

ORDINANCE NUMBER #5697-2019

AN ORDINANCE AMENDING CHAPTERS II (DEFINITIONS) AND IV (SOIL EROSION AND SEDIMENT CONTROL STANDARDS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF WOODSTOCK, GEORGIA

Whereas, the City of Woodstock, Georgia (hereinafter sometimes referred to as the "City") is a municipality duly formed and existing pursuant to Georgia law; and

Whereas, the 1983 Constitution of the State of Georgia provides for the self-government of municipalities without the necessity of action by the General Assembly¹; and

Whereas, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws or which are expressly allowed by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto²; and

Whereas, the governing body of the City has determined that it is in the best interest of the City and its citizens to adopt the following; and

NOW THEREFORE BE IT RESOLVED, THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA HEREBY ORDAINS:

Section 1. That Chapter II - Definitions, of the Land Development Code, as amended, is hereby further amended by deleting the following definitions:

Building: Any permanent Structure attached to the ground, which has a roof and which is designed for the shelter, housing, or enclosure or persons, animals, or property of any kind.

Existing Construction: Any Structure for which the "start of construction" commenced before December 11, 1986, the effective date of the first FIRM map published for the City of Woodstock.

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

¹ Ga. Const., 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows:

"The General Assembly may provide by law for the self-government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly."

² O.C.G.A. § 36-35-3 (a) provides as follows:

"(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section. This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority

under this Code section, except as authorized under Code Section 36-35-6."

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 December 11, 1986, the effective date of the first FIRM map published for the City of Woodstock.

New Construction: Any Structure for which the "start of construction" commenced after December 11, 1986, the effective date of the first FIRM map published for the City of Woodstock. The term also 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 the effective date of Floodplain management regulations adopted by a community.

Structure: Anything constructed or erected which required location on the ground or attachment to something having a location on the ground. The term shall include such things as gasoline pumps, signs, mobile homes, and other portable vehicles or Structures from which products are vended, and similar objects.

Section 2. That Chapter II - Definitions, of the Land Development Code, as amended, is hereby further amended by inserting the following definitions:

Areas adjacent to the Future-Conditions Floodplain: Means those areas that are at or below either three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever higher, unless the area is hydraulically independent (meaning absolutely no connection to the flooding source such as through pipes, sewer laterals, down drains, foundation drains, ground seepage, overland flow, gated or valved pipes, excavated and backfilled trenches, etc. with no fill or other manmade barriers creating the separation).

Building: Any permanent Structure attached to the ground, which has a roof and which is designed for the shelter, housing, or enclosure of persons, animals, or property of any kind. However, for use in Chapter 13, see "Structure."

Existing Construction: Any Structure for which the "start of construction" commenced before September 17, 1988, the date of the first floodplain management regulation adopted by the City of Woodstock.

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 September 17, 1988, the date of the first floodplain management regulation adopted by the City of Woodstock.

New Construction: Any Structure for which the "start of construction" commenced after September 17, 1988, the date of the first floodplain management regulation adopted by the City of Woodstock. The term also 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 September 17, 1988, the date of the first floodplain management regulation adopted by the City of Woodstock.

Structure: Anything constructed or erected which required location on the ground or attachment to something having a location on the ground. The term shall include such things as gasoline pumps, signs, mobile homes, and other portable vehicles or Structures from which products are vended, and similar objects. However, for use in Chapter 13, Structure means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Violation: An act of breaking or disregarding an ordinance or law. However, for use in Chapter 13, a Violation is the failure of a structure to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by the community's floodplain management ordinance is presumed to be in violation until such time as that documentation is provided.

Section 3. That Chapter XIII - Floodplain Management/Flood Damage Prevention Standards, Section 13.220 of the Land Development Code, as amended, is hereby further amended by deleting, "This Ordinance shall be applicable to all areas of special flood hazard within the City" and inserting in lieu thereof the following:

This Ordinance shall be applicable to all areas within the City.

Section 4. That Chapter XIII - Floodplain Management/Flood Damage Prevention Standards, Section 13.510 of the Land Development Code, as amended, is hereby further amended by deleting, "1" and inserting in lieu thereof the following:

1. New construction and substantial improvement of principal buildings (residential or non-residential), including manufactured homes, shall not be allowed within the limits of the Future-Conditions Floodplain, unless all requirements of sections 13.430, 13.440, and 13.450 have been met;

Section 5. That Chapter XIII - Floodplain Management/Flood Damage Prevention Standards, Section 13.520 of the Land Development Code, as amended, is hereby further amended by deleting, "l(b)" and inserting in lieu thereof the following:

I. Residential Buildings

- (b) *Substantial Improvements.* Substantial improvement of any principal structure or principal buildings, including manufactured homes, shall not be allowed within the limits of the Future-Conditions Floodplain unless all requirements of sections 13.430, 13.440, and 13.450 have been met. If all of the requirements of sections 13.430, 13.440, and 13.450 have been met, all substantial improvements shall have the Lowest Floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 13.510 (5).

Section 6. That Chapter XIII - Floodplain Management/Flood Damage Prevention Standards, Section 13.520 of the Land Development Code, as amended, is hereby further amended by deleting, "2(a)" and "2(b)" and inserting in lieu thereof the following:

2. Non-Residential Buildings

- (a) *New Construction.* New Construction of principal buildings including manufactured homes, shall not be allowed within the limits of the Future-Conditions Floodplain unless all requirements of sections 13.430, 13.440, and 13.450 have been met. If all of the requirements of sections 13.430, 13.440, and 13.450 have been met, all new construction shall have the Lowest Floor, including basement, elevated no lower than one (1) foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 13.510(5). New construction that has met all of the requirements of sections 13.430, 13.440, and 13.450 may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one (1) foot above the base flood elevation, or at least as high as the future conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. 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 Administrator.

- (b) *Substantial Improvements.* Substantial improvement of principal buildings including manufactured homes, shall not be allowed within the limits of the Future-Conditions Floodplain unless all requirements of sections 13.430, 13.440, and 13.450 have been met. If all of the requirements of sections 13.430, 13.440, and 13.450 have been met, all substantial improvements shall have the Lowest Floor, including basement, elevated no lower than one (1) foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 13.510(5). Substantial improvements that have met all of the requirements of sections 13.430, 13.440, and 13.450 may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one (1) foot above the base flood elevation, or at least as high as the future conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. 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 Administrator.

Section 7. That Chapter XIII - Floodplain Management/Flood Damage Prevention Standards, Section 13.520 of the Land Development Code, as amended, is hereby further amended by deleting, "5(a)" and inserting in lieu thereof the following:

5. Standards for Manufactured Homes.

- (a) New and Substantially Improved Manufactured Homes shall not be allowed to be placed within the limits of the Future-Conditions Floodplain unless all requirements of sections 13.430, 13.440, and 13.450 have been met;

Section 8. That Chapter XIII - Floodplain Management/Flood Damage Prevention Standards, Section 13.530 of the Land Development Code, as amended, is hereby further amended by deleting, "1" and "2" and inserting in lieu thereof the following:

1. *Residential Buildings.* For new construction or substantial improvement of any principal residential building or manufactured home located adjacent to the Future-Conditions Floodplain, the elevation of the Lowest Floor, including basement and access to the building, shall be at least three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 13.510(5).
2. *Non-Residential Buildings.* For new construction or substantial improvement of any principal non-residential building located adjacent to the Future-Conditions Floodplain, the elevation of the Lowest Floor, including basement and access to the building, shall be at least one (1) foot above the level of the base flood elevation or at least as high as the future conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 13.510(5).

Section 8. Should any provisions of this Ordinance be declared invalid by Court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any provision thereof other than the provisions specifically declare to be invalid. The Mayor and Council hereby declare that it would have passed this Ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared illegal, invalid or unconstitutional.

Section 9. This ordinance shall take effect immediately upon its adoption at the 2nd Reading.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA, THIS 6th DAY OF FEBRUARY, 2019.

1st Reading: 0/11/19 Reading: 6/1/19

C O O I : O - i A J O R

Shonda S. Pizzello
ZELLO, CLERK

