



**CITY OF JONESBORO
Work Session
170 SOUTH MAIN STREET
October 5, 2020 – 6:00 PM**

NOTE: As set forth in the Americans with Disabilities Act of 1990, the City of Jonesboro will assist citizens with special needs given proper notice to participate in any open meetings of the City of Jonesboro. Please contact the City Clerk's Office via telephone (770-478-3800) or email at rclark@jonesboroga.com should you need assistance.

Agenda

- I. CALL TO ORDER - MAYOR JOY B. DAY**
- II. ROLL CALL - PAT DANIEL, ASSISTANT CITY CLERK**
- III. INVOCATION**
- IV. ADOPTION OF AGENDA**
- V. MILLAGE RATE**
 1. Public Hearing regarding the FY' 21 Millage Rate.
- VI. WORK SESSION**
 1. Discussion regarding text Amendment Ord. 2020-019 for Chapter 34, Article VII – Post Development Stormwater Management For New Development and Redevelopment, revisions and updates, per Metro North GA Water Planning District plan requirements and the Environmental Protection Division.
 2. Discussion regarding text Amendment Ord. 2020-018 for Chapter 34, Article V - Flood Damage Prevention, revisions and updates, per Metro North GA Water Planning District plan requirements and the Environmental Protection Division.
- VII. OTHER BUSINESS**
- VIII. ADJOURNMENT**



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

-1

6.1

COUNCIL MEETING DATE
October 5, 2020

Requesting Agency (Initiator) Office of the City Manager	Sponsor(s) Community Development Director Allen
<p>Requested Action (Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)</p> <p>Discussion regarding text Amendment Ord. 2020-019 for Chapter 34, Article VII – Post Development Stormwater Management For New Development and Redevelopment, revisions and updates, per Metro North GA Water Planning District plan requirements and the Environmental Protection Division.</p>	
<p>Requirement for Board Action (Cite specific Council policy, statute or code requirement)</p> <p>Review of Text Amendment for Chapter 34, Article VII Post Development Stormwater Management</p>	
<p>Is this Item Goal Related? (If yes, describe how this action meets the specific Board Focus Area or Goal)</p> <p>Community Planning, Neighborhood and Business Revitalization, Safety, Health and Wellbeing</p>	
Summary & Background	(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)
<p>Agency recommendation – Approval; Per Metro North GA Water Planning District plan requirements and the Environmental Protection Division, Chapter 34, Article VII – Post Development Stormwater Management is proposed to be revised and updated. These are recommended Code revisions to bring up to date with the Metro North GA Water Planning District 2013 Model Ordinance for Floodplain Management and Flood Damage Prevention and provide consistency for all seven cities in Clayton County.</p> <p>The City Attorney's office has reviewed the changes and produced a formatted document. Due to the extensive nature of the changes, this is considered a "repeal and replace" text amendment for Article VII – Post Development Stormwater Management.</p>	
<p><u>Summary of proposed changes</u></p> <ol style="list-style-type: none">1. Deletion of Findings of Fact section from the General Provisions Section 34-301.2. Modification of Purpose and Intent section.3. Modification, addition, and deletion of a number of definitions in Section 34-302, in alignment with the Metro North GA Water Planning District 2013 Model Ordinance.4. Clarified the applicability criteria in Section 34-303.5. Clarified the City Manager's role in appointing an administer of this Ordinance (Section 34-304).6. Updated application requirements in Section 34-306.7. Updated pre-submittal process in Section 34-307 and stormwater management plan requirements.8. Updated Compliance Section 34-308.9. Deleted Section 34-309, Stormwater Management Inspection and Maintenance Agreements. (Done by CCWA, not City.)10. Added section about performance and maintenance bonds.11. Updated Stormwater Management Standards, Section 34-311, including new effective date for standards – December 10, 2020.12. Updated Section 34-312, Modifications of Off-site Facilities.	

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title Ricky L. Clark, City Manager	Date October, 5, 2020	
Signature	City Clerk's Office	

13. Updated Section 34-313, Construction Inspections of Post-Development Stormwater Management System.

6.1

14. Updated Section 34-313, Ongoing Inspection and Maintenance of Stormwater Facilities and Practices.

15. Updated Section 34-315, Violations, Enforcement, and Penalties.

16.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

n/a

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Jonesboro_Post-Development 2020 track changes (080820) (003)
- Jonesboro_Post-Development 2020 no track changes (080720)
- Copy of Copy of Jonesboro Model Ordinance Crosswalk 080720 (003)

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

ARTICLE VII. - POST-CONSTRUCTIONDEVELOPMENT STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT

Style Definition: MNGWPD Body Text

Sec. 34-301. - General Provisions.

(a) Findings of fact. It is hereby determined that:

- (1) Land development projects and other land use conversions, and their associated changes to land cover, permanently alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which in turn increase flooding, stream channel erosion, and sediment transport and deposition;
- (2) Land development projects and other land use conversions also contribute to increased nonpoint source pollution and degradation of receiving waters;
- (3) The impacts of post-development stormwater runoff quantity and quality can adversely affect public safety, public and private property, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters;
- (4) These adverse impacts can be controlled and minimized through the regulation of stormwater runoff quantity and quality from new development and redevelopment, by the use of both structural facilities as well as nonstructural measures, such as the conservation of open space and greenspace areas. The preservation and protection of natural area and greenspace for stormwater management benefits is encouraged through the use of incentives or "credits". The Georgia Greenspace Program provides a mechanism for the preservation and coordination of these greenspace areas which provide stormwater management quality and quantity benefits;
- (5) Localities in the State of Georgia are required to comply with a number of both state and federal laws, regulations and permits which require a locality to address the impacts of post-development stormwater runoff quality and nonpoint source pollution; and
- (6) Therefore, the City of Jonesboro has established this set of stormwater management policies to provide reasonable guidance for the regulation of post-development stormwater runoff for the purpose of protecting local water resources from degradation. It has determined that it is in the public interest to regulate post development stormwater runoff discharges in order to control and minimize increases in stormwater runoff rates and volumes, post construction soil erosion and sedimentation, stream channel erosion, and nonpoint source pollution associated with post-development stormwater runoff.

(b) Purpose and intent. The purpose of this article is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-construction development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that Proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. This article seeks to meet that purpose through the following objectives: Additionally, the City of Jonesboro is required to comply with several State and Federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quantity, velocity, and quality of post- construction stormwater runoff.

Formatted: list1

- (1) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;
- (2) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;

- (3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- (4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
- (5) Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable. Coordinate site design plans, which include greenspace, with the county's greenspace protection plan;
- (6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and
- (7) Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow-up.

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-302. - Definitions.

[As used in this article, unless the context clearly requires otherwise, the following words or phrases shall have the following meanings:] For this Article, the terms below shall have the following meanings:

Administrator means the person appointed to administer and implement this Article on Post-Construction Stormwater Management for New Development and Redevelopment in accordance with Section 34-304.

Accelerated erosion means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.

Applicant means a person submitting a post-development stormwater management land development application and plan for approval.

BMP or best management practice means both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

BMP landscaping plan means a design for vegetation and landscaping that is critical to the performance and function of the BMP including how the BMP will be stabilized and established with vegetation. It shall include a layout of plants and plant names (local and scientific).

Building means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

Channel means a natural or artificial watercourse with a definite bed and banks that conducts conveys continuously or periodically flowing water.

City means the City of Jonesboro, Georgia.

Conservation easement means an agreement between a land owner and the city and/or other government agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

Dedication means the deliberate appropriation of property by its owner for general public use.

Detention means the temporary storage of stormwater runoff in a stormwater management detention facility for the purpose of controlling the peak discharge.

Detention facility means a detention basin or structure designed for the detention storage and gradual release of stormwater runoff and gradual release of stored water at controlled rates.

Developer means a person who undertakes land development activities.

Development means a land new development or land redevelopment project.

Drainage easement means an easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Erosion and sedimentation control plan means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

Extended detention means the detention storage of stormwater runoff for an extended period of time, typically 24 hours or greater.

Extreme flood protection means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

Flooding means a volume of surface water that is too great to be confined within exceeds the banks or walls of a conveyance or stream BMP, or channel, and that overflows onto adjacent lands.

Greenspace or open space means permanently protected areas of the site that are preserved in a natural state.

GSMM means the latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook, and its Appendices.

Hotspot means an area where the use of the a land use or activity on a site that has the potential to generate highly contaminated runoff, with concentrations produce higher than normally found levels of pollutants in excess of those typically found in stormwater runoff. As defined by the administrator, hotspot land use may include gasoline stations, vehicle service and maintenance areas, industrial facilities (both permitted under the Industrial Stormwater General Permit and others), material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

Hydrologic soil group (HSG) means a natural resource conservation service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

Impervious cover means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.

Impervious surface means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into the soil.

Industrial Stormwater General Permit means a the National Pollutant Discharge Elimination System (NPDES) permit issued by Georgia Environmental Protection Division to an industry or group of industries which regulates the pollutant levels for stormwater discharges associated with industrial activity. The permit regulates pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies based on Standard Industrial Classification (SIC) Code.

Infiltration means the process of percolating stormwater runoff into the subsoil.

Infiltration facility means any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

Jurisdictional wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Formatted: Normal, Tab stops: 3.95", Left

Inspection and maintenance agreement means a written agreement providing for the long-term inspection, operation, and maintenance of the stormwater management system and its components on a site.

Formatted: Left, Indent: First line: 0", Space After pt, Line spacing: Multiple 1.15 li, Tab stops: 0.3 ft

Land development means any land change which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of the vegetation, or any activity which bears soil or rock or involves the diversion or piping of any natural or man-made watercourse, and any other installation of impervious cover.

Land development activities means those actions or activities which comprise, facilitate or result in land development.

Land development application means the application for a land development permit on a form provided by the Public Works Department along with the supporting documentation required in Section 34-306(a)(1).

Land development permit means the authorization necessary to begin construction-related, land-disturbing activity.

Land development project means a discrete land development undertaking.

Land owner means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Land disturbing activity means any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including but not limited to clearing, dredging, grading, excavating, and filling of land. Land disturbing activity does not include agricultural practices as described O.C.G.A. 12-7-17(5) or silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities.

Linear feasibility program means a feasibility program developed by Public Works Department and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria for determining when implementation of stormwater management standards for linear transportation projects being constructed by the Public Works Department is infeasible.

Linear transportation projects means construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

Inspection and maintenance agreement means a written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

MS4 Permit means the NPDES permit issued by Georgia Environmental Protection Division for discharges from the City's separate storm sewer system.

Formatted: Indent: First line: 0.38"

New development means a land development activity on a previously undeveloped site, land disturbing activities, structural development (construction, installation or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

Nonpoint source pollution means a form of water pollution that does not originate from a discrete point such as a sewage treatment plant-wastewater treatment facility or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and/or groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nonstructural stormwater management practice or nonstructural practice means any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and

includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

Offset fee means a monetary compensation paid to a local government for failure to meet pollutant load reduction targets.

Off-site facility means a stormwater management facility located outside the boundaries of the site.

On-site facility means a stormwater management facility located within the boundaries of the site.

Overbank flood protection means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the two-year through 25-year frequency storm events.

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 city and/or its designee to the applicant which is required for undertaking any land development activity.

Person means, except to the extent exempted from this article, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the Sstate, any interstate body or any other legal entity.

Post-construction stormwater management means stormwater best management practices that are used on a permanent basis to control and treat runoff once construction has been completed in accordance with a stormwater management plan.

Post-development refers to the time period, or means the conditions that may reasonably be expected or anticipated to exist on site immediately, after completion of the land development activity on a site as the context may requireproposed development.

Practicability policy means the latest edition of the Metropolitan North Georgia Water Planning District's Policy on Practicability Analysis for Runoff Reduction.

Pre-development refers to the time period, or means the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority immediately before the implementation of the proposed development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

Pre-development hydrology means (a) for new development, the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before implementation of the proposed development; and (b) for redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property.

Previously developed site means a site that has been altered by paving, construction, and/or land disturbing activity.

Project means a land development project.

Recharge means the replenishment of underground water reserves.

Redevelopment means a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution. structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious

Formatted: Indent: First line: 0.25"

surfaces not as part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

Regional stormwater management facility or regional facility means stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Routine maintenance means activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Runoff means stormwater runoff.

Site means the parcel of land being developed, or the portion thereof on which the land development project is located, an area of land where development is planned, which may include all or portions of one or more parcels of land. For subdivisions and other common plans of development, the site includes all areas of land covered under an applicable land development permit.

Stop work order means an order issued which requires that all construction activity on a site be stopped.

Stormwater better site design means nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

Stormwater concept plan means an initial plan for post-construction stormwater management at the site that provides the groundwork for the stormwater management plan including the natural resources inventory, site layout concept, initial runoff characterization, and first round stormwater management system design.

Stormwater management means the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater management facility means any infrastructure that controls or conveys stormwater runoff.

Stormwater management measure means any stormwater management facility or nonstructural stormwater practice.

Stormwater management plan means a document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this article, a plan for post-construction stormwater management at the site that meets the requirements of Section 34-307(d) and is included as part of the land development application.

Stormwater management standards means those standards set forth in Section 34-311. Stormwater management system means the entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site, non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner designed to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater retrofit means a stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater runoff means the flow on the surface of the ground, resulting from precipitation.

Stormwater treatment practices (STPs) means measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

Structural stormwater control means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

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.

Water quality volume (WQ_v) means the storage needed to capture and treat 90 percent of the average annual stormwater runoff volume. Numerically (WQ_v) will vary as a function of long term rainfall statistical data.

Watercourse means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Other terms used but not defined in this Article shall be interpreted based on how such terms are defined and used in the GSMM and the City's MS4 permit.

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-303. Applicability Criteria for Stormwater Management Standards; Exemptions from Stormwater Management Standards.

(a) This article shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless eligible for an exemption or granted a waiver by the city and/or its designee. These standards apply to any new development or redevelopment site that meets one or more of the following criteria. This article applies to following activities:

- (1) New development that creates involves the creation of or adds 5,000 square feet or greatermore of impervious surface arecover, or that involves other land disturbing activity development activities of one acre of land or greatermore;
- (2) Redevelopment (excluding routine maintenance and exterior remodeling) that includes the creates, adds, or replaces ion, addition or replacement of 5,000 square feet or greatermore of impervious surface arecover, or that involves other land disturbingdevelopment activity of one acre or more;
- (3) Any new development under redevelopment if, regardless of size, that is defined by the city and/or its designee to be a hotspot land use; or
 - (i) such new development or redevelopment is part of a subdivision or other common plan of development, and
 - (ii) the sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the threshold in (1) and (2) above;
- (4) Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot land use as defined in this Article; and
- (5) Linear transportation projects that exceed the threshold in (1) or (2) above.

Land development activities that are smaller than the minimum applicability criteria set forth in items (a) and (b) above if such activities are part of a larger common plan of development, even though

Formatted: Indent: Left: 0.38", Hanging: 0.25"

Formatted: Indent: Left: 0.63", Hanging: 0.25"

~~multiple, separate and distinct land development activities may take place at different times on different schedules.~~

(b) This Article does not apply to the following activities: The following activities are exempt from this article:

- (1) ~~Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;~~
- (2) ~~Additions or modifications to existing single-family or duplex residential structures;~~
- (3) ~~Agricultural or silvicultural land management activities within areas zoned for these activities;~~
- (4) ~~Developments that do not disturb more than 1,000 square feet of land, provided they are not part of a larger common development plan; and~~
- (5) ~~Repairs to any stormwater management facility or practice deemed necessary by the city and/or its designee. (1) Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs;~~
- (2) Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;
- (3) Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;
- (4) Repairs to any stormwater management system deemed necessary by the administrator;
- (5) Agricultural practices as described O.C.G.A. 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in (a)(1) or (a)(2) of this Section;
- (6) Silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in (a)(1) or (a)(2) of this Section;
- (7) Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and
- (8) Linear transportation projects being constructed by the Public Works Department to the extent the administrator determines that the stormwater management standards may be infeasible to apply, all or in part, for any portion of the linear transportation project. For this exemption to apply, an infeasibility report that is compliant with the Public Works Department linear feasibility program shall first be submitted to the administrator that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the administrator.

Formatted: Indent: Left: 0", Hanging: 0.25"

When a site development plan is submitted that qualifies as a redevelopment project as defined in section 34-302, decisions on permitting and on-site stormwater requirements shall be governed by special stormwater sizing criteria found in the current stormwater design manual which is defined in section 34-305 below. This criteria is dependent on the amount of impervious area created by the redevelopment and its impact on water quality. Final authorization of all redevelopment projects will be determined after a review by the city and/or its designee.

Sec. 34-304. - Designation of Aadministrator.

The City Manager or designee is hereby appointed to administer and implement the provisions of this article may from time to time appoint someone to administer and implement this Article.

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-305. - Stormwater design manualAdoption and Implementation of the GSMM; Conflicts and Inconsistencies.

- (a) The city does hereby adopt and incorporate herein by reference the Georgia Stormwater Management Manual, Volumes 1 and 2, First Edition, 2001, and any amendments thereto. The city and/or its designee will utilize the policy, criteria and information including technical specifications and standards of the Georgia Stormwater Management Manual.
- (b) The city and/or its designee may furnish additional policy, criteria and information, including specifications and standards, for the proper implementation of the requirements of this article and may provide such information in the form of a local stormwater design manual.
- (c) This manual will include a list of acceptable stormwater treatment practices, including the specific design criteria and operation and maintenance requirements for each stormwater practice. The manual may be updated and expanded from time to time, at the discretion of the city and/or its designee, based on improvements in engineering, science, monitoring and local maintenance experience. Stormwater treatment practices that are designed and constructed in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards.
- (a) In implementing this Article, the **City** shall use and require compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the GSMM as well as all related appendices.
- (b) This Article is not intended to modify or repeal any other Article, ordinance, rule, regulation or other provision of law, including but not limited to any applicable stream buffers under state and local laws, and the Georgia Safe Dams Act and Rules for Dam Safety. In the event of any conflict or inconsistency between any provision in the **City's** MS4 permit and this Article, the provision from the MS4 permit shall control. In the event of any conflict or inconsistency between any provision of this Article and the GSMM, the provision from this Article shall control. In the event of any other conflict or inconsistency between any provision of this Article and any other ordinance, rule, regulation or other provision of law, the provision that is more restrictive or imposes higher protective standards for human health or the environment shall control.
- (c) If any provision of this Article is invalidated by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Article

Formatted: Indent: Left: 0", Hanging: 0.25"

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-306. - Permit procedures and requirementsApplication Procedures; Application Fees.

- (a) Permit required. No land owner or land operator shall receive any of the building, grading or other land development permits required for land disturbance activities without first meeting the requirements of this article prior to commencing the proposed activity.
- (b) Permit application requirements. Unless specifically exempted by this article, any owner or developer proposing a land development activity shall submit to the city and/or its designee a permit application on a form provided by the city and/or its designee for that purpose. Unless otherwise exempted by this article, a permit application shall be accompanied by the following items in order to be considered:
 - (1) Stormwater concept plan and consultation meeting certification in accordance with section 34-307;

- (2) Stormwater management plan in accordance with section 34-308;
- (3) Inspection and maintenance agreement in accordance with section 34-309, if applicable;
- (4) Performance bond in accordance with section 34-310, if applicable; and
- (5) Permit application and application review fees in accordance with subsections (c) and (d). (e) *Application procedure.*

- (1) Applications for land development permits shall be filed with the city and/or its designee.
- (2) Permit applications shall include the items set forth in subsection (b) above (two copies of the stormwater management plan and two copies of the inspection maintenance agreement, if applicable), and any required review fees.
- (3) The city and/or its designee shall inform the applicant within 60 business days of receipt of a complete permit application, whether the application, the stormwater management plan and the inspection and maintenance agreement are approved or disapproved.
- (4) If either the permit application, the stormwater management plan or the inspection and maintenance agreement are disapproved, the city and/or its designee shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event subsection (3) above and this subsection shall apply to such resubmittal.
- (5) Upon a finding by the city and/or its designee that the permit application, the stormwater management plan and the inspection and maintenance agreement, if applicable, meet the requirements of this article, the city and/or its designee may issue a permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.
- (6) Notwithstanding the issuance of the permit, in conducting the land development project, the applicant or other responsible person shall be subject to the following requirements:
 - a. The applicant shall comply with all applicable requirements of the approved plan and this article and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;
 - b. The land development project shall be conducted only within the area specified in the approved plan;
 - c. The city and/or its designee shall be allowed to conduct periodic inspections of the project;
 - d. No changes may be made to an approved plan without review and written approval by the city and/or its designee; and
 - e. Upon completion of the project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans required by subsection 34-313(b).

(a) Application Requirements

Land development applications are handled as part of the process to obtain the land disturbance permit pursuant to Insert local ordinance reference or building permit Insert local ordinance reference, as applicable. Before any person begins development on a site, the owner of the site shall first obtain approval in accordance with the following procedure:

- (1) File a land development application with the Public Works Department on the Department's form of application with the following supporting materials:
 - (A) the stormwater management plan prepared in accordance with Section 38-113.2(d),
 - (B) a certification that the development will be performed in accordance with the stormwater management plan once approved,
 - (C) a Preliminary Determination of Infeasibility, as applicable, prepared in accordance with the practicability policy, and

← Formatted: list0, Indent: Left: 0", First line: 0"

(D) an acknowledgement that applicant has reviewed the Public Works Department's form of inspection and maintenance agreement and that applicant agrees to sign and record such inspection and maintenance agreement before the final inspection.

(2) The administrator shall inform the applicant whether the application and supporting materials are approved or disapproved.

(3) If the application or supporting materials are disapproved, the administrator shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same for the administrator to again consider and either approve or disapprove.

(4) If the application and supporting materials are approved, the Public Works Department may issue the associated land disturbance permit or building permit, provided all other legal requirements for the issuance of such permits have been met. The stormwater management plan included in such applications becomes the approved stormwater management plan.

(b) Application fees. The fee for review of any land development application shall be based on the fee structure shall be established by the City, and payment shall be made before the issuance of any land disturbance permit or building permit for the development.

(e) Permit duration. Permits issued under this section shall be valid from the date of issuance through the date the city and/or its designee notifies the permit holder that all stormwater management practices have passed the final inspection required under permit condition.

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-307. - Stormwater concept plan and consultation meeting, Pre-Submittal Meeting, Stormwater Concept Plan, and Stormwater Management Plan Requirements.

(a) Before a land development permit application is submitted, an applicant may request a pre-submittal meeting with the Public Works Department. The pre-submittal meeting should take place based on an early step in the development process such as before site analysis and inventory (GSMM Section 2.4.2.4) or the stormwater concept plan (GSMM Section 2.4.2.5). The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. To the extent applicable, local and regional watershed plans, greenspace plans, trails and greenway plans, and other resource protection plans should be consulted in the pre-submittal meeting. Applicants must request a pre-submittal meeting with the Public Works Department when applying for a Determination of Infeasibility through the Practicability Policy.

(b) The stormwater concept plan shall be prepared using the minimum following steps:

- (1) Develop the site layout using better site design techniques, as applicable (GSMM Section 2.3).
- (2) Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff quality/reduction, channel protection, overbank flooding protection and extreme flood protection (GSMM Section 2.2).
- (3) Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations (GSMM Section 4.1).

(c) The stormwater concept plan shall contain:

- (1) Common address and legal description of the site.
- (2) Vicinity map, and
- (3) Existing conditions and proposed site layout mapping and plans (recommended scale of 1" = 50'), which illustrate at a minimum:
 - (A) Existing and proposed topography (minimum of 2-foot contours).
 - (B) Perennial and intermittent streams.

- (C) Mapping of predominant soils from USDA soil surveys,
- (D) Boundaries of existing predominant vegetation and proposed limits of clearing and grading,
- (E) Location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.),
- (F) Location of existing and proposed roads, buildings, parking areas and other impervious surfaces,
- (G) Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements,
- (H) Preliminary estimates of unified stormwater sizing criteria requirements,
- (I) Preliminary selection and location, size, and limits of disturbance of proposed BMPs,
- (J) Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains,
- (K) Flow paths,
- (L) Location of the boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as applicable) and relationship of site to upstream and downstream properties and drainage, and
- (M) Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings.

(d) The stormwater management plan shall contain the items listed in this part and be prepared under the direct supervisory control of either a registered Professional Engineer or a registered Landscape Architect licensed in the state of Georgia. Items (3), (4), 5, and (6) shall be sealed and signed by a registered Professional Engineer licensed in the state of Georgia. The overall site plan must be stamped by a design professional licensed in the State of Georgia for such purpose. (GSMM Section 2.4.2.7)

- (1) Natural Resources Inventory
- (2) Stormwater Concept Plan
- (3) Existing Conditions Hydrologic Analysis
- (4) Post-Development Hydrologic Analysis
- (5) Stormwater Management System
- (6) Downstream Analysis
- (7) Erosion and Sedimentation Control Plan
- (8) BMP Landscaping Plan
- (9) Inspection and Maintenance Agreement
- (10) Evidence of Acquisition of Applicable Local and Non-Local Permits
- (11) Determination of Infeasibility (if applicable)

(e) For redevelopment and to the extent existing stormwater management structures are being used to meet stormwater management standards the following must also be included in the stormwater management plan for existing stormwater management structures

- (1) As-built Drawings
- (2) Hydrology Reports
- (3) Current inspection of existing stormwater management structures with deficiencies noted

(4) BMP Landscaping Plans

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-308. - Stormwater management plan requirements—Compliance with the Approved Stormwater Management Plan.

All development shall be:

- (a) consistent with the approved stormwater management plan and all applicable land disturbance and building permits, and
- (b) conducted only within the area specified in the approved stormwater management plan.

No changes may be made to an approved stormwater management plan without review and advanced written approval by the administrator.

- (a) The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this article, including the performance criteria set forth in section 34-311. This plan shall be in accordance with the criteria established in this section and must be submitted with the stamp and signature of a professional engineer (PE) licensed in the state of Georgia, who must verify that the design of all stormwater management facilities and practices meet the submittal requirements outlined in the submittal checklist(s) found in the Georgia Stormwater Management Manual.
- (b) The stormwater management plan must ensure that the requirements and criteria in this article are being complied with and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development. The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the information required in the stormwater management site plan checklist found in the Georgia Stormwater Management Manual. This includes:
 - (1) Common address and legal description of site.
 - (2) Vicinity map.
 - (3) Existing conditions hydrologic analysis. The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of existing site conditions with the drainage basin boundaries indicated; acreage, soil types and land cover of areas for each subbasin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, predevelopment conditions shall be modeled using the established guidelines for the portion of the site undergoing land development activities.
 - (4) Post-development hydrologic analysis. The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of post-development impervious surfaces and other land cover areas for each subbasin affected by the project; calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet the post development stormwater management performance criteria in section 34-311; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a

~~redevelopment site constitutes more than 50 percent of the site area for the entire site, then the performance criteria in section 34-311 must be met for the stormwater runoff from the entire site.~~

- (5) ~~Stormwater management system.~~ The description, scaled drawings and design calculations for the proposed post-development stormwater management system, which shall include: A map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in section 34-311; drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.
- (6) ~~Post-development downstream analysis.~~ A downstream peak flow analysis which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is ten percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land-use changes. The analysis shall be in accordance with the Georgia Stormwater Management Manual.
- (7) ~~Construction-phase erosion and sedimentation control plan.~~ An erosion and sedimentation control plan in accordance with the city's ordinance on soil erosion and sedimentation control found at sections 34-31 through 34-80 or NPDES permit for construction activities. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.
- (8) ~~Landscaping and open space plan.~~ A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.
- (9) ~~Operations and maintenance plan.~~ Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

- (10) Maintenance access easements. Prior to the issuance of any permit that has a stormwater management facility as one of the requirements of the permit, the applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the city and/or its designee, or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this article. The easement agreement shall be recorded by the city and/or its designee in the land records.
- (11) Inspection and maintenance agreements. Unless an on-site stormwater management facility or practice is dedicated to and accepted by the city and/or its designee as provided in section 34-309 below, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice.
- (12) Evidence of acquisition of applicable local and nonlocal permits. The applicant shall certify and provide documentation to the city and/or its designee that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-309. Stormwater management inspection and maintenance agreements.

Formatted: Font: (Default) Arial, 10 pt

- (a) Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which the city and/or its designee requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the city and/or its designee, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.
- (b) The inspection and maintenance agreement, if applicable, must be approved by the city and/or its designee prior to plan approval, and recorded in the deed records upon final plat approval.
- (c) The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.
- (d) All stormwater management facilities must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this article and accomplishment of its purposes. These needs may include: removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the city and/or its designee, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater management facility.
- (e) In addition to enforcing the terms of the inspection and maintenance agreement, the city and/or its designee may also enforce all of the provisions for ongoing inspection and maintenance in section 34-314.
- (f) The city and/or its designee, in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-310. - Performance and maintenance bonds.

The city and/or its designee may, at its discretion, require the submittal of a performance security or bond prior to issuance of a permit in order to insure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security shall be the total estimated construction cost of the stormwater management practices approved under the permit, plus 25 percent. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The installation performance security shall be released in full only upon submission of "as built plans" and written certification by a registered professional engineer that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this article. The city and/or its designee will make a final inspection of the stormwater practice to ensure that it is in compliance with the approved plan and the provisions of this article. Provisions for a partial pro-rata release of the performance security based on the completion of various development stages can be done at the discretion of the city and/or its designee.

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-311. - Post-development ~~Stormwater~~ Management performance criteriaStandards.

The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this article:

Subject to the applicability criteria in Section 34-303(a) and exemptions in Section 34-303(b) the following stormwater management standards apply. Additional details for each standard can be found in the GSMM Section 2.2.2.2:

(a1) Design of Stormwater Management System:

The design of the stormwater management system shall be in accordance with the applicable sections of the GSMM as directed by the administrator. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

— Water quality. All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:

- a. It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;
- b. Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual; and
- c. Runoff from hotspot land uses and activities identified by the city and/or its designee are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.

Formatted: Numbered + Level: 1 + Numbering 1, 2, 3, ... + Start at: 1 + Alignment: Left + Align 0.3" + Indent at: 0.55"

(b2) Stream channel protection, Natural Resources Inventory:

Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the Stormwater Management Plan, shall include, at a minimum (as applicable):

- (1) Topography (minimum of 2-foot contours) and Steep Slopes (i.e., Areas with Slopes Greater Than 15%).
- (2) Natural Drainage Divides and Patterns.

- (3) Natural Drainage Features (e.g., swales, basins, depressional areas).
- (4) Natural feature protection and conservation areas such as wetlands, lakes, ponds, flood plains, stream buffers, drinking water wellhead protection areas and river corridors.
- (5) Predominant soils (including erodible soils and karst areas), and
- (6) Existing predominant vegetation including trees, high quality habitat and other existing vegetation.

- a. Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:
 1. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
 2. Twenty-four hour extended detention storage of the one-year, 24-hour return frequency storm event; and
 3. Erosion prevention measures such as energy dissipation and velocity control.
- b. This requirement is waived for sites that discharge directly into larger streams, rivers, wetlands, or lakes, or to a man-made channel or conveyance system where the reduction in these flows will not have an impact on upstream or downstream streambank or channel integrity.

(c3) Overbank flooding protection. Better Site Design Practices for Stormwater Management:

- a. Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event. If control of the one-year, 24-hour storm under subsection (2) is exempted, then peak discharge rate attenuation of the two-year through the 25-year return frequency storm event must be provided.
- b. This requirement is waived for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.

Stormwater management plans shall preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable. Additional details can be found in the GSMM Section 2.3.

(d4) Extreme flooding protection-Stormwater Runoff Quality/Reduction:

- a. Extreme flood and public safety protection shall be provided by controlling and safely conveying the 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.
- b. This requirement may be adjusted or waived for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.

Stormwater Runoff Quality/Reduction shall be provided by using the following:

- (1) For development with a stormwater management plan submitted before December 10, 2020, the applicant may choose either (A) Runoff Reduction or (B) Water Quality.
- (2) For development with a stormwater management plan submitted on or after December 10, 2020, the applicant shall choose (A) Runoff Reduction and additional water quality shall not be required. To the extent (A) Runoff Reduction has been determined to be infeasible for all or a portion of the site using the Practicability Policy, then (B) Water Quality shall apply for the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.

(A) Runoff Reduction - The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.

(B) Water Quality – The stormwater management system shall be designed to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2 inch rainfall event.

(3) If a site is determined to be a hotspot as detailed in Section 34-303(a), the Public Works Department or designee may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.

(e5) Stream Channel Protection:

~~Structural stormwater controls.~~ All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the city and/or its designee before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the city and/or its designee may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question.

Formatted: Indent: Left: 0", Hanging: 0.25"

Applicants shall consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

Stream channel protection shall be provided by using all of the following three approaches:

- (1) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;
- (2) Erosion prevention measures, such as energy dissipation and velocity control; and
- (3) Preservation of any applicable stream buffer.

(f6) — Stormwater credits for nonstructural measures. Overbank Flood Protection:

Extreme flood protection shall be provided by controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.

~~The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under subsection (1) herein. The applicant may, if approved by the city and/or its designee, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Georgia Stormwater Management Manual.~~

(g7) — Drainage system guidelines. Extreme Flood Protection:

Extreme flood protection shall be provided by controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.

~~Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public rights of way and~~

Formatted: Indent: Left: 0", Hanging: 0.25"

private properties adjoining project sites and/or public rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:

- a. Methods to calculate stormwater flows shall be in accordance with the stormwater design manual;
- b. All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual; and
- c. Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the Georgia Stormwater Management Manual.

(h8) — Dam design guidelines. Downstream Analysis:

Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises 10% of the total drainage area in accordance with Section 3.1.9 of the GSMM. This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system.

(i) Stormwater Management System Inspection and Maintenance:

The components of the stormwater management system that will not be dedicated to and accepted by the Public Works Department or designee including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This plan shall be written in accordance with the requirements in Section 34-314(b).

Any land-disturbing activity that involves a site which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

Formatted: Indent: Left: 0", Hanging: 0.25"

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-312. - Modifications for Off-site Facilities.

- (a) The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.
- (b) A stormwater management plan must be submitted to the city and/or its designee which shows the adequacy of the off-site or regional facility.
- (c) To be eligible for a modification, the applicant must demonstrate to the satisfaction of the city and/or its designee that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:
 - (1) Increased threat of flood damage to public health, life, and property;

- (2) Deterioration of existing culverts, bridges, dams, and other structures;
- (3) Accelerated streambank or streambed erosion or siltation;
- (4) Degradation of in-stream biological functions or habitat; or
- (5) Water quality impairment in violation of state water quality standards, and/or violation of any state or federal regulations.

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-313. - Construction inspections of post-development stormwater management system.

(a) *Inspections to ensure plan compliance during construction. The applicant must notify the city and/or its designee in advance before the commencement of construction.* Periodic inspections of the stormwater management system during construction shall be conducted by the staff of the Public Works Department or designee and/or conducted and certified by a professional engineer or their designee who has been approved by the Department. Construction Inspections shall utilize use the approved stormwater management plan for establishing compliance. All inspections shall be documented with written reports prepared that contain the following information:

- (1) The date and location of the inspection;
- (2) Whether the stormwater management system construction is in compliance with the approved stormwater management plan;
- (3) Variations from the approved construction specifications stormwater management plan; and
- (4) Any other variations or violations of the conditions of the approved stormwater plan.

If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions. No added work shall proceed until all violations are corrected and all work previously completed has received approval by the city and/or its designee.

(b) *Final inspection; and As-Built Drawings; Delivery of Inspection and Maintenance Agreement.*

Upon completion of the development a project, and before a certificate of occupancy shall be granted, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual "as-built" plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a professional engineer. A final inspection by the city and/or its designee is required before the release of any performance securities can occur.

- (1) Certifying that the stormwater management system is functioning properly and was constructed in conformance with the approved stormwater management plan and associated hydrologic analysis.
- (2) Submitting as-built drawings showing the final design specifications for all components of the stormwater management system as certified by a professional engineer.
- (3) Certifying that the landscaping is established and installed in conformance with the BMP landscaping plan, and
- (4) Delivering to the Public Works Department or designee a signed inspection and maintenance agreement that has been recorded by the owner in the property record for all parcel(s) that make up the site.

The required certification under part (a) shall include a certification of volume, or other performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and built according to the design specifications in the approved stormwater management plan. This certification and the required performance tests shall be performed by a qualified

person and submitted to the Public Works Department or designee with the request for a final inspection. The Public Works Department or designee shall perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities.

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-314. - Ongoing inspection and maintenance of stormwater facilities and practices.

(a) Long-term maintenance inspection of stormwater facilities and practices. Stormwater management facilities and practices included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this article.

A stormwater management facility or practice shall be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the city and/or its designee shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the city and/or its designee, may correct the violation as provided in subsection (d).

Inspection programs by the city and/or its designee may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

(a) Maintenance by Owner of Stormwater Management Systems Predating Current GSMM:

For any stormwater management systems approved and built based on requirements predating the current GSMM and that is not otherwise subject to an inspection and maintenance agreement, such stormwater management systems shall be maintained by the owner so that the stormwater management systems perform as they were originally designed.

(b) Inspection and Maintenance Agreements:

- (1) The owner shall execute an inspection and maintenance agreement with the Public Works Department or designee obligating the owner to inspect, clean, maintain, and repair the stormwater management system; including vegetation in the final BMP landscaping plan. The form of the inspection and maintenance agreement shall be the form provided by the Department of Public Works. After the inspection and maintenance agreement has been signed by the owner and the Public Works Department or designee, the owner shall promptly record such agreement at the owner's cost in the property record for all parcel(s) that make up the site.
- (2) The inspection and maintenance agreement shall identify by name or official title the person(s) serving as the point of contact for carrying out the owner's obligations under the inspection and maintenance agreement. The owner shall update the point of contact from time to time as needed and upon request by the Public Works Department or designee. Upon any sale or transfer of the site, the new owner shall notify the Public Works Department or designee in writing within 30 days of the name or official title of new person(s) serving as the point of contact for the new owner. Any failure of an owner to keep the point of contact up to date shall, following 30 days' notice, constitute a failure to maintain the stormwater management system.

(3) The inspection and maintenance agreement shall run with the land and bind all future successors-in-title of the site. If there is a future sale or transfer of only a portion of the site, then:

(A) The parties to such sale or transfer may enter into and record an assignment agreement designating the owner responsible for each portion of the site and associated obligations under the inspection and maintenance agreement. The parties shall record and provide written notice and a copy of such assignment agreement to the Public Works Department or designee.

(B) In the absence of a recorded assignment agreement, all owners of the site shall be jointly and severally liable for all obligations under the inspection and maintenance agreement regardless of what portion of the site they own.

(c) Right-of-entry for Maintenance Inspections. The terms of the inspection and maintenance agreement shall provide for the Public Works Department's or designee's and/or its designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this article is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this article right of entry for maintenance inspections and other specified purposes. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then the Public Works Department or designee shall have the right to enter and make inspections pursuant to the Public Works Department's general provisions for property maintenance inspections pursuant to [insert reference to existing local ordinance providing for right of entry and inspect for general property maintenance obligations, whether under the local administration procedures for the Georgia Statewide Minimum Construction Codes or other local property maintenance ordinance].

(e) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least 15 years. These records shall be made available to the city and/or its designee during inspection of the facility and at other reasonable times upon request.

(d) Owner's Failure to Maintain the Stormwater Management System. If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the city and/or its designee, after 30 days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The city and/or its designee may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

The terms of the inspection and maintenance agreement shall provide for what constitutes a failure to maintain a stormwater management system and the enforcement options available to the City. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

(1) An owner's failure to maintain the stormwater management system so that it performs as it was originally designed shall constitute and be addressed as a violation of, or failure to comply with, owner's property maintenance obligations pursuant to [insert reference to existing local ordinance on violations of general property maintenance obligations, whether under the local administration procedures for the Georgia Statewide Minimum Construction Codes or other local property maintenance ordinance] and

Formatted: MNGWPD Body Text

(2) To address such a failure to maintain the stormwater management system, the **City or designee shall have all the powers and remedies that are available to it for other violations of an owner's property maintenance obligations, including without limitation prosecution, penalties, abatement, and emergency measures.**

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-315. Violations, enforcement and penalties.

Any action or inaction which violates the provisions of this article or the requirements of an approved stormwater management plan or permit, may be subject to the enforcement actions outlined in this section. 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 below shall not prevent such equitable relief.

(1) Notice of violation. If the city and/or its designee 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 article, 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 article without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

- a. The name and address of the owner or the applicant or the responsible person;
- b. The address or other description of the site upon which the violation is occurring;
- c. A statement specifying the nature of the violation;
- d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this article and the date for the completion of such remedial action;
- e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
- f. A statement that the determination of violation may be appealed to the city council and/or its designee 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).

Any violation of the approved stormwater management plan during construction, failure to submit as-built drawings, failure to submit a final BMP landscaping plan, or failure of the final inspection shall constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit pursuant to **[Insert local ordinance reference]** or the underlying building permit pursuant to **[Insert local ordinance reference]**. To address a violation of this Article, the **City or designee** shall have all the powers and remedies that are available to it for other violations of building and land disturbance permits, including without limitation the right to issue notices and orders to ensure compliance, stop work orders, and penalties as set forth in the applicable ordinances for such permits.

Formatted: p0, Indent: First line: 0"

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Secs. 34-316—34-330. - Reserved.

ARTICLE VII. - POST- CONSTRUCTION STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT

Sec. 34-301. - General Provisions.

Purpose and intent. The purpose of this article is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-construction stormwater runoff and nonpoint source pollution associated with new development and redevelopment. Proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. Additionally, the City of Jonesboro is required to comply with several State and Federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quantity, velocity, and quality of post- construction stormwater runoff.

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-302. - Definitions.

For this Article, the terms below shall have the following meanings:

Administrator means the person appointed to administer and implement this Article on Post-Construction Stormwater Management for New Development and Redevelopment in accordance with Section 34-304.

Applicant means a person submitting a land development application and plan for approval.

BMP or *best management practice* means both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

BMP landscaping plan means a design for vegetation and landscaping that is critical to the performance and function of the BMP including how the BMP will be stabilized and established with vegetation. It shall include a layout of plants and plant names (local and scientific).

Channel means a natural or artificial watercourse with a definite bed and banks that conveys continuously or periodically flowing water.

City means the City of Jonesboro, Georgia.

Detention means the temporary storage of stormwater runoff in a stormwater detention facility for the purpose of controlling the peak discharge.

Detention facility means a structure designed for the storage and gradual release of stormwater runoff at controlled rates.

Development means new development or redevelopment.

Extended detention means the storage of stormwater runoff for an extended period of time.

Extreme flood protection means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

Flooding means a volume of surface water that exceeds the banks or walls of a BMP, or channel, and overflows onto adjacent lands.

GSMM means the latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook, and its Appendices.

Hotspot means a land use or activity on a site that has the potential to produce higher than normally found levels of pollutants in stormwater runoff. As defined by the administrator, hotspot land use may include gasoline stations, vehicle service and maintenance areas, industrial facilities (both permitted under the Industrial Stormwater General Permit and others), material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

Impervious surface means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into the soil.

Industrial Stormwater General Permit means the National Pollutant Discharge Elimination System (NPDES) permit issued by Georgia Environmental Protection Division to an industry for stormwater discharges associated with industrial activity. The permit regulates pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies based on Standard Industrial Classification (SIC) Code.

Infiltration means the process of percolating stormwater runoff into the subsoil.

Inspection and maintenance agreement means a written agreement providing for the long-term inspection, operation, and maintenance of the stormwater management system and its components on a site.

Land development application means the application for a land development permit on a form provided by the **Public Works Department** along with the supporting documentation required in Section 34-306(a)(1).

Land development permit means the authorization necessary to begin construction-related, land-disturbing activity.

Land disturbing activity means any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including but not limited to clearing, dredging, grading, excavating, and filling of land. Land disturbing activity does not include agricultural practices as described O.C.G.A. 12-7-17(5) or silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities.

Linear feasibility program means a feasibility program developed by **Public Works Department** and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria for determining when implementation of stormwater management standards for linear transportation projects being constructed by **the Public Works Department** is infeasible.

Linear transportation projects means construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

MS4 Permit means the NPDES permit issued by Georgia Environmental Protection Division for discharges from **the City's** separate storm sewer system.

New development means land disturbing activities, structural development (construction, installation or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

Nonpoint source pollution means a form of water pollution that does not originate from a discrete point such as a wastewater treatment facility or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water or groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Overbank flood protection means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter 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.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

Post-construction stormwater management means stormwater best management practices that are used on a permanent basis to control and treat runoff once construction has been completed in accordance with a stormwater management plan.

Post-development means the conditions anticipated to exist on site immediately after completion of the proposed development.

Practicability policy means the latest edition of the Metropolitan North Georgia Water Planning District's Policy on Practicability Analysis for Runoff Reduction.

Pre-development means the conditions that exist immediately before the implementation of the proposed development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

Pre-development hydrology means (a) for new development, the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before implementation of the proposed development; and (b) for redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property.

Previously developed site means a site that has been altered by paving, construction, and/or land disturbing activity.

Redevelopment means structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surfaces not as part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

Routine maintenance means activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Runoff means stormwater runoff.

Site means an area of land where development is planned, which may include all or portions of one or more parcels of land. For subdivisions and other common plans of development, the site includes all areas of land covered under an applicable land development permit.

Stormwater concept plan means an initial plan for post-construction stormwater management at the site that provides the groundwork for the stormwater management plan including the natural resources inventory, site layout concept, initial runoff characterization, and first round stormwater management system design.

Stormwater management plan means a plan for post-construction stormwater management at the site that meets the requirements of **Section 34-307(d)** and is included as part of the land development application.

Stormwater management standards means those standards set forth in **Section 34-311**. *Stormwater management system* means the entire set of non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner

designed to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater runoff means flow on the surface of the ground, resulting from precipitation.

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.

Other terms used but not defined in this Article shall be interpreted based on how such terms are defined and used in the GSMM and the City's MS4 permit.

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-303. – Applicability_Criteria for Stormwater Management Standards; Exemptions from Stormwater Management Standards.

(a) This article applies to following activities:

- (1) New development that creates or adds 5,000 square feet or greater of impervious surface area, or that involves land disturbing activity of one acre of land or greater;
- (2) Redevelopment (excluding routine maintenance and exterior remodeling) that creates, adds, or replaces 5,000 square feet or greater of impervious surface area, or that involves land disturbing activity of one acre or more;
- (3) New development and redevelopment if,
 - (i) such new development or redevelopment is part of a subdivision or other common plan of development, and
 - (ii) the sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the threshold in (1) and (2) above;
- (4) Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot land use as defined in this Article; and
- (5) Linear transportation projects that exceed the threshold in (1) or (2) above.

(b) This Article does not apply to the following activities:

- (1) Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs;
- (2) Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;
- (3) Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;
- (4) Repairs to any stormwater management system deemed necessary by the administrator;
- (5) Agricultural practices as described O.C.G.A. 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in (a)(1) or (a)(2) of this Section;

- (6) Silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in (a)(1) or (a)(2) of this Section;
- (7) Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and
- (8) Linear transportation projects being constructed by the Public Works Department to the extent the administrator determines that the stormwater management standards may be infeasible to apply, all or in part, for any portion of the linear transportation project. For this exemption to apply, an infeasibility report that is compliant with the **Public Works Department** linear feasibility program shall first be submitted to the administrator that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the administrator.

Sec. 34-304. - Designation of Administrator.

The City Manager or designee may from time to time appoint someone to administer and implement this Article.

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-305. - Adoption and Implementation of the GSMM; Conflicts and Inconsistencies.

- (a) In implementing this Article, the **City** shall use and require compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the GSMM as well as all related appendices.
- (b) This Article is not intended to modify or repeal any other Article, ordinance, rule, regulation or other provision of law, including but not limited to any applicable stream buffers under state and local laws, and the Georgia Safe Dams Act and Rules for Dam Safety. In the event of any conflict or inconsistency between any provision in the **City's** MS4 permit and this Article, the provision from the MS4 permit shall control. In the event of any conflict or inconsistency between any provision of this Article and the GSMM, the provision from this Article shall control. In the event of any other conflict or inconsistency between any provision of this Article and any other ordinance, rule, regulation or other provision of law, the provision that is more restrictive or imposes higher protective standards for human health or the environment shall control.
- (c) If any provision of this Article is invalidated by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Article

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-306. - Application Procedures; Application Fees.

(a) *Application Requirements*

Land development applications are handled as part of the process to obtain the land disturbance permit pursuant to **[insert local ordinance reference]** or building permit **[insert local ordinance reference]**, as applicable. Before any person begins development on a site, the owner of the site shall first obtain approval in accordance with the following procedure:

- (1) File a land development application with the **Public Works Department** on the **Department's** form of application with the following supporting materials:

- (A) the stormwater management plan prepared in accordance with Section 38-113.2(d),
- (B) a certification that the development will be performed in accordance with the stormwater management plan once approved,
- (C) a [Preliminary Determination of Infeasibility, as applicable, prepared in accordance with the practicability policy], and
- (D) an acknowledgement that applicant has reviewed the Public Works Department's form of inspection and maintenance agreement and that applicant agrees to sign and record such inspection and maintenance agreement before the final inspection.

(2) The administrator shall inform the applicant whether the application and supporting materials are approved or disapproved.

(3) If the application or supporting materials are disapproved, the administrator shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same for the administrator to again consider and either approve or disapprove.

(4) If the application and supporting materials are approved, the Public Works Department may issue the associated land disturbance permit or building permit, provided all other legal requirements for the issuance of such permits have been met. The stormwater management plan included in such applications becomes the approved stormwater management plan.

(b) *Application fees.* The fee for review of any land development application shall be based on the fee structure shall be established by the City, and payment shall be made before the issuance of any land disturbance permit or building permit for the development.

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-307. - Pre-Submittal Meeting, Stormwater Concept Plan, and Stormwater Management Plan Requirements.

- (a) Before a land development permit application is submitted, an applicant may request a pre-submittal meeting with the Public Works Department. The pre-submittal meeting should take place based on an early step in the development process such as before site analysis and inventory (GSMM Section 2.4.2.4) or the stormwater concept plan (GSMM Section 2.4.2.5). The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. To the extent applicable, local and regional watershed plans, greenspace plans, trails and greenway plans, and other resource protection plans should be consulted in the pre-submittal meeting. Applicants must request a pre-submittal meeting with the Public Works Department when applying for a Determination of Infeasibility through the Practicability Policy.
- (b) The stormwater concept plan shall be prepared using the minimum following steps:
 - (1) Develop the site layout using better site design techniques, as applicable (GSMM Section 2.3).
 - (2) Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff quality/reduction, channel protection, overbank flooding protection and extreme flood protection (GSMM Section 2.2).
 - (3) Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations (GSMM Section 4.1).
- (c) The stormwater concept plan shall contain:
 - (1) Common address and legal description of the site,
 - (2) Vicinity map, and
 - (3) Existing conditions and proposed site layout mapping and plans (recommended scale of 1" = 50'), which illustrate at a minimum:

- (A) Existing and proposed topography (minimum of 2-foot contours),
- (B) Perennial and intermittent streams,
- (C) Mapping of predominant soils from USDA soil surveys,
- (D) Boundaries of existing predominant vegetation and proposed limits of clearing and grading,
- (E) Location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.),
- (F) Location of existing and proposed roads, buildings, parking areas and other impervious surfaces,
- (G) Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements,
- (H) Preliminary estimates of unified stormwater sizing criteria requirements,
- (I) Preliminary selection and location, size, and limits of disturbance of proposed BMPs,
- (J) Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains,
- (K) Flow paths,
- (L) Location of the boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as applicable) and relationship of site to upstream and downstream properties and drainage, and
- (M) Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings.

(d) The stormwater management plan shall contain the items listed in this part and be prepared under the direct supervisory control of either a registered Professional Engineer or a registered Landscape Architect licensed in the state of Georgia. Items (3), (4), 5), and (6) shall be sealed and signed by a registered Professional Engineer licensed in the state of Georgia. The overall site plan must be stamped by a design professional licensed in the State of Georgia for such purpose. (GSMM Section 2.4.2.7)

- (1) Natural Resources Inventory
- (2) Stormwater Concept Plan
- (3) Existing Conditions Hydrologic Analysis
- (4) Post-Development Hydrologic Analysis
- (5) Stormwater Management System
- (6) Downstream Analysis
- (7) Erosion and Sedimentation Control Plan
- (8) BMP Landscaping Plan
- (9) Inspection and Maintenance Agreement
- (10) Evidence of Acquisition of Applicable Local and Non-Local Permits
- (11) Determination of Infeasibility (if applicable)

(e) For redevelopment and to the extent existing stormwater management structures are being used to meet stormwater management standards the following must also be included in the stormwater management plan for existing stormwater management structures

- (1) As-built Drawings

- (2) Hydrology Reports
- (3) Current inspection of existing stormwater management structures with deficiencies noted
- (4) BMP Landscaping Plans

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-308. - Compliance with the Approved Stormwater Management Plan.

All development shall be:

- (a) consistent with the approved stormwater management plan and all applicable land disturbance and building permits, and
- (b) conducted only within the area specified in the approved stormwater management plan.

No changes may be made to an approved stormwater management plan without review and advanced written approval by the administrator.

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-310. - Performance and maintenance bonds.

The city and/or its designee may, at its discretion, require the submittal of a performance security or bond prior to issuance of a permit in order to insure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security shall be the total estimated construction cost of the stormwater management practices approved under the permit, plus 25 percent. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The installation performance security shall be released in full only upon submission of "as built plans" and written certification by a registered professional engineer that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this article. The city and/or its designee will make a final inspection of the stormwater practice to ensure that it is in compliance with the approved plan and the provisions of this article. Provisions for a partial pro-rata release of the performance security based on the completion of various development stages can be done at the discretion of the city and/or its designee.

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-311. - Stormwater Management Standards.

Subject to the applicability criteria in Section 34-303(a) and exemptions in Section 34-303(b) the following stormwater management standards apply. Additional details for each standard can be found in the GSMM Section 2.2.2.2:

- (a) *Design of Stormwater Management System:*

The design of the stormwater management system shall be in accordance with the applicable sections of the GSMM as directed by the administrator. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

- (b) *Natural Resources Inventory:*

Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the Stormwater Management Plan, shall include, at a minimum (as applicable):

- (1) Topography (minimum of 2-foot contours) and Steep Slopes (i.e., Areas with Slopes Greater Than 15%),
- (2) Natural Drainage Divides and Patterns,
- (3) Natural Drainage Features (e.g., swales, basins, depressional areas),
- (4) Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas and river corridors,
- (5) Predominant soils (including erodible soils and karst areas), and
- (6) Existing predominant vegetation including trees, high quality habitat and other existing vegetation.

(c) *Better Site Design Practices for Stormwater Management:*

Stormwater management plans shall preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable. Additional details can be found in the GSMM Section 2.3.

(d) *Stormwater Runoff Quality/Reduction:*

Stormwater Runoff Quality/Reduction shall be provided by using the following:

- (1) For development with a stormwater management plan submitted before December 10, 2020, the applicant may choose either (A) Runoff Reduction or (B) Water Quality.
- (2) For development with a stormwater management plan submitted on or after December 10, 2020, the applicant shall choose (A) Runoff Reduction and additional water quality shall not be required. To the extent (A) Runoff Reduction has been determined to be infeasible for all or a portion of the site using the Practicability Policy, then (B) Water Quality shall apply for the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.
 - (A) Runoff Reduction - The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.
 - (B) Water Quality – The stormwater management system shall be designed to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2 inch rainfall event.
- (3) If a site is determined to be a hotspot as detailed in Section 34-303(a), the Public Works Department or designee may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.

(e) *Stream Channel Protection:*

Stream channel protection shall be provided by using all of the following three approaches:

- (1) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;
- (2) Erosion prevention measures, such as energy dissipation and velocity control; and
- (3) Preservation of any applicable stream buffer.

(f) *Overbank Flood Protection:*

Extreme flood protection shall be provided by controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.

(g) *Extreme Flood Protection:*

Extreme flood protection shall be provided by controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.

(h) *Downstream Analysis:*

Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises 10% of the total drainage area in accordance with Section 3.1.9 of the GSMM. This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system.

(i) Stormwater Management System Inspection and Maintenance:

The components of the stormwater management system that will not be dedicated to and accepted by the **Public Works Department or designee** including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This plan shall be written in accordance with the requirements in **Section 34-314(b)**.

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-312. - Modifications for Off-site Facilities.

- (a) The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.
- (b) A stormwater management plan must be submitted to the city and/or its designee which shows the adequacy of the off-site or regional facility.
- (c) To be eligible for a modification, the applicant must demonstrate to the satisfaction of the city and/or its designee that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:
 - (1) Increased threat of flood damage to public health, life, and property;
 - (2) Deterioration of existing culverts, bridges, dams, and other structures;
 - (3) Accelerated streambank or streambed erosion or siltation;
 - (4) Degradation of in-stream biological functions or habitat; or
 - (5) Water quality impairment in violation of state water quality standards, and/or violation of any state or federal regulations.

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-313. - Construction inspections of post-development stormwater management system.

(a) *Inspections to ensure plan compliance during construction.* Periodic inspections of the stormwater management system during construction shall be conducted by the staff of the Public Works Department or designee or conducted and certified by a professional engineer who has been approved by the Department. Inspections shall use the approved stormwater management plan for establishing compliance. All inspections shall be documented with written reports prepared that contain the following information:

- (1) The date and location of the inspection;
- (2) Whether the stormwater management system is in compliance with the approved stormwater management plan;
- (3) Variations from the approved stormwater management plan; and
- (4) Any other variations or violations of the conditions of the approved stormwater plan.

(b) *Final inspection; As-Built Drawings; Delivery of Inspection and Maintenance Agreement.*

Upon completion of the development, the applicant is responsible for:

- (1) Certifying that the stormwater management system is functioning properly and was constructed in conformance with the approved stormwater management plan and associated hydrologic analysis,
- (2) Submitting as-built drawings showing the final design specifications for all components of the stormwater management system as certified by a professional engineer,
- (3) Certifying that the landscaping is established and installed in conformance with the BMP landscaping plan, and
- (4) Delivering to the Public Works Department or designee a signed inspection and maintenance agreement that has been recorded by the owner in the property record for all parcel(s) that make up the site.

The required certification under part (a) shall include a certification of volume, or other performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and built according to the design specifications in the approved stormwater management plan. This certification and the required performance tests shall be performed by a qualified person and submitted to the Public Works Department or designee with the request for a final inspection. The Public Works Department or designee shall perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities.

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-314. - Ongoing inspection and maintenance of stormwater facilities and practices.

(a) *Maintenance by Owner of Stormwater Management Systems Predating Current GSMM:*

For any stormwater management systems approved and built based on requirements predating the current GSMM and that is not otherwise subject to an inspection and maintenance agreement, such stormwater management systems shall be maintained by the owner so that the stormwater management systems perform as they were originally designed.

(b) *Inspection and Maintenance Agreements:*

(1) The owner shall execute an inspection and maintenance agreement with the **Public Works Department or designee** obligating the owner to inspect, clean, maintain, and repair the stormwater management system; including vegetation in the final BMP landscaping plan. The form of the inspection and maintenance agreement shall be the form provided by the **Department of Public Works**. After the inspection and maintenance agreement has been signed by the owner and the **Public Works Department or designee**, the owner shall promptly record such agreement at the owner's cost in the property record for all parcel(s) that make up the site.

(2) The inspection and maintenance agreement shall identify by name or official title the person(s) serving as the point of contact for carrying out the owner's obligations under the inspection and maintenance agreement. The owner shall update the point of contact from time to time as needed and upon request by the **Public Works Department or designee**. Upon any sale or transfer of the site, the new owner shall notify the **Public Works Department or designee** in writing within 30 days of the name or official title of new person(s) serving as the point of contact for the new owner. Any failure of an owner to keep the point of contact up to date shall, following 30 days' notice, constitute a failure to maintain the stormwater management system.

(3) The inspection and maintenance agreement shall run with the land and bind all future successors-in-title of the site. If there is a future sale or transfer of only a portion of the site, then:

(A) The parties to such sale or transfer may enter into and record an assignment agreement designating the owner responsible for each portion of the site and associated obligations under the inspection and maintenance agreement. The parties shall record and provide written notice and a copy of such assignment agreement to the **Public Works Department or designee**.

(B) In the absence of a recorded assignment agreement, all owners of the site shall be jointly and severally liable for all obligations under the inspection and maintenance agreement regardless of what portion of the site they own.

(c) *Right-of-entry for Maintenance Inspections.* The terms of the inspection and maintenance agreement shall provide for the **Public Works Department's or designee's** right of entry for maintenance inspections and other specified purposes. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then the **Public Works Department or designee** shall have the right to enter and make inspections pursuant to the **Public Works Department's general provisions for property maintenance inspections pursuant to [insert reference to existing local ordinance providing for right of entry and inspect for general property maintenance obligations, whether under the local administration procedures for the Georgia Statewide Minimum Construction Codes or other local property maintenance ordinance]**..

(d) *Owner's Failure to Maintain the Stormwater Management System.*

The terms of the inspection and maintenance agreement shall provide for what constitutes a failure to maintain a stormwater management system and the enforcement options available to the **City**. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

(1) An owner's failure to maintain the stormwater management system so that it performs as it was originally designed shall constitute and be addressed as a violation of, or failure to comply with, owner's property maintenance obligations pursuant to **[insert reference to existing local ordinance on violations of general property maintenance obligations, whether under the local administration procedures for the Georgia Statewide Minimum Construction Codes or other local property maintenance ordinance]** and

(2) To address such a failure to maintain the stormwater management system, the **City or designee** shall have all the powers and remedies that are available to it for other violations of an owner's

property maintenance obligations, including without limitation prosecution, penalties, abatement, and emergency measures.

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Sec. 34-315. – Violations, enforcement and penalties.

Any violation of the approved stormwater management plan during construction, failure to submit as-built drawings, failure to submit a final BMP landscaping plan, or failure of the final inspection shall constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit pursuant to [insert local ordinance reference] or the underlying building permit pursuant to [insert local ordinance reference]. To address a violation of this Article, the City or designee shall have all the powers and remedies that are available to it for other violations of building and land disturbance permits, including without limitation the right to issue notices and orders to ensure compliance, stop work orders, and penalties as set forth in the applicable ordinances for such permits.

(Ord. No. 04-17, §§ 1, 2, 8-9-2004)

Secs. 34-316—34-330. - Reserved.

2002 Model Ordinance		2004 Jonesboro Ordinance	
ARTICLE [X] Stormwater Management		Article V - Post-Development Stormwater Management for New Development and Redevelopment	
Findings		34-301(a) Findings	
DIVISION			
1.1 Purpose and Intent		34-301(b) Purpose and Intent	
1.2 Applicability		34-303 Applicability	
1.3 Designation of Ordinance Administrator		34-304 Designation of administrator	
1.4 Compatibility with Other Regulations		N/A	
1.5 Severability		N/A	
1.6 Stormwater Design Manual		34-305 Stormwater design manual	
DIVISION 2 - PERMITTING			
2 Definitions		34-302 Definitions	
DIVISION 3 - PERMITTING			
3.1 Permit Application Requirements		34-306(b) Permit application requirements	
3.2 Stormwater Concept Plan and Consultation Meeting		34-307 Stormwater concept plan and consultation meeting	
3.3 Stormwater Management Plan Requirements		34-308 Stormwater management plan requirements	
3.4 Stormwater Management Inspection and Maintenance Agreements		34-309 Stormwater management inspection and maintenance agreements	
3.5 Performance and Maintenance Bonds		34-310 Performance and maintenance bonds	
3.6 Application Procedures		34-306(c) Application procedure	
3.7 Application Review Fees		34-306(d) Application fees	
3.8 Modification for Off-Site Facilities		34-312 Modifications for off-site facilities	
DIVISION 4 - POST DEVELOPMENT STORMWATER MANAGEMENT PERFORMANCE CRITERIA			
N/A		N/A	
4.1 Water Quality		34-311(1) Water quality	
4.2 Stream Channel Protection		34-311(2) Stream channel protection	
4.3 Overbank Flooding Protection		34-311(3) Overbank flooding protection	
4.4 Extreme Flooding Protection		34-311(4) Extreme flooding protection	

4.5 Structural Stormwater Controls	34-311(5) Structural stormwater controls
4.6 Stormwater Credits for Nonstructural Measures	34-311(6) Stormwater credits for nonstructural measures
4.7 Drainage System Guidelines	34-311(7) Drainage system guidelines
N/A	N/A
N/A	N/A
4.8 Dam Design Guidelines	33-311(8) Dam design guidelines
DIVISION 5 - CONSTRUCTION INSPECTIONS OF	
5.1 Inspections to Ensure Plan Compliance During Construction	34-313(a) Inspections to ensure plan compliance during construction
5.2 Final Inspection and As Built Plans	34-313(b) Final inspection and as build plans
DIVISION 6 - ONGOING INSPECTION AND MAINTENANCE FACILITIES AND PRACTICES	
6.1 Long-Term Maintenance Inspection of Stormwater Facilities and Practices	34-314(a) Long term maintenance inspection of stormwater facilities and practices
6.2 Right-of-Entry for Inspection	34-314 (b) Right of entry for inspection
6.3 Records of Maintenance Activities	34-314(c) Records of maintenance activities
6.4 Failure to Maintain	34-314(d) Failure to maintain
DIVISION 7 - VIOLATI	
7.1 Notice of Violation	34-315(1) Notice of violation
7.2 Penalties	34-315 (2) Penalties

2019 Model Ordinance
Article [X]. Post-Construction Stormwater Management for New Development and Redevelopment.
N/A
1 - GENERAL PROVISIONS
Section [Y]-1. Purpose and Intent.
Section [Y]-5. Applicability Criteria for Stormwater Management Standards; Section [Y]-6. Exemptions from Stormwater Management Standards.
Section [Y]-4. Designation of Administrator.
Section [Y]-3. Adoption and Implementation of the GSMM; Conflicts and Inconsistencies.
SION 2 - DEFINITIONS
Section [Y]-2. Definitions.
PROCEDURES AND REQUIREMENTS
Section [Y]-10. Application Procedures.
Section [Y]-8. Pre-Submittal Meeting, Stormwater Concept Plan, and Stormwater Management Plan Requirements.
Section [Y]-13(c) Delivering to [local jurisdiction] a signed inspection and maintenance agreement
N/A
Section [Y]-10. Application Procedures; Section [Y]-11. Compliance with the Approved Stormwater Management Plan.
Section [Y]-9. Application Fee.
N/A
DIVISION 4 - STORMWATER MANAGEMENT
Section [Y]-7(b) Natural Resources Inventory
Section [Y]-7(d) Stormwater Runoff Quality/Reduction
Section [Y]-7(e) Stream Channel Protection
Section [Y]-7(f) Overbank Flood Protection
Section [Y]-7(g) Extreme Flood Protection

Section [Y]-7(a) Design of Stormwater Management System
Section [Y]-7(c) Better Site Design Practices for Stormwater Management
Section [Y]-7(a) Design of Stormwater Management System OR Refer to Georgia Stormwater Management Manual
Section [Y]-7(h) Downstream Analysis
Section [Y]-7(i) Stormwater Management System Inspection and Maintenance
Section [Y]-3. Adoption and Implementation of the GSMM; Conflicts and Inconsistencies.
F POST-DEVELOPMENT STORMWATER MANAGEMENT SYSTEM
Section [Y]-12. Inspections to Ensure Plan Compliance During Construction.
Section [Y]-13. Final Inspection; As-Built Drawings; Delivery of Inspection and Maintenance Agreement.
DIVISION 6 - ONGOING INSPECTION AND MAINTENANCE STORMWATER MANAGEMENT SYSTEM
Section [Y]-15. Maintenance by Owner of Stormwater Management Systems Predating Current GSMM; Section [Y]-16. Inspection and Maintenance Agreements.
Section [Y]-17. Right of Entry for Maintenance Inspections.
N/A: should be part of local jurisdiction's maintenance agreement template?
Section [Y]-18. Owner's Failure to Maintain the Stormwater Management System.
VIOLATIONS, ENFORCEMENT AND PENALTIES
Section [Y]-14. Violations and Enforcement.

City of Jonesboro	
2020 Jonesboro Ordinance	Notes/Questions
Article V. Post-Construction Stormwater Management for New Development and Redevelopment.	
N/A	deleted
34-301 General Provisions	revised
34-303 Applicability Criteria for Stormwater Management Standards; Exemptions from Stormwater Management Standards.	revised
34-304 Designation of Administrator	revised
34-305 Adoption and Implementation of the GSMM; Conflicts and Inconsistencies.	revised
34-302 Definitions	revised
34-306(a) Application Requirements	revised
34-307 Pre-Submittal Meeting, Stormwater Concept Plan, and Stormwater Management Plan Requirements.	revised; combined 34-308 deleted because incorporated elsewhere
34-314(b) Inspection and Maintenance Agreements	34-309 deleted because incorporated elsewhere
N/A	note, if delete, renumber 309-314
34-306(a) Application Requirements; 34-308 Compliance with the Approved Stormwater Management Plan	revised
34-306 (b) Application Fees	revised note, if delete renumber 311-314
SEGMENT STANDARDS	
34-310(b) Section [Y]-7(b) Natural Resources Inventory	New
34-310 (d) Stormwater Runoff Quality/Reduction	revised; reordered
34-310(e) Stream Channel Protection	revised; reordered
34-310(f) Overbank Flood Protection	revised; reordered
34-310(g) Extreme Flood Protection	revised; reordered

304-310 (a) Design of Stormwater Management System	revised; reordered
34-310(c) Better Site Design Practices for Stormwater Management	revised; reordered
34-310 (a) Design of Stormwater Management System	deleted; duplicative
34-310(h) Downstream Analysis	New
34-310(i) Stormwater Management System Inspection and Maintenance	New
See 34-305(b) Adoption and Implementation of the GSMM; Conflicts and Inconsistencies.	deleted; duplicative
34-312 (a) Inspections to Ensure Plan Compliance During Construction.	revised
34-312(b) Final Inspection; As-Built Drawings; Delivery of Inspection and Maintenance Agreement.	revised
WATER FACILITIES AND PRACTICES	
34-313(a) Maintenance by Owner of Stormwater Management Systems Predating Current GSMM; 33-314(b) Inspection and Maintenance Agreements.	revised
34-313(c) Right of Entry for Maintenance Inspections.	revised
	deleted
34-313(d) Owner's Failure to Maintain the Stormwater Management System.	revised
34-314. Violations and Enforcement.	revised; combined

Notes/Questions	Notes/Questions
District is publishing the "Policy on Practicability Analysis for Runoff Reduction"--if the municipality simply adopts this guide, then no need to revise language re: [Y]-10(a)(iii)	See notes for [Y]-14 re: land disturbance and building permits
34-309 Performance and maintenance bonds (verify retention)	
Modifications for off-site facilities (determine if need to incorporate 2002 language)	



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

-2

6.2

COUNCIL MEETING DATE
October 5, 2020

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

Community Development Director Allen

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Discussion regarding text Amendment Ord. 2020-018 for Chapter 34, Article V - Flood Damage Prevention, revisions and updates, per Metro North GA Water Planning District plan requirements and the Environmental Protection Division.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Review of Text Amendment for Chapter 34, Article V Flood Damage Prevention

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Community Planning, Neighborhood and Business Revitalization, Safety, Health and Wellbeing

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Agency recommendation – Approval: Per Metro North GA Water Planning District plan requirements and the Environmental Protection Division, Chapter 34, Article V – Flood Damage Prevention is proposed to be revised and updated. These are recommended Code revisions to bring up to date with the Metro North GA Water Planning District 2013 Model Ordinance for Floodplain Management and Flood Damage Prevention and provide consistency for all seven cities in Clayton County.

The City Attorney's office has reviewed the changes and produced a formatted document. Due to the limited nature of the changes, this is a true text amendment, rather than the "repeal and replace" document amendment for Article VII – Post Development Stormwater Management.

Summary of proposed changes

1. Changed name of Article to "Floodplain Management and Flood Damage Prevention"
2. Added several words and phrases for consistency of language in the Code.
3. Changed designation of Ordinance administrator and clarified throughout the Code who handles permitting, etc.
4. Updated Flood Insurance Study dates.
5. Changed location of FIS repository.
6. Clarified the definition of "accessory structure."
7. Updated the definition of "adjacent."
8. Clarified the definition of "administrator."
9. Included definition of "Conditional Letter of Mapping Revision."
10. Included definition of "designee."
11. Included definition of "Letter of Mapping Revision (LOMR)."
12. Included definition of "no rise certification."
13. Included definition of "repetitive loss."

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

October, 5, 2020

Signature

City Clerk's Office

14. Confirmed that variance applications go to the City Council and not a Board of Appeals.

6.2

15. Confirmed location of court that handles appeals.

16. Recommended keeping the 24-hour notice of violation for certain hazards in Section 34-227.

17. Corrected several clerical errors.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

n/a

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Revised_Jonesboro_Art_V_Flood_Damage_Prev_trackedchanges_5Aug20
- Revised_Jonesboro_Art_V_Flood_Damage_Prev_clean_5Aug20
- Jonesboro Final Ordinance Crosswalk (003)

Staff Recommendation (Type Name, Title, Agency and Phone)

Approval

CITY OF JONESBORO, GA**CODE OF ORDINANCES****CHAPTER 34 - ENVIRONMENT****ARTICLE V. - FLOODPLAIN MANAGEMENT AND FLOOD DAMAGE PREVENTION^[6]**

Footnotes:

--- (6) ---

Editor's note— Ord. No. 2014-011, § 1, adopted Dec. 8, 2014, repealed the former Art. V, §§ 34-200—34-228, and enacted a new Art. V as set out herein. The former Art. V pertained to similar subject matter and derived from Ord. No. 04-06, § 2, adopted Mar. 8, 2004.

Commented [PB1]: Recommended Code revision bring up to date with MNGWP 2013 Model Ordinance. Floodplain Management and Flood Damage Prevention provide consistency for all (7) CCWA Members.

Commented [PB2]: Added floodplain management ordinance title to match ordinance title.

DIVISION 1. - TITLE, FINDINGS OF FACT, AND GENERAL PROVISIONS

Sec. 34-200. - Title.

This article shall be known as the City of Jonesboro's "[Floodplain Management and](#) Flood Damage Prevention Ordinance."

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-201. - Findings of fact.

It is hereby determined that:

- (1) The flood hazard areas of the City of Jonesboro 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: (1) Protect human life and health; (2) Minimize damage to private property; (3) 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 (4) 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 The Municipal Home Rule Act of 1965, O.C.G.A. §§ 36-35-1 to -8, 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 of Jonesboro does ordain this ordinance and establishes this set of floodplain management and flood hazard reduction provisions 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. 2014-011, § 1, 12-8-2014)

Sec. 34-201.1. - 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 flood waters 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 flood waters; and
- (6) Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation, and ecological functions of natural floodplain areas.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-202. - Applicability.

This article shall be applicable to all areas of special flood hazard within the jurisdiction of the City of Jonesboro, Georgia.

(Ord. No. 2014-011, § 1, 12-8-2014)

Commented [GM3]: Added for consistency of language to match Clayton Co and others

Sec. - 34-203. Designation of Ordinance Administrator.

The City of Jonesboro community development director Clayton County Water Authority is hereby appointed to administer and implement the provisions of this article and provide appropriate recommendations for permit approval to the City of Jonesboro.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-204. - Basis for establishing areas of special flood hazard, areas of future—Conditions of flood hazard and associated floodplain characteristics—Flood area maps and studies.

For the purposes of defining and determining "areas of special flood hazard," "areas of future-conditions flood hazard," "areas of shallow flooding," "base flood elevations," "floodplains," "floodways," "future-conditions flood elevations," "future-conditions floodplains," potential flood hazard or risk categories as shown on FIRM maps, and other terms used in this article, the following documents and sources may be used for such purposes and are adopted by reference thereto:

- (1) The flood insurance study (FIS), dated ~~May 1983~~June 7, 2017, with accompanying maps and other supporting data and any revision thereto. For those land areas acquired by ~~a municipality~~ the City of Jonesboro through annexation, the current effective FIS and data for the City of Jonesboro, ~~as of the effective date of this article~~June 7, 2017, are hereby adopted by reference.
- (2) Other studies, which may be relied upon for the establishment of the base flood elevation or delineation of the base or one-percent (100-year) floodplain and flood-prone areas, including:
 - 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 of Jonesboro; and
 - b. Any base flood study conducted by a licensed professional engineer which has been prepared utilizing FEMA approved methodology and approved by the City of Jonesboro.
- (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 flood-prone areas, including:
 - 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 of Jonesboro; and
 - b. Any future-conditions flood study conducted by a licensed professional engineer which has been prepared utilizing FEMA approved methodology approved by the City of Jonesboro.
- (4) The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the Clayton County Water Authority~~City Hall of the City of Jonesboro~~.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-205. - 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 imposes higher protective standards for human health or the environment shall control.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-206. - Severability.

If the provisions of any section, subsection, paragraph, subdivision or clause of this article shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this article.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-207. - 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 ordinance-article shall not create liability on the part of the City of Jonesboro or 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. 2014-011, § 1, 12-8-2014)

DIVISION 2. - DEFINITIONS

Sec. 34-208. - Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

~~Accessory structure or facility~~*Accessory structure or facility* means a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the primary structure

Commented [PB4]: Shifted to top

Addition means any walled and roofed expansion to the perimeter or height of a building.

~~Adjacent~~ means those areas located a defined horizontal distance from the future-conditions floodplain boundary that are at or lower in elevation than either three feet above the base flood elevation or one 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, and etc. with no fill or other manmade barriers creating the separation).

Commented [PB5]: Added as update to model or defines "adjacent" for section called "building stand structures and buildings authorized adjacent to the conditions floodplain"

Administrator or Ordinance Administrator means the *Clayton County Water Authority**City of Jonesboro* community development director, or any other *agency*, department or official to whom the *county**city* has designated the administration of this article.

Commented [GM6]: Per CCWA mtg: Need to include local designee in definitions section.

Appeal means a request for a review of the City of Jonesboro's interpretation of any provision of this *ordinance**article*.

Area of future-conditions flood hazard means the land area that would be inundated by the one-percent-annual-chance flood based on future-conditions hydrology (100-year future-conditions flood).

Area of shallow flooding means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard means the land area subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and flood prone areas at or below the base flood elevation designated as Zones A, AI-30, A-99, AE, AO, AH, and AR on a community's flood insurance rate map (FIRM).

Accessory structure or facility means a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the primary structure.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood.

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

Basement means any area of a building having its floor subgrade below ground level on all sides.

Building has the same meaning as structure.

Conditional Letter of Mapping Revision (CLOMR): FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA.

Commented [PB7]: Not in model ordinance, recommended by CCWA

Designee means a city official in a department other than the department of community development, who is authorized by the city department of community development to serve as Administrator for the purposes of this chapter.

Commented [PB8]: Not in model ordinance, recommended by CCWA

Development means any manmade 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.

Elevated building means a non-basement building which has its lowest elevated floor raised above the ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing construction means any structure for which the "start of construction" commenced before June 2, 1987.

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 the effective date of this article.

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 insurance rate map or FIRM means an official map of a community, issued by FEMA, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood insurance study or FIS means the official report by FEMA providing an examination, evaluation and determination of flood hazards and corresponding flood profiles and water surface elevations of the base flood.

Floodplain or flood-prone area means any land area susceptible to flooding.

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

Floodway or regulatory floodway means the channel of a stream, river, or other watercourse and the adjacent areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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 elevation anticipated at any given location during the future-conditions flood.

Future-conditions floodplain means any land area 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 maps, comprehensive land-use plans, and/or watershed study projections, and without consideration of projected future construction of stormwater management (flood detention) structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. 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 by 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 by communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Letter of Mapping Revision (LOMR) means FEMA's official modification to an effective flood insurance rate map (FIRM), or flood boundary and floodway map (FBFM), or both. letter of map revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and this result in the modification of the existing regulatory floodway, the effective base flood elevations (BFE's), or the special flood hazard area (SFHA). The LOMR officially revises the flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM), and sometimes the flood insurance study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

Commented [PB9]: Not in model ordinance, recommend adding since included in later section

Lowest floor means the lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this ordinancearticle.

Manufactured home means a structure, 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 attached 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 does not include a "recreational vehicle."

Mean sea level means the datum to which base flood elevations shown on a community's flood insurance rate Map (FIRM) are referenced. For purposes of this article, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988.

New construction means any structure (see definition) for which the "start of construction" commenced on or after the effective date of this article and includes any subsequent improvements to the structure.

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 this article.

No-Rise Certification means a submittal supported by technical data and signed by a registered professional engineer that states any proposed development that must stipulate NO impact or NO changes to the base flood elevations, regulatory floodway elevations, or regulatory floodway widths at all new and existing cross-sections in the model. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM).

Commented [PB10]: Not in model ordinance, recommend adding since included in later section

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 City of Jonesboro to the applicant which is required prior to undertaking any development activity.

Recreational vehicle means a vehicle which is:

(1) Built on a single chassis;

- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by 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.

Repetitive loss means flood related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

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

Start of construction includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of the structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/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 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 (including a gas or liquid storage tank), that is principally above ground, 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 pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. This term also includes Repetitive Loss.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement to a structure, 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 which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include those improvements of a structure required to comply with existing state or local health, sanitary, or safety code specifications which are the minimum necessary to assure safe living conditions, which have been identified by the code enforcement official. The term does also not include any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Commented [PB11]: City does not have a program to track flood damages, but including this definition to model ordinance update.

Substantially improved existing manufactured home park or subdivision means the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads 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 ordinancearticle.

Violation means the failure of a structure or other development to be fully compliant with the requirements of this article. 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. 2014-011, § 1, 12-8-2014)

DIVISION 3. - PERMIT PROCEDURES AND REQUIREMENTS

Sec. 34-209. - Permit application requirements.

No owner or developer shall perform any development activities on a site where an area of special flood hazard or area of future-conditions flood hazard is located without first meeting the requirements of this article prior to commencing the proposed activity.

Unless specifically excluded by this article, any landowner or developer desiring a permit for a development activity shall submit to the [city clerk](#)[City of Jonesboro](#) a permit application on a form provided by the [city clerk](#)[City of Jonesboro](#) for that purpose.

No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this article.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-210. - Floodplain management plan requirements.

An application for a development project with any area of special flood hazard or area of future-conditions flood hazard located on the site shall include a floodplain management/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 and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;
 - 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 licensed 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 non-residential structure will be floodproofed;
- c. Certification that any proposed non-residential floodproofed structure meets the criteria in subsection 34-220(2);
- d. For enclosures below the base flood elevation, location and total net area of flood openings as required in subsection 34-219(5); and
- e. Design plans certified by a licensed professional engineer or architect for all proposed structure(s).

(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 floodways, 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, including but not limited to permits required by Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334; and

(6) All appropriate certifications required under this article.

The approved floodplain management/~~and~~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 and/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. 2014-011, § 1, 12-8-2014)

Sec. 34-211. - Construction stage submittal requirements.

For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the community development director~~or ordinance administrator or designee~~ a certified as-built elevation certificate or floodproofing certificate for non-residential 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 licensed land surveyor or professional engineer and certified by same. When floodproofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same using the FEMA floodproofing certificate. This certification shall also include the design and operation/maintenance plan to assure continued viability of the floodproofing measures.

Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The ordinance administrator or designee~~community development director~~ 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. Failure to submit

certification or failure to make the corrections required hereby shall be cause to issue a stop work order for the project.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-212. - Duties and responsibilities of the administrator.

Duties of the community development directorordinance administrator, or designee, shall include, but shall not be limited to:

- (1) Review all development applications and permits to assure that the requirements of this ordinancearticle have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
- (2) Review proposed development to assure that all necessary permits have been received from those 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 U.S.C. 1334;
- (3) When base flood elevation data or floodway data have not been provided, then the community development directorordinance administrator or designee shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to meet the provisions in divisions 4 and 5 of this ordinancearticle;
- (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 and 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 non-residential structure, the community development directorordinance administrator or designee shall review the design and operation/maintenance plan and obtain certification from a licensed professional engineer or architect;
- (7) Notify affected adjacent communities and the Georgia Department of Natural Resources (GADNR) prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA;
- (8) 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) the community development directorordinance administrator or designee shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinancearticle. 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;
- (9) All records pertaining to the provisions of this article shall be maintained in the office of the community development directorordinance administrator or designee and shall be open for public inspection;

Commented [GM12]: Replace with article to make language consistent; throughout.

Formatted: Font: (Default) +Body (Calibri), 11 pt

Formatted: Font: (Default) +Body (Calibri), 11 pt

City of Jonesboro, GA

Recommended updates to Code

Floodplain Management

- (10) Coordinate all FIRM revisions with the [Georgia Department of Natural Resources GADNR](#) and FEMA; and
- (11) Review variance applications and make recommendations to the [council of the City of Jonesboro](#).

(Ord. No. 2014-011, § 1, 12-8-2014)

Commented [SG13]: City - please confirm variance to City Council and not to a Board of Appeals.

DIVISION 4. - STANDARDS FOR DEVELOPMENT

Sec. 34-213. - Definition of floodplain boundaries.

- (a) Studied "A" zones, as identified in the FIS, shall be used to establish base flood elevations whenever available.
- (b) For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations shall be provided by the ~~community development director~~City of Jonesboro. If future-conditions elevation data is not available from the ~~community development director~~City of Jonesboro, then it shall be determined by a licensed professional engineer using a method approved by FEMA and the ~~community development director~~ordinance administrator or designee.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-214. - 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 ~~community development director~~City of Jonesboro. If floodway data is not available from the ~~community development director~~City of Jonesboro, it shall be determined by a licensed professional engineer using a method approved by FEMA and the ~~city~~community development director.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-215. - General standards.

- (a) No development shall be allowed within any area of special flood hazard or area of future-conditions flood hazard 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 any area of special flood hazard or area of future-conditions flood hazard allowed under Section 34-215(a) 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 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 2.0 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 (less than 0.01 foot), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of section 34-216;
- (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 flood waters; 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 City of Jonesboro using the FEMA community concurrence 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 development, the applicant shall submit as-built surveys and plans for a final letter of map revision (LOMR).

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-216. - 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 and floodways. This study shall be prepared by a licensed professional engineer and made a part of the application for a permit. This information shall be submitted to and approved by the community development director of the City of Jonesboro 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 City of Jonesboro community development director. Cross-sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating PSFIS 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. 2014-011, § 1, 12-8-2014)

Sec. 34-217. - 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 flood waters, 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) below.
- (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 will not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A licensed 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 City of Jonesboro until an affirmative Conditional Letter of Map Revision (CLOMR) is issued by FEMA or a no-rise certification is approved by the city.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-218. - Maintenance requirements.

The property owner shall be responsible ~~to or for~~ continuing maintenance as may be needed within an altered or relocated portion of a floodplain on the property so that the flood-carrying or flood storage capacity is maintained. The City of Jonesboro 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 city.

(Ord. No. 2014-011, § 1, 12-8-2014)

DIVISION 5. - PROVISIONS FOR FLOOD DAMAGE REDUCTION

Sec. 34-219. - General standards.

In all areas of special flood hazard and areas of future-conditions flood hazard, the following provisions apply:

- (1) New construction and substantial improvements of structures (residential or non-residential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of sections 34-215, 34-216, and 34-217 have been met;
- (2) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Elevated buildings. All new construction and substantial improvements 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 or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 - a. Designs for complying with this requirement must either be certified by a licensed professional engineer or architect to meet or exceed the following minimum criteria:
 - (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one foot above grade;
 - (iii) 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 article, 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; and
 - c. The interior portion of such enclosed area shall not be finished or partitioned 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 and/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, and 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) All proposed development shall include adequate drainage and stormwater management facilities per the requirements of the City of Jonesboro to reduce exposure to flood hazards;
- (9) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (10) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (11) On-site waste disposal systems shall be located and constructed to avoid impairment to, or contamination from, such systems during flooding;
- (12) Other public utilities such as gas and electric systems shall be located and constructed to avoid impairment to them, or public safety hazards from them, during flooding;
- (13) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this article, shall be undertaken only if the non-conformity is not furthered, extended or replaced;
- (14) If the proposed development is located in multiple flood zones, or multiple base flood elevations cross the proposed site, the higher or more restrictive base flood elevation or future condition elevation and development standards shall take precedence;
- (15) When only a portion of a proposed structure is located within a flood zone or the future conditions floodplain, the entire structure shall meet the requirements of this articleordinance; and
- (16) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reasonably safe from flooding:
 - a. All such proposals shall be consistent with the need to minimize flood damage within the flood-prone area;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage shall be provided to reduce exposure to flood hazards.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-220. - Building standards for structures and buildings within the future-conditions floodplain.

In addition to the requirements in section 34-219, the follow provisions shall apply:

- (1) *Residential buildings.*
 - a. *New construction.* New construction of principal residential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of sections 34-215, 34-216, and 34-217 have been met. If all of the requirements of sections 34-215, 34-

216, and 34-217 have been met, all new construction 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 automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection 34-219(5)a.

- b. *Substantial improvements.* Substantial improvement of any principal residential structure 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 a structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection 34-219(5)a.

(2) *Non-residential buildings.*

- a. *New construction.* New construction of principal non-residential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of sections 34-215, 34-216, and 34-217 have been met. If all of the requirements of sections 34-215, 34-216, and 34-217 have been met, all new construction shall have the lowest floor, including basement, elevated no lower than one 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 automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection 34-219(5)a. New construction that has met all of the requirements of subsections 34-215, 34-216, and 34-217 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 licensed 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 community development director/ordinance administrator or designee using the FEMA floodproofing certificate along with the design and operation/maintenance plan.
- b. *Substantial improvements.* Substantial improvement of any principal non-residential structure located in A1-30, AE, or AH zones, may be authorized by the community development director/ordinance administrator or designee to be elevated or floodproofed. Substantial improvements shall have the lowest floor, including basement, elevated no lower than one 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 automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection 34-219(5)a. Substantial improvements 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 licensed 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 ordinance administrator or designee community development director using the FEMA floodproofing certificate along with the design and operation/maintenance plan.

- (3) *Accessory structures and facilities.* Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, recreational facilities and other similar non-habitable structures and facilities) which meet the requirements of sections 34-215, 34-216, and 34-217 and are permitted to be located within the limits of the future-conditions floodplain shall be constructed of flood-resistant materials and designed to provide adequate flood openings in accordance with subsection 34-219(5)a. and be anchored to prevent flotation, collapse and 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 34-220(1)(b)), 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 34-215, 34-216, and 34-217 have been met. If all of the requirements of sections 34-215, 34-216, and 34-217 have been met, all new construction and substantial improvement 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 automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection 34-219(5)a.
 - b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:
 - (i) 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
 - (ii) 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 subsection 34-219(7).

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-221. - Building standards for structures and buildings authorized adjacent to the future-conditions floodplain.

For purposes of this article, the term "adjacent to the future conditions floodplain" includes: all structures and buildings on a property that contains (partially or entirely) an area of special flood hazard and all structures and buildings on a property that shares a common property line with another parcel that contains (partially or entirely) an area of special flood hazard. Buildings and Structures and buildings that are adjacent to the future-conditions floodplain shall meet the following requirements:

- (1) *Residential buildings.* For new construction and 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 automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection 34-219(5)(a).
- (2) *Non-residential buildings.* For new construction and substantial improvement of any principal non-residential 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 automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection 34-219(5)(a). Nonresidential buildings may be floodproofed in lieu of elevation.

Commented [GM14]: Definition does not match ordinance or CCWA. Moved to definitions section as updated to match model ordinance.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-222. - Building standards for residential single-lot developments on streams without established base flood elevations and floodway (A-Zones).

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 community development director-ordinance administrator or designee 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 article.

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 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. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided for flood prone enclosures in accordance with subsection 34-219(5)a.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-223. - 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 new construction and substantial improvements of residential and non-residential 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. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided in accordance with standards of subsection 34-219(5)a;
- (2) New construction and substantial improvement of a non-residential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood 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 licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice, and shall provide such certification to the ordinance administrator or designee ~~community development director~~ using the FEMA floodproofing certificate along with the design and operation/maintenance plan; and
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-224. - Standards for subdivisions of land.

- (a) All subdivision proposals shall identify the areas of special flood hazard and areas of future-conditions flood hazard therein 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; and
- (c) All subdivision plans will provide the elevations of proposed structures in accordance with subsection 34-210(2).

(Ord. No. 2014-011, § 1, 12-8-2014)

DIVISION 6. - VARIANCE PROCEDURES

Sec. 34-225. - Variance procedures.

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 article.

- (1) Requests for variances from the requirements of this article shall be submitted to the community development directorCity of Jonesboro. All such requests shall be heard and decided in accordance with procedures to be published in writing by the community development directorCity of Jonesboro. 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 City of Jonesboro community development director shall have the right to appeal such decision to the council of the City of Jonesboro with procedures to be published in writing by the city. 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 council of the City of Jonesboro rendered under subsection (2) may appeal such decision to the Superior Court of Clayton County by writ of certiorari, as provided in O.C.G.A. § Section 5-4-1 of the Official Code of Georgia Annotated.
- (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 a 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.
- (7) In reviewing such requests, the council of the City of Jonesboro shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this article.
- (8) Conditions for variances:
 - a. A variance shall be issued only when there is:
 - (i) A finding of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship; and
 - (iii) 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 article are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued

Commented [GM15]: City of Jonesboro (jurisdiction typical)

Formatted: Font: (Default) +Body (Calibri), 11 pt

Commented [SG16]: City - please confirm - appeal to City Council vs. a Board of Appeals.

Commented [SG17]: City - please confirm correct

Commented [GM18]: Matches model ordinance other codes. Same content, just language consistent

upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- 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 resulting from the lowest floor elevation being placed below the base flood elevation will be commensurate with the increased risk to life and property, and that such costs may be as high as \$25.00 for each \$100.00 of insurance coverage provided.
- d. The community development directorordinance administrator or designee shall maintain the records of all variance actions, both granted and denied, and report them to the Georgia Department of Natural Resources and 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 Council of the City of Jonesboro shall deem necessary for the consideration of the request.

(10) Upon consideration of the factors listed above and the purposes of this ordinancearticle, the council of the City of Jonesboro may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this article.

(11) Variances shall not be issued "after the fact."

(Ord. No. 2014-011, § 1, 12-8-2014)

Commented [PB20]: City to confirm

Commented [PB21]: City to confirm

DIVISION 7. - VIOLATIONS, ENFORCEMENT and PENALTIES

Sec. 34-226. - Violations, enforcement and penalties.

Any action or inaction which violates the provisions of this article or the requirements of an approved stormwater management plan or permit, may be subject to the enforcement actions outlined in this article. 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 below shall not prevent such equitable relief.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-227. - Notice of violation.

If the City of Jonesboro 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 article, 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 article without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

- (1) The name and address of the owner or the applicant 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 article 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 city 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. 2014-011, § 1, 12-8-2014)

Commented [GM22]: Matches Clayton County
additional to model ordinance. Recommend keeping

Sec. 34-228. - Penalties.

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 City of Jonesboro 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 city 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 city may issue a stop work order which 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 city 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 city 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 city may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (4) *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the city shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the city has taken one or more of the actions described above, the city may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- (5) *Criminal penalties.* For intentional and flagrant violations of this article, the city may issue a citation to the applicant or other responsible person, requiring such person to appear in the municipal court of the City of Jonesboro to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Ord. No. 2014-011, § 1, 12-8-2014)

Secs. 34-229—34-250. - Reserved.

Commented [SG23]: City - please confirm this is correct Court.

CITY OF JONESBORO, GA**CODE OF ORDINANCES****CHAPTER 34 - ENVIRONMENT****ARTICLE V. FLOODPLAIN MANAGEMENT AND FLOOD DAMAGE PREVENTION^[6]**

Footnotes:

--- (6) ---

Editor's note— Ord. No. 2014-011, § 1, adopted Dec. 8, 2014, repealed the former Art. V, §§ 34-200—34-228, and enacted a new Art. V as set out herein. The former Art. V pertained to similar subject matter and derived from Ord. No. 04-06, § 2, adopted Mar. 8, 2004.

Commented [PB1]: Recommended Code revision bring up to date with MNGWP 2013 Model Ordinance Floodplain Management and Flood Damage Prevention provide consistency for all (7) CCWA Members.

Commented [PB2]: Added floodplain management ordinance title to match ordinance title.

DIVISION 1. - TITLE, FINDINGS OF FACT, AND GENERAL PROVISIONS

Sec. 34-200. - Title.

This article shall be known as the City of Jonesboro's "Floodplain Management and Flood Damage Prevention Ordinance."

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-201. - Findings of fact.

It is hereby determined that:

- (1) The flood hazard areas of the City of Jonesboro 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: (1) Protect human life and health; (2) Minimize damage to private property; (3) 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 (4) 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 The Municipal Home Rule Act of 1965, O.C.G.A. §§ 36-35-1 to -8, 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 of Jonesboro does ordain this ordinance and establishes this set of floodplain management and flood hazard reduction provisions 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. 2014-011, § 1, 12-8-2014)

Sec. 34-201.1. - 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 flood waters 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 flood waters; and
- (6) Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation, and ecological functions of natural floodplain areas.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-202. - Applicability.

This article shall be applicable to all areas of special flood hazard within the jurisdiction of the City of Jonesboro, Georgia.

Commented [GM3]: Added for consistency of language to match Clayton Co and others

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. - 34-203. Designation of Ordinance Administrator.

The City of Jonesboro community development director is hereby appointed to administer and implement the provisions of this article

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-204. - Basis for establishing areas of special flood hazard, areas of future—Conditions flood hazard and associated floodplain characteristics—Flood area maps and studies.

For the purposes of defining and determining "areas of special flood hazard," "areas of future-conditions flood hazard," "areas of shallow flooding," "base flood elevations," "floodplains," "floodways," "future-conditions flood elevations," "future-conditions floodplains," potential flood hazard or risk categories as shown on FIRM maps, and other terms used in this article, the following documents and sources may be used for such purposes and are adopted by reference thereto:

- (1) The flood insurance study (FIS), dated June 7, 2017, with accompanying maps and other supporting data and any revision thereto. For those land areas acquired by the City of Jonesboro through annexation, the current effective FIS and data for the City of Jonesboro, June 7, 2017, are hereby adopted by reference.
- (2) Other studies, which may be relied upon for the establishment of the base flood elevation or delineation of the base or one-percent (100-year) floodplain and flood-prone areas, including:
 - 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 of Jonesboro; and
 - b. Any base flood study conducted by a licensed professional engineer which has been prepared utilizing FEMA approved methodology and approved by the City of Jonesboro.
- (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 flood-prone areas, including:
 - 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 of Jonesboro; and
 - b. Any future-conditions flood study conducted by a licensed professional engineer which has been prepared utilizing FEMA approved methodology approved by the City of Jonesboro.
- (4) The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the Clayton County Water Authority.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-205. - 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 imposes higher protective standards for human health or the environment shall control.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-206. - Severability.

If the provisions of any section, subsection, paragraph, subdivision or clause of this article shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this article.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-207. - 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 of Jonesboro or 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. 2014-011, § 1, 12-8-2014)

DIVISION 2. - DEFINITIONS

Sec. 34-208. - Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

Accessory structure or facility means a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the primary structure

Commented [PB4]: Shifted to top

Addition means any walled and roofed expansion to the perimeter or height of a building.

Adjacent means those areas located a defined horizontal distance from the future-conditions floodplain boundary that are at or lower in elevation than either three feet above the base flood elevation or one 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, and etc. with no fill or other manmade barriers creating the separation).

Commented [PB5]: Added as update to model or defines "adjacent" for section called "building stand structures and buildings authorized adjacent to the conditions floodplain"

Administrator or Ordinance Administrator means the City of Jonesboro **community development** director, or any other department or official to whom the city has designated the administration of this article.

Commented [GM6]: Per CCWA mtg: Need to include local designee in definitions section.

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

Area of future-conditions flood hazard means the land area that would be inundated by the one-percent-annual-chance flood based on future-conditions hydrology (100-year future-conditions flood).

Area of shallow flooding means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard means the land area subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and flood prone areas at or below the base flood elevation designated as Zones A, AI-30, A-99, AE, AO, AH, and AR on a community's flood insurance rate map (FIRM).

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood.

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

Basement means any area of a building having its floor subgrade below ground level on all sides.

Building has the same meaning as structure.

Conditional Letter of Mapping Revision (CLOMR): FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA.

Commented [PB7]: Not in model ordinance, recommended since included in later section

Designee means a city official in a department other than the department of community development, who is authorized by the city department of community development to serve as Administrator for the purposes of this chapter.

Commented [PB8]: Not in model ordinance, recommended by CCWA

Development means any manmade 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.

Elevated building means a non-basement building which has its lowest elevated floor raised above the ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing construction means any structure for which the "start of construction" commenced before June 2, 1987.

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 the effective date of this article.

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 insurance rate map or FIRM means an official map of a community, issued by FEMA, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood insurance study or FIS means the official report by FEMA providing an examination, evaluation and determination of flood hazards and corresponding flood profiles and water surface elevations of the base flood.

Floodplain or flood-prone area means any land area susceptible to flooding.

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

Floodway or regulatory floodway means the channel of a stream, river, or other watercourse and the adjacent areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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 elevation anticipated at any given location during the future-conditions flood.

Future-conditions floodplain means any land area 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 maps, comprehensive land-use plans, and/or watershed study projections, and without consideration of projected future construction of stormwater management (flood detention) structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. 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 by 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 by communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Letter of Mapping Revision (LOMR) means FEMA's official modification to an effective flood insurance rate map (FIRM), or flood boundary and floodway map (FBFM), or both. letter of map revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and this result in the modification of the existing regulatory floodway, the effective base flood elevations (BFE's), or the special flood hazard area (SFHA). The LOMR officially revises the flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM), and sometimes the flood insurance study (FIS) report, and when appropriate, includes a description of the

Commented [PB9]: Not in model ordinance, rec adding since included in later section

modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

Lowest floor means the lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this article.

Manufactured home means a structure, 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 attached 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 does not include a "recreational vehicle."

Mean sea level means the datum to which base flood elevations shown on a community's flood insurance rate Map (FIRM) are referenced. For purposes of this article, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988.

New construction means any structure (see definition) for which the "start of construction" commenced on or after the effective date of this article and includes any subsequent improvements to the structure.

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 this article.

No-Rise Certification means a submittal supported by technical data and signed by a registered professional engineer that states any proposed development that must stipulate NO impact or NO changes to the base flood elevations, regulatory floodway elevations, or regulatory floodway widths at all new and existing cross-sections in the model. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM).

Commented [PB10]: Not in model ordinance, recommend adding since included in later section

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 City of Jonesboro to the applicant which is required prior to undertaking any development activity.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by 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.

Repetitive loss means flood related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

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

Start of construction includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of the structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/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 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 (including a gas or liquid storage tank), that is principally above ground, 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. This term also includes Repetitive Loss.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement to a structure, 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 which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include those improvements of a structure required to comply with existing state or local health, sanitary, or safety code specifications which are the minimum necessary to assure safe living conditions, which have been identified by the code enforcement official. The term does also not include any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Substantially improved existing manufactured home park or subdivision means the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads 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.

Commented [PB11]: City does not have a program to track flood damages, but including this definition to model ordinance update.

City of Jonesboro, GA

Recommended updates to Code

Floodplain Management

Violation means the failure of a structure or other development to be fully compliant with the requirements of this article. 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. 2014-011, § 1, 12-8-2014)

Attachment: Revised_Jonesboro_Art_V_Flood_Damage_Prev_clean_5Aug20 (1722 : Article V - Flood Damage Prevention)

DIVISION 3. - PERMIT PROCEDURES AND REQUIREMENTS

Sec. 34-209. - Permit application requirements.

No owner or developer shall perform any development activities on a site where an area of special flood hazard or area of future-conditions flood hazard is located without first meeting the requirements of this article prior to commencing the proposed activity.

Unless specifically excluded by this article, any landowner or developer desiring a permit for a development activity shall submit to the City of Jonesboro a permit application on a form provided by the City of Jonesboro for that purpose.

No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this article.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-210. - Floodplain management plan requirements.

An application for a development project with any area of special flood hazard or area of future-conditions flood hazard located on the site shall include a floodplain management/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 and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;
 - 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 licensed 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 non-residential structure will be floodproofed;
- c. Certification that any proposed non-residential floodproofed structure meets the criteria in subsection 34-220(2);
- d. For enclosures below the base flood elevation, location and total net area of flood openings as required in subsection 34-219(5); and
- e. Design plans certified by a licensed professional engineer or architect for all proposed structure(s).

(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 floodways, 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, including but not limited to permits required by Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334; and

(6) All appropriate certifications required under this article.

The approved floodplain management/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 and/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. 2014-011, § 1, 12-8-2014)

Sec. 34-211. - Construction stage submittal requirements.

For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the ordinance administrator or designee a certified as-built elevation certificate or floodproofing certificate for non-residential 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 licensed land surveyor or professional engineer and certified by same. When floodproofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same using the FEMA floodproofing certificate. This certification shall also include the design and operation/maintenance plan to assure continued viability of the floodproofing measures.

Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The ordinance administrator or designee 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. Failure to submit certification or failure to make the corrections required hereby shall be cause to issue a stop work order for the project.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-212. - Duties and responsibilities of the administrator.

Duties of the ordinance administrator, or designee, shall include, but shall not be limited to:

- (1) Review all development applications and permits to assure that the requirements of this article have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
- (2) Review proposed development to assure that all necessary permits have been received from those 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 U.S.C. 1334;
- (3) When base flood elevation data or floodway data have not been provided, then the ordinance administrator or designee shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to meet the provisions in divisions 4 and 5 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 and 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 non-residential structure, the ordinance administrator or designee shall review the design and operation/maintenance plan and obtain certification from a licensed professional engineer or architect;
- (7) Notify affected adjacent communities and the Georgia Department of Natural Resources (GADNR) prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA;
- (8) 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) the ordinance administrator or designee shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article. 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;
- (9) All records pertaining to the provisions of this article shall be maintained in the office of the ordinance administrator or designee and shall be open for public inspection;
- (10) Coordinate all FIRM revisions with the GADNR and FEMA; and
- (11) Review variance applications and make recommendations to the council of the City of Jonesboro.

(Ord. No. 2014-011, § 1, 12-8-2014)

Commented [SG12]: City - please confirm variance to City Council and not to a Board of Appeals.

DIVISION 4. - STANDARDS FOR DEVELOPMENT

Sec. 34-213. - Definition of floodplain boundaries.

- (a) Studied "A" zones, as identified in the FIS, shall be used to establish base flood elevations whenever available.
- (b) For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations shall be provided by the City of Jonesboro. If future-conditions elevation data is not available from the City of Jonesboro, then it shall be determined by a licensed professional engineer using a method approved by FEMA and the ordinance administrator or designee.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-214. - 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 City of Jonesboro. If floodway data is not available from the City of Jonesboro, it shall be determined by a licensed professional engineer using a method approved by FEMA and the city.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-215. - General standards.

- (a) No development shall be allowed within any area of special flood hazard or area of future-conditions flood hazard 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 any area of special flood hazard or area of future-conditions flood hazard allowed under Section 34-215(a) 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 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 2.0 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 (less than 0.01 foot), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of section 34-216;
- (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 flood waters; 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 City of Jonesboro using the FEMA community concurrence 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 development, the applicant shall submit as-built surveys and plans for a final letter of map revision (LOMR).

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-216. - 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 and floodways. This study shall be prepared by a licensed professional engineer and made a part of the application for a permit. This information shall be submitted to and approved by the City of Jonesboro 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 City of Jonesboro. 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. 2014-011, § 1, 12-8-2014)

Sec. 34-217. - 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 flood waters, 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) below.
- (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 will not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A licensed 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 City of Jonesboro until an affirmative Conditional Letter of Map Revision (CLOMR) is issued by FEMA or a no-rise certification is approved by the city.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-218. - 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 the property so that the flood-carrying or flood storage capacity is maintained. The City of Jonesboro 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 city.

(Ord. No. 2014-011, § 1, 12-8-2014)

DIVISION 5. - PROVISIONS FOR FLOOD DAMAGE REDUCTION

Sec. 34-219. - General standards.

In all areas of special flood hazard and areas of future-conditions flood hazard, the following provisions apply:

- (1) New construction and substantial improvements of structures (residential or non-residential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of sections 34-215, 34-216, and 34-217 have been met;
- (2) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Elevated buildings. All new construction and substantial improvements 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 or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 - a. Designs for complying with this requirement must either be certified by a licensed professional engineer or architect to meet or exceed the following minimum criteria:
 - (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one foot above grade;
 - (iii) 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 article, 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; and
 - c. The interior portion of such enclosed area shall not be finished or partitioned 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 and/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, and 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) All proposed development shall include adequate drainage and stormwater management facilities per the requirements of the City of Jonesboro to reduce exposure to flood hazards;
- (9) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (10) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (11) On-site waste disposal systems shall be located and constructed to avoid impairment to, or contamination from, such systems during flooding;
- (12) Other public utilities such as gas and electric systems shall be located and constructed to avoid impairment to them, or public safety hazards from them, during flooding;
- (13) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this article, shall be undertaken only if the non-conformity is not furthered, extended or replaced;
- (14) If the proposed development is located in multiple flood zones, or multiple base flood elevations cross the proposed site, the higher or more restrictive base flood elevation or future condition elevation and development standards shall take precedence;
- (15) When only a portion of a proposed structure is located within a flood zone or the future conditions floodplain, the entire structure shall meet the requirements of this article; and
- (16) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reasonably safe from flooding:
 - a. All such proposals shall be consistent with the need to minimize flood damage within the flood-prone area;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage shall be provided to reduce exposure to flood hazards.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-220. - Building standards for structures and buildings within the future-conditions floodplain.

In addition to the requirements in section 34-219, the follow provisions shall apply:

- (1) *Residential buildings.*
 - a. *New construction.* New construction of principal residential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of sections 34-215, 34-216, and 34-217 have been met. If all of the requirements of sections 34-215, 34-216, and 34-217 have been met, all new construction 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 automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection 34-219(5)a.

- b. *Substantial improvements.* Substantial improvement of any principal residential structure 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 a structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection 34-219(5)a.

(2) *Non-residential buildings.*

- a. *New construction.* New construction of principal non-residential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of sections 34-215, 34-216, and 34-217 have been met. If all of the requirements of sections 34-215, 34-216, and 34-217 have been met, all new construction shall have the lowest floor, including basement, elevated no lower than one 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 automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection 34-219(5)a. New construction that has met all of the requirements of subsections 34-215, 34-216, and 34-217 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 licensed 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 ordinance administrator or designee using the FEMA floodproofing certificate along with the design and operation/maintenance plan.
- b. *Substantial improvements.* Substantial improvement of any principal non-residential structure located in A1-30, AE, or AH zones, may be authorized by the ordinance administrator or designee to be elevated or floodproofed. Substantial improvements shall have the lowest floor, including basement, elevated no lower than one 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 automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection 34-219(5)a. Substantial improvements 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 licensed 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 ordinance administrator or designee using the FEMA floodproofing certificate along with the design and operation/maintenance plan.

- (3) *Accessory structures and facilities.* Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, recreational facilities and other similar non-habitable structures and facilities) which meet the requirements of sections 34-215, 34-216, and 34-217 and are permitted to be located within the limits of the future-conditions floodplain shall be constructed of flood-resistant materials and designed to provide adequate flood openings in accordance with subsection 34-219(5)a. and be anchored to prevent flotation, collapse and 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 34-220(1)(b)), 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 34-215, 34-216, and 34-217 have been met. If all of the requirements of sections 34-215, 34-216, and 34-217 have been met, all new construction and substantial improvement 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 automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection 34-219(5) a.
 - b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:
 - (i) 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
 - (ii) 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 subsection 34-219(7).

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-221. - Building standards for structures and buildings authorized adjacent to the future-conditions floodplain.

Structures and buildings that are adjacent to the future-conditions floodplain shall meet the following requirements:

- (1) *Residential buildings.* For new construction and 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 automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection 34-219(5)(a).
- (2) *Non-residential buildings.* For new construction and substantial improvement of any principal non-residential 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 automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection 34-219(5)(a). Nonresidential buildings may be floodproofed in lieu of elevation.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-222. - Building standards for residential single-lot developments on streams without established base flood elevations and floodway (A-Zones).

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 ordinance administrator or designee 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 article.

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 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. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided for flood prone enclosures in accordance with subsection 34-219(5)a.

(Ord. No. 2014-011, § 1, 12-8-2014)

Commented [GM13]: Definition does not match ordinance or CCWA. Moved to definitions section and updated to match model ordinance.

Sec. 34-223. - 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 new construction and substantial improvements of residential and non-residential 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. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided in accordance with standards of subsection 34-219(5)a;
- (2) New construction and substantial improvement of a non-residential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood 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 licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice, and shall provide such certification to the ordinance administrator or designee using the FEMA floodproofing certificate along with the design and operation/maintenance plan; and
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-224. - Standards for subdivisions of land.

- (a) All subdivision proposals shall identify the areas of special flood hazard and areas of future-conditions flood hazard therein 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; and
- (c) All subdivision plans will provide the elevations of proposed structures in accordance with subsection 34-210(2).

(Ord. No. 2014-011, § 1, 12-8-2014)

DIVISION 6. - VARIANCE PROCEDURES

Sec. 34-225. - Variance procedures.

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 article.

- (1) Requests for variances from the requirements of this article shall be submitted to the City of Jonesboro. All such requests shall be heard and decided in accordance with procedures to be published in writing by the City of Jonesboro. 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 City of Jonesboro shall have the right to appeal such decision to the council of the City of Jonesboro with procedures to be published in writing by the city. 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 council of the City of Jonesboro rendered under subsection (2) may appeal such decision to the Superior Court of Clayton County by writ of certiorari, as provided in O.C.G.A. § 5-4-1.
- (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 a 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.
- (7) In reviewing such requests, the council of the City of Jonesboro shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this article.
- (8) Conditions for variances:
 - a. A variance shall be issued only when there is:
 - (i) A finding of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship; and
 - (iii) 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.

Commented [SG14]: City - please confirm - appeal to City Council vs. a Board of Appeals.

Commented [SG15]: City - please confirm correct

Commented [GM16]: Matches model ordinance other codes. Same content, just language consistent

Commented [SG17]: City to confirm

- b. The provisions of this article 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.
- 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 resulting from the lowest floor elevation being placed below the base flood elevation will be commensurate with the increased risk to life and property, and that such costs may be as high as \$25.00 for each \$100.00 of insurance coverage provided.
- d. The ordinance administrator or designee shall maintain the records of all variance actions, both granted and denied, and report them to the Georgia Department of Natural Resources and 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 Council of the City of Jonesboro shall deem necessary for the consideration of the request.

(10) Upon consideration of the factors listed above and the purposes of this article, the council of the City of Jonesboro may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this article.

(11) Variances shall not be issued "after the fact."

(Ord. No. 2014-011, § 1, 12-8-2014)

Commented [PB18]: City to confirm

Commented [PB19]: City to confirm

DIVISION 7. - VIOLATIONS, ENFORCEMENT and PENALTIES

Sec. 34-226. - Violations, enforcement and penalties.

Any action or inaction which violates the provisions of this article or the requirements of an approved stormwater management plan or permit, may be subject to the enforcement actions outlined in this article. 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 below shall not prevent such equitable relief.

(Ord. No. 2014-011, § 1, 12-8-2014)

Sec. 34-227. - Notice of violation.

If the City of Jonesboro 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 article, 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 article without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

- (1) The name and address of the owner or the applicant 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 article 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 city 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. 2014-011, § 1, 12-8-2014)

Commented [GM20]: Matches Clayton County code additional to model ordinance. Recommend keeping.

Sec. 34-228. - Penalties.

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 City of Jonesboro 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 city 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 city may issue a stop work order which 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 city 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 city 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 city may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (4) *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the city shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the city has taken one or more of the actions described above, the city may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- (5) *Criminal penalties.* For intentional and flagrant violations of this article, the city may issue a citation to the applicant or other responsible person, requiring such person to appear in the municipal court of the City of Jonesboro to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Ord. No. 2014-011, § 1, 12-8-2014)

Secs. 34-229—34-250. - Reserved.

Commented [SG21]: City - please confirm this is correct Court.

Model Ordinance Section Name	Model Ordinance Sub-Section Number	Local Code Section Reference	Existing Ordinance Gap	Proposed Updated Ordinance Language
Section 1 General Provisions	Introduction	Article V Title	Gap - missing text	ARTICLE V. - FLOODPLAIN MANAGEMENT AND FLOOD DAMAGE PREVENTION
	Introduction	34-200	Gap - missing text	This article shall be known as the City of Jonesboro's "Floodplain Management and Flood Damage Prevention Ordinance."
	1.2 Applicability	34-202	Gap - language consistency	This article shall be applicable to all areas of special flood hazard within the jurisdiction of the City of Jonesboro, Georgia.
	1.3 Designation of Ordinance Administrator	34-203	Gap - incorrect administrator; missing language	The City of Jonesboro community development director is hereby appointed to administer and implement the provisions of this article and provide appropriate recommendations for permit approval to the City of Jonesboro.
	1.4 Basis for Establishing Areas of Special Flood Hazard, Areas of Future-Conditions Flood Hazard and Associated Floodplain Characteristics - Flood Area Maps and Studies	34-204.1	Gap - section specifies municipality instead of city; incorrect FIS date and missing effective FIS date for areas acquired through annexation	The flood insurance study (FIS), dated June 7, 2017, with accompanying maps and other supporting data and any revision thereto. For those land areas acquired by the City of Jonesboro through annexation, the current effective FIS and data for the City of Jonesboro, as of the effective date of this article, are hereby adopted by reference.
	1.4 Basis for Establishing Areas of Special Flood Hazard, Areas of Future-Conditions Flood Hazard and Associated Floodplain Characteristics - Flood Area Maps and Studies	34-204.4	Gap - incorrect data provider, City Hall of the City of Jonesboro	The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the Clayton County Water Authority.
	1.7 Warning and Disclaimer of Liability	34-207	Gap - inconsistent language, refers to ordinance instead of article	This article shall not create liability on the part of the City of Jonesboro or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

Section 2 Definitions		34-208	Gap - missing definition for administrator	<i>Administrator or Ordinance</i> <i>Administrator</i> means the City of Jonesboro community development director, or any other agency, department or official to whom the county has designated the administration of this article.
		34-208	Gap - inconsistent language, refers to ordinance instead of article	<i>Appeal</i> means a request for a review of the City of Jonesboro's interpretation of any provision of this article .
		34-208	Gap - missing definition for <i>Adjacent</i>	<i>Adacent</i> means those areas located a defined horizontal distance from the future-conditions floodplain boundary that are at or lower in elevation than either three feet above the base flood elevation or one 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, and etc. with no fill or other manmade barriers creating the separation).
		34-208	Gap - missing definition for conditional letter of mapping revision	<i>Conditional Letter of Mapping Revision (CLOMR)</i> : FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA.

	34-208	Gap - missing definition	<i>Designee</i> means a city official in a department other than the department of community services, who is authorized by the city department of community services to serve as Administrator for the purposes of this chapter.
	34-208	Gap - missing definition for letter of mapping revision	<i>Letter of Mapping Revision (LOMR)</i> means FEMA's official modification to an effective flood insurance rate map (FIRM), or flood boundary and floodway map (FBFM), or both. letter of map revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and this result in the modification of the existing regulatory floodway, the effective base flood elevations (BFE's), or the special flood hazard area (SFHA). The LOMR officially revises the flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM), and sometimes the flood insurance study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM FBFM or FIS report
	34-208	Gap - inconsistent language, refers to ordinance instead of article	<i>Lowest floor</i> means the lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this article.
	34-208	Gap - missing text	<i>New construction</i> means any structure (see definition) for which the "start of construction" commenced on or after the effective date of this article and includes any subsequent improvements to the structure.

	34-208	Gap - missing definition for no-rise certification	<i>No-Rise Certification</i> means a submittal supported by technical data and signed by a registered professional engineer that states any proposed development that must stipulate NO impact or NO changes to the base flood elevations, regulatory floodway elevations, or regulatory floodway widths at all new and existing cross-sections in the model. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM).
	34-208	Gap - inconsistent language, refers to ordinance instead of article	<i>Variance</i> means a grant of relief from the requirements of this ordinance article.
Section 3 Permit Procedures and Requirements	3.1 Permit application requirements	34-209	Gap - incorrect authority Unless specifically excluded by this article, any landowner or developer desiring a permit for a development activity shall submit to the City of Jonesboro a permit application on a form provided by the City of Jonesboro for that purpose.
	3.2 Floodplain Management Plan Requirements	34-210	Gap - formatting error The approved floodplain management / 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.

3.3 Construction stage submittal requirements	34-211	Gap - incorrect administrator, use general term	For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the ordinance administrator or designee a certified as-built elevation certificate or floodproofing certificate for non-residential construction including the lowest floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed.
3.3 Construction stage submittal requirements	34-211	Gap - incorrect administrator, use general term	The ordinance administrator or designee shall review the above referenced certification data submitted.
3.4 Duties and Responsibilities of the Administrator	34-212	Gap - incorrect administrator	Duties of the ordinance administrator, or designee, shall include, but shall not be limited to:
3.4 Duties and Responsibilities of the Administrator	34-212.1	Gap - inconsistent language, refers to ordinance instead of article	Review all development applications and permits to assure that the requirements of this article have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
3.4 Duties and Responsibilities of the Administrator	34-212.3	Gap - incorrect administrator and inconsistent language, refers to ordinance instead of article	When base flood elevation data or floodway data have not been provided, then the ordinance administrator or designee shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to meet the provisions in divisions 4 and 5 of this article ;

	3.4 Duties and Responsibilities of the Administrator	34-212.6	Gap - incorrect administrator	When floodproofing is utilized for a non-residential structure, the ordinance administrator or designee shall review the design and operation/maintenance plan and obtain certification from a licensed professional engineer or architect;
	3.4 Duties and Responsibilities of the Administrator	34-212.7	Gap - language consistency	Notify affected adjacent communities and the Georgia Department of Natural Resources (GADNR) prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA;
	3.4 Duties and Responsibilities of the Administrator	34-212.8	Gap - incorrect administrator and inconsistent language, refers to ordinance instead of article	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) the ordinance administrator or designee shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article .
	3.4 Duties and Responsibilities of the Administrator	34-212.9	Gap - incorrect administrator	All records pertaining to the provisions of this article shall be maintained in the office of the ordinance administrator or designee and shall be open for public inspection;
	3.4 Duties and Responsibilities of the Administrator	34-212.10	Gap - language consistency	Coordinate all FIRM revisions with the GADNR and FEMA; and
Section 4 Standards for Development	4.4 Engineering study requirements for Floodplain Encroachments	34-216	Gap - incorrect administrator, should be jurisdiction	This information shall be submitted to and approved by the City of Jonesboro prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain.

	4.4 Engineering study requirements for Floodplain Encroachments	34-216.2	Gap - incorrect administrator, should be jurisdiction	Step-backwater analysis, using a FEMA-approved methodology approved by the City of Jonesboro.
	4.4 Engineering study requirements for Floodplain Encroachments	34-216.2	Gap - formatting error	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;
	4.5 Floodway Encroachments	34-217.3	Gap - language consistency	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 City of Jonesboro until an affirmative Conditional Letter of Map Revision (CLOMR) is issued by FEMA or a no-rise certification is approved by the City of Jonesboro.
	4.6 Maintenance Requirements	34-218	Gap - formatting error	The property owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on the property so that the flood-carrying or flood storage capacity is maintained.
	4.6 Maintenance Requirements	34-218	Gap - language consistency	The City of Jonesboro may direct the property owner (at no cost to the City of Jonesboro) 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 City of Jonesboro.
Section 5 Provisions for Flood Damage Reduction	5.1 General Standards	34-219.15	Gap - inconsistent language, refers to ordinance instead of article	When only a portion of a proposed structure is located within a flood zone or the future conditions floodplain, the entire structure shall meet the requirements of this article ; and

	5.2 Building Standards for Structures and Buildings Within the Future-Conditions Floodplain	34-220.2.a	Gap - incorrect administrator, use general term	A licensed 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 ordinance administrator or designee using the FEMA floodproofing certificate along with the design and operation/maintenance plan.
	5.2 Building Standards for Structures and Buildings Within the Future-Conditions Floodplain	34-220.2.b	Gap - incorrect administrator, use general term	Substantial improvement of any principal non-residential structure located in A1-30, AE, or AH zones, may be authorized by the ordinance administrator or designee to be elevated or floodproofed...A licensed 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 ordinance administrator or designee using the FEMA floodproofing certificate along with the design and operation/maintenance plan.
	5.2 Building Standards for Structures and Buildings Within the Future-Conditions Floodplain	34-220.5.b.ii	Gap - formatting error	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.
	5.3 Building standards for structures and buildings authorized adjacent to the future-conditions floodplain	34-221	Gap - inconsistent language, definition of adjacent and introduction paragraph	Structures and buildings that are adjacent to the future-conditions floodplain shall meet the following requirements:
	5.3 Building standards for structures and buildings authorized adjacent to the future-conditions floodplain	34-221.1 and 2	Gap - formatting error	34-219(5)(a)

	5.4 Building standards for residential single-lot developments on streams without established base flood elevations and floodway (A-Zones)	34-222	Gap - incorrect administrator, use general term	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 ordinance administrator or designee 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 article.
	5.5 Building standards for areas of shallow flooding (AO-Zones)	34-223.2	Gap - incorrect administrator, use general term	A licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice, and shall provide such certification to the ordinance administrator or designee using the FEMA floodproofing certificate along with the design and operation/maintenance plan;
Section 6 Variance Procedures	N/A	34-225.1	Gap - replace local authority with jurisdiction	Requests for variances from the requirements of this article shall be submitted to the City of Jonesboro . All such requests shall be heard and decided in accordance with procedures to be published in writing by the City of Jonesboro .
	N/A	34-225.2	Gap - language consistency	Any person adversely affected by any decision of the City of Jonesboro shall have the right to appeal such decision to the council of the City of Jonesboro with procedures to be published in writing by the City of Jonesboro .

	N/A	34-225.3	Gap - language consistency	Any person aggrieved by the decision of the council of the City of Jonesboro rendered under subsection (2) may appeal such decision to the Superior Court of Clayton County by writ of certiorari, as provided in O.C.G.A. § 5-4-1 .
	N/A	34-225.8.d	Gap - incorrect administrator, use general term	The ordinance administrator or designee shall maintain the records of all variance actions, both granted and denied, and report them to the Georgia Department of Natural Resources and the Federal Emergency Management Agency upon request.
	N/A	34-225.10	Gap - inconsistent language, refers to ordinance instead of article	Upon consideration of the factors listed above and the purposes of this article, the council of the City of Jonesboro may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this article.
Section 7 Violations, Enforcement and Penalties	7.1 Notice of Violation	34-227.6	Gap - language consistency	A statement that the determination of violation may be appealed to the City of Jonesboro 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).
	7.1 Notice of Violation	34-228	Gap - language consistency, city	Before taking any of the following actions or imposing any of the following penalties, the City of Jonesboro (the City) 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.
	7.2 Penalties	34-228	Gap - inconsistent language "city" typical throughout section	City