

AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA, AS REVISED 1988, CHAPTER 14, TO MODIFY THE FLOODPLAIN MANAGEMENT ORDINANCES TO COMPLY WITH THE NATIONAL FLOOD INSURANCE PROGRAM (“NFIP”) AND HIGHER REGIONAL REGULATORY STANDARDS, AND FOR OTHER PURPOSES.

WHEREAS, the Governing Authority of DeKalb County is tasked with the protection and preservation of the health, safety and general welfare of the citizens of the County;

WHEREAS, the Governing Authority finds that these amendments are needed to insure that development in flood prone areas will be administered and enforced in accordance with the National Flood Insurance Program (“NFIP”), specifically Section 60.3(d) of the Code of Federal Regulations, as well as the higher regional standards of the Metropolitan North Georgia Water Planning District (“MNGWPD”) model ordinance; and

WHEREAS, the Governing Authority finds that these amendments are needed to insure that development in and around the floodplain and watersheds is achieved through approaches resulting in no adverse impact to either the County’s infrastructure, natural resources or taxpayers;

NOW, THEREFORE, be it ordained by the Governing Authority of DeKalb County, Georgia, and it is hereby ordained by the authority of same, that Chapter 14 of the Code of DeKalb County, be and the same is hereby amended as follows:

PART I. ENACTMENT

Section 14-37(b)(5)b. shall be amended to read as follows:

Sec. 14-37. Grading.

- (b)(5)b. Excavation within floodplain areas shall not be permitted unless the excavation can be accomplished in such a manner that the existing low level drainage pattern through the floodplain shall be maintained. The area of compensation within the floodplain shall be considered as ineffective flow area for the purpose of calculating floodplain elevations to meet no-rise certification requirements. ~~The amount of compensation shall be limited to three hundred (300) cubic yards per acre of floodplain area.~~ The amount of compensation shall be limited to one hundred fifty (150) cubic yards per acre of floodplain area, or proportion thereof based on acreage.

Section 14-40(b)(3)(F) of Article II shall be deleted in its entirety.

Section 14-410 shall be amended to add or amend the following definitions, in alphabetical order:

Sec. 14-410. Specific definitions.

Adjacent to the future-conditions floodplain means those areas that are no higher in elevation than either (1) three (3) feet above the base flood elevation or (2) one (1) foot above the future-conditions flood elevation, whichever is 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* means any structure built for support, shelter or enclosure for any occupancy or storage. See "Structure."~~

~~*Existing construction* means, for insurance rating purposes, any structure for which the "start of construction" commenced before May 15, 1980, (the initial flood insurance map date).~~

~~*New construction*, for floodplain management purposes, means structures for which the "start of construction" commenced on or after May 15, 1980June 6, 1974, and includes any subsequent improvements to such structures. For the purposes of determining insurance rates, new construction means structures for which the "start of construction" commenced after May 15, 1980 and includes any subsequent improvements to such structures.~~

By amending Section 14-411 to read as follows:

Sec. 14-411. - Lands and structures to which this article applies.

~~This article shall apply to all areas of special flood hazards within the jurisdiction of the county, and all new or substantially improved residential units, all subdivisions, nonresidential structures, manufactured homes, recreational vehicles, and utilities. This article will be enforced in areas outside the floodplain where runoff poses a risk similar to the special flood hazard areas. In addition, all streams with a drainage area of one hundred (100) acres or more are assumed to have an area of special flood hazard within the jurisdiction of the County.~~

By amending Section 14-421 to read as follows:

Sec. 14-421. - Designation of the floodplain coordinator.

The director of the Planning and Sustainability Department, or his designee, is hereby appointed as the floodplain coordinator and is authorized to administer, implement, and enforce this article by granting or denying permits in accord with its provisions.

By amending Section 14-432(a) to read as follows:

Sec. 14-432. - Standards of construction within a floodplain.

- (a) New construction or 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 of the pertinent requirements of this article have been met.

By deleting Section 14.432(b)(3)a. through c. in its entirety and substituting in lieu thereof the following new Section 14.432(b)(3)a. through c. as follows:

Sec. 14.432(b)(3) Elevation and floodproofing.

- a. *Residential buildings.* New construction or substantial improvements of principal buildings, including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain unless all requirements of sections 14-430, 14-431 and 14-442 have been met. If all of the requirements of sections 14-430, 14-431 and 14-442 have been met, any new construction or substantial improvements shall have the lowest floor, including basement, elevated no lower than either (1) three (3) feet above the base flood elevation or (2) 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 facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of subsection (c).
- b. *Non-residential buildings.* New construction or substantial improvements of principal buildings, including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain unless all requirements of sections 14-430, 14-431 and 14-442 have been met. If all of the requirements of sections 14-430, 14-431 and 14-442 have been met, any new construction or substantial improvements shall have the lowest floor, including basement, elevated no lower than either (1) one (1) foot above the base flood elevation or (2) 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 facilitate the unimpeded

movements of floodwaters shall be provided in accordance with the standards of subsection (c).

New construction or substantial improvements that have met all of the requirements of sections 14-430, 14-431 and 14-442 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 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.

- c. *Elevated buildings.* New construction or substantial improvements with partially or fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting these requirements shall follow the guidelines in FEMA Technical Bulletins TB 1-93 and TB-7-93, and must exceed the following minimum criteria:
- (i) Have a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one (1) 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 floodwater; and
 - (ii) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms; and
 - (iii) The designs must be certified by a currently state-registered professional engineer or currently state-registered architect.

By amending Section 14-435 to read as follows:

Sec. 14-435. - Standards for manufactured homes.

- (a) All manufactured homes (new or substantially improved) within the limits of the future-conditions floodplain that are substantially improved within zones A1-30, AH, and AE on the community's flood insurance rate map shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated either (1) three (3) feet above the base flood elevation, or (2) one (1) foot above the future-conditions flood elevation, whichever is higher, and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, if the manufactured home is on a site located:

- (1) Outside of a manufactured home park or subdivision;
 - (2) In a new manufactured home park or subdivision;
 - (3) In an expansion to an existing manufactured home park or subdivision, or
 - (4) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood.
- (b) All manufactured homes ~~(new or substantially improved) within the limits of the future-conditions floodplain to be substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the community's flood insurance rate map~~ that are not subject to the provisions of subsection (a) ~~will~~shall be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
- (1) Lowest floor of the manufactured home is three (3) feet above the base flood elevation, or one (1) foot above the future-conditions flood elevation, whichever is higher, or
 - (2) Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.
- (c) Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a currently state-registered professional engineer or currently state-registered land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain coordinator.
- (d) New manufactured and or substantially improved manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of section 14-431, 14-432, 14-442 have been met.

By amending Section 14-436 to read as follows:

Sec. 14-436. - Standards for recreational vehicles.

All recreational vehicles placed on sites within ~~zones A1-30, AH, and AE on the community's flood insurance rate map~~ the limits of the future-conditions floodplain~~will either~~ may only:

- (a) Be on the site for fewer than one hundred eighty (180) consecutive days, and be fully ~~registered~~licensed and ready for highway use. 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, ~~and must~~or
- (b) Meet the permit requirements of division 4 and the elevation and anchoring requirements for manufactured homes section.

By amending Section 14-438 to read as follows:

Sec. 14-438. - 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 (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 facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of subsection 14-432(b)(3)(c).
- (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 (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 facilitate the unimpeded movement of floodwaters shall be provided in accordance with the standards of subsection 14-432(b)(3)(c).

PART II. EFFECTIVE DATE

This ordinance shall become effective upon adoption by the Board of Commissioners and approval by the Chief Executive Officer.

PART III. SEVERABILITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, nor any part thereof, other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

ADOPTED by the DeKalb County Board of Commissioners, this ____ day of _____, 2019.

JEFF RADER

Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2019.

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

BARBARA H. SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM:

ANDREW BAKER, AICP
Director Planning & Sustainability
DeKalb County, Georgia

VIVIANE H. ERNSTES
County Attorney
DeKalb County, Georgia