

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE AMENDING CHAPTER 109-19, ARTICLE II – FLOODPLAIN
MANAGEMENT ORDINANCE OF THE CODE OF ORDINANCES OF THE
CITY OF SANDY SPRINGS, GA**

BE IT ORDAINED by the City Council of the City of Sandy Springs, GA while in regular session on February 17, 2009 at 6:00 p.m. as follows:

SECTION 1. That the Ordinance relating to Amending the Code of the City of Sandy Springs; Chapter 109-19, Article II: Floodplain Management Ordinance to define a *structure* as “anything built or constructed which extends above ground and occupies a location on, or is attached to, or cantilevers over the ground”. This definition will replace the current definition of a *structure* found in Section 109-19 of the ordinance, and is hereby adopted and approved; and is attached hereto as if fully set forth herein, and;

SECTION 2. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed, and;

SECTION 3. That this Ordinance shall be effective February 17, 2009.

ORDAINED this the 17th day of February, 2009.

Approved:



Eva Galambos, Mayor

Attest:



Michael D. Casey, Interim City Clerk

(Seal)



ARTICLE II. FLOODPLAIN MANAGEMENT

DIVISION 1. GENERALLY

Sec. 109-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: *Addition (to an existing building)* means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by an independent perimeter load-bearing wall is considered new construction.

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

Area of shallow flooding means a designated AO or AH zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard means the land subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and floodprone areas at or below the base flood elevation (including A, A1-30, A-99, AE, AO, AH, and AR on the FHBM or the FIRM), all floodplain and floodprone areas at or below the future-conditions flood elevation, and all other floodprone areas as referenced in section 109-22. All streams with a drainage area of 100 acres or greater shall have the area of special flood hazard delineated.

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

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

Basement means a level below a floor of a building with a portion of the floor below grade.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

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, and any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials.

Director means the director of the city's community development department.

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

Existing construction means any structure for which the start of construction commenced before July 5, 2006.

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 final site grading or the pouring of concrete pads) is completed before July 5, 2006.

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

Start of construction means the date the permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes 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 buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (Accessory structures are not exempt from any article requirements.) 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 anything built or constructed, which extends above ground and occupies a location on, or is attached to, or cantilevers over the ground.

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

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

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

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

Substantial improvement includes structures which have incurred substantial damage regardless of the actual amount of repair work performed. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the code enforcement official, and not solely triggered by an improvement or repair project.

Substantially improved existing manufactured home park or subdivision means a condition in which 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 which permits construction in a manner otherwise prohibited by this article.