

City of Suwanee  
Floodplain Management Ordinance

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**1.1 PURPOSE AND DEFINITIONS.**

1.1.1 Findings.

It is hereby determined that:

- a. The flood hazard areas of the City of Suwanee 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;
- b. 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;
- c. 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; and,
- d. 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 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 Suwanee, Gwinnett County, Georgia, does ordain this ordinance and establishes this set of floodplain management and flood hazard reduction policies 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.

1.1.2 Requirements.

The requirements of this ordinance only apply to the development of or construction upon any property which adjoins or contains an area subject to inundation by the future conditions flood or the base flood, as defined herein.

1.1.3 Statement of Purpose.

It is the purpose of this ordinance 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 by:

- a. Restricting or prohibiting uses or activities which are dangerous to health, safety, and property due to flooding or erosion hazards or in flood heights or velocities;
- b. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction or renovation;
- c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- d. Controlling filling, grading, dredging and other development which may increase erosion or flood damage;
- e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and,
- f. Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.

1.1.4

Special Definitions.

The following definitions of words or phrases apply only to their use and application within the context of this ordinance, and are included herein because of their special nature. For more common or general definitions, see the Development Regulations of the City of Suwanee, Georgia.

Addition (to an existing building) - 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 four-hour fire wall. Any walled and roofed addition which is connected by a four-hour fire wall or is separated by independent perimeter load-bearing walls is new construction.

Appeal - A request for a review of the Department's interpretation of any provision of this ordinance.

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.

Base Flood - The flood having a one percent chance of being equaled or exceeded in any given year; i.e., the "100-year flood".

Base Flood Elevation - The highest water surface elevation anticipated at any given point during the base flood.

Basement - That portion of a building having its floor sub-grade (below ground level) along all or a majority of its perimeter length, and includes the term "cellar."

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.

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

Compensation - Means the replacement of flood storage capacity lost as the result of floodplain encroachment.

Department - Is the City of Suwanee Department of Planning and Community Development.

Development - 1. (verb) All activities associated with man-made changes to improved or unimproved real estate and the conversion of land or the expansion or replacement of an existing use to any new use intended for human operation, occupancy or habitation, other than for agricultural purposes devoted strictly to the cultivation of the land, dairying or animal husbandry. Such activities include but are not limited to buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations, storage of equipment or materials, water or sewer mains, storm water drainage facilities, sidewalks or other structures permanently placed on or in the property. 2. (noun) Where appropriate to the context, the term "development" also may be used to denote a specific subdivision or project which is a single entity or intended to be constructed as in interrelated whole, whether simultaneously or in phases.

Development Regulations - The Development Regulations of the City of Suwanee, Georgia which are administered by the Department of Planning and Community Development.

Elevated Building - A non-basement 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 (posts and piers), shear walls, or breakaway walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Existing Construction - Any structure for which the "start of construction" commenced before September 22, 1980.

Existing manufactured home park or subdivision - 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 of the pouring of concrete pads) is completed before September 22, 1980.

Expansion to an existing manufactured home park or subdivision - 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.

Federal Emergency Management Agency (FEMA) - The Federal Agency which administers the National Flood Insurance Program. This Agency prepares, revises and distributes the maps and studies referenced in this ordinance.

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) the overflow of inland waters; or
- (b) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Boundary and Floodway Map - The official map issued by the Federal Emergency Management Agency, where the boundaries of the floodways are shown and the areas of Special Flood Hazard have been defined as Zone "A".

Flood Hazard Boundary Map or "FHBM" - means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM) - An official map on which the Federal Emergency Management Agency has delineated both the areas of Special Flood Hazard and the applicable risk premium zones.

Flood Insurance Study (FIS) - The official report provided by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Flood Prone Area or Floodplain - Any land area subject to flooding.

Flood Proofing - 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 - 1) 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 one foot above the base flood elevation; or 2) discharge the future conditions flood without cumulatively increasing water surface elevation more than one foot above the future conditions flood elevation. The more restrictive shall apply.

Floor - The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Functionally Dependent Use - A use which cannot be used for its intended purpose unless it is located or carried out in close proximity to water.

Future Conditions Flood - This flood standard is equal to or higher than the Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year based on future conditions hydrology.

Future Conditions Flood Elevation - This flood standard is equal to or higher than the Base Flood Elevations. The highest water surface elevation anticipated at any given point during the future conditions flood.

Future Conditions Floodplain - Any land area susceptible to flooding by the future-conditions flood.

Future Conditions Hydrology - The flood discharges associated with the drainage basin being fully developed as shown on the currently adopted Future Land Use Plan. Only detention that can be shown that it will remain (i.e. owned by the City and/or County) and is large enough to be included in the hydrograph routings shall be considered when determining the flood peak. No consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation shall be given.

Highest Adjacent Grade - The highest natural (original) elevation of the ground surface, prior to construction, next to the proposed foundation of a structure.

Historic Structure - Any structure that is;

- a. 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;
- b. 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;
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; 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 either:
  - 1. By an approved state program as determined by the Secretary of the Interior, or
  - 2. Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor - The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, 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 ordinance.

Manufactured Home - A structure (or building), transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes mobile homes, park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Mean Sea Level (MSL) - The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) and/or North American Vertical Datum (NAVD) of 1988.

National Geodetic Vertical Datum (NGVD) - as corrected in 1929, the vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction - Any structures for which the "start of construction" commenced on or after the effective date of this ordinance, September 22, 1980, and includes any subsequent improvements to the structure.

New manufactured home park of subdivision - A manufactured home park of subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be fixed (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 September 22, 1980.

North American Vertical Datum (NAVD) of 1988 - A vertical control used as a reference for establishing varying elevations within the floodplain.

Owner - A person having a majority fee simple interest in real property, or a majority interest through any other form of ownership.

Permit - The permit issued by the Department to the applicant which is required prior to undertaking any development activity.



Principal Building - A building built to fulfill the primary or predominant purpose for which a lot is occupied and/or used.

Recreational Vehicle - A vehicle which is:

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

Repetitive Loss - Flood-related damages sustained by a structure on two separate occasions during a 10-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.

Special Flood Hazard Area - The land in the floodplain within a community 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 (including A, A1-30, A-99, AE, AO, AH, and AR on the FHBM or the FIRM), all floodplain and flood prone areas at or below the future conditions flood elevation, and all other flood prone areas as referenced in Section 1.2.1. All streams with a drainage area of 100 acres or greater shall have the area of special flood hazard delineated. In the absence of official designation by the Federal Emergency Management Agency, Special Flood Hazard Areas shall be those designated by the local community and referenced in section 1.2.1.

Start of Construction - Includes substantial improvement, and 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 a structure (including a manufactured home) on a site, 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 home on a foundation. Permanent construction does not include 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 buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or not part of the main structure. (NOTE: accessory structures are not exempt from any ordinance 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 - A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

Subdivision - 1. (verb) Any division or re-division of a lot, tract or parcel, regardless of its existing or future use, resulting in 1 or more new lots, tracts or parcels. The term, "subdivision" shall mean the act or process of dividing property. Lots that do not abut or are not directly across a public street from other subdivided lots shall be considered a separate distinct subdivision with a separate name. 2. (noun) Where appropriate to the context, the term "subdivision" also may be used in reference to the aggregate of all lots held in common ownership at the time of division.

Substantial Damage - 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 - Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a ten-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure prior to the improvement. The market value of the structure should be:

- a. The appraised value of the structure prior to the start of the initial repair or improvement; or,
- b. In the case of damage, the value of the structure prior to the damage occurring.

This term includes structures which have incurred "repetitive loss" or "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 structure commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include 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 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 parks or subdivisions - Where 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 - A grant of relief from the requirements of this ordinance that permits construction in a manner otherwise prohibited by this ordinance.

Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse - A channel with a defined bed and banks, including lakes, ponds, and marshes.

**1.2 GENERAL PROVISIONS.**

1.2.1. Flood Area Maps and Studies.

- a. For the purposes of this ordinance, the following are adopted:
  - (1) The Flood Insurance Study (FIS), dated September 29, 2006, with accompanying maps and other supporting data and any revision thereto are hereby adopted by reference. For those land areas acquired by a municipality through annexation, the current effective FIS and data for Gwinnett County, dated September 29, 2006, with accompanying maps and other supporting data and any revision thereto are hereby adopted by reference.
- b. Other studies which may be relied upon for establishment of the base flood elevation or delineation of the 100-year floodplain include:
  - (1) Any flood or flood related study conducted by the United States Corps of Engineers or the United States Geological Survey or any local, State, or Federal Agency applicable to the City of Suwanee.
  - (2) Any base flood study authored by a currently registered Professional Engineer in the State of Georgia which has been approved by the Department.
- c. Other studies which may be relied upon for establishment of the future conditions flood elevation or delineation of the future conditions floodplain include:
  - (1) Any flood or flood related study conducted by the United States Corps of Engineers or the United States Geological Survey or any local, State, or Federal Agency applicable to the City of Suwanee.
  - (2) Any future conditions flood study authored by a currently registered Professional Engineer in the State of Georgia which has been approved by the Department.
- d. The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the following location:

City of Suwanee  
Department of Planning and Community Development  
373 Highway 23  
Suwanee, GA 30024

1.2.2 Areas Regulated.

This ordinance shall be applicable to all Special Flood Hazard Areas within the City of Suwanee, Gwinnett County, Georgia.

1.2.3 Interpretation.

a. In the interpretation and application of this ordinance all provisions shall be:

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

b. Where interpretation is needed as to the exact location of floodplain or floodway boundaries (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Department shall make the necessary interpretation based on data submitted by the applicant. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

c. Where flood plain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area graphically delineated on the floodplain maps.

1.2.4 Drainage Easement Established.

On behalf of the public, a drainage easement is hereby established for the sole purpose of preserving and protecting the free flow of surface waters inside the Future Conditions Flood contour elevations and along all watercourses. Where debris has accumulated in such a manner as would increase the need for flood protection, raise the flood level, or increase the risk of hazardous inundation of adjacent communities or jurisdictions, the City or County is hereby authorized to enter upon such watercourse and clear or remove such debris or obstructions as are hazardous to the public safety. The cost thereof shall be charged to the owner of the property where such debris and/or obstruction was generated. Where erosion has occurred in such a manner as would endanger a building or a structure, the City and/or County is hereby authorized to enter upon such watercourse and stabilize the channel for public safety. The cost thereof shall be charged to the owner of the property where the erosion has occurred and/or caused the erosion.

1.2.5 Floodplain Management Plan Requirements.

An application for a development project with any Area of Special Flood Hazard located on the site will be required to include a floodplain management/flood damage prevention plan. This plan shall include the following items:

a. Site plan drawn to scale, which includes but is not limited to:

- (1) 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;
  - (2) 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;
  - (3) Proposed locations of water supply, sanitary sewer, and utilities;
  - (4) Proposed locations of drainage and stormwater management facilities;
  - (5) Proposed grading plan;
  - (6) Base flood elevations and future-conditions flood elevations;
  - (7) Boundaries of the base flood floodplain and future-conditions floodplain;
  - (8) If applicable, the location of the floodway; and
  - (9) Certification of the above by a registered professional engineer or surveyor.
- b. Building and foundation design detail, including but not limited to:
- (1) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
  - (2) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
  - (3) Certification that any proposed non-residential flood-proofed structure meets the criteria in Section 5.2(2);
  - (4) For enclosures below the base flood elevation, location and total net area of foundation openings as required in Section 5.1(5).
  - (5) Design plans certified by a registered professional engineer or architect for all proposed structure(s).
- c. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
- d. 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 floodway widths, flood profiles and all other computations and other information similar to that presented in the FIS;
- e. Copies of all applicable State and Federal permits necessary for proposed development; and
- f. All appropriate certifications required under this ordinance.  
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.

- 1.2.6            Compliance.  
No structure or use of land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.
- 1.2.7            Abrogation and Greater Restrictions.  
This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other codes or regulations conflict or overlap, with respect to the prevention of flood damage on property this ordinance shall prevail.
- 1.2.8            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 on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard or Flood Prone areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Suwanee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.
- 1.2.9            Designation of Ordinance Administrator.  
The Director of the Department of Planning and Community Development or the director's designee is hereby appointed to administer and implement the provisions of this ordinance.
- 1.2.10          Duties and Responsibilities of Ordinance Administrator.  
The duties of the director or director's designee shall include, but shall not be limited to:
- a.            Review all development applications and permits to assure that the requirements of this ordinance have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
  - b.            Require that copies of all necessary permits from 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, be provided and maintained on file;
  - c.            When Base Flood Elevation data or floodway data have not been provided, then the director or director's 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 of Sections 1.4 and 1.5;

- d. 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 or substantially improved structures;
- e. Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been flood-proofed;
- f. When flood-proofing is utilized for a non-residential structure, the director or director's designee shall obtain certification of design criteria from a registered professional engineer or architect;
- g. Notify affected adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- h. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Area (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions) the director or director's 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 ordinance. 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; and,
- i. All records pertaining to the provisions of this ordinance shall be maintained in the office of the director or director's designee and shall be open for public inspection.

**1.3 ADMINISTRATION.**

**1.3.1 General Permit Procedures.**

Application for a Development Permit on any property where a Special Flood Hazard Area is located or is proposed to be altered or disturbed in any way shall be made to the Department on appropriate forms prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

**1.3.2 Floodway Encroachments.**

**a. Application Procedure.**

An application for a Development Permit which proposes any encroachment into or alteration of a floodway shall require submittal to the Department complete plans and engineering calculations as required by this ordinance for "no rise"

certification. The Department shall review and authorize such encroachments prior to the issuance of a Development Permit and shall obtain from the applicant an engineering "no-rise" certification signed by a professional engineer stating that the proposed development will not create any change to the pre-project base flood elevations, floodway elevations, or floodway widths. If the applicant proposes to revise the floodway boundaries or base flood elevations, no permit authorizing an encroachment into or the alteration of the floodway shall be issued by the Department until an affirmative Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable, is issued and "no rise" certification is approved by the Department. An application for a map revision shall be submitted first to the Department. As-built plans and calculations shall be required to be provided to the Department by the applicant at the time of completion of the encroachment. Payment of any review fees associated with the review and approval of the encroachment shall be the responsibility of the applicant. Final Plats or Certificates of Occupancy shall not be issued by the Department until an affirmative Letter of Map Revision (LOMR) or Letter of Map Amendment (LOMA), whichever is applicable, is issued.

- b. Flood Levels Resulting from Floodway Encroachments.
  - (1) Encroachments into a floodway established on the Flood Boundary and Floodway Maps or FIRM, including fill, new construction, substantial improvements and other developments shall be prohibited except for activities specifically allowed in (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 shall not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
  - (3) In areas where the floodplain has been established but the base flood elevation (BFE) and/or the floodway has not been established on FIS maps, no encroachments into areas of special flood hazard, including fill or structures, shall be authorized unless certification by a registered professional engineer is provided to the Department demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the floodplain more than 0.01 feet at any point. The study shall be submitted as a revision/ amendment to the FIS maps showing the BFE and the floodway. Approval of the revision/ amendment must be received before the Final Plat can be approved or a Certificate of Occupancy can be issued.



- (4) In areas beyond the limits of study on the Flood Boundary and Floodways Maps or FIRM, which contains a watercourse, and have greater than 100 acres of surface drainage area above the property, no increase in flood elevations off-site shall be authorized.

1.3.3 Other Permits or Approvals.

- a. Copies of any additional Federal or State permits or approvals as may be required by the Corps of Engineers, Georgia Department of Natural Resources, FEMA, or others shall be provided by the developer upon their approval and maintained on file in the Department of Planning and Development.
- b. The Department shall notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

**1.4 STANDARDS FOR DEVELOPMENT.**

1.4.1 Definition of Floodplain Boundaries.

- a. Studied "A" zones, identified in the City of Suwanee and/or Gwinnett County Flood Insurance Study, shall be used to establish base flood elevations whenever available.
- b. For Special Flood Hazard Areas, the base flood elevation and future conditions flood elevations shall be determined from the FIRM and FIS or provided by the Department. If base flood elevation and future conditions flood elevation data is not available, then it shall be determined by a registered Professional Engineer using a FEMA approved methodology. The method of analysis shall be subject to the approval of the Department.
- c. The boundaries or limits of the floodplain shall be within 0.5 feet vertical accuracy on the Development Plan containing existing topographic information.

1.4.2 Definition of Floodway Boundaries.

- a. 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 Department. If floodway data is not available from the Department, then it shall be determined by a registered professional engineer using a method approved by FEMA and the Department.
- b. Following a pre-design conference with the Department, the boundaries or limits of the floodway shall be shown on the Development Plan containing existing topographic information.

1.4.3 General Standards.

- a. No construction or structures, including grading, filling, cutting or displacement of earth shall be allowed within the base flood or future conditions floodplain that could result in any of the following:
  - (1) Raise the base flood or future conditions flood elevation equal to or more than 0.01 feet.
  - (2) Reduce the base flood or future conditions flood storage capacity. All compensation shall occur either within the boundaries of ownership of the property being developed, or within a permanent, recorded flood control easement (which shall be a part of the Departmental record), and shall be within a reasonable proximity to 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; or raising of the future conditions flood elevation within the boundaries of ownership of the property being developed. All cut areas are to be graded to a slope of no less than 2 percent. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the top of the natural (pre-development) stream channel unless such excavation results from widening or relocation of the stream channel. A step-backwater analysis will be required to verify no rise conditions, flood storage volumes, and flow characteristics.
  - (3) Change the flow characteristics of the waters of the base flood or future conditions flood as they pass both the upstream and the downstream boundaries of the property. Verification shall be provided via a step-backwater analysis.
  - (4) Create hazardous or erosion-producing velocities, or result in excessive sedimentation.
- b. All proposed development shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize or eliminate flood damage.
- c. Any significant changes or revisions to the flood data adopted herein and shown on the City of Suwanee and/or Gwinnett County FIRM 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 Department using the Community Consent 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 construction, the applicant shall submit as-built surveys for a final Letter of Map Revision (LOMR). A Letter of Map Revision (LOMR) or Letter of Map Amendment (LOMA) must be issued before the Final Plat can be approved or a

Certificate of Occupancy can be issued. Significant changes or revisions shall be defined as any change to the City of Suwanee and/or Gwinnett County FIRM easily observed when plotted at a scale of 1" = 500'. The changes or revisions may be due to but are not limited to more current and/or superior topographic information or compensatory cut and fill grading done as a part of the development.

1.4.4 Engineering Study Requirements.

An engineering study is required (as appropriate to the proposed development activities on the site) when a base flood or future conditions floodplain is located on the property of the proposed development. This study shall be prepared by a currently registered Professional Engineer in the State of Georgia and made a part of the application for a Development Permit. This information shall be submitted to and approved by the Department prior to the approval of any permit which would authorize the development.

- a. Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development.
- b. Any report that must be submitted for review, in accordance with this ordinance, must use a step-backwater analysis approved by the Department. Cross-sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Where applicable, computations will be shown duplicating FIS results and then computations will then be rerun with the proposed modifications to determine the new base flood and future conditions flood profiles.
- c. Floodplain storage calculations based on cross-sections (at least one every 100 feet) showing existing and proposed floodplain conditions must be provided to show that future conditions floodplain storage capacity would not be diminished by the development.
- d. If changes to the base flood or future conditions flood elevation are proposed, profiles of the channel showing the existing and proposed base flood or future conditions flood elevations must be provided.
- e. The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all future conditions floodplain encroachments.
- f. The floodway shall be determined when any encroachment in the floodplain is proposed or a detailed study is performed to determine flood profiles.
- g. Detailed flood studies in areas where the floodplain has been established but the base flood elevation (BFE) and/or floodway has not been established and in areas beyond the limits of study on the FIRM, which contain a watercourse, and have greater than 100 acres of surface drainage area above the property, shall be submitted showing the base flood elevation, future conditions flood elevations,

and the floodway. Approval of the revision or amendment must be received before the Final Plat can be approved or a Certificate of Occupancy can be approved.

1.4.5 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 his property so that the flood-carrying or flood storage capacity is not diminished. The City of Suwanee 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, in the opinion of the City pursuant to the approved plans and floodplain report on file with the Department, performed satisfactory maintenance.

1.4.6 Standards for Utilities.

- a. All new and replacement water supply and sanitary sewerage systems shall be designed to minimize or eliminate:
  - (1) infiltration of flood waters into the systems; and
  - (2) discharges from the systems into the flood waters.
- b. On-site waste disposal systems shall be located and constructed to avoid impairment to them, or contamination from them during flooding.

1.4.7 Standards for Subdivisions.

- a. All subdivision proposals shall identify the special flood hazard area 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 unless all requirements of Sections 1.3 and 1.4 have been met;
- c. All subdivision plans will provide the elevations of proposed structures in accordance with Section 1.3.2.
- d. All subdivision proposals shall be consistent with the need to minimize flood damage;
- e. All subdivision proposals shall have public utilities and facilities such as water, sanitary sewer, gas, and electrical systems located and constructed to minimize or eliminate infiltration of flood waters, and discharges from the systems into flood waters; and,
- f. All subdivision proposals shall include adequate drainage and stormwater management facilities per the requirements of the Development Regulations to reduce potential exposure to flood hazards.

**1.5 STANDARDS FOR BUILDING CONSTRUCTION.**

1.5.1 Structures and Buildings Authorized in the Floodplain.

a. Residential Buildings.

(1) New Construction.

New construction of principal buildings, including Manufactured Homes shall not be allowed within the limits of the future conditions floodplain, unless all requirements of Sections 1.3 and 1.4 have been met. If all of the requirements of Sections 1.3 and 1.4 have been met, all new construction shall have the lowest floor, including basement and access to the building, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 1.5.6.

(2) Substantial Improvements.

For substantial improvements to existing principal residential buildings, the requirements of Sections 1.3 and 1.4 shall apply and the elevation of the lowest floor, including basement and access to the building, shall be elevated at least three (3) feet above the level of the highest base flood (100 year) elevation adjacent to the building or at least one (1) foot above the future conditions flood elevation whichever is highest. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with article 1.5.6 titled “Elevated Buildings.”

b. Non-Residential Buildings.

(1) New Construction.

New construction of principal buildings, including Manufactured Homes shall not be allowed within the limits of the future conditions floodplain unless all requirements of Sections 1.3 and 1.4 have been met. If all of the requirements of Sections 1.3 and 1.4 have been met, the elevation of the lowest floor, including basement and access to the building, shall be at least one (1) foot above the level of the highest base flood (100 year) elevation adjacent to the building or at least as high as the future conditions flood elevation whichever is highest. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the

unimpeded movements of floodwaters shall be provided in accordance with standards of Section 1.5.6.

(2) Substantial Improvements.

Substantial improvements to existing principal non-residential buildings may be authorized by the Department to be flood proofed in lieu of being elevated, in accordance with section 1.5.6 titled "Elevated Buildings", provided that all areas of the building less than one (1) foot above the base flood elevation or below the future conditions flood elevation, whichever is highest, are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify to the Department that the standards of this subsection are satisfied and shall provide the Department a flood proofing certificate including flood proofing level immediately after flood proofing is completed. The certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The requirements of Sections 1.3 and 1.4 shall apply.

c. Accessory and Non-Habitable Buildings and Structures.

Accessory and non-habitable structures (i.e., barns, sheds, gazebos, and other similar structures) which are permitted to be located within the limits of the floodplain under the provisions of the Zoning Ordinance shall be designed and constructed of flood resistant materials to pass all floodwater and be anchored to prevent flotation, collapse, or lateral movement of the structure in a manner consistent with this ordinance.

d. Drainage Structures and Impoundments.

Drainage structures and impoundments may be authorized provided they are designed and constructed pursuant to the requirements of the Development Regulations of the City of Suwanee, are approved by the Department, and are consistent with the requirements of this ordinance. Detention facilities may be located within the future conditions floodplain if the future conditions flood storage capacity is not reduced by the dam and water impounded behind the dam as required in section 1.4.3.a.

1.5.2 Structures and Buildings Authorized adjacent to the future conditions floodplain.

a. Residential Buildings

For new construction or substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, shall be at least three (3) feet above the level

of the highest base flood (100 year) elevation adjacent to the building or at least one (1) foot above the future conditions flood elevation whichever is highest.

b. Non-Residential Buildings.

For new construction or 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 (1) foot above the level of the highest base flood (100 year) elevation adjacent to the building or at least as high as the future conditions flood elevation whichever is highest.

1.5.3 Building Permit Requirements.

Prior to the issuance of a Building Permit for site which contains or is adjacent to the floodplain, a drawing which shows the elevation of the proposed lowest floor of the building, including basement, the limits of the floodplain, and the highest future conditions flood elevation and base flood (100 year) elevation adjacent to the building, must be submitted to the Department for approval. If the proposed development is located in multiple flood zones or multiple base flood elevation cross the proposed building site, the higher or more restrictive base flood elevation or future condition elevation and development standards shall take precedence at the building site. Proposed grading encroachments must be shown on this drawing. Elevations shall be referenced to an accurate topographical reference (e.g. a recorded Final Plat whereon the future conditions and the base floodplain is shown).

1.5.4 Construction Stage.

- a. Upon completion of construction of the lowest floor of any building permitted under 1.5.2 or substantial improvement permitted under 1.5.1 above, the permit holder shall submit to the Department a certification of the as-built lowest floor elevation. A final elevation certificate shall be provided after completion of construction including grading of the site. For buildings adjacent to the floodplain, this requirement shall not apply, however, if the separation between the lowest floor elevation and the future conditions flood elevation shown on the drawing submitted as part of the permit application is greater than ten feet. Said certification shall be prepared by a Land Surveyor currently registered in the State of Georgia.
- b. Any work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. No framing inspection shall be completed or approved by the Department until such required certification is received and verified by the Department. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall cause to issue a stop work order for the project.

1.5.5 Provisions for Flood Hazard Reduction.

All new construction, or substantial improvement of existing structures, which is located less than three (3) feet above the highest adjacent base flood elevation or less than one (1) foot above the future conditions flood elevation, whichever is highest, shall comply with the following:

- a. Shall be constructed with materials and utility equipment resistant to flood damage;
- b. Shall be constructed by methods and practices that minimize flood damage;
- c. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be constructed or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- d. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- e. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
- f. New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- g. On-site waster disposal systems shall be located and constructed to avoid impairment to them of contamination from them during flooding
- h. Manufactured homes 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; and,
- i. Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non- conformity is not furthered, extended or replaced.

1.5.6 Elevated Buildings.

All new construction or substantial improvements of existing structures 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 professional engineer or architect or meet the following minimum criteria:



- (1) Provided a minimum of two openings having a total net are of not less than one square inch for every square foot of enclosed area subject to flooding;
  - (2) The bottom of all openings shall be no higher than one foot above grade; and
  - (3) 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 ordinance, the unfinished or flood resistant enclosure shall only 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 partitioned or finished into separate rooms.

1.5.7 Building Standards for Residential Single-Lot Developments on Streams Without Established Base Flood Elevations and/or 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 Director 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 ordinance.

If data are not available from any of these sources, the following provisions shall apply:

- a. No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or fifty (50) feet from the top of the bank of the stream, whichever is greater; and,
- b. In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with Section 1.5.6.

1.5.8 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. The recreational vehicle must meet all the requirements for Residential Buildings—Substantial Improvements (Section 1.5.2(1)(b)), including the anchoring and elevation requirements.

1.5.9 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 (1) to three (3) feet above ground, with no clearly defined channel. In these areas the following provisions apply:

- a. New and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to no lower than one (1) 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 (3) 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 1.5.6.
- b. New and substantial improvements of a non-residential structure may be flood-proofed 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 (1) 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 registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice; and,
- c. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

**1.6 APPEAL AND VARIANCE PROCEDURES.**

1.6.1 Appeals.

Appeals from the interpretation or requirements this ordinance shall be made in accordance with the procedures and requirements of this Section.

- a. Requests for variances from the requirements of this ordinance shall be submitted to the Department. All such requests shall be heard and decided in accordance with the procedures to be published in writing by the City of Suwanee and as set forth by the Section 5-4-1 of the Official Code of Georgia Annotated. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.

- b. Any person adversely affected by any decision of a request for variance shall have the right to appeal the decision to the Zoning Board Appeals in their normal course of business. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.

1.6.2 Evaluation of Variance Requests.

- a. In passing upon variance applications for relief from the provisions of this ordinance, all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the items listed in the Gwinnett County Stormwater Systems and Facilities Installation Standards and Specifications shall be considered;
- b. Upon consideration of the factors listed in the Gwinnett County Stormwater Systems and Facilities Installation Standards and Specifications, and the stated purposes of this ordinance, such conditions to the granting of a variance as it deems necessary or appropriate, consistent with the purposes of this ordinance may be attached to the variance;
- c. Variances shall not be approved within any designated floodway if any increase in flood levels outside the boundaries of ownership of the property being developed or drainage easement during the future conditions or the base flood discharge would result.
- d. 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.
- e. 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 deemed necessary to the consideration of the request.
- f. Variances shall not be issued “after the fact.”

1.6.3 Historic Structures.

Variances from the requirements of this ordinance may be approved for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation, and provided further that the requirements of Section 1.6.5 herein are met.

1.6.4 Conditions for Variance Approval.

- a. Variances shall only be approved upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;
- b. Variances shall only be issued upon a finding of the following:
  - (1) A showing of good and sufficient cause,
  - (2) A determination that failure to grant the variance would result in exceptional hardship; and,
  - (3) A determination that the granting of the 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.
- c. No variance from the provisions of this ordinance may be approved which would allow a structure or use of land otherwise prohibited in the flood hazard area under the provisions of the Zoning Resolution.
- d. 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 will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

1.6.5 Records and Reports.  
The Department shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

**1.7 EFFECTIVE DATE.**

1.7.1 This ordinance shall be in full force and effect immediately upon the adoption by the Mayor and Council of the City of Suwanee, Georgia, and shall apply to any Development Permit for which an application is received after the effective date of this ordinance.

1.7.2 Any subdivision or other project for which a Development Permit has been issued prior to the effective date of this ordinance may, at the developer's option, proceed to completion under the terms of said permit and the regulations of the City of Suwanee in place prior to said effective date.

1.7.3 Any subdivision or other project for which only a Clearing, Clearing and Grubbing, or Grading Permit shall have been issued prior to effective date of this ordinance shall be brought into conformance with this ordinance prior to issuance of a Development Permit.

1.7.4 Nothing in this ordinance shall be construed to affect the validity of any building permit lawfully issued prior to the effective date of this ordinance.

**1.8 AMENDMENTS.**

1.8.1 This ordinance may be amended from time-to-time by resolution of the City of Suwanee Mayor and Council. Such amendments shall be effective as of their date of effective date unless otherwise stated in the adopting resolution.

1.8.2 Any subdivision or other project for which a Development Permit has been issued prior to the adoption of an amendment to this ordinance may, at the developer's option, proceed to completion as though no amendment had been approved.

1.8.3 Any subdivision or other project for which only a Clearing, Clearing and Grubbing, or Grading Permit shall have been issued prior to adoption of an amendment to this ordinance shall be brought into conformance with the amendment (if applicable) prior to issuance of a Development Permit.

1.8.4 No amendment to this ordinance shall be construed to affect the validity of any building permit lawfully issued prior to the adoption of said amendment.

**1.9 SEVERABILITY.**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or void, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City of Suwanee Mayor and Council in adopting this ordinance that no portion thereof or provisions of the ordinance contained herein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase, or provisions of this ordinance.

**1.10 CONFLICTING REGULATIONS.**

All regulations or parts of regulations of the Code of Ordinances of the City Suwanee, Georgia, in conflict with this ordinance shall be and the same hereby repealed in their portions so in conflict. Provided, however, that it is not the intent of this ordinance to repeal or affect any Law of the State of Georgia, or any Code of Ordinance of the City of Suwanee adopted as a requirement of State Law, in which case the more restrictive requirement shall control.

**1.11 VIOLATIONS, ENFORCEMENT AND PENALTIES.**

Any action or inaction that violates the provisions of this ordinance or the requirements of an approved plan or permit shall be subject to the enforcement actions or penalties outlined herein. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and also may be abated by injunctive or other equitable relief. The imposition of any of the enforcement actions or penalties described herein shall not prevent such equitable relief.

1.11.1 Enforcement Procedures.

The following are the enforcement procedures authorized by this ordinance:

a. Notices of Violation.

Enforcement shall begin with the issuance of a written Notice of Violation to the owner or responsible person by the director. The notice may be delivered personally or sent by first class mail. The Notice of Violation shall contain at least the following information:

- (1) The name and address of the owner or responsible person;
- (2) The location or address of the site upon which the violation is occurring;
- (3) A description of the nature of the violation;
- (4) A description of the remedial actions or measures necessary to bring an action or inaction into compliance with a permit, approved plan or this ordinance;
- (5) The deadline or completion date for any such remedial actions or measures;
- (6) A statement of the penalty or penalties that may be assessed against the owner or responsible person to whom the Notice of Violation is directed.

In the event the owner or responsible person fails to correct the violations after the deadline contained in the Notice of Violation, the director is authorized to take or impose any one or more of the additional actions contained herein.

b. Stop Work Orders.

The director is authorized to issue Stop Work Orders to an owner or responsible person. Stop Work Orders are effective immediately and shall remain in effect until the necessary corrective actions or remedial measures set forth in the Notice of Violation have occurred. Stop Work Orders may be withdrawn or modified by the director in order to enable an owner or responsible person to take the necessary remedial actions or measures to correct the violations.

c. Refusal to Issue Certificates of Occupancy or Completion.

The director is authorized to refuse to issue Certificates of Occupancy or Completion for the building or other improvements constructed or being constructed on a site until the owner or responsible person has taken the remedial actions or measures set forth in the Notice of Violation or has otherwise corrected the violations described therein.

d. Suspension, Revocation, or Modification of Permit.

The director is authorized to suspend, revoke or modify a permit that was issued authorizing development. The director is authorized to reinstate a suspended, revoked or modified permit after the owner or responsible person has taken the remedial actions or measures stated in the Notice of Violation or has otherwise corrected the violations described therein. The director is also authorized to reinstate such permit, which may include conditions as the director may deem

necessary, to enable the owner or responsible person to take the necessary remedial actions or measures to correct the violations.

- e. Refusal to Approve Final Subdivision Plats.  
The director is authorized to refuse to approve Final Plats until the owner or responsible person has taken the remedial actions or measures set forth in the Notice of Violation or has otherwise corrected the violations described therein.
- f. Issuance of Citations or Summons to Court.  
The director is authorized to issue a citation or summons to the owner or responsible person requiring such person to appear in a court of competent jurisdiction to answer charges for violations of this ordinance.

1.11.2 Legal Penalties and/or Remedies.

- a. Fine and/or Sentence.  
Any person convicted by a court of competent jurisdiction of violating any provision of this ordinance shall be guilty of violating a duly adopted ordinance of the county and shall be punished either by a fine not less than \$100 per day and not greater than \$1,000 per day, or by a sentence of imprisonment not to exceed 60 days in jail, or both a fine and jail or work alternate. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- b. Other Legal Remedies.  
In any case in which a violation of this ordinance has occurred, the county, in addition to other remedies provided by law, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding through a court of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity.