

STATE OF GEORGIA
EFFINGHAM COUNTY

AMENDMENT TO CHAPTER 34
OF THE CODE OF EFFINGHAM COUNTY, GEORGIA

AN ORDINANCE TO AMEND CHAPTER 34 OF THE CODE OF EFFINGHAM COUNTY, GEORGIA, AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular meeting assembled and pursuant to lawful authority thereof.

The text of Chapter 34 of the Code of Effingham County, Georgia, is deleted in its entirety and replaced as follows:

FLOOD DAMAGE PREVENTION

ARTICLE I. ~~IN GENERAL~~

AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

~~Sec.~~ **SECTION 34-1. Statutory authorization. STATUTORY AUTHORIZATION**

~~The state legislature has in O.C.G.A. §~~

~~Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have~~ delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. ~~Therefore, the county commissioners ordain the provisions of this chapter. Therefore,~~ the Board of Commissioners of Effingham County, Georgia, does ordain as follows:

~~Sec.~~ **SECTION 34-2. Findings of fact. FINDINGS OF FACT**

~~(a)~~

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

~~(b)~~

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

~~Sec.~~ **SECTION 34-3. Statement of purpose. STATEMENT OF PURPOSE**

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

- ~~(1) Restrict or prohibit uses dangerous to health, safety, and property due to water or erosion hazards, or uses that result in damaging increases in erosion or in flood heights or velocities;~~
- ~~(2) Require~~ require that uses vulnerable to floods, including facilities ~~that which~~ serve such uses, be protected against flood damage at the time of initial construction ~~or substantial improvement;~~
- ~~(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of floodwaters;~~
- ~~(4) Control~~
 - ~~(2)~~ restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
 - ~~(3)~~ control filling, grading, dredging, and other development, which may increase ~~erosion or~~ flood damage; ~~and~~ or erosion;
- ~~(5) Prevent~~
 - ~~(4)~~ prevent or regulate the construction of flood barriers ~~that which~~ will unnaturally divert ~~flood~~flood waters or ~~that which~~ may increase flood hazards to other lands; and,

~~See (5) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.~~

SECTION 34-4. Objectives. OBJECTIVES

The objectives of this ~~chapter~~ordinance are:

- ~~(1) Protect~~
 - ~~(1)~~ to protect human life and health;
 - ~~(2) Minimize expenditure of public money for costly flood control projects;~~
 - ~~(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;~~
 - ~~(4) Minimize prolonged business interruptions;~~
 - ~~(5) Minimize~~
 - ~~(2)~~ to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
- ~~(6) Help~~
 - ~~(3)~~ to help maintain a stable tax base by providing for the sound use and development of ~~flood~~flood prone areas in such a manner as to minimize flood blight areas;
- ~~(7) Ensure~~
 - ~~(4)~~ to minimize expenditure of public money for costly flood control projects;
 - ~~(5)~~ to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(6) to minimize prolonged business interruptions; and,

(7) to insure that potential home-buyers are notified that property is in a flood area; and,

~~(8) Comply with the requirements of the National Flood Insurance Program so as to ensure the availability of flood insurance for residents and property owners.~~

See:

SECTION 34-5. Definitions. DEFINITIONS

~~The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

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

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

“Addition-” (to an existing building) means 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-firewall. Any walled and roofed addition, which is connected by a fire-wall or is separated by an independent perimeter load-bearing walls is new construction, shall be considered “New Construction”.

“Appeal” means a request for a review of the County Engineer's interpretation by the zoning administrator of any provision of this chapter or a request for a variance ordinance.

“Area of shallow flooding” means a designated AO or ~~VQ zone~~AH Zone on a community's flood insurance rate map 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” is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by FEMA, Areas of Special Flood Hazard shall be those designated by the local community and referenced in Section 34-7.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

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

“Basement” means that portion of a building having its floor ~~subsub~~ grade (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” means any structure built for support, shelter, or enclosure for any occupancy or storage.

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

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

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

“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 fill, solid foundation perimeter walls, pilings, columns ~~(posts and, piers)~~, or shear walls. ~~If solid foundation perimeter walls are used, they shall be provided with openings sufficient to facilitate the unimpeded movement of floodwaters into and out of the enclosed area adequately anchored so as not to impair the structural integrity of the building during a base flood event.~~

“Existing construction” for the purposes of determining rates, means ~~any structure~~ structures for which the “start of construction” commenced before March 18, 1987, the effective date of the initial FIRM, ~~March 18, 1987.~~ for Effingham County.

“Existing construction” also means ~~“existing structures.”~~

~~Existing manufactured home park~~ **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) ~~was is~~ completed before March 18, 1987 August 5, 1986, the effective date of the first floodplain management regulations adopted by Effingham County.

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

“Flood-” 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~~Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Federal ~~Emergency Management Agency~~Insurance Administration, where the boundaries of ~~the~~areas of special flood hazard have been defined as ~~zone~~Zone A.

~~Flood insurance rate map~~

“Flood Insurance Rate Map (FIRM)” means an official map of a community, ~~on which~~issued by the Federal ~~Emergency Management Agency~~ has ~~delineated both the~~ Insurance Administration, ~~delineating the~~ areas of special flood hazard and ~~the/or~~ risk premium zones applicable to the community.

“Flood ~~insurance study is~~Insurance Study” means the official report ~~provided~~ by the Federal ~~Emergency Management Agency. The report contains~~Insurance Administration ~~evaluating flood hazards and containing~~ flood profiles, ~~as well as the flood boundary/floodway map and the~~ water surface ~~elevation~~elevations of the base flood.

“Floodplain” means any land area susceptible to flooding.

“Flood proofing” 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-” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than ~~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 vehiclesdesignated height.~~

~~Functionally dependent facility means a facility that 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.~~

“Freeboard” means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that

could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

“Highest adjacent grade” means the highest natural elevation of the ground surface, prior to construction, next-adjacent to the proposed wallsfoundation of a building.

“Historic Structure” means any structure ~~means any structure~~ that is:

(+)

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

“Lowest floor” means the lowest floor of the lowest enclosed area ~~(, including basement),~~ An unfinished or flood-resistant enclosure, ~~usable~~used solely for parking of vehicles, building access, or storage, in an area other than a basement ~~area,~~ is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of ~~the applicable nonelevation design requirements of article III of this chapter~~other provisions of this code.

“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 also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

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

“Mean sea level/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~~

~~chapter, the term is synonymous with National Geodetic Flood Insurance Program, the North American Vertical Datum (NGVD) NAVD) of 1988 is the datum to which base flood elevations shown on Effingham County's Flood Insurance Rate Map are referenced.~~

~~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, for the purposes of determining insurance rates, structures for which the “start of construction” commenced after March 18, 1987. The term also, the effective date of the initial FIRM for Effingham County, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced after August 5, 1986, the effective date of the first floodplain management regulations adopted by Effingham County, and includes any subsequent improvements to such structures.~~

~~**“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 November 21, 1995 after August 5, 1986, the effective date of the first floodplain management regulations adopted by Effingham County.~~

~~**“North American Vertical Datum of 1988 (NAVD 88)”** has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA Flood Modernization Maps. NAVD 88 is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the NAVD 88 is the datum to which base flood elevations shown on Effingham County's Flood Insurance Rate Map are referenced.~~

~~**“Recreational vehicle”** means a vehicle that, which is:~~

~~(1) Built~~

~~(a) built on a single chassis;~~

~~(2) No larger than b) 400 square feet or less when measured at the largest horizontal projection;~~

~~(3) Designed(c) designed to be self-propelled or permanently towable by a light-duty truck; and,~~

~~(4) Designed(d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.~~

~~**“Start of construction”** (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)), includes substantial improvement, and” means the date the building development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or, 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 ~~accessory~~ buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or ~~not~~ part of the main ~~building 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 a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, ~~or other manmade facilities or infrastructures.~~

“Subdivision” means the division of a single lot into two or more lots for the purpose of sale or development.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-~~damaged~~ condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

“Substantial improvement” means ~~the total cost of any~~ reconstruction, ~~alteration,~~ rehabilitation, addition, or other ~~improvements to a building (including electrical, plumbing, heating, and air conditioning)~~ improvement of a structure, taking place during a ~~one~~⁵-year period, ~~that in which the cumulative cost~~ equals or exceeds fifty (50) percent of the market value of the ~~building structure prior to the “start of construction” of the improvement.~~ NOTE: *The market value of the ~~building is structure should be (1) the appraised or assessed value of the building, less the land, structure prior to the start of the initial repair or improvement. In, or (2) in the case of damage, the market value of the building is that prior to the damages occurring. If the assessed value represents only a percentage of building value, the market value equals the assessed value plus an amount representing the discount percentage.~~* of the structure prior to the damage occurring. This term includes structures ~~that~~ which have incurred “substantial damage,” regardless of the actual amount of repair work performed. ~~It does not include repairs for damage from any origin determined to be less than substantial damage as defined in this section.~~

For the ~~purpose~~^{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:

(1) Any project of improvement- (1) those improvements of a building structure required to ~~correct~~ comply with existing violations of state or local health, sanitary, or safety code specifications ~~that have been identified by the code enforcement official, that have been cause for issuance of a citation or condemnation, and that which~~ are solely ~~the minimum~~ necessary to assure safe living conditions; ~~or~~

(2) Any alteration of ~~and which have been identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project, or (2) any alteration of a “historic structure” provided that the alteration will not preclude the structure's structure's~~ continued

designation as ~~an~~ a “historic structure, and for which a variance has been granted pursuant to this chapter”.

“Substantially improved existing manufactured home parks or subdivisions is” means 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 ~~chapter that ordinance, which~~ permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the ~~provisions of this chapter.~~ community’s floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required ~~in article II of by~~ this chapter ordinance is presumed to be in violation until such time as ~~that documentation~~ evidence of compliance is provided.

See:

ARTICLE II. GENERAL PROVISIONS

SECTION 34-6. Lands to which this chapter applies. LANDS TO WHICH THIS ORDINANCE APPLIES

~~This chapter shall apply to all areas of special flood hazard within the jurisdiction of the county.~~

See:

This ordinance shall apply to all Areas of Special Flood Hazard within the unincorporated areas of Effingham County, Georgia.

SECTION 34-7. Basis for establishing the areas of special flood hazard. BASIS FOR AREA OF SPECIAL FLOOD HAZARD

The areas of special flood hazard

The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its (flood insurance study or flood insurance rate map), for the county (FEMA) in its Flood Insurance Study (FIS), dated March 18, 1987, December 17, 2010 with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this chapter. In addition, upon annexation to the county, the areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study for unincorporated Effingham County, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be part of this chapter ordinance.

See: For any land areas acquired by Effingham County through de-annexation, the current effective FIS dated December 17, 2010 for the cities of Guyton, Rincon, or Springfield, with accompanying maps and other supporting data and any revision thereto, are hereby adopted by reference.

Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

The Repository for public inspection of the FIS, accompanying maps and other supporting data is located in the Effingham County Planning & Engineering Department.

SECTION 34-8. Establishment of development permit. ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit

A Development Permit shall be required in conformance with the provisions of this chapter prior ordinance PRIOR to the commencement of any development Development activities. The term "development" means any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

Sec. SECTION 34-9. Compliance. COMPLIANCE

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

Sec. SECTION 34-10. Abrogation and greater restrictions. ABROGATION AND GREATER RESTRICTIONS

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

Sec. SECTION 34-11. Interpretation. INTERPRETATION

In the interpretation and application of this chapter ordinance all provisions shall be:

- (1) Considered considered as minimum requirements;
- (2) Liberally liberally construed in favor of the governing body; and
- (3) Deemed deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. SECTION 34-12. Warning and disclaimer of liability. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this chapter ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration.s. Larger floods can and will occur on rare occasions. Flood; flood heights may be increased by man-made or natural causes. This chapter ordinance does not imply that land outside the areas of special flood hazard Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter ordinance shall not create liability on the part of the

~~county~~Effingham County or by any officer or employee thereof for any flood damages that result from reliance on this ~~chapter~~ordinance or any administrative decision lawfully made ~~thereunder~~.

~~Sec.~~**SECTION 34-13. ~~Penalties for violation.~~ PENALTIES FOR VIOLATION**

~~Violation of~~

~~Failure to comply with~~ the provisions of this ~~chapter~~ordinance or ~~failure to comply~~ with any of its requirements, including ~~violation of~~ conditions and safeguards established in connection with grants of variance or special exceptions; shall constitute a misdemeanor. Any person who violates this ~~chapter~~ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided in ~~section~~Section 1-19 of the Code of Effingham County, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing ~~in this section~~ herein contained ~~in this section~~ shall prevent the ~~county~~County from taking such other lawful actions as ~~are~~is necessary to prevent or remedy any violation.

Secs. 34-14--34-45. Reserved.

ARTICLE II. I. ADMINISTRATION

~~Sec.~~**SECTION 34-46. ~~Designation of local administrator.~~ DESIGNATION OF ORDINANCE ADMINISTRATOR**

~~The zoning administrator~~

The County Engineer is hereby appointed to administer and implement the provisions of this ~~chapter~~ordinance.

~~Sec.~~**SECTION 34-47. ~~Permit procedures for building construction.~~ PERMIT PROCEDURES**

Application for a ~~development permit for constructing or substantially improving a structure~~Development Permit shall be made to the ~~zoning administrator~~Planning & Engineering Department on forms furnished by the ~~zoning administrator's office prior~~County **PRIOR** to any development activities, and may include, but ~~are~~not be limited to the following: plans in duplicate drawn to scale showing the ~~nature, location, dimensions, and~~ elevations of the area in question, ~~and the nature, location, dimensions, of~~ existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities, ~~and the location of the foregoing.~~

Specifically, the following information is required:

(1) ~~Application stage.~~ Stage

(a.) ~~Elevation in relation to mean sea level of the proposed lowest floor (including basement), or the lowest surface of any heating or air conditioning ductwork installed below the lowest floor,~~ of all proposed ~~buildings or substantial improvements.~~

~~b. — Elevation structures in relation to mean sea level to which any proposed nonresidential building or substantial improvement will be floodproofed (or highest adjacent grade), referencing NAVD 88;~~

~~(b) Elevation in relation to mean sea level, referencing NAVD 88, to which any non-residential structure will be flood-proofed;~~

~~(c. Signed, sealed certificate, separate from the submitted plans,) Design certification from a registered professional engineer or architect that the nonresidential floodproofed building any proposed non-residential flood-proofed structure will meet the flood-proofing criteria in section of Section 34-82(2) of this ordinance; and,~~

~~(d.) Description of the extent to which any watercourse, swamp, marsh, lake, or pond will be altered, or relocated, or created as a result of a proposed construction development.~~

~~e. Description of the type, extent, and depth of proposed fill and the elevation in relation to mean sea level of the top surface of the fill.~~

~~f. Description of the type, extent, and depth of proposed excavation in relation to mean sea level.~~

~~g. Plot plan, to scale, illustrating the locations of all proposed construction, fill, excavating, and other aspects of the development.~~

~~h. Copy of the proposed stormwater management report and floodplain study, if any, complete with technical supporting data.~~

~~(2) — Construction stage; floor elevation or floodproofing certifications. Stage~~

~~(a. — Upon placement of the lowest floor, it shall be the duty of) For all new construction and substantial improvements, the permit holder shall provide to submit to the zoning administrator at the County Engineer an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the top of lowest floor or flood proofing is completed. Any lowest floor, or the lowest surface of any heating or air conditioning ductwork installed below the lowest floor, as built, in relation to mean sea level. This certification shall be made on a FEMA elevation certificate form No. 81-31, or a form containing at least the same information, and relative to mean sea level, referencing NAVD 88, shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same; except that in A zones for which flood elevations have not been provided or determined and in AO zones, the zoning administrator may certify the lowest floor elevation.~~

~~b. When floodproofing is utilized for a nonresidential building, the permit holder shall submit to the zoning administrator a floodproofing certification at the time the exterior walls are completed to the required floodproofed elevation. This non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same, utilizing the FEMA floodproofing certificate form No. 81-65, or the equivalent.;~~

e.

~~(b) Any additional work undertaken prior to submission and approval of the certification these certifications shall be at the permit holder's risk; and,~~

~~d.~~

~~(c) The zoning administrator/County Engineer shall review the floor elevation survey above referenced certification data or floodproofing certification as submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work's work being permitted/allowed to proceed.~~

~~e. Failure to submit the elevation or floodproofing certifications/certification or failure to make these corrections as required by this section/the County Engineer shall be cause to issue a stop-work order for the project.~~

Sec. 34-48. ~~Permit procedures for other developments~~Reserved.

~~Application for a development permit for developments other than the construction of buildings, such as bridges, subdivisions, shopping centers, and other large construction projects that include substantial site development or alteration, shall be made to the zoning administrator on forms furnished by his office prior to any development activities, and shall include but are not limited to the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question, existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:~~

~~(1) Application stage:~~

~~a. Plot plan, to scale, illustrating the locations of all proposed construction, fill, excavating, and other aspects of the development;~~

~~b. Grading and drainage plans;~~

~~c. Stormwater management plans;~~

~~d. Floodplain studies, including computer modeling of hydrology;~~

~~e. Description of the extent to which any watercourse, swamp, marsh, lake, or pond will be altered, relocated, or created as result of proposed construction;~~

~~f. Description of the type, extent, and depth of proposed fill and the elevation in relation to mean sea level of the top surface of the fill;~~

~~g. Description of the type, extent, and depth of proposed excavation in relation to mean sea level; and~~

~~h. Topographic mapping.~~

~~(2) Conditions of approval (map changes).~~

~~a. If the project proposes to alter the configuration of the watercourse for which a detailed flood study has been developed (or the boundaries of a floodway), the applicant shall submit the proposed grading and drainage plans, stormwater management plans, floodplain studies, and all supporting computer modeling to the FEMA region IV office for a conditional letter of map revision. The project will not receive final approval until the proposed alteration of the watercourse (and/or floodway boundaries) has been approved by FEMA.~~

~~b. If a proposed project will alter the boundaries of the area of special flood hazard as shown on the FEMA flood insurance rate maps, the applicant shall submit the approved grading and drainage plans, stormwater management plans, floodplain studies, and all supporting computer modeling to the FEMA region IV office for a conditional letter of map revision, within 30 days of receiving final approval.~~

~~e. Within 30 days following completion of the entire project or a phase thereof, the applicant shall submit engineer's certified copies of the final, constructed grading and drainage plans and stormwater management plans to the FEMA region IV office for issuance of a final letter of map revision.~~

~~d. The zoning administrator shall be provided copies of all related correspondence, and shall sign the required community acknowledgement form.~~

Sec.

~~**SECTION 34-49. Duties and responsibilities of the zoning administrator. DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR**~~

~~(a)~~

~~Duties of the zoning administrator, as the local administrator of this chapter, County Engineer shall include, but shall not be limited to:~~

- ~~(1) Review all proposed development permits to assure that the permit requirements of this chapter ordinance have been satisfied.~~
- ~~(2) Advise permittees that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require~~
 - ~~(2) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permit permits be provided and maintained on file with the development permit.~~
- ~~(3) Notify adjacent communities, the state department of natural resources (and any other appropriate agencies, such as regional planning, water management, or flood control districts) prior to any alteration or relocation of a watercourse, and submit evidence of such notification along with a copy of the notice to the FEMA region IV office.~~
- ~~(4) Assure that the flood-carrying capacity of the watercourse is not diminished by the proposed alteration or relocation.~~
- ~~(5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with section 34-82(2).~~
- ~~(6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been floodproofed, in accordance with section 34-82(2).~~
- ~~(7) When floodproofing is utilized for a particular building, obtain certification from a registered professional engineer or architect, in accordance with section 34-82(2).~~
- ~~(8) Determine whether a building or development site is located within an area of special flood hazard by referencing the FEMA flood insurance study and accompanying maps. If detailed topographic mapping is available, the boundary of the area of special flood hazard shall be plotted on such mapping utilizing the base flood elevations provided in the flood insurance study. This more detailed definition of the boundary of the base flood shall be utilized as best available data for purposes of regulating the area of special flood hazard. If there are significant discrepancies between the boundary as shown on the FEMA maps and the topographic mapping available, the zoning administrator shall so advise the FEMA region IV office.~~
- ~~(9) Within A zones along rivers, streams, lakes, swamps, and marshes, determine the appropriate base flood elevation for each individual building site utilizing the flood data tables~~

(for lakes) and the stream profiles contained in the FEMA flood insurance study. The base flood elevations printed on the FEMA maps are illustrative only. The zoning administrator shall interpolate the base flood elevation at a site between two given base flood elevation markers by referring to the stream profiles and measuring the distance of the site upstream or downstream from a cross section shown on the FEMA map.

(10) ~~Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and the natural grade of actual field conditions) make the necessary interpretation, utilizing the most accurate topographic mapping available. The elevations published in the FEMA flood insurance study, as portrayed in the profile sheets, shall be the ruling reference for delineating the boundary of the floodplain. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article. Property may not be excluded from the area of special flood hazard as a result of filling unless a letter of map revision has been approved by FEMA.~~

(11) ~~Where the zoning administrator has determined all or a portion of a property to be located outside of the flood hazard area, yet it is shown as being within the flood hazard area on the FEMA maps, the applicant shall be advised of the need to obtain a letter of map amendment or revision from the FEMA region IV office and shall be given an application packet utilizing forms provided by FEMA. While the property may be exempt from the requirements of this chapter, flood insurance purchase will remain mandatory until FEMA authorizes a letter of map amendment or revision.~~

(12) ~~When base flood elevation~~

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

(4) When Base Flood Elevation data or floodway data have not been provided by FEMA in accordance with section Section 34-7; of this ordinance, then the County Engineer may obtain, review; and reasonably utilize any base flood elevation and floodway data available from a federal, state, Federal, State or other source,s in order to administer the provisions of article III of this chapter. Base flood elevations may be estimated using topographic maps or scientific engineering methodology. Base flood elevation and delineation of the boundaries of the special flood hazard areas shall be developed and provided for subdivision proposals and other proposed developments (including industrial parks, shopping centers, public facilities, and manufactured home parks and subdivisions) that are greater in size than the lesser of 50 lots or five acres. Also, floodway data shall be developed for all definable streams subject to a flood study. Base flood elevation, flood hazard area boundary mapping, and floodway data, if developed, shall be submitted to the FEMA region IV office within 30 days of receipt and acceptance by the community for review as a possible map revision Article IV of this ordinance.

(13) ~~When a development project will cause a reconfiguration of the flood hazard area due to grading, filling, channel alteration, or relocation, development of a stormwater management system, or the excavation of lakes, require the applicant to submit and obtain approval from FEMA of a conditional letter of map revision. Where a floodway is being impacted, this must be obtained prior to construction. Following completion of all or each phase of such a development,~~

~~the zoning administrator shall require the applicant to submit to FEMA the as-built topographic and hydrologic information to obtain a final letter of map revision.~~

~~(b) The office of the zoning administrator shall serve as the official map repository for FEMA flood insurance rate maps, flood boundary and floodway maps (if applicable), and flood hazard boundary maps for the community, together with letters of map amendment (LOMAs) and letters of map revision (LOMRs). At least one copy of all current and superseded maps, LOMAs, and LOMRs shall be maintained for public use and viewing.~~

~~(e)~~

- ~~(5) Review and maintain the actual elevation in relation to mean sea level (or highest adjacent grade), referencing NAVD 88, of the lowest floor, including basement, of all new or substantially improved structures in accordance with Section 34-47(2) of this ordinance.~~
- ~~(6) Review and maintain the actual elevation, in relation to mean sea level, referencing NAVD 88, to which any new or substantially improved structures have been flood-proofed, in accordance with Section 34-47(2) of this ordinance.~~
- ~~(7) When flood-proofing is utilized for a structure, the County Engineer shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Section 34-47(1)(c) and Section 34-82(2) or 34-84(2).~~
- ~~(8) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.~~
- ~~(9) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.~~
- ~~(10) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.~~
- ~~(11) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the County Engineer 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 Ordinance.~~
- ~~(12) All records pertaining to the provisions of this chapter ordinance shall be maintained in the office of the zoning administrator, Planning & Engineering Department and shall be open for public inspection. Copies of all development permits and summary supporting documentation shall be filed by geographic area for ease of coordinating all floodplain development activities.~~

~~Sec.~~ **SECTION 34-50. Variances. VARIANCE PROCEDURES**

~~(a) The county commission~~

~~(1) The board of commissioners shall hear and decide ~~appeals and~~ requests for ~~appeals or~~ variances from the requirements of this ~~chapter~~ ordinance.~~

~~(b) The county commission~~

~~(2) The board of commissioners shall hear and decide appeals when it is alleged ~~there is~~ an error in any requirement, decision, or determination ~~is~~ made by the ~~zoning administrator~~ County Engineer in the enforcement or administration of this ~~chapter~~ ordinance.~~

~~(c)~~

~~(3) Any person aggrieved by the decision of the ~~county commission or any taxpayer~~ board of commissioners may appeal such decision to the ~~superior court of the county, as provided in state law~~ Superior Court of Effingham County, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.~~

~~(d)~~

~~(4) Variances may be issued for the repair or rehabilitation of ~~historic structures~~ Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the ~~structure's~~ structure's continued designation as ~~an historic structure~~ a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.~~

~~(e) In passing upon such applications, the county commission shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:~~

~~(1) The danger that materials may be swept onto other land to the injury of others;~~

~~(2) The danger to life and property due to flooding or erosion damage;~~

~~(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~

~~(4) The importance of the services provided by the proposed facility to the community;~~

~~(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;~~

~~(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;~~

~~(7) The compatibility of the proposed use with existing and anticipated development;~~

~~(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;~~

~~(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;~~

~~(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and~~

~~(11) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.~~

~~(f) Upon consideration of the factors listed above, and the purposes of this chapter, the county commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.~~

~~(g)~~

~~(5) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided that 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~~ ANY increase in flood levels during the base flood discharge would result.

~~(h) Conditions for variances are as follows:~~

~~(1) 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 an historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.~~

~~(2) Variances shall only be issued upon:~~

~~a. A showing~~

(7) In reviewing such requests, the board of commissioners shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.

(8) Conditions for Variances:

(a) A variance shall be issued ONLY when there is:

(i) a finding of good and sufficient cause;

~~b. A~~

(ii) a determination that failure to grant the variance would result in exceptional hardship; and

~~e. A~~

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; create a nuisance; cause fraud on or victimization of the public; or conflict with existing local laws or ordinances.

~~(3)~~

(b) The provisions of this Ordinance are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation ~~to which the building is to be built~~ 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.

~~(4) The zoning administrator~~

(d) The County Engineer shall maintain the records of all appeal actions and report any variances to FEMA upon request.

(9) Upon consideration of the factors listed above and the purposes of this ordinance, the board of commissioners may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

Secs. 34-51--34-80. Reserved.

ARTICLE III-IV. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. SECTION 34-81. General standards. GENERAL STANDARDS

In ~~all areas~~ ALL Areas of ~~special flood hazard,~~ Special Flood Hazard the following provisions are required:

- (1) ~~—~~ New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse, or lateral movement of the structure;
- (2) ~~—~~ 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.
- (3) ~~—~~ New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (4) ~~—~~ (3) New construction or substantial improvement improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (5) ~~—~~ Electrical, heating, ventilation, plumbing, air conditioning equipment, including ductwork, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulation within the components during conditions of flooding.
- (6) ~~—~~ New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (7) ~~—~~ New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (8) ~~—~~ On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (9) ~~—~~ Any alteration, repair, reconstruction, or improvements to a building in compliance with the provisions of this chapter shall meet the requirements of new construction as contained in this chapter.
- (10) ~~—~~ Any alteration, repair, reconstruction, or improvements to a building not in compliance with the provisions of this chapter shall be undertaken only if the nonconformity is not furthered, extended, or replaced.

~~(11) The flood carrying capacity of a watercourse shall not be diminished by any relocation or alteration or bridge construction.~~

~~(12) Adequate drainage paths shall be provided around structures to guide stormwater runoff away from them.~~

~~(13) The cumulative effect of proposed development, when combined with all other existing and anticipated development, will not increase the flood elevation more than one foot at any point in the community.~~

~~Sec. 34-82. Specific standards for A zone flood hazard areas:~~

~~In all areas of special flood hazard area areas denoted with an A prefix on the flood insurance rate map where base flood elevation data have been provided, as set forth in section 34-7 or 34-47(1)c., the following provisions are required in addition to the general standards of section 34-81. (Note: the A zone designation is assigned to flood hazard areas along streams, swamps, and marshes, as well as to coastal areas inland of the high hazard velocity area, known as the V zone.):~~

~~(1) Residential construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, together with all mechanical and electrical equipment, including ductwork, and including any basement, elevated no lower than one foot above the base flood elevation or one foot above the crown of the adjoining road, whichever is greater. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection (3) of this section. The floor of an attached garage may be placed below the base flood elevation, provided the openings required in subsection (3) of this section are installed and all mechanical and electrical equipment, including laundry facilities and food freezers, are elevated above the base flood elevation. One switch and outlet connected to a ground fault interrupt breaker may be installed below the base flood elevation, and all construction below that elevation shall be of flood resistant materials.~~

~~(2) Nonresidential construction. New construction or substantial improvement of any commercial, industrial, or nonresidential building (or manufactured home) shall have the lowest floor, together with all mechanical and electrical equipment, including ductwork, and including any basement, elevated no lower than one foot above the base flood elevation or one foot above the crown of the adjoining road, whichever is greater. Buildings located in all A zones may be floodproofed to an elevation one foot above the required lowest floor elevation noted above, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section 34-48. The floor of an attached garage or loading dock may be placed below the base flood elevation, provided the openings required in subsection (3) of this section are installed and all mechanical and electrical equipment are elevated above the base flood elevation. One switch and outlet connected to a ground fault interrupt breaker may be installed below the base flood elevation, and all construction below that elevation shall be of flood resistant materials.~~

~~(3) Elevated buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and shall be designed to allow~~

~~for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.~~

~~a.~~

~~(4) Elevated Buildings - All New construction or substantial improvements of existing structures that include ANY fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater;~~

~~(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:~~

~~1.~~

~~(i) Provide a minimum of two openings ~~(in walls or doors)~~ having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;~~

~~2.~~

~~(ii) The bottom of all openings shall be no higher than one foot above grade; and,~~

~~3.~~

~~(iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.~~

~~(b. Access to the enclosed area shall be the minimum necessary to allow for-)~~

~~So as not to violate the "Lowest Floor" criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles ~~(garage door)~~ or, limited storage of maintenance equipment used in connection with the premises ~~(standard exterior door)~~, or entry to the living area ~~(stairway or elevator)~~.elevated area, and,~~

~~(c.—) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.~~

~~d. Use of such enclosed areas shall be limited to parking, storage, and building access.~~

~~(4) Manufactured homes and recreational vehicles.~~

~~a. All manufactured homes placed or substantially improved, together with all mechanical and electrical equipment, placed on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new residential construction contained in subsections (1) and (3) of this section, including installation on permanent foundation systems, elevation, and anchoring. At minimum, a permanent foundation system shall constitute reinforced piers placed on poured footing, or other foundation elements of equivalent strength. Any additions to manufactured homes subject to provisions of this subsection shall also be considered new construction since they must be supported by an independent foundation system. Additions must therefore comply with the provisions contained in subsections (1) and (3) of this~~

~~section, including elevation. This may necessitate elevating of an existing manufactured home to match the required elevation of the addition.~~

~~b. All manufactured homes placed or~~

- ~~(5) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;~~
- ~~(6) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces;~~
- ~~(7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;~~
- ~~(8) 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;~~
- ~~(9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,~~
- ~~(10) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance shall be undertaken only if the non-conformity is not furthered, extended or replaced.~~

SECTION 34-82. SPECIFIC STANDARDS

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

- (1) New construction and/or substantial improvements - Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than *one foot* above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of Section 34-81(4) of this Article.
 - (a) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above *one foot* above the base flood elevation.
- (2) Non-Residential Construction - New construction and/or the substantial improvement of any structure located in A1-30, AE, or AH zones may be flood-proofed in lieu of elevation. The structure, together with attendant utility and

sanitary facilities, must be designed to be water tight to *one foot* above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the County Engineer as set forth in Section 34-49(6) of this ordinance.

(3) Standards for Manufactured Homes and Recreational Vehicles - Where base flood elevation data are available:

(a) All manufactured homes placed and/or substantially improved on: (1) individual lots or parcels, (2) in new and/or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as a result of a flood must have the lowest floor including basement elevated no lower than *one foot* above the base flood elevation.

(b) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision ~~must~~may be elevated so that either:

1.

(i) The lowest floor of the manufactured home ~~together with all mechanical and electrical equipment, including ductwork,~~ is elevated ~~on a permanent foundation~~ no lower than *one foot* above the level of the base flood elevation., or

2.

(ii) 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.

3. ~~The~~

(c) All manufactured ~~home~~ homes must be securely anchored to ~~the~~an adequately anchored foundation system to resist flotation, collapse, and lateral movement (reference Section 34-81(6)).

~~4. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, any manufactured home placed or substantially improved must meet the standards of subsections (4)b.1 and 3 of this section.~~

~~5. Any additions to manufactured homes subject to provisions of this subsection shall be considered new construction subject to the provisions contained in subsections (1) and (3) of this section, including installation on permanent foundation systems, elevation, and anchoring.~~

e.

(d) All recreational vehicles placed on sites must either:

1.

(i) Be on the site for fewer than 180 consecutive days;

(ii) Be fully licensed and ready for highway use; or

2. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of subsection (4)a. or (4)b.1. and 3. of this section.

A. (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached structures; or additions); or

(5) Accessory structures. Structures that represent a minimal investment and that are subordinate to and accessory to the primary structure or use on the property (e.g., storage sheds, detached garages, gazebos, and barns) may be exempted from the elevation requirement of subsection (2) of this section, provided the following criteria are met:

a. The structure is not used for human habitation, including occupancy as a workplace, for extended periods of time.

b. The structure is designed and constructed so as to have a low potential for damage during a flood (e.g., using flood resistant materials as provided in FEMA technical bulletin #88-2, and any subsequent revisions thereto).

c. The structure shall be located on the building site so as to offer the minimum resistance to the flow of floodwaters (e.g., parallel to a stream, perpendicular to the ocean).

d. The structure is firmly anchored to prevent flotation, per section 34-81.

e. All electrical service, heating/cooling equipment, and other mechanical or electrical equipment is either elevated above the elevation required by subsection (1) of this section, or is floodproofed. One switch and outlet connected to a ground-fault interrupt breaker may be installed below the base flood elevation, and all construction below that elevation shall be on flood resistant materials.

(6) Temporary structures. Certain types of structures (e.g., fruit stands, construction site offices) may be sited temporarily on property without having to comply with the general standards of section 34-81 or the elevation standards of subsection (1) of this section, provided the following criteria are met:

a. The structure is mobile, or can be made so, and is capable of being removed from the site with a minimum of four hours' warning.

b. The structure does not remain on the property for 180 days or more.

c. The applicant submits a plan for the removal of the structure, containing the following documentation:

1. The name, address, phone number, and emergency contact point of the individual responsible for the removal of the temporary structure.

2. The time at which the structure will be removed (a minimum of 72 hours in advance of the projected landfall of a hurricane).

3. A copy of a contract or other suitable instrument with a trucking company to ensure the availability of removal of the structure when needed, together with the name, address, and emergency phone number of the responsible trucking company agent.

4. Designation, accompanied by documentation (e.g., signed consent of the property owner), of a site outside the special flood hazard area to which the temporary structure will be moved.

~~5. Signatures of the applicant, property owner on which the temporary structure will be placed, and owner of the temporary structure, agreeing to abide by the terms of the removal plan. A temporary development permit shall be issued when a temporary structure is approved, and the expiration date shall be clearly marked on the face of the permit. The original copy of the removal plan shall be attached to the permit, and the documentation shall be kept on file in the zoning administrator's office for a period of at least five years. A copy of the permit, together with the removal plan, shall be provided to the local emergency management coordinator.~~

~~(7) Substantially improved buildings. In addition to the definition given in section 34-5, the term substantial improvement means any combination of repairs, reconstruction, alteration, or improvements to a building (including electrical, plumbing, and heating/air conditioning), taking place during the life of a building in which the cumulative cost equals or exceeds 50 percent of the market value of the building. Substantially improved buildings must be elevated and otherwise brought into conformance with the requirements for new construction contained in subsections (1) and (2) of this section. In determining substantial improvement, the zoning administrator shall utilize data for the market value of the structure and the value of the improvements that are justifiably comparable. Substantial improvement calculations shall include the cost of labor and mechanical, electrical and plumbing system, cabinetry, finishes, and any other improvements that will be permanently affixed to the structure, except for exterior decks and porches. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with issuance of the first permit, shall be utilized to determine whether substantial improvement has occurred. Interpretation and determination of substantial improvements shall rely on applicable FEMA publications and policy guidance.~~

~~a. Rehabilitations, reconstructions, and renovations. When an existing building is rehabilitated, reconstructed, or renovated, with no or only minimal additions, and the total improvement costs meet the definition of "substantial" (equal or exceed 50 percent of the value of the structure), the existing structure must be elevated and otherwise brought into conformance with this article.~~

~~b. Lateral additions. When the substantial improvement is a lateral addition to an existing structure, only the addition is required to be elevated and conform with the standards of this article unless the common wall between the existing building and the addition is substantially removed or improvements are being made to the existing structure that, independently from the addition, equal or exceed 50 percent of the value of the structure. In such cases, the lateral addition is deemed to constitute only one part of a reconstruction or renovation, and both the existing structure and the addition must conform to this article.~~

~~c. Vertical additions. When the substantial improvement is a vertical addition to an existing structure, the improvement is classified as a renovation or reconstruction, and the existing structure must be elevated and brought into conformance with this article.~~

~~(8) Improvements to post-FIRM structures. Any improvements made to buildings for which permits were issued on or after the effective date of the flood insurance rate map (post-FIRM buildings) shall conform to the standards of this article.~~

~~(9) Historic buildings. Any improvements to historic buildings may be exempted from one or all of the standards contained in this article, provided the request for an exemption is approved as a variance, as provided in section 34-50, and the proposed improvements are certified by a certified local government or the state historic preservation officer as maintaining the historical integrity and classification of the building.~~

~~(10) Functionally dependent structures. Functionally dependent structures may be exempted from one or all of the standards contained in this article, provided the request for an exemption is approved as a variance, as provided in section 34-50.~~

~~(11) Standards along streams with no floodways. Where no floodway has been designated along a stream in an A zone for which base flood elevations have been provided on the flood insurance rate map, no encroachments, including fill material or structures, shall be located within areas of special flood hazard~~

~~(iii) The recreational vehicle must meet all the requirements for “New Construction,” including the anchoring and elevation requirements of items (a) and (c), above.~~

~~(4) Floodway - Located within Areas of Special Flood Hazard established in Section 34-7 may be areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:~~

~~(a) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted provided that it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.~~

~~(b) Any new construction or substantial improvement allowed in accordance with subsection (a) above shall comply with all other applicable flood hazard reduction provisions of this Article.~~

SECTION 34-83. BUILDING STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAY (A-ZONES)

Within the Areas of Special Flood Hazard established in Section 34-7, where streams exist but no base flood data have been provided (A-Zones), OR where base flood data have been provided but a Floodway has not been delineated, the following provisions apply:

~~(1) When base flood elevation data or floodway data have not been provided by FEMA in accordance with Section 34-7, then the County Engineer may obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of this Article. If data are not available from these sources, then the following provisions (2&3) shall apply:~~

- (2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or within twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than a *one foot* increase in flood levels during the occurrence of the base flood discharge.
- (3) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than *three feet* above the highest adjacent grade at the building site. (NOTE: Require the lowest floor to be elevated one foot above the estimated base flood elevation in A-Zone areas where a Limited Detail Study has been completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 34-81(4) of this Article.
- (a) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than *three feet* above the highest adjacent grade at the building site.

A registered land surveyor or professional engineer shall certify the lowest floor elevation level to the County Engineer and the record shall become a permanent part of the permit file.

SECTION 34-84. STANDARDS FOR AREAS OF SPECIAL FLOOD HAZARD (ZONES AE) WITH ESTABLISHED BASE FLOOD ELEVATIONS WITHOUT DESIGNATED FLOODWAYS

Within the Areas of Special Flood Hazard established in Section 34-7 where streams with base flood elevations are provided but no floodways have been designated (Zones AE), the following provisions apply:

- (1) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than *one foot* at any point within the county-community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles. ~~At a minimum, in both A-zones with base flood elevations, and in unnumbered A-zones, no encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to five times the width of the stream at the top of bank or 20 feet each side from top of bank, whichever is greater.~~

~~(12) Streams with floodways. If a floodway has been designated pursuant to section 34-49, or if a FEMA designated regulatory floodway is annexed, the requirements of 44 CFR 60.3(d) of the National Flood Insurance Program shall be complied with until floodway regulations are adopted as an amendment to this chapter.~~

~~Sec. 34-83. Standards for unnumbered A zones.~~

~~Located within the A zone areas of special flood hazard established in section 34-47, are areas denoted with the letter A with no suffix, referred to as unnumbered A zones. These are areas where special flood hazards exist but where no base flood data has been provided. The following provisions apply:~~

~~(1) No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to five times the width of the stream at the top of bank or 20 feet each side from top of bank, whichever is greater, unless a floodway has been delineated in accordance with section 34-49(a)(12). If a floodway has been delineated, the requirements 44 CFR 60.3(d) of the National Flood Insurance Program shall be complied with until floodway regulations are adopted as an amendment to this chapter.~~

~~(2) New construction or substantial improvements of buildings or manufactured homes shall be elevated or flood-proofed in accordance with the design standards of section 34-82, to:~~

~~a. One foot above elevations established in accordance with section 34-49(a)(12), if available; or Section 34-82 of this Article.~~

~~b. At least three feet above highest adjacent natural grade.~~

~~(3) For all development projects, including mobile home parks and subdivisions, greater than five acres or 50 lots, whichever is lesser, base flood elevation and flood hazard area mapping (and floodway data for definable streams) shall be provided in accordance with section 34-49(a)(12), as part of the development proposal.~~

~~(4) Accessory or temporary structures shall be permitted per section 34-82(5) or (6), respectively.~~

~~Sec. 34-84. Standards for areas of shallow flooding (AO zones).~~

~~Located within the areas of special flood hazard established in section 34-7, are areas designated "AO" on the flood insurance rate maps as shallow flooding areas.~~

SECTION 34-85. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES)

Areas of Special Flood Hazard established in Section 34-7 may include designated "AO" shallow flooding areas. These areas have special flood hazards associated with base flood depths of *one to three feet* where a above ground, with no clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore the. The following provisions apply:

~~(1) All new construction and substantial improvements of residential buildings shall conform to the design standards of section 34-82, and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the flood insurance rate map, in feet 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 *twothree feet* above the highest adjacent grade.~~

~~(2) All new construction and substantial improvements of nonresidential buildings shall conform to the design standards of section 34-82, and shall either:~~

~~a. Have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade; if no depth number is specified, the lowest floor, including basement shall be elevated at least two feet above the . Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 34-81(4) of this Article.~~

A registered land surveyor or professional engineer shall certify the lowest floor elevation level to the County Engineer and the record shall become a permanent part of the permit file.

~~(2) New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus *one foot* above highest adjacent grade; or~~

~~b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight, with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Section 34-47(1)(c) and Section 34-47(2).~~

~~(3) Accessory or temporary structures shall be permitted per section 34-82(5) or (6), respectively.~~

~~(4) No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to five times the width of the stream at the top of bank or 20 feet each side from top of bank, whichever is greater.~~

~~Sec. 34-85. Standards for subdivision proposals (including nonresidential).~~

~~(a) All subdivision proposals, including industrial and commercial subdivisions,~~

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

SECTION 34-86. STANDARDS FOR SUBDIVISIONS

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

(b)

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

(c)

- (3) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,
- ~~(d) Base flood elevation and flood hazard area mapping (and floodway data for definable streams) shall be provided in accordance with section 34-49(a)(12) for subdivision proposals and other proposed development (including shopping centers and manufactured home parks and subdivisions) that are greater than the lesser of 50 lots or five acres.~~
- ~~(e) The~~
- (4) For subdivisions and/or developments greater than *fifty lots or five acres*, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the “as-built” data to FEMA in order to obtain the final LOMR and assuring that the new base flood boundary, floodway and/or V zone boundary if applicable, and the applicable base flood elevation for the building site on each lot shall be clearly marked on all recorded subdivision plats, be they for residential, commercial, or industrial use.

SECTION 34-87. STANDARDS FOR CRITICAL FACILITIES

- (1) Critical facilities shall not be located in the area of special flood hazard.
- (2) All ingress and egress from any critical facility must be protected to the highest known base flood elevation.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ____ day of _____, 2010.

BOARD OF COMMISSIONERS,
EFFINGHAM COUNTY, GEORGIA

BY: _____
C.D. ZEIGLER, CHAIRMAN

ATTEST:

PATRICE CRAWLEY, CLERK

FIRST READING:
SECOND READING: