

DEKALB COUNTY BOARD OF COMMISSIONERS COMMITTEE OF THE WHOLE

PROPOSED TEXT AMENDMENTS TO CHAPTER 14
FLOODPLAIN AND
EROSION AND SEDIMENT CONTROL ORDINANCES



PLANNING & SUSTAINABILITY DEPARTMENT
JULY 16, 2019 (revised)

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PURPOSE

TO INITIATE AMENDMENTS TO THE “FLOODPLAIN ORDINANCE”

- ▶ AN ORDINANCE TO AMEND CHAPTER 14 PRINCIPALLY TO MODIFY THE FLOODPLAIN MANAGEMENT REGULATIONS TO COMPLY WITH (OR EXCEED) NATIONAL FLOOD INSURANCE PROGRAM (NFIP) AND METROPOLITAN AREA STANDARDS

TO INITIATE AMENDMENTS TO THE “EROSION AND SEDIMENT CONTROL ORDINANCE”

- ▶ AN ORDINANCE TO AMEND/REVISE CHAPTER 14 TO MATCH OR EXCEED THE UPDATED 2016 EPD MODEL ORDINANCE OF THE STATE OF GEORGIA ENVIRONMENTAL PROTECTION DIVISION (EPD)

NEED/IMPACT

- ▶ TO BRING THE DEKALB COUNTY LAND DEVELOPMENT REGULATIONS INTO COMPLIANCE WITH:
 - ▶ THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) AND
 - ▶ THE METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT MODEL ORDINANCE, WHILE SUPPORTING
 - ▶ THE NEW FLOOD INSURANCE STUDY AND RESULTING NEW FLOOD INSURANCE RATE MAPS
 - ▶ TO MAINTAIN THE COUNTY'S PARTICIPATION IN THE NFIP
- ▶ TO RETAIN THE COUNTY'S CERTIFICATION AS A LOCAL ISSUING AUTHORITY (LIA)

AMENDMENTS TO THE FLOODPLAIN ORDINANCE

General areas of amendments to the Floodplain Ordinance are as follows:

- ▶ Definitions
- ▶ Lands and structures of application
- ▶ Designation of the floodplain coordinator
- ▶ Standards of construction within the limits of the future conditions floodplain
- ▶ Standards of construction with a floodplain
- ▶ Standards for manufactured homes and recreational vehicles
- ▶ Building standards for structures and buildings authorized adjacent to the floodplain and future conditions floodplain

AMENDMENTS TO THE EROSION AND SEDIMENT CONTROL ORDINANCE

General areas of amendments to the Erosion and Sediment Control Ordinance are as follows:

- ▶ Definitions
- ▶ Exemptions
- ▶ Standards (minimum requirements for erosion, sedimentation and pollution control)
- ▶ Application/Permit Process
- ▶ Inspection and enforcement
- ▶ Penalties and Incentives
- ▶ Administrative appeal, Judicial review

EXAMPLES OF CHANGES TO THE FLOODPLAIN ORDINANCE

Sec. 14-410. - Specific definitions.

► **Current:** None

Proposed: *Adjacent to the future-conditions floodplain* means those areas that are at or lower in elevation than either three (3) feet above the base flood elevation or 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).

Note: Per Metropolitan North Georgia Water Planning District (MNGWPD) guidance

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

Proposed: *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).

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EXAMPLES OF CHANGES TO THE EROSION AND SEDIMENT CONTROL ORDINANCE

► CPESC (Part of Sec. 14-1. Definitions)

Current: means a certified professional in erosion and sediment control with current certification by ~~Certified Profession in Erosion and Sediment Control Inc., a corporation registered in North Carolina~~, which is also referred to as CPESC or CPESC, Inc.

Proposed: means Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

► Sec. 14-38(b)(9)(b): Judicial review

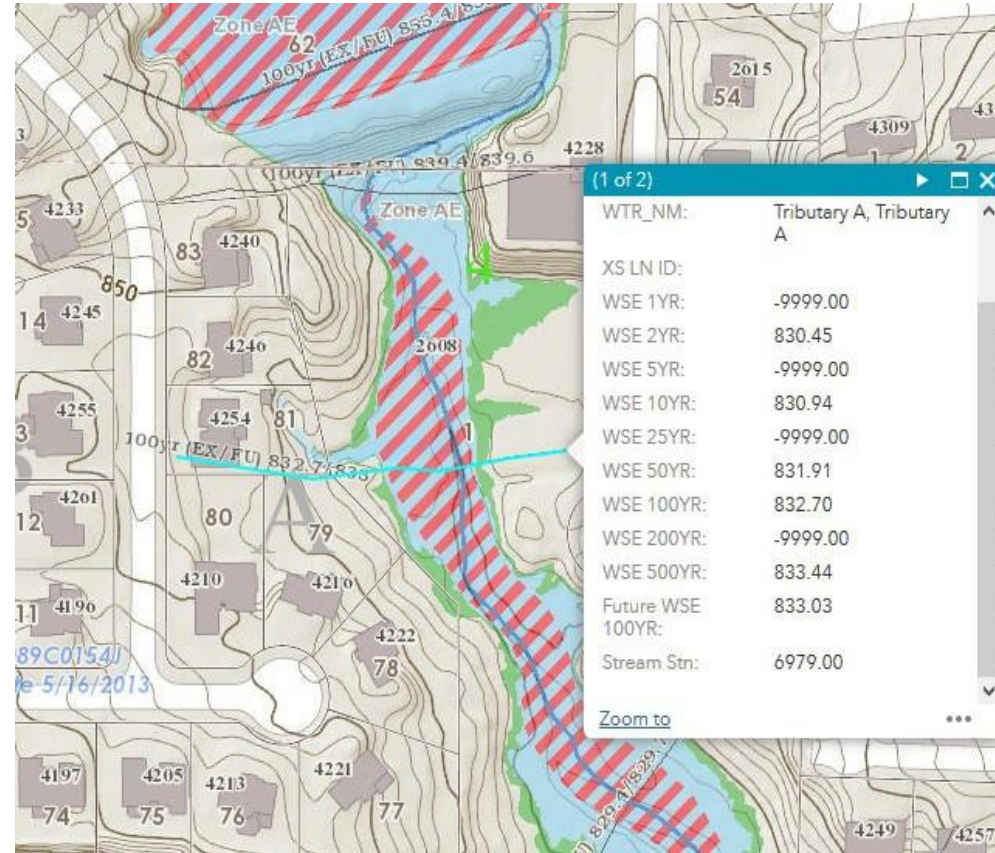
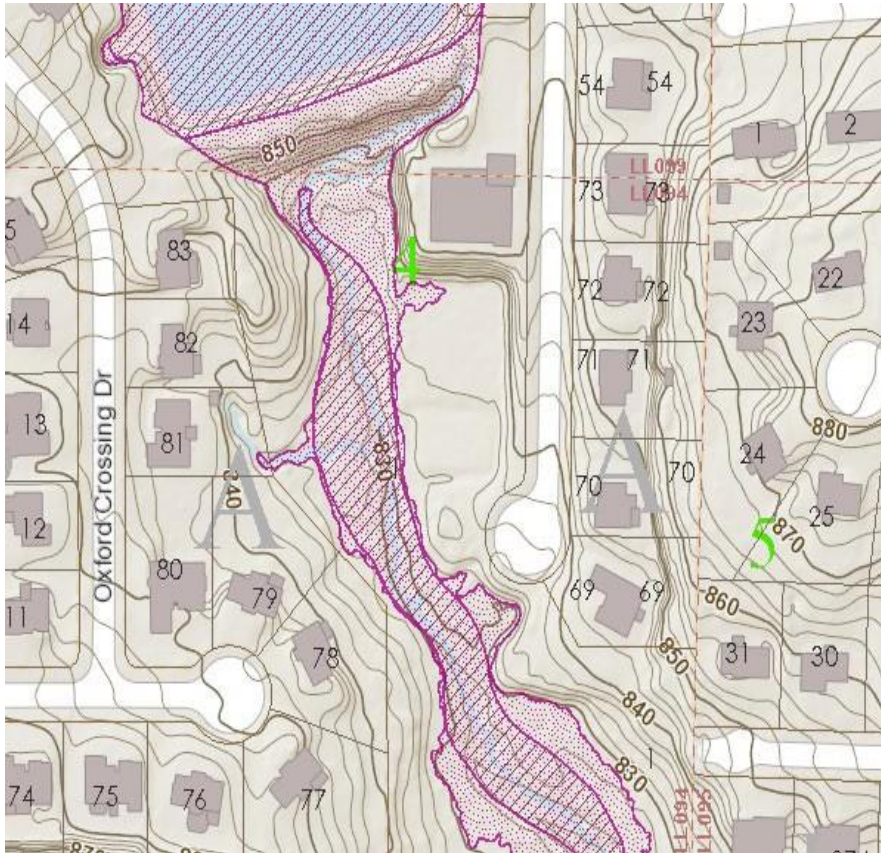
Current: Any person aggrieved by administrative appeals from a decision or order of the zoning board of appeals authorized by subsection (b)(9)a. of this section shall be as provided for in section 14-34(d).

Proposed: Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal per state law

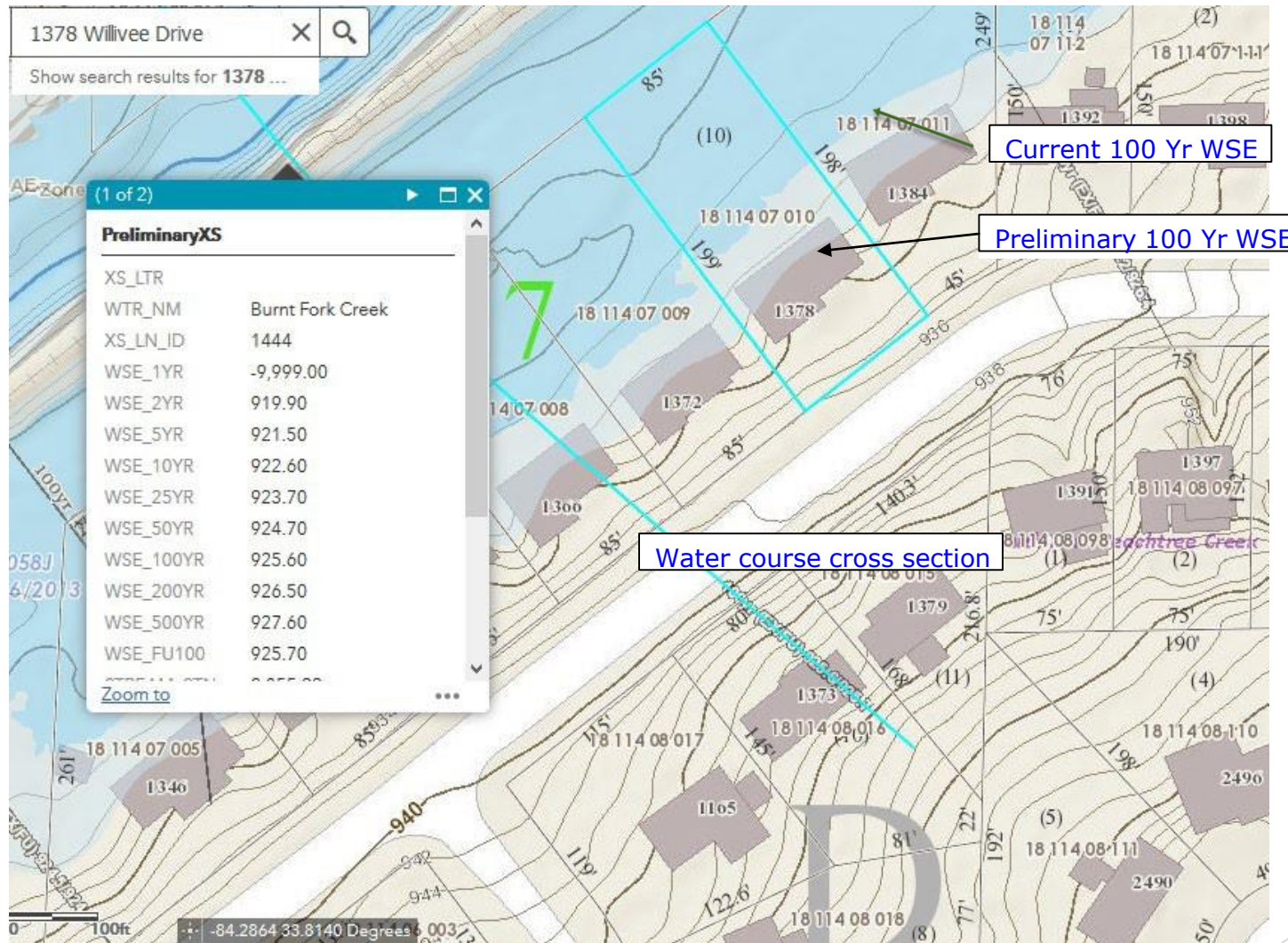
NEW MAPS SHOW FUTURE FLOOD HAZARD AREAS, TRIBUTARY NAME, CROSS SECTION ID, AND STATION

Old Mapping: Shows graphically floodway, other flood hazard areas combined as well as the drainage basin name, stream name, FIRM panel number and effective date.

Updated Flood Mapping: shows additional graphic boundaries of floodway, 1.0 %, and 0.2 % chance flood limits and at stream cross sections a pop-up of available water surface elevations from the effective 2 yr. to 500 yr. **(Now publicly available.)**

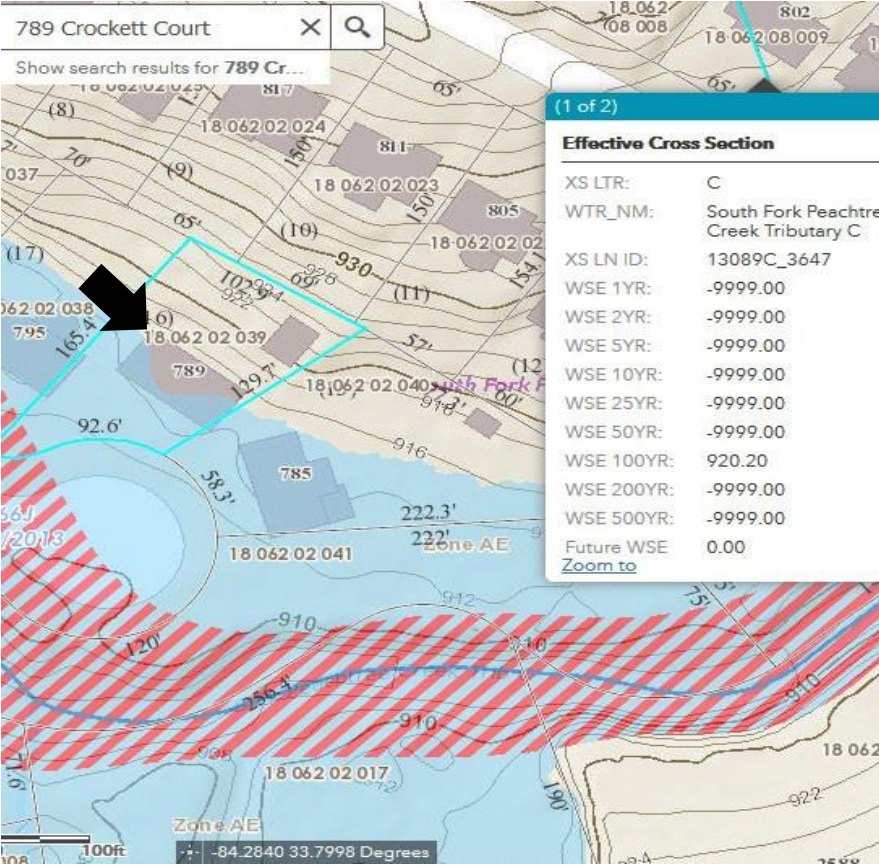


STRUCTURE(S) ADDED TO SPECIAL FLOOD HAZARD AREA DUE TO MAP REVISION

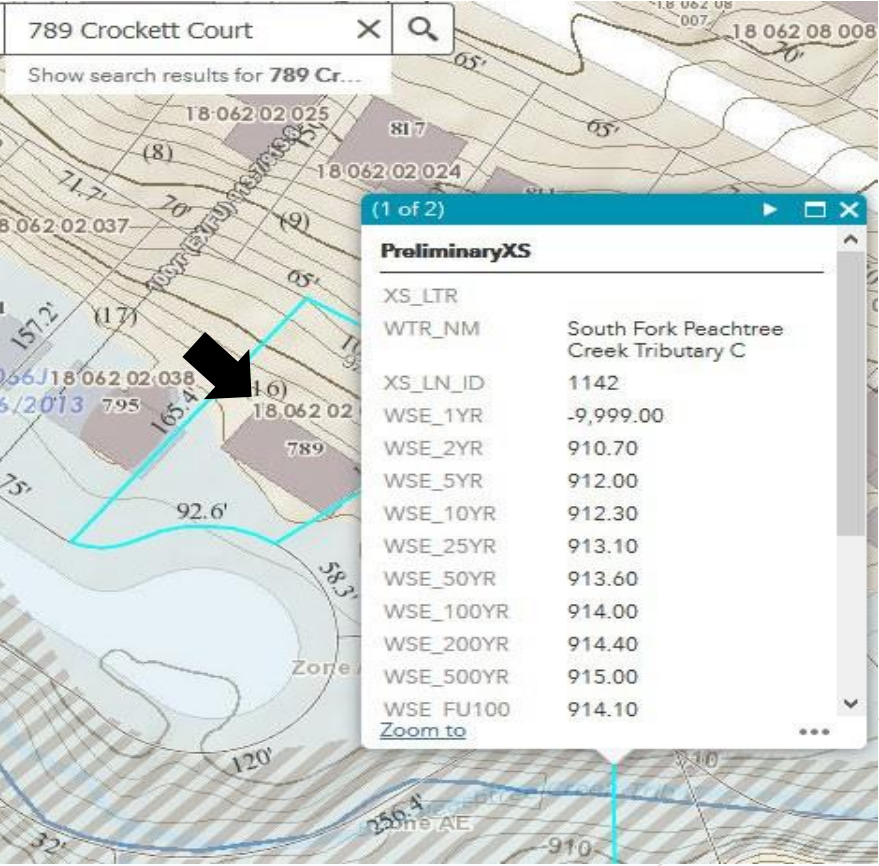


STRUCTURE REMOVED FROM SPECIAL FLOOD HAZARD AREA DUE TO MAP REVISION.

Mapping showing current effective flood boundaries



Proposed Revised Map showing updated (preliminary) flood boundaries



NEXT STEPS - TIMELINE

- ▶ July 16th Committee Of the Whole - Introduced
- ▶ July 23rd BOC Meeting - Deferred to PECS
- ▶ July 25th PECS discussion - Heard and approved
- ▶ August 13th Board of Commissioner Meeting - Adopted
- ▶ August 15, 2019 (*deadline for action*)