

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA  
WITH RESPECT TO **FLOOD PROTECTION**; AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Chapter 8-2 of the Code Athens-Clarke County, Georgia, entitled "*Flood Protection*," is hereby deleted in its entirety and replaced so it now reads as follows:

Sec. 8-2-1. Purpose.

It is the intent of this chapter 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 regulate the use and development of property located in such areas; to provide protection from flooding and inundation to persons and property; to prevent interference with the flow of any watercourse; to prevent any appreciable expansion of flooding, siltation, erosion or inundation hazards; and to require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Further, this chapter is intended to be compatible with and supportive of the establishment of greenways, river walks and parks and other public uses of floodplains and watercourses as expressed through the land use plan and that may be authorized by other ordinances.

Sec. 8-2-2. General provisions.

- (a) *Adoption of documents identifying Areas of Special Flood Hazard.* The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency through a scientific and engineering report entitled "Flood Insurance Study for Athens-Clarke County, Georgia (All Jurisdictions)," and National Flood Insurance Program-Flood Insurance Rate Map (FIRM) for Athens-Clarke County, Georgia (All Jurisdictions), dated April 2, 2007, as amended from time to time, are hereby adopted by reference and declared to be a part of these regulations.
  - (1) Copies of the Flood Insurance Study and FIRM described above shall be maintained on file and available for public inspection in the office of the Clerk of the Athens-Clarke County Commission, City Hall, Suite 204, 301 College Avenue, and by reference are made a part of this chapter as if fully incorporated herein.
  - (2) Purpose of flood insurance study. This study is intended to give the general location of flood hazard areas, the elevation for the regulatory flood, and to determine the nature and extent of flood hazard areas on any particular property. Hydrological studies, engineering computations, flood records and field surveys compiled and certified by a registered professional engineer may be required for exact delineation of flood limits and elevations.
  - (3) The Floodplain Administrator within the Department of Transportation and Public Works is hereby designated to administer and implement the provisions of this chapter and the floodplain management program for the Unified Government of Athens-Clarke County.

- (4) Data in order to administer. When base flood elevation data has not been provided in accordance with this section, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source in order to administer the provisions of this chapter. Such data could include U.S. Army Corps of Engineer reports.
- (b) *Application.* This chapter shall apply to all areas of Special Flood Hazard within the jurisdiction of Athens-Clarke County. The provisions of this chapter shall not apply to any project for improvement of a structure solely to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.
- (c) *Uses not permitted.* No use shall be permitted if the proposed use, in conjunction with all other uses permitted, would raise the water surface elevations of the 100-year flood by more than one foot at any point.
- (d) *Floodway.* In addition to all of the standards, encroachments (including fill), new constructions, substantial improvements and other developments shall be prohibited within floodway unless certification by a registered professional engineer or architect is provided demonstrating that the encroachments will not result in any increase in flood levels or floodway widths during occurrence of the base flood discharge.
- (e) *Application of chapter to Athens-Clarke County property.* All of the provisions of this chapter shall also apply to property owned by Athens-Clarke County.
- (f) *Use of other data.* The Floodplain Administrator may reasonably utilize any base flood elevation and floodway data available from a federal, state or other source as criteria for requiring that new construction, substantial improvements or other developments in areas of Special Flood Hazard comply with the requirements of section 8-2-4.

Sec. 8-2-3. Application procedures.

- (a) *Permit required.* No person shall perform any construction, conversion, substantial improvement or development in areas of Special Flood Hazards as set forth in the provisions of this chapter without first obtaining a development permit from the chief building official. A Flood Plain Construction Permit is also required from the Department of Transportation and Public Works. The fee for the Flood Plain Construction Permit will be charged in accordance with the fee schedule in Section 7-1-560.
- (b) *Application for permit; required information.* Application for a development permit shall be made to the chief building official on forms furnished by him/her accompanied by two sets of the site development plan drawn to scale showing the nature, location and dimensions of the proposed development in question; also showing existing and proposed structures and where applicable the location of fill and storage of material and drainage facilities. In addition, the following information shall be provided:

*Application stage:*

- (1) Elevation in relation to mean sea level of the lowest floor (including basement) of all proposed and existing structures.

- (2) Elevation in relation to mean sea level to which any nonresidential structure has been flood-proofed.
- (3) Design certification from a registered professional engineer or architect stating that any nonresidential flood-proofed structure meets the flood-proofing requirements in section 8-2-4(a)(8).
- (4) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (5) *Approval from the Floodplain Administrator.* No development permit in Areas of Special Flood Hazard shall be issued unless such permit is approved by the Floodplain Administrator as meeting the provisions of this chapter.

*Construction stage:*

- (1) For all new construction and substantial improvements, the permit holder shall provide to the chief building official an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.
  - (2) Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The chief building official shall review the above referenced certification data submitted. If deficiencies are detected by such review, the permit holder shall immediately correct noted deficiencies and correction shall be 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.
- (c) *Maintenance of records; verification of elevation.* All records pertaining to the provisions of this chapter shall be maintained in the office of the chief building official.
- (d) *No Certification by Athens-Clarke County.* Nothing in this chapter nor any review or approval of an application or issuance of a permit shall constitute any certification by Athens-Clarke County or any official or employee of Athens-Clarke County that flooding or flood damage shall not occur on any property or any structure located thereon.

Sec. 8-2-4. Development standards.

(a) *Residential and nonresidential.*

- (1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage utilizing methods and practices that minimize flood damage and shall be anchored to prevent flotation, collapse or lateral movement of the structure.

- (2) Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be elevated a minimum of one foot above the base flood elevation.
- (3) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (4) 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.
- (5) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (6) Any alteration, repair, reconstruction or improvement to a structure on which the start of construction was begun after the effective date of this chapter shall meet the requirements of "new construction" as contained in this chapter.
- (7) New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of two feet above the base flood elevation.
- (8) New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated two feet above base flood elevation or, together with attendant utility and sanitary facilities, shall be flood-proofed 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 develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this section. A record of such certificates, which includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed, shall be maintained by the chief building official.
- (9) For all new construction and substantial improvements, fully enclosed areas below the lowest floor formed by foundation and other exterior walls shall be designed so as to be 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. Designs for complying with this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - a. 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 shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

- c. So as not to violate the "Lowest Floor" criteria of this chapter, 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
    - d. the interior portion of such area shall not be partitioned or finished into separate rooms.
  - (10) Any changes or revisions, proposed as part of a new construction or substantial improvement project to the flood data adopted herein and shown on the Flood Insurance Rate Map (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 Letter of Map Revision (LOMR).
- (b) *Manufactured homes.*
- (1) All manufactured homes to be placed or substantially improved within zones A1-30, AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two feet above the base flood elevation and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of this chapter.
  - (2) All manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
    - a. over-the-top ties be provided at each end of the manufactured home, with one additional tie per side at an intermediate location on manufactured homes of less than 50 feet or two additional ties per side for manufactured homes of 50 feet or more;
    - b. frame ties be provided at each corner of the manufactured home with four additional ties per side at intermediate points for manufactured homes less than 50 feet long and one additional tie for manufactured homes of 50 feet or longer; and
    - c. all components of the anchoring system be capable of carrying a force of 4,725 pounds and any additions to the manufactured home be similarly anchored.
  - (3) For new manufactured home parks and subdivisions; for expansions to existing manufactured home parks and subdivisions; for existing manufactured home parks and subdivisions where the repair, construction, or improvement of the streets, utilities, and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured home park or subdivision, the following are required:
    - a. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at least two feet above the base flood level;
    - b. Adequate surface drainage and access for a hauler are provided; and
    - c. In the instance of elevation on pilings:

1. Lots are large enough to permit access steps; and
2. Piling foundations are placed in stable soil no more than ten feet apart; and
3. Reinforcement is provided for pilings more than six feet above the ground level.

(c) *Standards for recreational vehicles.*

All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the Athens-Clarke County FIRM shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet the permit requirements of Sec. 8-2-3 (a) and Sec. 8-2-4 (b). A recreational vehicle is ready for highway use if it is 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 additions.

(d) *Standards for subdivision proposals and other development proposals.*

- (1) All subdivision and/or other development proposals shall be consistent with the need to minimize flood damage and shall be reasonably safe from flooding;
- (2) All subdivision and/or other development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision and/or other development proposals shall have adequate drainage provided to reduce exposure to flood hazard; and
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) on proposed projects of five acres or which have 50 or more lots.

(e) *Standards for critical facilities.*

- (1) Notwithstanding section 8-2-2(b), critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.
- (2) All ingress and egress from any critical facility must have minimum elevation equal to or above the 500-year flood elevation.

(f) *Standards for streams without established base flood elevations and/or floodway.* For A-zones located within the areas of Special Flood Hazard, or where streams exist but no base flood data have been provided, 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, then the applicant shall provide to the Department of Transportation and Public Works for review any scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer this chapter. Only if data are not available from these sources, then the following shall apply:
  - a. No encroachment, including structures or fill material, shall be located within area equal to the width of the stream or 75 feet, whichever is greater, measured from the top of stream bank, unless certification by a registered professional engineer is

provided demonstrating that the encroachment shall not result in more than a one-foot increase in flood levels during the occurrence of a base flood discharge.

- b. In Areas of Special Flood Hazard without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards identified in section 8-2-4.
- (g) *Standards for Areas of Shallow Flooding (AO or AH Zones).* For Areas of Special Flood Hazard designated "AO" or "AH" on the community's Flood Insurance Rate Map, the following provisions apply:
- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the flood depth specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standard identified in section 8-2-4.
  - (2) New construction or the substantial improvement of a nonresidential 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 elevation plus a minimum of one foot, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with the accepted standards of practice for compliance with the provisions above.
  - (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Sec. 8-2-5. Duties and responsibilities of the Athens-Clarke County Floodplain Administrator.

The Floodplain Administrator upon receipt from the chief building official of a copy of the application for a permit shall perform the following:

- (1) Review all development plans to assure that the permit requirements of this chapter have been satisfied and that all new construction and substantial improvements will be reasonably safe from flooding.
- (2) Advise developer that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) When Base Flood Elevation data or floodway data have not been provided in accordance with this chapter, then the applicant shall submit additional information as necessary for the department to review and reasonably utilize any base flood elevation

and floodway data available from a federal, state, or other sources in order to administer the requirements of this chapter.

- (4) 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 (FEMA).
- (5) For any altered or relocated watercourse, submit engineering data/analysis within six 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.
- (6) Require that maintenance is provided within the altered relocated portion of such watercourse so that the flood-carrying capacity is not diminished.
- (7) When flood proofing is utilized for a particular nonresidential structure, the Floodplain Administrator shall ensure that certification from a registered professional engineer or architect has been provided.
- (8) Where interpretation is needed as to the exact location of the boundaries of the areas of Special Flood Hazard, the Floodplain Administrator shall make the necessary interpretation.
- (9) Request additional information of applicant and/or undertake additional studies deemed necessary in order to render a decision.
- (10) Make substantial damage determinations following a flood event or any other event that causes damage to structures in Areas of Special Flood Hazard.

#### Sec. 8-2-6. Variances and appeals.

- (a) *Variances.* The Athens-Clarke County Hearings Board shall sit in a quasi-judicial capacity to hear and decide all variance requests from the requirements of this chapter. A formal written application for a variance shall be filed with the Public Works Director for submittal to the Athens-Clarke County Hearings Board created in title 9 of the Code of Athens-Clarke County.
  - (1) The following procedures shall apply to all applications:
    - a. The application for variance shall state the specific variances sought and the reasons for their granting.
    - b. It shall be the applicant's responsibility to provide sufficient justification for granting the variance.
    - c. The Floodplain Administrator shall prepare an evaluation statement concerning each application for variance. The evaluation shall consider the circumstances and supporting documents supplied by the applicant and other generally available technical information pertaining to the variance request. The evaluation statement may include recommendations by the Department of Transportation and Public Works concerning the variance to the Hearings Board.

- d. In passing upon such applications, the Athens-Clarke County Hearings Board shall consider all technical evaluation and relevant factors presented by the applicant and the government and the standards specified below.
  - e. If a variance is granted, it shall be granted upon findings by the Hearings Board that the following standards have been met:
    - 1. A determination that the applicant has made a showing of good and sufficient cause; and
    - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
    - 3. A determination that the granting of a variance will not result in increased flood heights, threats to public safety and extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and
    - 4. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - f. After hearing and upon consideration of the application, evidence and applicable law, the Athens-Clarke County Hearings Board may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter.
- (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  - (3) Variances may be issued for the reconstruction, rehabilitation or restoration of historic structures, upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure without regard to the procedures set forth in the remainder of this section.
  - (4) Any applicant to whom a variance is granted within the Area of Special Flood Hazard shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
  - (5) The Floodplain Administrator shall maintain records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
  - (6) *Appeals of variance decisions.* The procedure for appealing variances shall be those set forth in the Zoning Ordinance.
- (b) *Denials of permits; appeals.*
    - (1) All denials of a permit under this chapter shall be accompanied by a copy of a report from the Floodplain Administrator stating the purpose for which a permit has been denied.
    - (2) Upon filing a written notice of appeal, any person aggrieved by the decision of the chief building official or Floodplain Administrator, under this chapter, shall be entitled

to a hearing before the Administrative Hearing Officer pursuant to the provisions of section 1-5-1.

- (3) Appeals of the decision of the Administrative Hearing Officer. Appeals of the decision of the Administrative Hearing Officer shall be as provided by state law.

#### Sec. 8-2-7. Abrogation and greater restrictions.

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

#### Sec. 8-2-8. Penalties for violation.

Violation of the provisions of this chapter 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 violation of this chapter. Any person who violates this chapter or fails to comply with any of its requirements shall be guilty of an offense and upon conviction shall be punished for each offense according to law. Each day such violation continues shall be deemed a separate offense.

#### Sec. 8-2-9. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasion. Flood heights may be increased by man-made or natural causes, such as bridge openings restricted by debris. This chapter shall not imply that areas outside the floodplain districts will be free from flooding or flood damages. This chapter shall not create liability on the part of Athens-Clarke County or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

#### Sec. 8-2-10. Definitions of terms.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application. Words used in the singular shall include the plural, and the plural and the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for" and "occupied for."

*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, or hay sheds.

*Appeal:* A request for a review of the chief building official's interpretation of any provision of this chapter or a request for a variance by the Hearings Board.

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

*Area of Special Flood Hazard:* The land in the floodplain subject to one percent or greater chance of flooding in any given year (also known as the 100-year floodplain). Areas of Special Flood Hazard include those areas officially designated as such by the Federal Emergency Management Agency, and those areas designated by the Unified Government of Athens-Clarke County through engineering analysis and scientific study as areas of Special Flood Hazard. For purposes of this chapter the term "special flood hazard area(s)" is synonymous in meaning with the phrase "Area(s) of Special Flood Hazard."

*Athens-Clarke County Hearings Board:* A board that has been established by the zoning ordinance to hear requests for variances, as defined in this chapter.

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

*Base flood level or elevation:* 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 any area of the building having its floor subgrade (below ground level) on all sides.

*Building:* see definition for structure.

*Chief building official:* The director of the building inspection department or his designee for the Unified Government of Athens-Clarke County.

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

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

*Developer:* Any person who acts in his own behalf or as an agent of an owner of property and engaged in alteration of land or vegetation in preparation for construction activity.

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

*Development permit:* A permit issued by the building inspection department for development after all of the requirements of this chapter have been satisfied.

*Existing construction:* means for the purpose of determining rates, structures for which the “start of construction” commenced before December 15, 1978. “Existing construction” may also be referred to as “existing structures.”

*Existing manufactured home park or subdivision:* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 1, 1992.

*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:* A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any sources.

*Flood Insurance Rate Map (FIRM):* An official map of Athens-Clarke County on which the Federal Insurance Administration has delineated both the Areas of Special Flood Hazard and the risk premium zones applicable to the community.

*Flood Insurance Study:* means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

*Floodplain administrator:* The Director of the Department of Transportation and Public Works or his designee for the Unified Government of Athens-Clarke County.

*Floodplain or flood-prone area:* Means any land area susceptible to flooding.

*Flood-proofed or 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:* 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 flood levels which are identified on the flood boundary maps as part of the flood insurance study.

*Highest Adjacent Grade:* means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

*Historic structure:* means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the United States Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of Interior to qualify as a registered historic district;

- (3) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of Interior, or
  - b. Directly by the Secretary of Interior in states without approved state programs.

*Lowest Floor:* The Lowest Floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable 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 requirements of this chapter.

*Manufactured home:* A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

*Manufactured home park or subdivision:* A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Mean Sea Level:* means the average height of the sea for all stages of the tide. It is used as reference for establishing various elevations within the floodplain. For the purposes of this chapter the term is synonymous with National Geodetic Vertical Datum (NGVD).

*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, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after December 15, 1978, and includes subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the start of construction commenced after March 1, 1992 and includes any subsequent improvement 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 grading or the pouring of concrete pads) is completed on or after March 1, 1992.

*Owner:* The person in whom is vested the fee ownership, dominion or title of property, the proprietor; this term may also include a tenant, if chargeable under his lease for the maintenance of the property and any agent of the owner or tenant including a developer.

*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 recreational, camping, travel, or seasonal use.

*Site development plan:* The plan required to acquire a development, construction or building permit which shows the means by which the developer will conform with applicable provisions of this chapter and other applicable ordinances.

*Start of construction:* Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and walkways or the 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, such as garages or sheds not occupied as dwelling units or not part of the main structure.

*Structure:* A walled or roofed building, including a liquid or gas storage tank, that is principally above ground, as well as a manufactured home.

*Substantial damage:* means damage of any origin sustained by a structure whereby the cost of restoring the structure to the structure's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement:* Any repair, reconstruction or improvement of an existing structure the cost of which equals or exceeds 50 percent of the market value of the existing structure either before the improvement of repair is started or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specification which are solely necessary to assure safe living condition or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

*Variance:* A grant of relief to a person from specific requirements of this chapter after a hearing by the Hearings Board.

SECTION 2. All ordinances or local laws and parts of ordinances or local laws in conflict with this Ordinance are hereby repealed.

SECTION 3. In the event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no

manner affect the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The Unified Government of Athens-Clarke County, Georgia hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SECTION 4. The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener's errors.

**SO ORDERED AND ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

**THE UNIFIED GOVERNMENT OF ATHENS-CLARKE  
COUNTY, GEORGIA**

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\_\_\_\_\_  
Kelly Girtz, Mayor

Attest: -----

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Jean Spratlin, Clerk of Commission