

FLOOD ORDINANCE

City of Pendergrass

Georgia

TABLE OF CONTENTS

1. STATUTORY AUTHORIZATION

Section A: Statutory Authorization
Section B: Findings of Facts
Section C: Statement of Purpose
Section D: Objectives

2. GENERAL PROVISIONS

Section A: Lands to Which This Ordinance Applies
Section B: Basis for Area of Special Flood Hazard
Section C: Establishment of Development Permit
Section D: Compliance
Section E: Abrogation and Greater Restrictions
Section F: Interpretation
Section G: Warning and Disclaimer of Liability
Section H: Penalties for Violation

3. ADMINISTRATION

Section A: Designation of the Building Inspector
Section B: Permit Procedures
Section C: Duties and Responsibilities of the Administrator

4. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A: General Standards
Section B: Specific Standards
Section C: Standards for Subdivision Proposals
Section D: Standards for Areas of Shallow Flood (AO Zones)

5. VARIANCES PROCEDURES

6. DEFINITIONS

7. SEVERABILITY

APPENDIX F

CITY OF PENDERGRASS FLOOD DAMAGE PREVENTION ORDINANCE

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

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Georgia has, in Georgia Code Annotated Article IX, 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 City Of Pendergrass in Jackson County GEORGIA, does enact and ordain as follows:

SECTION B. FINDINGS OF FACTS

(1) The flood hazard areas of the City of Pendergrass, 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 impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

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

SECTION C. STATEMENT OF PURPOSE

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

- (1) 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 water or erosion hazards, or which increase flood heights, velocities, or erosion;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- (4) control filling, grading, dredging and other development which may increase flood damage or erosion, and;
- (5) prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES

The objective of this ordinance is:

- (1) to protect human life and health;
- (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;
- (3) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;
- (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 homebuyers are notified that property is in a flood area.

ARTICLE 2. GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Pendergrass, GEORGIA.

SECTION B. BASIS FOR AREA OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this ordinance. For those land areas acquired by this municipality through annexation, the current effective FIS and data for the unincorporated county are hereby adopted by reference. Areas of Special Flood Hazard may also include those defined through standard engineering analysis by governmental agencies or private parties but not yet been incorporated in a FIS.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development (see definition) activities.

SECTION D. COMPLIANCE

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

SECTION E. ABROGATION AND GREATER RESTRICTIONS

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

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY

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

SECTION H. PENALTIES FOR VIOLATION

- (a) Any person who shall do anything prohibited by this Ordinance as it now exists or as it may hereafter be amended, or who shall fail to do anything required by this Ordinance as it now exists or as it may hereafter be amended, is hereby declared to be in violation of this Ordinance and the pertinent regulations or City or County ordinances herein set forth.
- (b) Each and every day that any such violation exists shall be deemed a separate offense.
- (c) Any such violation, upon conviction thereof, as prescribed by the laws of Georgia, shall be punishable by a fine or imprisonment, or both, as prescribed by the pertinent laws of Georgia and as more particularly set out in Section 1-1007 of this Code, which section is incorporated herein and made a part hereof by reference.
- (d) The imposition of any such fine, imprisonment, or both, for any violation shall not excuse the violation or permit it to continue, and all such violators shall be required to correct or remedy such violations or defects within the time as prescribed by the court having jurisdiction of such matter,

and in the absence of any such completion time being fixed by the court, within a reasonable time after such violations occur.

(e) The application of any fine, imprisonment, or other penalty shall not be construed to prevent the enforced removal of prohibited conditions or to postpone any action required.

(f) The remedies herein set out for the purpose of enforcing the provisions of this Ordinance shall not be deemed to be exclusive, but shall be cumulative of all other remedies, civil or criminal, provided by the laws of Georgia, or by the ordinances of the City of Pendergrass and the ordinances of Jackson County.

ARTICLE 3. ADMINISTRATION

SECTION A. DESIGNATION OF THE BUILDING INSPECTOR

The Building Inspector is hereby appointed to administer and implement this Ordinance by granting or denying development permit applications in accordance with its provisions.

SECTION B. PERMIT PROCEDURES

Application for a Development Permit shall be made to the Building Inspector on forms furnished by the City of Pendergrass prior to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in questions, and the nature, location, dimensions of existing or proposed structures, earthen fill, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

(1) Application Stage.

(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 flood-proofed;

(c) Certificate from a registered professional engineer or architect that any nonresidential flood-proofed structure will meet the flood-proofing criteria in Article 4, Section B (2) of this Ordinance;

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

(e) Each new residential and commercial development located adjacent to approximate Zone A flood hazard areas designated by Article 2, Section B of this ordinance based upon the Floor Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA) shall produce a based flood elevation by methods described in FEMA document Managing Floodplain Development in Approximate Zone A Areas.

(2) Construction Stage:

For all new construction and substantial improvements, perimeter shall provide regulatory floor elevation or flood-proofing certification after the lowest floor or flood proofing is completed. Upon placement of the lowest floor or after flood-proofing for non-residential structures, it shall be the duty of the permit holder to submit to the Building Inspector an as built certification of the elevation of the lowest floor or flood-proofed elevation in relation to mean sea level or highest adjacent grade, whichever is applicable. Lowest floor certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for a non-residential structure, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.

The building inspector shall review the above referenced elevation certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Building Inspector shall include, but shall not be limited to:

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied.
- (2) When Base Flood Elevation data or floodway data have not been provided in accordance with Article 2, Section B, then the Building Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, state or other source, in order to administer the provisions of Article 4 of this Ordinance.
- (3) Verify and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with Article 3, Section B (2) of this Ordinance.
- (4) Verify and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Article 3, Section B (2) of this Ordinance.
- (5) When flood proofing is utilized for a structure, the building inspector shall obtain design certification from a registered professional engineer or architect in accordance with Article 3(b)(2) and Article 4(B)(2) of this Ordinance.
- (6) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (8) 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 building inspector 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.
- (9) Advise perimeter that additional Federal or state permits may be required, and if specific Federal or state permit requirements are known, require that copies of such permits be provided and maintained on file.
- (10) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Building Inspector and shall be open for public inspection.

ARTICLE 4. PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements of existing structures shall be anchored to prevent floatation, collapse or lateral movement of the structure;
- (2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (3) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (4) All heating and air conditioning equipment and components, 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;
- (5) 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;
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems in flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;

(9) 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 nonconformity is not furthered, extended or replaced.

SECTION B. SPECIFIC STANDARDS

In all areas of Special Flood Hazard where base flood elevation data have been provided, as set forth in Article 2(b), Article 3(C)(2), or Article 4(C), the following provisions are required:

(1) **Residential Construction.** New construction or substantial improvement of any residential structure or manufactured home shall have the lowest floor, including basement, elevated no lower than four (4) feet above the base flood elevation. 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 Article 4, Section B (4).

(2) **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential structure or manufactured home shall have the lowest floor, including basement, elevated no lower than four (4) feet above the base flood elevation. Structures located in **agriculture zones**, may be flood-proofed in lieu of elevation provided that all areas of the structure below the base flood elevation, plus four (4) feet, together with attendant utility and sanitary facilities, are designed to be water tight, with walls substantially impermeable to the passage of water, and hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Article 3, Section C (4), (5).

(3) Building Standards for Streams Without Established Base Flood Elevations and/or Floodways.

Located within the areas of special flood hazard established in Article 2, Section B, where streams exist but no base flood data have been provided, or where base flood data have been provided without floodways, the following provisions apply:

(a) When base flood elevation data or floodway data have not been provided in accordance with Article 2, Section B, then the Building Inspector shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, state, or other source, in order to administer the provisions of Article 4. If data are not available from these sources, then the following provisions (b and c) shall apply:

(b) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or 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 any increase in flood levels during the occurrence of the base flood discharge.

(c) 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 four (4) feet above the highest adjacent grade at the building site. The Building Inspector shall record the lowest floor elevation level, and the record shall become a permanent part of the permit file.

(4) **Elevated Buildings.** New construction or substantial improvements of existing structures that include any fully enclosed area located below the base flood elevation 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 floodwaters.

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

(i) 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;

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

(iii) 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 ordinance, the unfinished or flood

resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area, and;

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

(5) Standards for Manufactured Homes.

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

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

(i) The lowest floor of the manufactured home is elevated no lower than four (4) feet above the level of the base flood elevation, or

(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.

(c) All manufactured homes must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement. (See also Section 4.A.5. above)

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

(i) 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

(ii) The recreational vehicle must meet all the requirements for "New Construction", including the anchoring and elevation requirements of Article 4, Section B(5)(a) and (c), above.

(6) Floodways. Located within areas of Special Flood Hazard established in Article 2, Section B, are areas designated as floodways. 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 fills, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer shall provide supporting technical data and certification thereof.

(b) Only if Article 4, Section B(6)(a) is satisfied, then any new construction or substantial improvements shall comply with all other applicable flood hazard reduction provisions of Article 5.

(c) The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards, and the elevation standards, and the encroachment standards contained in this Article are met.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

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

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;

(4) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is less.

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

Located within the areas of special flood hazard established herein are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore the following provisions shall apply:

- (1) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.
- (2) All new construction and substantial improvements of non-residential buildings shall:
 - (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 (2) feet above the highest adjacent grade, or;
 - (b) together with attendant utility and sanitary facilities be completely flood-proofed 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 of buoyancy.

ARTICLE 5. VARIANCE PROCEDURES

- (A) The Pendergrass City Council shall hear and decide appeals or requests for variances from the requirements of this ordinance.
- (B) The City Council shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the building inspector in the enforcement or administration of this ordinance.
- (C) Any person aggrieved by the decision of the City Council may apply for a writ of certiorari, or for a judicial review of such decision as may be now or hereafter provided by law.
- (D) 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 is the minimum to preserve the historic character and design of the structure.
- (E) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (F) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (G) In reviewing such requests, the City Council shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance, and:
 - (1) the danger that materials may be swept onto other lands 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 that 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 flood waters and the effect of wave action, if applicable, expected at the site; and

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

(H) Conditions for Variances:

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

(i) a finding of good and sufficient cause;

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

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

(2) 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 an historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;

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

(4) The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(I) Upon consideration of the factors listed above and the purposes of this Ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.

ARTICLE 6. DEFINITIONS

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

A. "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 firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered "New Construction".

B. "Appeal" means a request for a review of the building inspector's interpretation of any provision of this Ordinance or a request for a variance.

C. "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, 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.

D. "Area of special flood hazard" is the land in the floodplain within a community subject to a one percent chance of flooding in any given year.

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

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

G. "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.

H. **"Building"** means any structure built for support, shelter, or enclosures for any occupancy or storage.

I. **"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, and permanent storage of materials or equipment.

J. **"Elevated building"** means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers or shear walls.

K. **"Existing Construction"** Any structure for which the "start of construction" commenced before April 30, 2004

L. **"Existing manufactured home park or subdivision"** means a manufactured home park 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 April 30, 2004.

M. **"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.

N. **"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.

O. **"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

P. **"Flood Insurance Rate Map (FIRM)"** means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the City of Pendergrass.

Q. **"Flood Insurance Study"** means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

R. **"Floodplain"** means any land area susceptible to flooding.

S. **"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 a designated height.

T. **"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.

U. **"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.

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

W. "Historic structure" means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - (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.

X. "Lowest floor", means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

Y. "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 in a site for 180 consecutive days or longer and intended to be improved property.

Z. "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 Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

AA. "National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations in conjunction with the floodplain.

BB. "New construction" means ANY structure (see definition) for which the "start of construction" including any subsequent improvements thereto commenced after the effective date of the FIRST floodplain management ordinance adopted by the City of Pendergrass as a basis for its participation in the NFIP.

CC. "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 the effective date of the FIRST floodplain management regulations adopted by the City of Pendergrass.

DD. "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 a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreations, camping, travel or seasonal use.

EE. "Start of construction" means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include 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. 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.

FF. "Structure" means a wall and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

GG. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

HH. "Substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure prior to the improvement. The market value of the building should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual amount of repair work performed. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Code Enforcement official, and not solely triggered by an improvement or repair project.

II. "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

JJ. "Variance" is a grant of relief from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance.

ARTICLE 7. SEVERABILITY

Section 1: If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

Section 2: The foregoing Ordinance shall become effective immediately upon adoption of this resolution.

Section 3: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

ATTEST

Melvin Tolbert
Melvin Tolbert, Mayor

Sandy Funderburk
Council Member Sandy Funderburk

Thomas Marlowe
Council Member Thomas Marlowe

Attested as to Form, Walter Harvey
Walter Harvey, City Attorney

Sandy Beck
Council Member Sandy Beck

Gail Parrish
Council Member Gail Parrish

Barbara Thomas
City Clerk Barbara Thomas

June 24, 2004
Date