenced before 1973.

"Existing manufactured home park" or "subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before 1973.

"Expansion to an existing manufactured home park" or "subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured

homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

"FEMA" means the Federal Emergency Management Agency.

"Flood" or "flooding" means 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" or "FHBM" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been defined as zone A.

"Flood insurance rate map" or "FIRM" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

"Flood insurance study" or "FIS" means the official report by FEMA evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

"Floodplain" means any land area susceptible to flooding.

"Floodproofing" means 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" means the channel of a stream or other watercourse and the adjacent areas of the floodplain which is necessary to contain and discharge the base flood flow without cumulatively increasing the base flood elevation more than one foot.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete-slab construction or top of wood flooring in wood-frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Future-conditions flood" means 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" means 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" means any land area susceptible to flooding by the future-conditions flood.

"Future-conditions hydrology" means 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 stormwater management structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

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

"Historic structure" means any structure that is;

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

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished and 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 article.

"Manufactured home" means 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" means 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 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New construction" means any structure (see definition) for which the "start of construction" commenced on or after 1973 and includes any subsequent improvements to the structure.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after 1973.

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

"Owner" means 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" means the permit issued by the Clayton County Department of Transportation and Development to the applicant which is required prior to undertaking any development activity.

"Recreational vehicle" means 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.

"Repetitive loss" means flood related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

NOTE: Inclusion of this definition allows policyholders to avail ICC portion of the flood claim under the repetitive loss declaration by the community in addition to one time substantial flood damage declaration by the community. However, if adopted, the community will need to track the flood damages over the 10-year periods.

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

"Start of construction" means 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" means, for floodplain management purposes, a walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. "Structure" means, for insurance purposes: (1) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; (2) A manufactured home ("a manufactured home," also known as a mobile home, is a structure; built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or (3) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws. For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

"Subdivision" means 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" means damage of any origin sustained by a structure whereby the cost of restoring the structure to the before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. This term also includes Repetitive Loss.

"Substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a ten-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. 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 code enforcement official, and not solely triggered by an improvement or repair project.

"*Substantially improved existing manufactured home park or subdivision*" 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*" is a grant of relief from the requirements of this ordinance.

"*Violation*" means 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, other certificates, or other evidence of compliance required in this article is presumed to be in violation until such time as that documentation is provided."

Section 5. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 6. If any part of this Ordinance shall be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

Section 7. This Ordinance shall become effective on immediately upon its approval by the Board of Commissioners.

SO ORDAINED, this the 16th day of May, 2017.

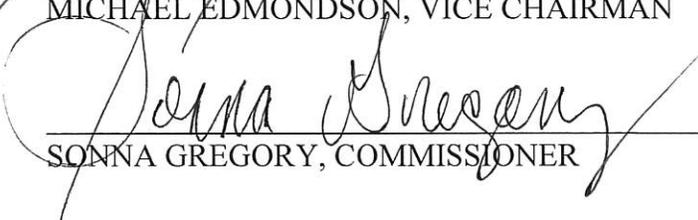
CLAYTON COUNTY BOARD OF COMMISSIONERS



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ATTEST:



SANDRA T. DAVIS, CLERK