

**AN ORDINANCE TO AMEND CHAPTER 14, LAND DEVELOPMENT & SUBDIVISIONS, ARTICLE VIII,
FLOODPLAIN MANAGEMENT, OF THE CODE OF THE CITY OF BROOKHAVEN**

WHEREAS, Section 1.03(b) (8) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to provide environmental protection through enactment of ordinances that regulate water resources, erosion and sedimentation control, and flood hazard areas; and

WHEREAS, the Mayor and City Council find that amendments to certain sections of the solid waste ordinance are necessary at this time.

BE IT ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same:

SECTION I:

The identified sections of sections of Chapter 14, Land Development & Subdivisions, Article VIII, Floodplain Management, is amended to read as shown in the attached mark-up.

SECTION II:

Severability: Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION III:

Repeal of Conflicting Provisions: All ordinances, part of ordinances, maps, or regulations in conflict herewith are repealed.

SECTION IV:

Effective Date: This ordinance shall be effective immediately upon adoption.

SO ORDAINED, this _____ day of _____, 2020.

Approved by:

Approved as to Form and Content

John Arthur Ernst Jr., Mayor

Christopher Balch, City Attorney

Attest:

Susan Hiott, City Clerk

SEAL

ARTICLE VIII. - FLOODPLAIN MANAGEMENT

DIVISION 1. - GENERALLY

Sec. 14-726. - Findings of fact.

It is determined that:

- (1) The flood hazard areas of the city are subject to periodic inundation which may result 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) Flood hazard areas can serve important stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological purposes when permanently protected as undisturbed or minimally disturbed areas.
- (3) Effective floodplain management and flood hazard protection activities can:
 - a. Protect human life and health;
 - b. Minimize damage to private property;
 - c. Minimize damage to public facilities and infrastructure such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains; and
 - d. Minimize expenditure of public money for costly flood control projects associated with flooding and generally undertaken at the expense of the general public.
- (4) Article IX, section II of the Constitution of the State of Georgia and O.C.G.A. § 36-1-20(a) have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city does ordain this article and establishes this set of floodplain management and flood hazard reduction policies for the purpose of regulating the use of flood hazard areas. It is determined that the regulation of flood hazard areas and the prevention of flood damage are in the public interest and will minimize threats to public health and safety, as well as to private and public property.

(Ord. No. 2013-09-03, § 1(14-407), 9-10-2013)

Sec. 14-727. - Purpose and intent.

The purpose of this article is to protect, maintain and enhance the public health, safety, environment and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetlands preservation and ecological and environmental protection by provisions designed to:

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

(Ord. No. 2013-09-03, § 1(14-408), 9-10-2013)

Sec. 14-728. - Applicability.

This article shall be applicable to all areas of special flood hazard within the city.

(Ord. No. 2013-09-03, § 1(14-409), 9-10-2013)

Sec. 14-729. - Designation of article administrator.

The community development director or their designee is appointed to administer and implement the provisions of this article.

(Ord. No. 2013-09-03, § 1(14-410), 9-10-2013)

Sec. 14-730. - Basis for area of special flood hazard; flood area maps and studies.

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

- (1) The current Flood Insurance Study (FIS) and data for DeKalb County, Georgia, dated August 15, 2019 (or later), with accompanying maps and other supporting data and any revision thereto are adopted by reference.
- (2) Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the 100-year floodplain and floodprone areas include:
 - a. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey or any other local, state or federal agency applicable to the city; or
 - b. Any base flood study authored by a registered professional engineer in the state which has been prepared by FEMA approved methodology and approved by the director.
- (3) Other studies which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and floodprone areas include:
 - a. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, state or federal agency applicable to the city; or
 - b. Any future conditions flood study authored by a registered professional engineer in the state which has been prepared by FEMA approved methodology approved by the director.
- (4) The repository for public inspection of the FIS, accompanying maps and other supporting data is located at city hall.

(Ord. No. 2013-09-03, § 1(14-411), 9-10-2013; Ord. No. 2013-10-03, § 1, 10-8-2013; Ord. No. 2019-02-01, § 1, 2-12-2019)

Sec. 14-731. - Compatibility with other regulations.

This article is not intended to modify or repeal any other ordinance, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or impose higher protective standards for human health or the environment shall control.

(Ord. No. 2013-09-03, § 1(14-412), 9-10-2013)

Sec. 14-732. - Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur;

flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Ord. No. 2013-09-03, § 1(14-414), 9-10-2013)

Sec. 14-733. - Specific definitions.

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

Accessory use means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

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.

Appeal means a request for a review of the floodplain coordinator's interpretation of any provision of this article.

Area of shallow flooding means a designated AO or AH zone on the community's flood insurance rate map (FIRM) with base flood depths from one to three feet, 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 means the land subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and floodprone areas at or below the base flood elevation (including A, A1-30, A-99, AE, AO, AH, and AR on the FHBM or the FIRM), all floodplain and floodprone areas at or below the future-conditions flood elevation, and all other floodprone areas as referenced in section 14-730. All streams with a drainage area of 100 acres or greater shall have the area of special flood hazard delineated.

Areas hydraulically adjacent to the Future-conditions Floodplain means those areas that are at or below either three feet above the base flood elevation or one 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).

Base flood means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

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

Basement means any area of the building having its floor subgrade; i.e., below ground level on all sides.

Basin means a region or land area drained by a single river system.

Building. See definition for "Structure."

Development means any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials.

Director means the community development director or designee.

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

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

Existing construction means any structure for which the "start of construction" commenced before September 10, 2013.

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 instillation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 10, 2013.

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

FEMA means the Federal Emergency Management Agency.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

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 flood insurance rate map (FIRM) means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazards or risk premium zones applicable to the community.

Flood insurance study (FIS) means the official report issued by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, and water surface elevation of the base flood.

Floodplain means any land area susceptible to flooding.

Floodplain coordinator is the individual appointed to administer and enforce the floodplain management regulations.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway or regulatory floodway means the channel of stream or other watercourse and the adjacent land areas of the floodplain which is necessary to contain and discharge the base flood flow without cumulatively increasing the water surface elevation more than one foot.

Functionally dependent use means a use which cannot perform its intended purposes unless it is located or carried out in close proximity to water.

Future-conditions flood means the flood having a one percent chance of being equaled or exceeded in any given year based on future-conditions hydrology (also known as the 100-year future-conditions flood).

Future-conditions flood elevation means the highest water surface anticipated at any given point during the future-conditions flood.

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

Future-conditions hydrology means the flood discharges associated with projected land-use conditions based on a community's zoning map, comprehensive land-use plans, or watershed study projections, and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications, within a stream or other waterway, such as a bridge or culvert construction, fill and excavation.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next 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 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 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 in 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 as eligible in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

Land development means any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Land development activities means those actions or activities that comprise or facilitate a result in land development.

Land development project means a specific land development undertaking.

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 article.

Manufactured home means a building, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) or 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 a reference for establishing various elevations within the floodplain. For purposes of this article, the term "mean sea level" is synonymous with National Geodetic Vertical Datum (NGVD) or the North American Vertical Datum (NAVD) of 1988.

National Geodetic Vertical Datum (NGVD), as corrected in 1929 means the vertical control used as a reference for establishing varying elevations within a floodplain.

New construction, for floodplain management purposes, means structures for which the start of construction commenced on or after September 10, 2013, and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the instillation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 10, 2013.

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

Owner means the legal or beneficial owner of a site, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

Permit means the permit issued by the director to the applicant that is required prior to undertaking any development activity.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

Start of construction includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit issuance. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab for footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture 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 or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

Subdivision means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

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

Substantial improvement means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a ten-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the building means:

- (1) The appraised value of the structure prior to the start of the initial repair or improvement; or
- (2) In the case of damage, the value of the structure prior to the damage occurring.

This term includes structures that have incurred substantial damage, regardless of the actual amount of repair work performed. 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 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 ensure safe living conditions, which have been pre-identified by the code enforcement official, and not solely triggered by an improvement or repair project.

Substantially improved existing manufactured home park or subdivision means the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads when the cost of such repair, reconstruction, rehabilitation or improvement equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance means a grant of relief from the requirements of this article which permits construction in a manner that would otherwise be prohibited by this article.

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

(Ord. No. 2013-09-03, § 1(14-415), 9-10-2013; Ord. No. [2017-08-07](#), § I, 8-22-2017; Ord. No. [2019-02-01](#), § I, 2-12-2019; Ord. No. [2019-03-01](#), § I, 3-12-2019)

Secs. 14-734—14-764. - Reserved.

DIVISION 2. - PERMITS AND PLANS

Sec. 14-765. - Permit application requirements.

- (a) No owner or developer shall perform any development activities on a site where an area of special flood hazard is located without first meeting the requirements of this division prior to commencing the proposed activity.
- (b) Unless specifically excluded by this division, any landowner or developer desiring a permit for a development activity shall submit to the director a permit application on a form provided by the director for that purpose.
- (c) No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this division.

(Ord. No. 2013-09-03, § 1(14-416), 9-10-2013)

Sec. 14-766. - Floodplain management plan requirements.

- (a) An application for a development project with any area of special flood hazard located on the site will be required to include a floodplain management I flood damage prevention plan. This plan shall include the following items:

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

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- b. For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site;
 - c. Proposed locations of water supply, sanitary sewer, and utilities;
 - d. Proposed locations of drainage and stormwater management facilities;
 - e. Proposed grading plan;
 - f. Base flood elevations and future-conditions flood elevations;
 - g. Boundaries of the base flood floodplain and future-conditions floodplain;
 - h. If applicable, the location of the floodway; and
 - i. Certification of the above by a registered professional engineer or surveyor.
- (2) Building and foundation design detail, including, but not limited to:
- a. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
 - b. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;
 - c. Certification that any proposed nonresidential floodproofed structure meets the criteria in section 14-815(2);
 - d. For enclosures below the base flood elevation, location and total net area of foundation openings as required in section 14-814(5); and
 - e. Design plans certified by a registered professional engineer or architect for all proposed structures.
- (3) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
- (4) Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre- and post-development conditions base flood elevations, future-conditions flood elevations, flood protection elevations, special flood hazard areas and regulatory floodway widths, flood profiles and all other computations and other information similar to that presented in the FIS.
- (5) Copies of all applicable state and federal permits necessary for proposed development.
- (6) All appropriate certifications required under this division.
- (b) The approved floodplain management I flood damage prevention plan shall contain certification by the applicant that all development activities will be done according to the plan or previously approved revisions. Any and all development permits or use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

(Ord. No. 2013-09-03, § 1(14-417), 9-10-2013)

Sec. 14-767. - Construction stage submittal requirements.

- (a) For all new construction and substantial improvements on sites with a floodplain management I flood damage prevention plan, the permit holder shall provide to the floodplain coordinator a certified as-built elevation certificate or floodproofing certificate for nonresidential construction including the lowest floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed. A final elevation certificate shall be provided after completion of construction including final grading of the site. 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 floodproofing is utilized for non-residential structures, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

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- (b) Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The floodplain coordinator shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed.
- (c) Failure to submit certification or failure to make the corrections required shall be cause to issue a stop work order for the project.

(Ord. No. 2013-09-03, § 1(14-418), 9-10-2013)

Sec. 14-768. - Duties and responsibilities of the floodplain coordinator.

Duties of the floodplain coordinator shall include, but not be limited to:

- (1) Review all development applications and permits to ensure that the requirements of this division have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
- (2) Require that copies of all necessary permits from governmental agencies from which approval is required by federal or state law, including, but not limited to, section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1344, be provided and maintained on file;
- (3) When base flood elevation data or floodway data have not been provided, require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to meet the provisions of divisions 3 and 4 of this article;
- (4) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures;
- (5) Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been floodproofed;
- (6) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a registered professional engineer or architect;
- (7) Notify affected adjacent communities and the state 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);
- (8) Make the necessary interpretation where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this division. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area graphically delineated on the floodplain maps; and
- (9) Maintain all records pertaining to the provisions of this division in the office and shall open them for public inspection.

(Ord. No. 2013-09-03, § 1(14-419), 9-10-2013)

Secs. 14-769—14-789. - Reserved.

DIVISION 3. - STANDARDS FOR DEVELOPMENT

Sec. 14-790. - Definition of floodplain boundaries.

- (a) Studied A-zones, as identified in the FIS, shall be used to establish base flood elevations whenever available.

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- (b) For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations shall be provided by the director. If future-conditions elevation data is not available from the director, then it shall be determined by a registered professional engineer using a method approved by FEMA and the director.

(Ord. No. 2013-09-03, § 1(14-420), 9-10-2013)

Sec. 14-791. - Definition of floodway boundaries.

The width of a floodway shall be determined from the FIS or FEMA approved flood study. For all streams with a drainage area of 100 acres or greater, the regulatory floodway shall be provided by the director. If floodway data is not available from the director, then it shall be determined by a registered professional engineer using a method approved by FEMA and the director.

(Ord. No. 2013-09-03, § 1(14-421), 9-10-2013)

Sec. 14-792. - General standards.

- (a) No development shall be allowed within the future-conditions floodplain that could result in any of the following:

- (1) Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;
- (2) Reducing the base flood or future-conditions flood storage capacity;
- (3) Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area; or
- (4) Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.

- (b) Any development within the future-conditions floodplain allowed under subsection (a) of this section shall also meet the following conditions:

- (1) Compensation for storage capacity shall occur between the average ground water table elevation and the base flood elevation for the base flood, and between the average ground water table elevation and the future-condition flood elevation for the future-conditions flood, and lie either within the boundaries of ownership of the property being developed and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the top of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel;
- (2) Cut areas shall be stabilized and graded to a slope of no less than two percent;
- (3) Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;
- (4) Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of section 14-793;
- (5) Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, shall be located and constructed to minimize or eliminate infiltration or contamination from floodwaters; and
- (6) Any significant physical changes to the base flood floodplain shall be submitted as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the director using the community consent forms before forwarding the submittal package to FEMA for final

approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval shall be the responsibility of the applicant. Within six months of the completion of construction, the applicant shall submit as-built surveys for a final letter of map revision (LOMR).

- (7) For residential lots, not less than 70 percent of the buildable land area must lie above the base flood elevation, a minimum of three feet, and not less than 50 percent of the minimum lot area must lie above the base flood elevation.

(Ord. No. 2013-09-03, § 1(14-422), 9-10-2013; Ord. No. [2018-03-07](#), § I, 3-27-2018)

Sec. 14-793. - Engineering study requirements for floodplain encroachments.

An engineering study is required, as appropriate to the proposed development activities on the site, whenever a development proposes to disturb any land within the future-conditions floodplain, except for a residential single-lot development on streams without established base flood elevations or floodways for which the provisions of section 14-817 apply. This study shall be prepared by a currently registered professional engineer in the state and made a part of the application for a permit. This information shall be submitted to and approved by the director prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include:

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

(Ord. No. 2013-09-03, § 1(14-423), 9-10-2013; Ord. No. [2018-03-07](#), § I, 3-27-2018)

Sec. 14-794. - Floodway encroachments.

Located within areas of special flood hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

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

affirmative conditional letter of map revision (CLOMR) is issued by FEMA and no-rise certification is approved by the director.

(Ord. No. 2013-09-03, § 1(14-424), 9-10-2013)

Sec. 14-795. - Maintenance requirements.

The property owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on his property so that the flood-carrying or flood storage capacity is not diminished. The director may direct the property owner (at no cost to the city) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the director.

(Ord. No. 2013-09-03, § 1(14-425), 9-10-2013)

Secs. 14-796—14-813. - Reserved.

DIVISION 4. - FLOOD HAZARD REDUCTION

Sec. 14-814. - General standards.

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

- (1) New construction and substantial improvements of principal buildings (residential or nonresidential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of sections 14-792, 14-793 and 14-794 have been met;
- (2) New construction or substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (3) New construction or substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (5) *Elevated buildings.* All new construction and substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished and flood-resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater:
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 1. Provide a minimum of two openings having a total area of not less than one square inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings shall be no higher than one foot above grade; and
 3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions;
 - b. So as not to violate the lowest floor criteria of this division, the unfinished and flood-resistant enclosure shall solely be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area;
 - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms;
- (6) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed or located three

feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding;

- (7) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (8) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (9) 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;
- (10) On-site waste disposal systems shall be located and constructed to avoid impairment to them, or contamination from them, during flooding;
- (11) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this division, is undertaken only if the nonconformity is not furthered, extended or replaced; and
- (12) If the proposed development is located in multiple flood zones or multiple base flood elevation cross the proposed site, the higher or more restrictive base flood elevation or future condition elevation and development standards shall take precedence.

(Ord. No. 2013-09-03, § 1(14-426), 9-10-2013; Ord. No. [2019-02-01](#), § 1, 2-12-2019)

Sec. 14-815. - Building standards for structures and buildings within the areas of special flood hazard.

The following provisions, in addition to those in section 14-792, shall apply:

(1) *Residential buildings.*

- a. *New construction* and substantial improvements. New construction of principal buildings, including manufactured homes shall not be allowed within the limits of the area of special flood hazard unless all requirements of sections 14-792, 14-793 and 14-794 have been met. If all of the requirements of sections 14-792, 14-793 and 14-794 have been met, all new construction and substantial improvements shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of section 14-814(5).

(2) *Nonresidential buildings.*

- a. *New construction and substantial improvements.* New construction and substantial improvements of principal buildings, including manufactured homes shall not be allowed within the limits of the area of special flood hazard unless all requirements of sections 14-792, 14-793 and 14-794 have been met. New construction and substantial improvements that has met all of the requirements of sections 14-792, 14-793 and 14-794 may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A 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 floodplain coordinator.

- (3) *Accessory structures and facilities.* Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking lots, recreational facilities and other similar non-habitable structures and facilities) which are permitted to be located within the limits of the floodplain shall be constructed of flood-resistant materials and designed to pass all floodwater in accordance with section 14-814(5) and be anchored to prevent flotation, collapse or lateral movement of the structure.
- (4) *Standards for recreational vehicles.* All recreational vehicles placed on sites must either:
 - a. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
 - b. Meet all the requirements for residential buildings—substantial improvements (subsection (1)b of this section), including the anchoring and elevation requirements.
- (5) *Standards for manufactured homes.*
 - a. New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of sections 14-792, 14-793 and 14-794 have been met.
 - b. Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:
 - 1. The lowest floor of the manufactured home is elevated no lower than three feet above the level of the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher; or
 - 2. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
 - c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with standards of section 14-814(7).

(Ord. No. 2013-09-03, § 1(14-427), 9-10-2013; Ord. No. [2019-02-01](#), § I, 2-12-2019)

Editor's note— Ord. No. [2019-02-01](#), § I, adopted Feb. 12, 2019, amended § 14-815 and in so doing changed the title of said section from "Building standards for structures and buildings within the future-conditions floodplain" to "Building standards for structures and buildings within the areas of special flood hazard," as set out herein.

Sec. 14-816. - Building standards for structures and buildings authorized adjacent to the future-conditions floodplain.

- (a) *Residential buildings.* For new construction or substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, shall be at least three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of section 14-814(5).
- (b) *Nonresidential buildings.* For new construction or substantial improvement of any principal nonresidential building, the elevation of the lowest floor, including basement and access to the building, shall be at least one foot above the level of the base flood elevation or at least as high as

the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of section 14-814(5).

(Ord. No. 2013-09-03, § 1(14-428), 9-10-2013; Ord. No. [2019-02-01](#), § 1, 2-12-2019)

Sec. 14-817. - Building standards for residential single-lot developments on streams without established base flood elevations or floodway (A-zones).

- (a) For a residential single-lot development not part of a subdivision that has areas of special flood hazard, where streams exist but no base flood data have been provided (A-zones), the floodplain coordinator shall review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation and floodway data, or future-conditions flood elevation data available from a federal, state, local or other source, in order to administer the provisions and standards of this division.
- (b) If data are not available from any of these sources, the following provisions shall apply:
 - (1) No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or 50 feet from the top of the bank of the stream, whichever is greater.
 - (2) In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements 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 section 14-814(5).

(Ord. No. 2013-09-03, § 1(14-429), 9-10-2013)

Sec. 14-818. - Building standards for areas of shallow flooding (AO-Zones).

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

- (1) All substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to no lower than one foot above the flood depth number in feet specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of section 14-814(5);
- (2) Substantial improvement of a nonresidential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to the specified FIRM flood level plus one foot above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice; and
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(Ord. No. 2013-09-03, § 1(14-430), 9-10-2013)

Sec. 14-819. - Standards for subdivisions.

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- (a) All subdivision proposals shall identify the special flood hazard area and provide base flood elevation data and future-conditions flood elevation data.
 - (b) All residential lots in a subdivision proposal shall have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required.
 - (c) All subdivision plans will provide the elevations of proposed structures in accordance with section 14-766.
 - (d) All subdivision proposals shall be consistent with the need to minimize flood damage.
 - (e) All subdivision proposals shall have public utilities and facilities such as water, sanitary sewer, gas, and electrical systems located and constructed to minimize or eliminate infiltration of floodwaters, and discharges from the systems into floodwaters.
 - (f) All subdivision proposals shall include adequate drainage and stormwater management facilities per the requirements of city to reduce potential exposure to flood hazards.
- (Ord. No. 2013-09-03, § 1(14-431), 9-10-2013)

Secs. 14-820—14-846. - Reserved.

DIVISION 5. - VARIANCE PROCEDURES

Sec. 14-847. - Request for variance; appeals.

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

- (1) Requests for variances from the requirements of this division shall be submitted to the director. All such requests shall be heard and decided in accordance with procedures to be published in writing by the director. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
- (2) Any person adversely affected by any decision of the director shall have the right to appeal such decision to the board of appeals as established by the city in accordance with procedures to be published in writing by the board of appeals. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
- (3) Any person aggrieved by the decision of the board of appeals may appeal such decision to the superior court of the county by writ of certiorari, as provided in this Code and the Official Code of Georgia.
- (4) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure, and the variance issued shall be the minimum necessary to preserve the historic character and design of the structure.
- (5) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this section are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (6) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

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- (7) In reviewing such requests, the director and board of appeals shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this division.
- (8) Conditions for variances.
- a. A variance shall be issued only when there is:
 1. A finding of good and sufficient cause;
 2. A determination that failure to grant the variance would result in exceptional hardship; and
 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance.
 - b. The provisions of this division are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
 - c. Any person to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
 - d. The floodplain coordinator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (9) Any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as the director and board of appeals shall deem necessary to the consideration of the request.
- (10) Upon consideration of the factors listed above and the purposes of this division, the director and the board of appeals may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this division.
- (11) Variances shall not be issued after the fact.
- (Ord. No. 2013-09-03, § 1(14-432), 9-10-2013; Ord. No. [2019-05-07](#), § I(Attch.), 5-28-2019)

Secs. 14-848—14-872. - Reserved.

DIVISION 6. - VIOLATIONS, ENFORCEMENT, AND PENALTIES

Sec. 14-873. - Imposition; equitable relief.

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

(Ord. No. 2013-09-03, § 1(14-433), 9-10-2013)

Sec. 14-874. - Notice of violation.

- (a) If the floodplain coordinator determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or

the provisions of this division, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this division without having first secured a permit thereof, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

(b) The notice of violation shall contain:

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

(Ord. No. 2013-09-03, § 1(14-434), 9-10-2013)

Sec. 14-875. - Penalties.

- (a) *Procedure.* In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the director shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the director may take any one or more of the following actions or impose any one or more of the following penalties:
- (1) *Stop work order.* The director may issue a stop work order that shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
 - (2) *Withhold certificate of occupancy.* The director may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
 - (3) *Suspension, revocation or modification of permit.* The director may suspend, revoke or modify the permit authorizing the development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the director may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

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- (b) *Issuance of citation; violation.* For violations of this article, the director may issue a citation to the owner or other responsible person, requiring such person to appear in the appropriate court to answer charges for such violation. Upon conviction, such person may be punished as set forth in section 1-11. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Ord. No. 2013-09-03, § 1(14-435), 9-10-2013; Ord. No. [2019-02-08](#), § 1(Attch.), 2-26-2019)