

## **CHAPTER 24**

### **Environmental Regulations**

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The FDPO adopted on September 24, 2021, was rescinded in its entirety and a new version adopted on August 22, 2025.

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Adopted June 25, 2004

Amended June 11, 2010; Amended December 2, 2016

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## **ARTICLE I**

### **Flood Damage Prevention Ordinance**

Flood Damage Prevention Ordinance adopted on September 24, 2021, was rescinded in its entirety and a new version adopted on August 22, 2025.

**§24-101 Statutory Authority.** Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated 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 Board of Commissioners of Chatham County, Georgia, does ordain the following.

**§24-102 Findings of Fact.**

1. Chatham County is experiencing more severe and frequent storm events. These events result in increased flooding and periodic inundation which potentially can cause 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 public health, safety, and general welfare.
2. These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

**§24-103 Statement of Purpose.** The purpose of this Ordinance is to establish development standards intended to protect and promote the health and safety of the public; increase long-term community resilience to flooding hazards; and minimize losses due to flooding.

The provisions of this Ordinance to support this purpose include:

1. Requiring uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction,
2. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion,

3. Controlling fill, grading, dredging and other development which may increase flood damage or erosion,
4. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or increase flood hazards to other lands, and
5. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters.

**§24-104 Objectives**. The objectives of this ordinance are:

1. Protect human life and health,
2. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains,
3. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood impacts,
4. Minimize expenditure of public money for costly flood control projects,
5. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public,
6. Minimize prolonged business interruptions,
7. Increase community awareness of flood prone areas,
8. Provide flood-based resources regarding Special Flood Hazard Areas (SFHA), and
9. Meet and exceed the Federal Emergency Management Agency (FEMA) National Flood Insurance Policy (NFIP) standards to provide increased protection for lives and properties while providing a mechanism for post disaster financial assistance through FEMA.

**§24-105 Definitions**. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

1. Accessory structure - 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 principal structure. For example,

a residential structure may have an accessory structure such as a detached garage or storage shed for garden tools. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar.

2. Addition (to an existing structure) - any improvement that increases the square footage of an existing structure. These include lateral additions added to the front, side, or rear of a structure, vertical additions added on top of a structure, and enclosures added underneath a structure.
3. Administrator - County personnel who implements the provisions of this Ordinance. The County Engineer or designee shall be the Administrator of the Flood Damage Prevention Ordinance (FDPO).
4. Appeal - a written request by an aggrieved person initiating a review of an interpretation of any provision of this Ordinance or variance decision. An appeal shall be signed and dated with applicant's full name and the address of the parcel involved and shall state specific reasons for the appeal.
5. Area of shallow flooding - a designated AO, VO, 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.
6. Area of special flood hazard - see Special Flood Hazard Area.
7. Base flood - a flood having a one percent chance of being equaled or exceeded in any given year. This is also referred to as the 100-year flood event.
8. Base Flood Elevation (BFE) - the elevation of surface water resulting from a base flood. The BFE is shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-A30, AR, V-V30, and VE.
9. Basement - an area of the building having its floor subgrade (below ground level) on all sides. The lowest floor of a residential building including basement must be above the Base Flood Elevation.
10. Breakaway wall - a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

11. Building - See definition for "Structure."
12. Coastal High Hazard Area - a Special Flood Hazard Area (SFHA) along the coast that has additional hazards due to wind and wave action. The coastal high hazard areas are identified as Coastal A and V Zones on Flood Insurance Rate Maps (FIRMs).
13. Crawlspace - an under-floor space that has its interior floor area no more than five feet below the top of the next higher floor. Crawlspace generally have solid (perimeter) foundation walls.
14. Critical Facility - a public or private facility in which flooding would create an added dimension to the disaster and/or increase the hazard to life and health. Critical facilities include:
  - a. Structures or facilities that produce, use, process, distribute, or store highly volatile, flammable, explosive, toxic, or water-reactive materials that may contaminate, explode, or heighten the risk of injury or death during or after a flood or storm event,
  - b. Hospitals, nursing homes, housing for the elderly, or similar facilities that likely contain occupants who may not be able to avoid injury or death in a flood and storm event,
  - c. Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events, and
  - d. Generating plants and other principal points of utility lines.
15. Development - any man-made change to an improved or unimproved property, including, but not limited to, construction of buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling, and storage of materials or equipment.
16. Elevated building - a building that has the lowest elevated floor raised above ground level by solid (perimeter) foundation walls, shear walls, pilings, columns, posts, or piers.
17. Elevation Certificate (EC) - a certificate verifying the elevation of the lowest floor of the structure. Three iterations of an EC are required with all new or substantially improved structures in the SFHA.

18. Enclosure - a walled in area below the lowest floor of an elevated building with walls more than 40% solid. An enclosure below the Base Flood Elevation (BFE) may only be used for building access, vehicle parking, and storage. Enclosures must be adequately anchored, must remain unfinished, or be built using flood damage-resistant building material, and must have utilities and service facilities designed and/or located at least three feet above the base flood elevation (BFE) to prevent flood damage.
19. Existing construction - a structure for which the "start of construction" commenced before August 1, 1980.
20. Existing manufactured (mobile) home park or subdivision - a manufactured (mobile) home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured (mobile) 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) was completed before August 1, 1980.
21. Existing structure - a structure for which the "start of construction" commenced before August 1, 1980.
22. Expansion to an existing manufactured (mobile) home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured (mobile) 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).
23. FEMA - Federal Emergency Management Agency.
24. Fill - the placement of material such as soil, gravel, crushed stone, or other materials that increase the elevation of the floodplain. The placement of fill in the Special Flood Hazard Area (SFHA) is considered development and will require a FDPO Approval letter under this Ordinance.
25. Flood or flooding - a general and temporary condition of partial or complete inundation of two or more acres of normally dry land areas or two or more properties from:
  - a. Inland or tidal waters overflow,
  - b. Unusual and rapid accumulation or runoff of surface waters from any source,
  - c. Mudslides or mudflows which are proximately caused by flooding and are akin to a river of liquid and flowing

mud on the surfaces of normally dry land, as when earth is carried by a current of water and deposited along the path of the current, or

- d. The collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined above.
- 26. Flood damage-resistant material - any building product capable of withstanding direct and prolonged contact with flood waters without sustaining significant damage. Prolonged contact is defined as at least 72 hours. Significant damage is any damage requiring more than low-cost cosmetic repair (such as painting). All structural and non-structural building materials at or below the BFE must be flood damage-resistant materials.
- 27. Flood Hazard Boundary Map (FHBM) - an official map of a community issued by FEMA, where the boundaries of the flood, mudflow and related erosion areas having special hazards have been designated.
- 28. Flood Insurance Rate Map (FIRM) - an official map of a community on which FEMA has delineated the Special Flood Hazard Areas (SFHAs), the Base Flood Elevations (BFEs) and the risk premium zones applicable to the community.
- 29. Flood Insurance Study (FIS) - a compilation and presentation of flood risk data for specific watercourses, lakes, and coastal flood hazard areas within a community. The FIS report contains detailed flood elevation data in flood profiles and data tables.
- 30. Floodplain - any land area susceptible to being inundated by flood waters from any source.
- 31. Floodproofing - any combination of structural and non-structural additions, changes, or adjustments to non-residential structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Floodproofing of areas below the BFE in residential buildings is not permitted.
- 32. Floodproofing Certificate - documentation that the design and methods of construction of a non-residential building are in accordance with accepted practices for meeting the floodproofing requirements in this Ordinance. The National Flood Insurance Program (NFIP) Floodproofing Certificate (per current FEMA form) form shall be used and certified by a

registered Georgia professional engineer or registered Georgia architect.

33. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
34. Highest adjacent grade (HAG) - the highest elevation, natural or finished, of the ground surface adjacent to the proposed foundation of a building.
35. Historic structure - any structure that is:
  - a. Listed individually in the National Register of Historic Places or preliminarily determined as meeting the requirements for individual listing on the National Register,
  - b. Certified or preliminarily determined as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as a registered historic district,
  - c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs, or
  - d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified.
36. Landscape fill - a non-compacted, loosely placed material often containing substantial organic content to promote the growth and survival of plantings, sod, or other greenscape installations.
37. Limit of Moderate Wave Action (LiMWA) - the delineating line indicating the landward limit of waves ranging from 1.5 to 3.0 feet in height within the AE flood zone. The LiMWA determines the landward limit of the Coastal A Zone.
38. Lowest floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood damage-resistant enclosure, usable solely for vehicle parking, 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 to render the structure in violation of other provisions of this Ordinance.

39. Manufactured (mobile) home - a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term does not include a recreational vehicle, park trailer, travel trailer, and similar transportable structures.
40. Manufactured (mobile) home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured (mobile) home lots for rent or sale.
41. Mean Sea Level - the average height of the sea for all stages of the tide that is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations (BFE) are shown on a community's Flood Insurance Rate Map (FIRM).
42. National Geodetic Vertical Datum (NGVD) - corrected in 1929, NGVD serves as a vertical control used as a reference for establishing varying elevation within the floodplain.
43. New construction - structures for which the "start of construction" commenced after August 1, 1980, including any subsequent improvements to such structures.
44. New manufactured (mobile) home park or subdivision - a manufactured (mobile) home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured (mobile) 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 August 1, 1980.
45. North American Vertical Datum (NAVD) - the vertical control datum established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988.
46. Post-FIRM structure - a structure permitted, constructed, or substantially improved on or after August 1, 1980.
47. Pre-FIRM structure - a structure permitted, constructed, or substantially improved before August 1, 1980. This means they were built before detailed flood hazard data and flood elevations were provided to the community and usually before the community enacted comprehensive regulations on floodplain regulation.

48. Recreational vehicle - a vehicle which is:

- a. Built on a single chassis,
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection,
- c. Designed to be self-propelled or towable by a light duty truck, and
- d. Designed primarily for temporary living quarters for recreational, camping, travel, or seasonal use not for use as a permanent dwelling.

49. Shear walls - walls used for structural support but not structurally joined or enclosed at the ends (except by breakaway walls). Shear walls should be situated parallel or nearly parallel to the flow of the water.

50. Solid (perimeter) foundation walls - walls that are used as a means of elevating a building in A Zones, excluding Coastal A Zones. These walls shall contain sufficient openings to allow for the unimpeded flow of flood waters more than one foot deep.

51. Special Flood Hazard Area (SFHA) - an area having special flood, mudflow, or flood-related erosion hazards. These areas are shown on a Flood Hazard Boundary Map, Flood Insurance Rate Map (FIRM) as A, AO, A1-A30, AE, A99, AH, AR, V1-V30, VE, or V Zones, or identified by the Administrator.

52. Start of construction - the date the building permit was issued for new construction or substantial improvements, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start for new construction is either 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; or the placement of a manufactured (mobile) home on a foundation. The actual start of construction for substantial improvements is 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. 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 structures, such as garages or sheds not

occupied as dwelling units or part of the main structure. NOTE: Accessory structures are NOT exempt from any Ordinance requirements.

53. Structure - a walled and roofed building, a gas or liquid storage tank, or manufactured (mobile) home that are affixed to a permanent foundation set at the proper height above the BFE. The terms "structure" and "building" can be interchangeable in this Ordinance unless otherwise specified. Residential, non-residential, and accessory structures follow different criteria as stated in this Ordinance, such as, a residential building in a floodplain must be elevated above the Base Flood Elevation (BFE) and non-residential and accessory structures may be elevated and/or floodproofed.
54. Structural fill - a non-native screened earthen material compacted to create a strong, stable base to support structures. Structural fill is not allowed within Coastal A or V Zones. Structural fill is allowed in A and AE zones in accordance with this Ordinance. The fill shall be placed and compacted as specified on the approved plans and in accordance with Sections 1803.5.8 and 1804.4 of the International Building Code and Section 2.4 of ASCE 24.
55. Subdivision - the division of a single lot into two or more lots for the purpose of sale or development.
56. Substantial improvement (SI) / Substantial damage (SD) -
  - a. Substantial Improvement (SI) - any repairs, reconstruction, rehabilitation, alteration, additions, or other improvements to a structure taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement.
  - b. Substantial Damage (SD) - damage of any origin whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. This term includes structures which have incurred substantial damage, regardless of the actual amount of repair work performed.
  - c. SI/SD does not include:
    - i. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code

enforcement official and which are the minimum necessary to assure safe living conditions, or

ii. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

57. Substantially improved manufactured (mobile) home parks or subdivisions - an existing manufactured (mobile) home park that has undergone repairs, reconstruction, rehabilitation, or improvements of the streets, utilities, and pads equal or exceeding fifty percent (50%) of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

58. V Zone Certificate - documentation that the design and planned methods of construction meet the requirements of this Ordinance. V Zone Certificates must be certified by a registered Georgia professional engineer or registered Georgia architect.

59. Variance - an officially granted exception to terms of this Ordinance which permits construction and/or development in a manner otherwise prohibited by this Ordinance.

60. Violation - failure to comply with the provisions of this Ordinance or with any of its requirements, including conditions and safeguards established in connection with grants of variance or special exceptions as determined by the Administrator. Any structure or development is presumed to be in violation until the required corrective actions are completed and approved by the Administrator.

61. Watercourse - the channel and banks of a natural or artificial stream, river, creek, channel, canal, or waterway. The flood carrying capacity refers to the capacity of the channel (except in the case of alluvial fans, where a channel is not typically defined). A watercourse does not include the adjoining floodplain areas.

**§24-106 Lands to Which This Ordinance Applies.** This Ordinance shall apply to all lands within the unincorporated area of Chatham County, Georgia designated as the Special Flood Hazard Areas (SFHA).

**§24-107 Basis for Establishing the Special Flood Hazard Area (SFHA).** The SFHA identified by FEMA in its Flood Insurance Study (FIS), dated August 16, 2018, (i.e., most current Flood Insurance Rate Map (FIRM), with accompanying maps and other supporting data and any revisions), are adopted by reference

and declared a part of this Ordinance. SFHA may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

Repository for the public inspection of the FIS, accompanying FIRMs, local watershed studies, and other supporting data is located at the Department of Engineering, 124 Bull Street, Savannah, GA 31401.

**§24-108 Compliance.** No structure or land shall hereafter be located, extended, converted, or altered without full compliance with the terms of this Ordinance and other applicable regulations, codes, and ordinances of Chatham County.

**§24-109 Abrogation and Greater Restrictions.** This Ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this Ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**§24-110 Interpretation.** In the interpretation and application of this ordinance all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body, and;
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

**§24-111 Warning and Disclaimer of Liability.** The degree of flood protection required by this Ordinance 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 man-made or natural causes. This Ordinance does not imply that land outside the SFHAs or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Chatham County, Georgia, or by any Chatham County official or employee for any flood damages that result from adherence to this Ordinance, or any administrative decision lawfully made thereunder.

**§24-112 Duties and Responsibilities of the Administrator.**

1. Review floodplain management related construction documents to ensure that the permit requirements of this Ordinance have been satisfied.

2. Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, and the Endangered Species Act of 1973, as amended. Require that copies of such permits be provided and maintained on file.
3. Review construction documents to determine whether proposed development will be reasonably safe from flooding.
4. Obtain, review, and reasonably utilize any Base Flood Elevation (BFE) and floodway data available from a Federal, State, or other sources in order to administer the provisions of Section 24-116 and 24-118 when BFE data or floodway data have not been provided in accordance with Section 24-107.
5. Review and record the actual elevation in relation to NAVD 1988 (or highest adjacent grade) of the regulatory floor or in the case of coastal high hazard areas the lowest horizontal structural member, including basement, of all new or substantially improved structures.
6. Review and record the actual elevation, in relation to NAVD 1988 to which any new or substantially improved/damaged structures have been floodproofed.
7. Obtain design certification and a completed Floodproofing Certificate from a Georgia registered professional engineer or Georgia registered architect when floodproofing is utilized for a non-residential structure. Floodproofing for flood insurance rate reduction is only creditable for non-residential structures.
8. Obtain design certification, a completed V Zone Certificate, and a completed Finished Construction Elevation Certificate (EC) from a Georgia registered professional engineer or Georgia registered architect that any new construction or substantial improvement placed in a Coastal High Hazard Area meet the criteria of Section 24-121.
9. Make substantial damage (SD) determinations following a flood event or any other event that causes damage to structures in Special Flood Hazard Areas (SFHA).
10. Make substantial improvement (SI) determinations regarding any proposed structural improvements to an existing structure in the SFHA.
11. Notify adjacent communities and the Georgia Department of Natural Resources (GA DNR) prior to any alteration or

relocation of a watercourse and submit evidence of such notification to FEMA.

12. Submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process for any altered or relocated watercourse. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
13. Interpret the exact location of SFHA boundaries when needed (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the SFHA boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
14. Maintain all records pertaining to the provisions of this Ordinance. Records shall be open for public inspection.
15. Render decisions regarding on-site construction activities involving fill placement and other floodplain management related activities.
16. Hear and decide requests for variances from the requirements of this Ordinance.

**§24-113 Violation of Ordinance.** Failure to comply with the provisions of this Ordinance or with any of its requirements, including conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a violation. Should the Administrator find that the violation is willful, in wanton disregard of the Ordinance, or poses an immediate threat to public health, safety, or the environment, then the Administrator may issue a court summons or citation in lieu of a Notice of Violation (NOV) and/or Stop Work Order (SWO).

Ordinance violation(s) shall result in the following:

1. **Violation Notice.** When the Administrator determines that violation of the Ordinance has occurred through unauthorized development or property modifications that conflicts with the recorded Non-conversion Agreement, the Administrator shall issue a SWO and/or NOV.
  - a. A SWO is posted on site. When a SWO is posted, all activities on that site must cease until violation(s) is/are corrected. To remove the SWO and continue work on the approved project, the property must be brought into compliance with this Ordinance.

b. The NOV shall be addressed to the owner of the property or the owner's agent and to the person, tenant, firm, corporation, property owner or property owner's agent found to be violating the provisions of this Ordinance. The NOV shall:

- i. Be in writing,
- ii. Include a description of the property sufficient for identification of where the violation(s) occurred,
- iii. List the specific provision(s) of the Ordinance for the violation,
- iv. List the required corrective action(s) to be implemented within a given time frame, and
- v. State that, if corrective action(s) is/are not completed within the given time frame, a penalty for violation(s) shall be issued.

Upon receipt of the NOV, the person(s) shall submit a corrective action plan and a corrective action timeline to the Administrator within five (5) business days. Once approved, the corrective action plan shall be implemented within forty-five (45) business days of the initial NOV to bring the parcel into compliance with this Ordinance.

2. Penalty for Violation. Any person who fails to comply with this Ordinance shall be subject to a civil penalty initiated by the Administrator. Ordinance violation(s) shall be fined up to \$1,500 per violation, imprisoned up to 30 days, or both. In addition, violator(s) shall pay all costs and expenses involved in the case. Each day the violation(s) continue shall be considered a separate offense. Nothing herein contained shall prevent Chatham County from taking such other lawful actions as is necessary to prevent or remedy any violation. The provisions of this section shall be in addition to any other penalty provisions applicable to this article.
3. Section 1316 Declaration and Rescissions. Section 1316 of the National Flood Insurance Act of 1968 states that no FEMA flood insurance coverage shall be provided for any property that has been declared by a duly constituted State or local authority to be in violation of this Ordinance. Once a Section 1316 Declaration has been determined, the property remains on the Section 1316 list until corrective actions bring it into compliance with this Ordinance. FEMA NFIP insurance availability can be restored once the violations are brought

into compliance and the Section 1316 Declaration is rescinded by FEMA.

**§24-114 Establishment of Development Permit.** A development permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

**§24-115 Flood Damage Prevention Ordinance (FDPO) Approval Letter and Development Permit Procedures.** Applicants seeking to develop, alter, repair, and/or improve parcels or structures in the SFHA shall submit a complete FDPO Review Application packet prior to applying for a development permit. Completed packets shall be reviewed and approved by the Administrator in accordance with the FDPO and the Chatham County Engineering Policy.

Once an FDPO Approval Letter has been issued, applicants can submit for a development permit. Any changes to the development after issuance of the FDPO Approval Letter must be resubmitted and approved by the Administrator.

**§24-116 General Standards.** In ALL Special Flood Hazard Areas (SFHA), the following provisions are the minimum requirements for new construction, development, and existing structures undergoing construction to address SI/SD. Projects should adhere to this section and the specific section that pertains to the flood zone. For instance, Coastal High Hazard Areas, including Coastal A and V Zones require higher standards for protection. Refer to Section 24-121 for the additional construction and development standards for these zones.

General Standards for SFHA parcels are as follows:

1. Construction projects involving a single residential or non-residential structure on parcels located within the SFHA shall submit the FDPO permit application and all required documentation delivered to the Administrator.
2. The entire residential structure:
  - a. Shall comply with this Ordinance if a portion of the structure is located in a SFHA,
  - b. Shall be designed and constructed to meet the more restrictive requirements when impacted by multiple Base Flood Elevation (BFE) lines,
  - c. Shall be anchored to prevent flotation, collapse, or lateral movement,

- d. Shall utilize flood damage-resistant materials, components, or systems for all areas not situated three feet above the BFE, and
- e. Shall be constructed by methods and practices that minimize flood damage.

3. The entire non-residential structure:

- a. Shall comply with this Ordinance if a portion of the structure is located in a SFHA,
- b. Shall be designed and constructed to meet the more restrictive requirements when impacted by multiple Base Flood Elevation (BFE) lines,
- c. Shall be constructed by methods and practices that minimize flood damage (ex. Floodproofed or elevated),
- d. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure, and
- e. Shall utilize flood damage-resistant materials, components, or systems for all areas not situated three feet above the BFE.

4. Enclosures with finished elevations situated less than three feet above the BFE shall be designed with flood openings to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of flood water.

- a. Designs for complying with this requirement must either be certified by a Georgia registered professional engineer or Georgia registered architect to meet the following minimum criteria:
  - i. A minimum of two openings or vents shall be installed on opposing or adjacent walls, having a total net area of not less than one square inch for every square foot of the enclosed area subject to flooding,
  - ii. The bottom of all openings or vents shall be no higher than one foot above finished grade, and
  - iii. Openings or vents may be equipped with screens, louvers, valves, or other coverings provided the openings or vents permit the unassisted automatic flow of flood water in both directions.

- b. The enclosure shall only be used for parking of vehicles, storage, or entry to the elevated area. All other uses would classify this enclosure as the lowest floor of the structure on the Elevation Certificate (EC),
- c. The interior portion of the enclosure shall not be partitioned into separate rooms. Drywall or other non-flood damage-resistant material shall only be installed on surfaces higher than *three feet* above the BFE. Only flood damage-resistant materials may be installed at or below *three feet* above the BFE, and
- d. Structures built in the SFHA with a floor below *three feet* above the BFE must sign a "Non-conversion Agreement for Certain Structures in the Floodplain" as provided by the Administrator. The Non-conversion Agreement shall be recorded and submitted to the Administrator. The Non-conversion Agreement provides the right for the Administrator to inspect the enclosure at any time. Failure to comply with the recorded Non-conversion Agreement violates this Ordinance.

5. Residential and non-residential utilities shall meet the following criteria:

- a. Residential: All residential electrical components maintained by the resident (ex. service lines, EV chargers, interior and exterior outlets, and breaker box), plumbing fixtures, ventilation, heating and air conditioning equipment, including ductwork shall be installed at least three feet above the BFE.
- b. Non-residential: All non-residential electrical components maintained by the owner (ex. service lines, EV chargers, interior and exterior outlets, and breaker box), plumbing fixtures, ventilation, heating and air conditioning equipment, including ductwork shall be either installed at least three feet above the BFE or floodproofed to prevent water from entering or accumulating within the components during flood events. If floodproofed, then a Floodproof Certificate shall be required.

6. Manufactured (mobile) homes and freestanding accessory structures shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces. An EC will be required.

7. New and replacement water supply systems shall be designed to eliminate infiltration of flood waters into the system.
8. New and replacement sanitary sewage systems shall be designed to eliminate infiltration of flood waters into the systems and prevent discharges from the systems into flood waters.
9. Onsite sewage management systems (OSSMS) shall be located and constructed to prevent impairment and contamination during flooding. Advanced Treatment Units (ATUs) must be considered for new systems and for systems in need of repair, replacement, or addition to reduce fill volumes in the SFHA.
10. For SI/SD projects, the Fifty Percent (50%) Rule applies. A comprehensive project estimate worksheet(s) that includes labor and materials shall be completed prior to permitting for all repairs, reconstruction, or alterations. A final comprehensive project costs worksheet will be required at the end of construction to capture project alterations that occurred during construction. These worksheet(s) shall be permanently filed by the Administrator for future reference to ensure compliance with the five- year cumulative component of the 50% Rule.
11. Any alteration, repair, reconstruction, or improvement to a structure that is not compliant with this Ordinance, shall be undertaken only if the non-conformity is not furthered, extended, or replaced.
12. Development projects in the SFHA are subject to inspections by the Administrator during. Structures must pass these inspections to ensure compliance with the FDPO. Structures must also submit required FDPO documentation for review and approval. Once all FDPO inspections have passed and all FDPO documents have been approved, then the project has met the FDPO requirements for the development permit.
13. Floodways located within the SFHA may be extremely hazardous areas due to velocity of flood waters, debris, or erosional potential. In addition, these areas 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:
  - a. Encroachments are prohibited, including earthen fill, new construction, substantial improvements, or other development within the regulatory floodway. Development may be permitted provided demonstration through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in ANY increase in flood levels or

floodway widths during a base flood discharge. A Georgia registered professional engineer must provide supporting technical data and certification thereof.

- b. When Section 24-116(13)(a) is satisfied, then new construction or substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 24-116 thru Section 24-122.

**§24-117 Specific Standards for Special Flood Hazard Areas (SFHA) designated as A1-30, AE, AH, or A with estimated Base Flood Elevation (BFE).** For new construction and/or improvements in the above listed SFHA zones, the following standards shall be required:

1. New residential construction and/or substantial improvements - Any residential structure shall have the lowest floor, including basement, elevated at least *three feet* above the BFE. Should solid (perimeter) foundation walls be used to elevate a structure, the walls shall be equipped with sufficient openings/vents to allow flood waters to flow unimpeded per Section 24-116(4)(a). Engineered flood vent installation requires submission of the Flood Vent Certificate and identification of the manufacturer and model selected.

All electrical components, ventilation, plumbing fixtures, heating and air conditioning equipment, and other service facilities including ductwork that is maintained by the resident shall be installed at least *three feet* above the BFE.

2. Non-residential construction and/or substantial improvements - Any non-residential structure shall have the lowest floor, including basement, together with attendant utility and sanitary facilities maintained by the owner, elevated at least *three feet* above the BFE. Should solid (perimeter) foundation walls be used to elevate a structure, walls shall be equipped with sufficient openings/vents to allow flood waters to flow unimpeded per Section 24-116(4)(a). Engineered flood vent installation requires submission of the Flood Vent Certificate and identification of the manufacturer and model selected.

Non-residential structures can be floodproofed in lieu of elevation. The floodproofed structure, together with attendant utility and sanitary facilities maintained by the owner, must be designed to be watertight to at least *three feet* above the BFE, 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 Floodproofing Certificate shall be required for the design and methods of construction. A Georgia registered professional engineer or Georgia registered 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 official as set forth above. An Operation & Maintenance plan shall be submitted to assure continued viability of the floodproofing measures.

3. Residential manufactured (mobile) homes:

- a. All manufactured homes placed and substantially improved on: (1) individual lots or parcels, (2) in new and substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated at least *three feet* above the base flood elevation.
- b. Manufactured (mobile) homes must have the lowest floor including basement, elevated at least *three feet* above the BFE and the manufactured (mobile) home chassis is elevated and supported by reinforced piers or other foundation elements which are no less than *four feet* above highest adjacent grade.
- c. Manufactured (mobile) homes must be securely anchored to an adequately anchored foundation system to resist 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.
- d. All electrical components, ventilation, plumbing fixtures, heating and air conditioning equipment, and other service facilities including ductwork maintained by the owner shall be elevated at least three foot above the BFE.

4. Recreational vehicles (RVs):

- a. Recreational vehicles placed within the SFHA shall either:
  - i. Be on the site for fewer than 180 consecutive days,
  - ii. 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 such as porches or decks), or

- iii. Meet elevation and anchoring requirements for manufactured (mobile) homes in Section 24-117(3)(a) - (d).

**§24-118 Specific Standards for Special Flood Hazard Areas (SFHA) designated as A Zones with Streams without Established Base Flood Elevations (BFE) and/or Floodways.** Located within the Special Flood Hazard Areas where streams exist but no base flood data have been provided (A Zones), or where base flood data have been provided but a floodway has not been delineated, the following provisions apply:

1. The Administrator shall obtain, review, and reasonably utilize any scientific or historic BFE and floodway data available from a Federal, State, or other source in order to administer the provisions this Section.
2. If data are not available from Federal, State, or other sources, then no encroachments, including structures or fill material, shall be placed within an area equal to the width of the stream or twenty-five (25) feet, whichever is greater, measured from the top of the stream bank. Certification by a Georgia registered professional engineer demonstrating that such encroachment shall not result in an increase in flood levels during the occurrence of the base flood discharge in order for an encroachment to be considered.
3. New construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated at least *four* feet above the highest adjacent grade at the building site. (Note: The lowest floor is required to be elevated at least one foot above the estimated BFE in A Zones where a Limited Detail Study has been completed). Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with Section 24-116(4)(a).
4. All electrical, ventilation, plumbing fixtures, heating and air conditioning equipment, and other service facilities including ductwork maintained by the owner shall be elevated at least *four* feet above the highest adjacent grade.
5. The Administrator shall review and record the lowest floor elevation which becomes a permanent part of the permit file.

6. Manufactured (mobile) homes placed and/or substantially improved in an existing manufactured (mobile) home park or subdivision shall be elevated so that the manufactured (mobile) home chassis is supported by reinforced piers (or other foundation elements of at least an equivalent strength) of at least *four feet* in height above the highest adjacent grade.
7. A recorded Non-conversion Agreement is required for all structures lowest floor situated less than three feet above the BFE.

**§24-119 Specific Standards for Special Flood Hazard Areas (SFHA) designated as AE Zones with Streams with Established Base Flood Elevation (BFE) without Designated Floodways.** Located within the Special Flood Hazard Areas where streams with BFEs are provided but no floodways have been designated (AE Zones), the following provisions apply:

1. No fill shall be placed within this SFHA without approval. Prior to development including fill material, new structures, or substantial improvements, an onsite mitigation plan including volumetric calculations and locations shall be submitted to the Administrator.
  - a. Volumes less than ten (10) cubic yards may be allowed on projects without providing equivalent mitigation measures; however, onsite mitigation plans may still be required for review and approval. Fill placement shall be limited to a volume of ten (10) cubic yards per five-year cycle, or
  - b. Mitigation plans must indicate where mitigated excavation shall be done on the site or on a deed-restricted adjacent site. The volume of excavated material must equal or exceed the volume of proposed fill. Excavated areas must be hydraulically connected to the SFHA at an elevation below the BFE. Proposed fill placement as well as volumetric calculations shall be shown on the mitigation plan. an as-built certification of cut/fill volumes will be required. Both the mitigation plan and as-built certification shall be prepared and provided by a Georgia registered professional engineer or Georgia registered land surveyor, or
  - c. Onsite mitigation must be deemed infeasible by the Administrator before a flood study will be considered or reviewed. Flood study impacts shall be prepared by a Georgia registered professional engineer and demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated

developments, will not increase the water surface elevation of the base flood more than six inches at any point. The engineering certification shall be based on approved modeling methods to support technical data that conforms to standard hydraulic engineering principles as described in the Chatham County Engineering Policy.

2. New construction or substantial improvements of structures shall be accordance with Section 24-117(1) and Section 24-117(2).
3. Manufacture (mobile) homes and recreational vehicles shall be in accordance with Section 24-117(3) and Section 24-117(4).
4. Development activities must include installation and maintenance of positive drainage away from the structure, flowing towards the nearest outfall, and ensuring protection of the neighboring parcels.
5. A recorded Non-conversion Agreement is required for all structures situated less than three feet above the BFE.

**§24-120 Specific Standards for Special Flood Hazard Areas (SFHA) designated as AO Zones with areas of Shallow Flooding.** Located within the Special Flood Hazard Areas where areas of shallow flooding occur have been designated (AO Zones), 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 at least *three* feet above the flood depth number specified (in feet) on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least *three* feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 24-116(4).

The Administrator shall review and record the lowest floor elevation which becomes a permanent part of the permit file.

2. New construction and the 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 watertight to the specified flood level in Section 24-120(1) 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 Georgia registered professional engineer or Georgia

registered 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 official as set forth above. An Operation & Maintenance plan shall be submitted to assure continued viability of the floodproofing measures.

3. Drainage paths shall be provided to guide flood water around and away from any proposed and existing structure.

**§24-121 Specific Standards for Special Flood Hazard Areas (SFHA) designated as Coastal High Hazard Areas known as Coastal A and V Zones.** Coastal High Hazard Areas include V, VE, and AE Zones that are seaward of the Limits of Moderate Wave Action (LimWA), known as Coastal A Zones. These Coastal High Hazard Areas have increased flood hazards associated with wave action and storm surge; therefore, requiring more stringent development standards. The following provisions shall apply:

1. All new construction and substantial improvements of existing structures shall be located a minimum of thirty-five (35) feet landward of the reach of the Coastal Marshland Protection Act (CMPA) Jurisdictional Determination Line as determined by Coastal Resources Division of the Georgia's Department of Natural Resources. Note that other State or County development buffer and set back requirements for coastal development may increase this distance.
2. All new construction and substantial improvements of existing structures, with the exception of freestanding accessory structures, shall be anchored and elevated on piles, piers, columns, or shear walls so that the bottom of the lowest supporting horizontal structural member is located at least three feet above the Base Flood Elevation (BFE). Freestanding accessory structures reference 24-121(16).
3. The area below the lowest horizontal supporting member must remain free of obstruction and may only be enclosed by non-structural components such as certified breakaway walls, open lattice work, or screening. The following design specifications shall apply:
  - a. Breakaway walls shall be designed to wash away in the event of wave action without causing structural damage to the supporting foundation or elevated portion of the structure. Breakaway walls shall be certified on the V Zone Certificate and equipped with hydrostatic flood venting in compliance with Section 24-116(4),
  - b. Open lattice, insect screening, or decorative screening materials may be permitted in the area below the lowest

horizontal supporting member as long as these materials do not obstruct the flow of water,

- c. Any area enclosed by breakaway walls shall remain unfinished or finished with flood damage-resistant materials. This area is also to remain non-conditioned and function as a space for storage, parking, or building access,
- d. Concrete underneath the structure shall be placed in maximum three feet by three feet square sections not exceeding a thickness of four inches. Concrete design mix shall be low-strength (not exceeding a 2,500-psi mix design), non-reinforced, and frangible. The concrete shall not be allowed to bond or adhere to the supporting members of the structure and is to be placed on natural subgrade or landscape fill as no structural fill is allowed in the Coastal High Hazard Area, and,
- e. Per NFIP Technical Bulletin 4 (latest edition), elevators may be permitted; however, the installation of an elevator requires hydrostatic flood vents to be placed in at least two walls of the elevator shaft and all electrical to be installed at least *three feet* above the BFE.

- 4. Wood-framed walls shall not be allowed as a structure's foundation system below *three feet* above the BFE. Pressure treated timber pilings are allowed to support habitable living space above an enclosure.
- 5. All pile, pier, and column foundations and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the combined effects of wind and water loads acting simultaneously on all building components, both non-structural and structural. Water loading values shall equal or exceed those of the base flood. Wind loading values shall be in accordance with the most current edition of the International Building Code.
- 6. A Georgia registered professional engineer or Georgia registered architect shall submit a completed V Zone Certificate and Construction Drawing Elevation Certificate (EC), to certify the design, specifications, and plans for construction are in compliance with the provisions contained in this section.
- 7. Garage doors installed within certified breakaway wall systems may be permitted (FEMA Technical Bulletin 9, latest edition).

8. Detailed plans for breakaway walls, open latticework, or decorative screening shall be submitted with the FDPO permit application.
9. Improvement, alteration, repair, or reconstruction to any structure in Coastal High Hazard Areas shall not enclose the space below the lowest floor except as provided in this section.
10. No structural fill shall be brought into these flood zones.
11. For parcels in Coastal High Hazard Areas, Advanced Treatment Units (ATUs) must be considered for new onsite sewage management systems (OSSMS) and for OSSMS in need of repair, replacement, or addition to reduce fill volumes in the SFHA. Landscape fill used to cover the top of the septic system cannot exceed *two feet* in depth at any point. An as-built survey, prepared by a Georgia registered professional engineer or land surveyor, may be required to verify depths of landscape fill.
12. Landscape fill not associated with septic systems may be used around the perimeter of a structure provided the fill shall not exceed *one foot* in depth at any point and will wash out with storm surge thereby rendering the structure free of obstruction. Landscape fill is not intended to elevate the entire site. Landscape fill shall comply as defined with the definition of Section 24-105. The Administrator shall permit design plans for landscape fill only after the applicant has provided an analysis prepared by a Georgia registered professional engineer, Georgia registered architect, and/or Georgia registered soil scientist which demonstrates the following:
  - a. Particle composition of fill material does not have a tendency for excessive natural compaction,
  - b. Volume and distribution of fill will not cause wave deflection to adjacent properties, and
  - c. Slope of fill will not cause wave run-up or ramping.
  - d. An as-built plan is required to verify depths of landscape or top cover fill. The as-built plan must be prepared by a Georgia registered professional engineer or land surveyor.
13. There shall be no alteration of sand dunes or mangrove stands, which would increase potential flood damage.

14. Retaining walls may be permitted. A Georgia registered professional engineer must demonstrate through engineering analysis that the proposed retaining wall shall not induce wave deflection action onto any adjacent property.
15. Recreational vehicles placed on a parcel in the Coastal High Hazard Area must either:
  - a. Be on the site for fewer than 180 consecutive days,
  - b. 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
  - c. Meet the elevation requirements of Section 24-121(2) and anchoring requirements for manufactured (mobile) homes in Section 24-117(3) (c).
16. Freestanding non-residential accessory structures such as a detached garage, a boathouse, or other similar structure exceeding 150 square feet may be elevated or constructed slab-on-grade. Flood damage-resistant materials shall be installed from grade up to *three* feet above the BFE. These structures shall be anchored and have hydrostatic flood venting in compliance to Section 24-116(4) in addition to engineered breakaway walls. Freestanding accessory structures such as storage sheds, greenhouses, or similar non-residential structures equal to or less than 150 square feet with no utilities may be exempt from certain components of the FDPO permit.
17. Coastal High Hazard Areas require additional FDPO documentation and building components. Prior to the issuance of the closing of the building permit, FDPO documentation and inspections will review structure and documentation for accuracy and compliance.
18. Manufactured homes (mobile homes) are prohibited, except in an existing manufactured homes park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the elevation and anchoring standards of Section 24-117(3) are met.

**§24-122 Standards for Subdivisions and/or Development Proposals.**

1. All subdivision and/or development proposals shall:

- a. Utilize best management practices to minimize flood damage on site, to neighboring parcels, and downstream,
  - b. Plan and install public utilities and facilities to minimize flood damage, and
  - c. Provide adequate drainage to reduce impacts from flood hazards.
  - d. Include mitigation plans and calculations based on fill of all lots up to the BFE.
2. For subdivisions and/or development proposals, flood zone, BFE data, and LiMWA line shall be provided, including manufactured (mobile) home parks and subdivisions. Additionally, the designed finished floor and garage/carport elevations should be shown for each lot.
3. After all required construction permitting is obtained, any changes or revisions to the flood data as shown on the FIRM shall be submitted by the developer's engineer to FEMA for review as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. The developer's engineer shall provide the Administrator with copies of all documentation submitted to FEMA.

Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA to obtain the final Letter of Map Revision (LOMR). The developer's engineer shall provide the Administrator with copies of documentation to FEMA along with all digital data needed to update local versions of the DFIRM.

4. All subdivision plats shall delineate each flood zone including the datum reference, and if applicable a Letter of Map Amendments (LOMA).

#### **§24-123 Standards for Critical Facilities.**

Critical facilities include but are not limited to hospitals, nursing homes, power stations, fire stations, police stations, critical record storage, water and wastewater treatment facilities, and similar facilities. The following shall apply:

1. New and substantially improved critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.
2. Hazardous materials shall not be stored in the SFHA. These include acetone, ammonia, benzene, calcium carbide, carbon

disulfide, celluloid, chlorine, hydrochloric acid, magnesium, nitric acid, prussic, and oxides of nitrogen, phosphorus, potassium, sodium, and sulfur.

**§24-124 Variance Procedures.**

1. The Administrator shall hear and decide requests for variance from the requirements of this Ordinance.
2. A written request for a variance shall be submitted to the Administrator and shall state the specific variance requested along with detailed reasons for the request. The request shall include scientific data and all other pertinent documentation to evaluate the proposed variance request.
3. Conditions for Variances:
  - a. A variance shall be issued ONLY when there is:
    - i. A finding of "good and sufficient cause" such as when a parcel of land possesses physical characteristics so unusual that complying with this Ordinance would create an exceptional hardship related to the property, the surrounding property owners, or the community in general. Exception hardships only apply to land characteristics and do not include financial, personal, or aesthetic hardships, and
    - ii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - b. The provisions of this Ordinance are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - c. In the instance of a historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the structure.
  - d. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation of the

proposed lowest floor along with a statement that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

- e. Applicants receiving a variance from the elevation requirements pertaining to the lowest floor elevation is required to have such variance noted on the deed and the plat for the property on which the structure is or is to be located. Such notation shall read as follows:

The lowest floor elevation variance of \_\_\_\_\_ feet has been approved by the Chatham County Board of Commissioners for a structure located on this property. The structure is identified as a (Select one: single-family, duplex or multi-family dwelling, or commercial building) located at

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It should be noted that such variance may significantly increase the flood insurance premiums for this property, as well as increase the likelihood of flood damage to the structure and its contents. Said variance was issued upon petition of the property owner and was issued with the owner's full knowledge of the consequences to the present and future owners.

A copy of the deed and plat shall be filed by the Owner with the Administrator within two weeks of receipt of formal notification of variance approval.

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

6. Variances shall not be issued in an attempt to correct an oversight or construction error following the issuance of a building permit.
7. Variances shall not be issued within any designated floodway if ANY increase in flood levels would result.
8. In reviewing variance requests, the Administrator shall consider all technical evaluations, relevant factors, and all standards specified in this Ordinance.
9. Upon consideration of the factors listed above and the purposes of this Ordinance, the Administrator may attach conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.
10. The Chatham County Board of Commissioners (Board) shall hear and decide requests for appeals of variance decisions made by the Administrator.
11. The Board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made in the enforcement or administration of this Ordinance.
12. Any person aggrieved by decisions of the Chatham County Board of Commissioners may appeal such decision to Superior Court as provided in O.C.G.A. §15-6-8.
13. The Administrator shall maintain variance and appeal actions, reporting any granted variances to FEMA upon request.

**§24-125 Repeal of Previous Ordinances.** The Flood Damage Prevention Ordinance adopted on September 24, 2021, is rescinded in its entirety. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**§24-126 Severability.** If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

Ordinance adopted on August 22, 2025.