

# Article 8. Environmental Resources Protection

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## Article 8. Environmental Resources Protection

This Article sets out the minimum requirements and standards for the protection of the natural environment within the County, including restrictions on the use of land near certain rivers and streams, within water supply watersheds, within groundwater recharge areas susceptible to pollution, and in wetlands in order to:

1. Protect the drinking water quality of the rivers, streams, reservoirs and aquifers that supply water to the residents of the county and the state;
2. Protect the natural habitat of animal and plant life relative to water resources; and
3. Limit the potentially damaging effects of flooding.

### DIVISION 1. STREAM BUFFER PROTECTION.

#### Sec. 801. **Purpose.**

This division is intended to provide regulations to protect stream buffers in the County in a manner consistent with state law.

#### Sec. 802. **Applicability**

Division I of this Article shall apply to all land development activity, including subdividing and platting activities, on property containing a stream protection area as defined in the Glossary of this Development Code. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.

Nothing contained in O.C.G.A. § 12-7-1 et seq. shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in this section.

#### Sec. 803. **Protection Criteria**

- (a) There is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream.
- (b) As used in this provision, the term "ephemeral stream" means a stream that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow.
- (c) Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to O.C.G.A. Part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the director as provided in this paragraph. The following requirements shall apply to any such buffer.

### 803.02 Buffer Requirements

- (a) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed.
- (b) Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed;~~;~~~~and~~

### 803.03 Exceptions

The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

- (a) Stream crossings for water lines; or
- (b) Stream crossings for sewer lines

## **DIVISION 2. CHATTAHOOCHEE RIVER CORRIDOR PROTECTION.**

### Sec. 804. ~~Findings and Purpose.~~

The Chattahoochee River has been designated as a protected river by the Georgia Department of Community Affairs and a Chattahoochee River Corridor Protection Plan has been adopted by the ~~county~~County. The purpose of the Chattahoochee River Corridor Protection District is to establish measures to guide future growth and development in the areas adjacent to the Chattahoochee River.

### Sec. 805. ~~Applicability.~~

#### 805.01 Establishment of Chattahoochee River Corridor Protection ~~Overlay~~ District.

The district establishes measures to guide future growth and development in areas adjacent to the Chattahoochee River. Because these protective measures allow some latitude with land uses and because the district is not intended to prescribe a specific land use but rather to define a range of acceptable land uses, the district is designated as an overlay district. Within the range of land uses which can be located within the district, there are established in Section ~~806~~ protection criteria which apply to development within the district.

#### 805.02 District Boundaries.

- (a) The Chattahoochee River Corridor Protection District is hereby designated and shall comprise the land within 100 feet horizontally on both sides of the Chattahoochee River, which has been designated as a protected river by the Georgia Department of Community Affairs.

(b) The boundary shall be set as places readily identifiable on the Zoning Map of Harris County.

**805.03 Regulation of the underlying zoning district.**

Unless otherwise noted in this article, the regulation of the underlying zoning district as provided in the Harris County ~~Zoning Ordinance~~[Development Code](#) shall be maintained and not affected.

**Sec. 806. Protection Criteria.**

**806.01 General Requirements.**

(a) All development within the Chattahoochee River Corridor District shall maintain a natural vegetative buffer except as otherwise provided herein.

(b) The natural vegetative buffer shall be restored as quickly as possible following any land-disturbing activity within the river corridor.

(c) Except as noted below, all construction within the buffer area is prohibited.

**806.02 Exemptions from Protection Requirements.**

(a) Single-family dwellings, including the usual appurtenances, may be constructed within the buffer area subject to the following conditions:

- (1) The dwelling shall be in compliance with all local zoning regulations.
- (2) The dwelling shall be located on a parcel of land containing at least ~~two~~ 2 acres. For the purpose of these standards, the size of the parcel shall not include any area within the protected river (that is, for parcels that include the area between the river banks, that portion cannot be counted towards the two-acre minimum size).
- (3) There shall be only ~~one~~ 1 such dwelling on each ~~two~~ 2-acre or larger parcel of land.
- (4) A septic tank or tanks serving such a dwelling may be located within the buffer area. However, the septic tank drainfields shall not be located within the buffer area.

(b) Construction of road crossings and utility crossings of river corridors are exempt provided that construction of such road and utility crossings shall meet all requirements of the Erosion and Sedimentation Act of 1975 (O.C.G.A. § 12-7-1 et seq.), and of the applicable local ordinances on soil erosion and sedimentation control.

(c) Land use existing prior to the adoption of this article subject to the following conditions:

- (1) Industrial and commercial uses of river corridors shall not impair the drinking quality of the river water; and
- (2) Industrial and commercial activity within the river corridor shall meet all state and federal environmental rules and regulations.

(d) Mining activities, if permitted by the Georgia Department of Natural Resources pursuant to the Georgia Surface Mining Act of 1968 (O.C.G.A. § 12-4-70 et seq.), as amended.

(e) Utilities (except as discussed above in [section 806.02\(b\)](#), if such utilities cannot feasibly be located outside the buffer area (feasibility shall be decided conservatively by the local government), provided that:

- (1) The utilities shall be located as far from the riverbank as reasonably possible;
- (2) Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible; and
- (3) Utilities shall not impair the drinking quality of the river water.

(f) Specific forestry and agricultural activities except as discussed in [Section 807](#) below.

**Sec. 807. Allowed Uses.**

The following acceptable uses of river corridors are allowed, provided that such uses do not impair the long-term functions of the protected river or the river corridor.

(a) Timber production and harvesting, subject to the following conditions:

(1) Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission; and

(2) Forestry activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended.

(b) Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. § 12-2-8.

(c) Wastewater treatment.

(d) Recreational usage consistent either with the maintenance of a natural vegetative buffer or with river-dependent recreation. For example, a boat ramp would be consistent with this criterion but a hard-surface tennis court would not. Parking lots are not consistent with this criterion. Paths and walkways within the river corridor are consistent with this criterion.

(e) Natural water quality treatment or purification.

(f) Agricultural production and management, subject to the following conditions:

(1) Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission;

(2) Agricultural activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended; and

(3) Agricultural activity shall be consistent with all state and federal laws, and all regulations promulgated by the Georgia Department of Agriculture.

(g) Other uses permitted by the Georgia Department of Natural Resources or under Section 404 of the Clean Water Act.

**Sec. 808. ~~Use Limitations~~ Prohibited Uses.**

Within the Chattahoochee River Corridor Protection District, the following limitations on permissible uses shall apply in addition to the regulations of the underlying zoning district:

(a) Except as expressly provided for under Section [806.02](#) of these criteria (dealing with single-family dwellings within the river corridor), septic tanks and septic tank drainfields are prohibited within river corridors.

(b) Handling areas for the receiving and storage of hazardous waste are prohibited within river corridors.

(c) Hazardous waste or solid waste landfills are prohibited within river corridors.

(d) Other uses unapproved by Harris County shall not be acceptable within river corridors.

**DIVISION 3. WETLANDS PROTECTION.**

**Sec. 809. Findings and Purpose.**

### 809.01 Findings of Fact.

The wetlands within this county are indispensable and fragile natural resources with significant development constraints due to flooding, erosion, and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife, and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; open space, and recreational opportunities. In addition, the wise management of forested wetlands is essential to the economic well-being of many communities within the state.

### 809.02 ~~Title and Purpose.~~

The purposes of this division are:

- (a) To promote wise use of wetlands and protect wetlands, while taking into account varying ecological, economic development, recreational, and aesthetic values.
- (b) To locate activities which may damage wetlands on upland sites to the greatest degree practicable as determined by a permitting process.
- (c) To protect wetlands from alterations which will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, ground water recharge, aesthetic nature, and wildlife areas.

## Sec. 810. Applicability.

### 810.01 Establishment of Wetland Protection District.

- (a) This article shall apply to all lands within wetlands located within the jurisdiction of [Harris County](#).
- (b) Generalized Wetland Map.

The Generalized Wetland Map, and all future revisions, adopted as part of this article, shows the general location of wetlands and should be consulted by persons contemplating activities in or near wetlands before engaging in a regulated activity. The Generalized Wetland Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of this article. The Generalized Wetland Map shall be on file in the office of the ~~County Department of Community Development~~[Community Development Department](#).

### 810.02 District Boundaries.

The Generalized Wetland Map is a general reference document and wetland boundaries indicated on the map are approximations. The purpose of the Generalized Wetland Map is to alert developers/landowners if they are within proximity to a wetland, which means that there is a high likelihood of the presence of a jurisdictional wetland and a need for the developer/landowner to seek U.S. Army Corps of Engineers guidance as to whether a Section 404 permit will be required prior to any activity. The Generalized Wetland Identification Map does not represent the boundaries of jurisdictional wetlands within the jurisdiction of the county and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this article does not relieve the landowner from federal or state permitting requirements.

## Sec. 811. Allowed Uses.



The following uses shall be allowed by right within a wetland to the extent that they are not prohibited by any other ordinance or law and provided they do not require structures, grading, fill, draining, or dredging except as provided herein. Operations conducted during normal silvicultural activities, including minor dredge and fill associated with road construction, harvesting, and reforestation practices are excepted from these requirements.

- (a) Conservation or preservation of soil, water, vegetation, fish, and other wildlife, provided they do not affect waters of Georgia or of the United States in such a way that would require an individual 404 permit.
- (b) Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
- (c) Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission.
- (d) The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
- (e) The pasturing of livestock.
- (f) Education, scientific research, and nature trails.
- (g) Temporary emergency permit. A temporary emergency permit can be issued by the ~~County Department of Community Development~~ Community Development Department for the following reasons:
  - (1) Maintenance or repair of lawfully located roads or structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telegraph, telecommunication or other services, provided that such roads, structures, or facilities are not materially changed or enlarged and written notice prior to the commencement of work has been given to the Harris ~~County Department of Community Development~~ Community Development Department and provided that the work is conducted using best management practices to ensure that flow and circulation patterns, and chemical and biological characteristics of the wetland, are not impaired and that any adverse effect on the aquatic environment will be minimized;
  - (2) Temporary water-level stabilization measures associated with silvicultural operations, provided that they are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silviculture activities if not corrected.
  - (3) Limited ditching, tilling, dredging, excavating, or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agricultural crops, provided that the maintenance or repair activity does not result in the impairment, alteration, or loss of wetlands not previously subject to agricultural and silvicultural use under the terms and provisions of [Section 811\(d\)](#).
  - (4) Limited excavating and filling necessary for the repair and maintenance of piers, walkways, nature trails, observation decks, wildlife management shelters, boathouses, or other similar water-related structures, provided that they are built on pilings to allow unobstructed flow of water and preserve the natural contour of the wetland.

## **Sec. 812. Permit Requirements, Review and Appeals Procedures.**

Consideration of the effect of wetland protection areas on the issuance of permits, approval of rezoning requests and review of subdivision plans is found under the "Other Permits" Division

of Article 11 (Procedures and Permits) of this Development Code. Applicable appeals procedures are found in the "Appeals" Division of Article 11.

**812.01 Enforcement Authority.**

The Department of Community Development is hereby established as the administrator of this article.

**Sec. 813. Monitoring and Enforcement.**

**813.01 Authority.**

The ~~County Department of Community Development~~Community Development Department, their agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this article and may take or cause to be made such examinations, surveys, or sampling as deemed necessary.

(a) The ~~County Department of Community Development~~Community Development Department shall have authority to enforce this article; issue permits thereunder; and address violations or threatened violations thereof by issuance of violation notices, administrative orders, and civil and criminal actions. All costs, fees, and expenses in connection with such actions may be recovered as damages against the violator.

(b) Law enforcement officials or other officials having police powers shall have authority to assist the Department of Community Development in enforcement.

(c) The Department of Community Development shall have authority to issue cease and desist orders in the event of any violation of this article. Cease and desist orders may be appealed to a court of competent jurisdiction, as identified in section 815.

**Sec. 814. Penalties.**

**814.01 Violation.**

Any person who commits, takes part in, or assists in any violation of any provision of this ~~article~~division or other applicable sections of this Development Code may be fined not more than \$1,000.00 for each offense. Each violation of this act shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.

**814.02 Building/Structure Previously Constructed.**

When a building or other structure has been constructed in violation of this article, the violator may be required to remove the structure, at the discretion of the ~~County Department of Community Development~~Community Development Department.

**814.03 Vegetative Cover.**

When removal of vegetative cover, excavation or fill has taken place in violation of this article, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the ~~County Department of Community Development~~Community Development Department.

**814.04 Clean Water Act Violation.**

If the ~~County Department of Community Development~~Community Development Department discovers a violation of this article that also constitutes a violation of provisions of the Clean

Water Act as amended, the ~~County Department of Community Development~~Community Development Department shall take reasonable steps to issue written notification of the violation to the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers and the landowner.

**814.05 Suspension, Revocation.**

The ~~County Department of Community Development~~Community Development Department may suspend or revoke a permit if it finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit. The ~~County Department of Community Development~~Community Development Department shall take reasonable steps to cause notice of its denial, issuance, conditional issuance, revocation, or suspension of a permit to be published in the county's legal organ/newspaper having a broad circulation in the area where the wetland is located.

**Sec. 815. Judicial Review.**

Judicial review proceedings including final decisions on appeals to the Board of Commissioners are described in the "Appeals" Division of Article 11 (Procedures and Permits) of this Development Code.

~~**Jurisdiction.**~~

~~All final decisions on appeals to the Board of Commissioners concerning denial, approval, or conditional approval of a special permit may be appealed in the county superior court.~~

~~**Alternative Actions.**~~

~~Based on these proceedings and the decision of the court, the Board of Commissioners may, within the time specified by the court, elect to:~~

- ~~— Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land;~~
- ~~— Approve the permit application with lesser restrictions or conditions (i.e., grant a variance);~~  
~~or~~
- ~~— Institute other appropriate actions ordered by the court that fall within the jurisdiction of the ~~County Department of Community Development~~Community Development Department.~~

**Sec. 816. Amendments.**

These regulations and the Generalized Wetland Map may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information concerning wetland locations, soils, hydrology, flooding, or botanical species peculiar to wetlands become available.

**Sec. 817. Assessment Relief.**

Assessors and board of assessors shall consider wetland regulations in determining the fair market value of land. Any owner of an undeveloped wetland who has dedicated an easement or entered into a conservation restriction with the government or a nonprofit organization to permanently control some or all regulated activities in the wetland shall have that portion of land assessed consistent with those regulations. Such landowner shall also be exempted from

special assessment on the controlled wetland to defray the cost of municipal improvements such as sanitary sewers, storm sewers, and water mains.

#### **DIVISION 4. WATER SUPPLY WATERSHED PROTECTION.**

##### **Sec. 818. Regulation.**

All hazardous waste and materials, as defined by the Georgia Department of Natural Resources, pursuant to O.C.G.A. 12-8-60 et seq., located within seven miles of the Chattahoochee River corridor (said corridor extending 100 feet horizontally from the banks of each side of the Chattahoochee River), shall be entirely and completely located on an impermeable surface and shall have a spill and leak collection system, as prescribed by the Georgia Department of Natural Resources.

##### **Sec. 819. Penalties.**

###### **819.01 Violation.**

A person violating this section is guilty of a misdemeanor and, on conviction, shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding six months, or both. Each day such violation continues shall constitute a separate offense.

#### **DIVISION 5. AQUIFER RECHARGE AREA PROTECTION.**

##### **Sec. 820. Findings and Purpose.**

###### **820.01 Findings of Fact.**

In order to provide for the health, safety and welfare of the public and a healthy economic climate within the county, and surrounding communities, it is essential that the quality of public drinking water be ensured. For this reason, it is necessary to protect the subsurface water resources that the county and surrounding communities rely on as sources of public water. Groundwater resources are contained within aquifers, which are permeable, rock strata occupying vast regions of the subsurface. These aquifers are replenished by infiltration of stormwater runoff in zones of the surface known as aquifer recharge areas.

###### **820.02 Purpose.**

Aquifers are susceptible to contamination when unrestricted development occurs within significant aquifer recharge areas. It is, therefore, necessary to manage land use within aquifer recharge zones in order to ensure that pollution threats are minimized. This Division seeks to:

- (a)** Protect groundwater by prohibiting land uses that generate dangerous pollutants in recharge areas;
- (b)** Protect groundwater by limiting density of development; and
- (c)** Protect groundwater by ensuring that the development that occurs within the recharge area shall have no adverse effect on groundwater quality.

##### **Sec. 821. Applicability.**

###### **821.01 Establishment of an Aquifer Recharge Area District.**

An aquifer recharge area district is hereby established which shall correspond to all lands within the jurisdiction of Harris County, Georgia, that are mapped as significant recharge areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1989 edition.

**821.02 Determination of pollution susceptibility.**

Each recharge area shall be determined to have a pollution susceptibility of high, medium, or low based on the Georgia Pollution Susceptibility Map.

**Sec. 822. Protection Standards.**

- (a) Liners. For all pollution susceptible areas, new waste disposal facilities must have synthetic liners and leachate collection systems.
- (b) Agricultural impoundments. New agricultural impoundments shall meet the following requirements:
  - (1) For areas of low susceptibility, a U.S. Soil Conservation Service approved liner shall be provided if the site exceeds 50 acre-feet.
- (c) Hazardous waste. No land disposal of hazardous waste shall be permitted within any significant aquifer recharge area.
- (d) Hazardous waste on impermeable surface. For all significant aquifer recharge areas, the handling, storage and disposal of hazardous material shall take place on an impermeable surface having spill and leak protection approved by the Georgia Department of Natural Resources, Environmental Protection Division (EPD).
- (e) Chemical or petroleum storage tanks. For all significant aquifer recharge areas, new aboveground chemical or petroleum storage tanks larger than 650 gallons must have secondary containment for 110 percent of tank volume or 110 percent of the largest tanks in a cluster of tanks.
- (f) Minimum lot sizes and septic systems. New homes served by a septic tank/drain systems shall conform to minimum lot size requirements identified in Tables 8-1, 8-2, and 8-3 below.

**Table 8-1. Pollution Susceptibility for New Homes Served by Septic Systems**

Pollution Susceptibility	New Homes Served by Septic Systems	New Mobile Homes Served by Septic Systems
High	150% of minimum lot sizes specified in Table 8-2	150% of minimum lot sizes specified in Table 8-3
Medium	125% of minimum lot sizes specified in Table 8-2	150% of minimum lot sizes specified in Table 8-3
Low	110% of minimum lot sizes specified in Table 8-2	110% of minimum lot sizes specified in Table 8-3

**Table 8-2. Single-Family Home Minimum Lot Size Where Served by On-Site Septic Tank Systems**

Slope of Lot (%)	Soil Grouping*				
	1	2	3	4	5
0-5	30,000 sq. ft.	39,000 sq. ft.	48,000 sq. ft.	51,000 sq. ft.	60,000 sq. ft.

5-15	33,000 sq. ft.	42,000 sq. ft.	51,000 sq. ft.	54,000 sq. ft.	66,000 sq. ft.
15-25	36,000 sq. ft.	45,000 sq. ft.	54,000 sq. ft.	57,000 sq. ft.	N/A
25-35	39,000 sq. ft.	48,000 sq. ft.	57,000 sq. ft.	60,000 sq. ft.	N/A

Notes:

Source: DHR Manual for On-Site Sewerage Management Systems

\*(See Table 8-4)

**Table 8-3. Mobile Home Minimum Lot Size Where Served by On-Site Septic Tank Systems**

Slope of Lot (%)	Soil Grouping*				
	1	2	3	4	5
0-5	10,000 sq. ft.	13,000 sq. ft.	16,000 sq. ft.	17,000 sq. ft.	20,000 sq. ft.
5-15	11,000 sq. ft.	14,000 sq. ft.	17,000 sq. ft.	18,000 sq. ft.	22,000 sq. ft.
15-25	12,000 sq. ft.	15,000 sq. ft.	18,000 sq. ft.	19,000 sq. ft.	N/A
25-35	13,000 sq. ft.	16,000 sq. ft.	19,000 sq. ft.	20,000 sq. ft.	N/A

Notes:

Source: DHR Manual for On-Site Sewerage Management Systems

\*(See Table 8-4)

**Table 8-4. Soil Groupings for Use with Minimum Lot Size Tables.**

GROUP 1	GROUP 2	GROUP 3	GROUP 4	GROUP 5
<i>(Well drained to excessively drained soils with percolation rates from &lt;5 to 10 min./in.)</i>	<i>(Well drained to moderately well drained soils with percolation rates from 10 to 30 min./in.)</i>	<i>(Well drained to moderately well drained soils with percolation rates from 30 to 60 min./in. Also includes somewhat poorly drained soils with percolation from 5 to 30 min./in.)</i>	<i>(Well drained to moderately well drained soils with percolation rates from 60 to 90 min./in. Also poorly drained soils with percolation rates from 10 to 15 min./in.)</i>	<i>(Poorly drained soils that have watertables very near the surface with percolation rates from 5 to 10 min./in.)</i>
Ailey	Allen	Albany	Chestates	Alapaha
Americus	Bodine	Ardilla	Colbert	Pelham
Blaney	Brevard	Bartha	Cowarts	Plummer
Blanton	Brookshire	Braddock	Cunningham	Riceboro
Bonitay	Cahaba	Bradson	Cuthbert	
Bonnoou	Chandler	Capchaw	Davidcon	
Cainhoy (Galestown, Palm Beach)	Citico	Camegie	Dewey (Muse)	
Eustis	Clarendon	Centenary	Dogue	
Flomation	DeKalb	Chipley	Duplin	
Foxworth	Edneyville	Decatur	Dyke	
Fripp	Etowah (Nolichucky)	Dillard	Engers	
	Euharlee	Dothan	Enon	

GROUP 1	GROUP 2	GROUP 3	GROUP 4	GROUP 5
Fuquay (Norfolk & Tif-	Eunola	Durham	Farragut	
ton thick surface	Evard	Echaw	Georgeville	
Lakewood (shallow)	Faceville	Fannin	Gilead	
Haywood	Fullerton	Greenville (Magnolia)	Hayesville	
Kershaw	Goldsboro	Grover	Hemdon	
Lakeland (Huckabee)	Haywood	Holston	Hulett	
Louisburg	Irvington	Hornsville	Kolomoke	
Lucy	Izagora	Kanapana	Leon	
Molena	Jefferson	Leefield	Litz	
Paola	Johns	Leesburg	Lynn Haven	
Troup	Kalmia	Locust	Mascotte	
Valdosta	Linker	Lynchburg Ocilla	Medarin	
Wagram	Lockhart	Minvale	Nankin	
Wicksburg	Louisa	Mountview	Rabun	
	Lowndes	Olustee (Ona)	Sapelo	
	Masada	Pattsburg	Sawyer	
	Maxton	Rigdon	St. Johns	
	Nella	Roms	Sequola	
	Norfolk	Seneca	Shabuta	
	Orangeburg	Shack (Clarksville)	Steekee	
	Porters	Shelocta	Waynesboro	
	Red Bay (Ruston)	Shouns		
	Sequatchie	Suffolk		
	Stilson	Tate		
	Tifton	Tatum		
	Tusquitee	Tellico		
	Wedowee	Tidings		
	Wickham	Varina		

**Sec. 823. Permit Requirements, Review and Appeals Procedures.**

Consideration of the effect of aquifer recharge areas on the issuance of permits, approval of rezoning requests and review of subdivision plans is found under the "Other Permits" Division of Article 11 (Procedures and Permits) of this Development Code. Applicable appeals procedures are found in the "Appeals" Division of Article 11.

## **Sec. 824. Monitoring and Enforcement.**

No building permit, rezoning request, or subdivision plan may be approved by the ~~County Department of Community Development~~Community Development Department or the ~~County~~ Planning Commission unless the permit, request or plan is in compliance with the aquifer protection standards listed in Section 822.

### **824.01 Enforcement Authority.**

The ~~County Department of Community Development~~Community Development Department, their agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this division and may take or cause to be made such examinations, surveys, or sampling as deemed necessary.

(a) The ~~County Department of Community Development~~Community Development Department is hereby designated as the administrator and enforcement officer for this division.

(b) The ~~County Department of Community Development~~Community Development Department shall have authority to enforce this division; issue permits thereunder; and address violations or threatened violations thereof by issuance of violation notices, administrative orders, and civil and criminal actions. All costs, fees, and expenses in connection with such actions may be recovered as damages against the violator.

(c) Law enforcement officials or other officials having police powers shall have authority to assist the ~~County Department of Community Development~~Community Development Department in enforcement.

(d) The ~~County Department of Community Development~~Community Development Department shall have the authority to issue cease and desist orders in the event of any violation of this division. Cease and desist orders may be appealed to a court of competent jurisdiction as identified in Section 826.

## **Sec. 825. Penalties.**

### **825.01 Violation.**

Any person who commits, takes part in, or assists in any violation of any provision of this division shall be fined not more than \$500.00 for each offense. Each violation of this act shall be a separate offense, and, in the case of a continuing violation each day's continuance shall be deemed to be a separate and distinct offense.

### **825.02 Building/structure previously constructed.**

When a building or other structure has been constructed in violation of this division, the violator may be required to remove the structure at the discretion of the ~~County Department of Community Development~~Community Development Department.

### **825.03 Vegetative cover.**



When removal of vegetative cover, excavation or fill has taken place in violation of this division, the violator shall be required to restore the affected land to its original contours and to restore vegetation as far as practicable.

**825.04 Suspension, revocation.**

The ~~County Department of Community Development~~Community Development Department may suspend or revoke a permit if it finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of work set forth in the permit. The ~~County Department of Community Development~~Community Development Department shall take reasonable steps to cause notice of its denial, issuance, conditional issuance, revocation, or suspension of a permit to be published in the county's legal organ/newspaper.

**Sec. 826. Judicial Review.**

Judicial review proceedings including final decisions on appeals to the Board of Commissioners are described in the "Appeals" Division of Article 11 (Procedures and Permits) of this Development Code.

~~Jurisdiction:~~

~~All final decisions on appeals to the County Board of Commissioners concerning denial, approval, or conditional approval of a permit shall be reviewable in the County Superior Court.~~

~~Alternative Action:~~

~~Based on these proceedings and the decision of the court, the County Board of Commissioners may, within the time specified by the court, elect to:~~

- ~~— Institute negotiated purchase or condemnation proceedings to acquire an easement of fee interest in the applicant's land;~~
- ~~— Approve the permit application with lesser restrictions or conditions (i.e., grant a variance);~~  
~~or~~
- ~~— Institute other appropriate actions ordered by the court that fall within the jurisdiction of the ~~County Department of Community Development~~Community Development Department.~~

**Sec. 827. Amendments.**

These regulations may, from time to time, be amended in accordance with procedures and requirements in the general statutes and as new information becomes available.

**Sec. 828. Assessment Relief.**

Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of land.

**DIVISION 6. FLOOD DAMAGE PREVENTION.**

**Sec. 829. Findings and Purpose.**

**829.01 Findings of Fact.**

- (a) The flood hazard areas of Harris County, ~~Georgia~~, are subject to periodic inundation which results 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) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.
- (c) Article IX, Section II of the Constitution of the State of Georgia and O.C.G.A. § 36-1-20(a) 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 county does ordain this Code Division 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.

**829.02 Purpose.**

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (b) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- (c) Control filling, grading, dredging and other development which may increase flood damage or erosion,
- (d) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and
- (e) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

**829.03 Objectives.**

- (a) To protect human life and health;
- (b) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (c) To 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 blight areas,
- (d) To minimize expenditure of public money for costly flood control projects;
- (e) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (f) To minimize prolonged business interruptions, and;
- (g) To ensure that potential homebuyers are notified that property is in a flood area.

**Sec. 830. Applicability.**

This article shall apply to all areas of special flood hazard within the jurisdiction of Harris County, Georgia.

**830.01 Basis for Area of Special Flood Hazard.**

For the purposes of this Code Division, the following are adopted by reference:

- (a) The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study (FIS), dated July 3, 2012, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this article.
- (b) For those land areas acquired by a municipality through annexation, the current effective FIS dated July 3, 2012, with accompanying maps and other supporting data and any revision thereto, for Harris County are hereby adopted by reference.
- (c) Areas of special flood hazard 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.
- (d) The repository for public inspection of the flood insurance study (FIS), accompanying maps and other supporting data is located in the Harris County Community Development Department.

**Sec. 831. Standards.**

**831.01 General Standards.**

In all areas of special flood hazard the following provisions are required:

- (a) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (b) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (c) New construction and substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (d) Elevated buildings - All new construction and 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.

  - (1) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

    - a. Provide a minimum of ~~two~~2 openings having a total net area of not less than ~~one~~1 square inch for every square foot of enclosed area subject to flooding;
    - b. The bottom of all openings shall be no higher than ~~one~~1 foot above grade; and
    - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both direction.

- (2) So as not to violate the "lowest floor" criteria of this article, 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
- (3) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (e) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (f) 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.
- (g) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (h) 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;
- (i) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and
- (j) Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this article, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

### **831.02 Specific Standards.**

In all areas of special flood hazard the following provisions are required:

- (a) New construction and/or substantial improvements. Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of subsection [831.01\(d\)](#), "elevated buildings."

  - (1) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above one foot above the base flood elevation.
- (b) Non-residential construction. New construction and/or the substantial improvement of any structure located in A1-30, AE, or AH zones, may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, 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 for meeting the provisions above, and shall

provide such certification to the official as set forth above and ~~in subsection 834.01(e)~~ in [applicable application requirements per Section 834.](#)

(c) Standards for manufactured homes and recreational vehicles. Where base flood elevation data are available:

(1) All manufactured homes placed and/or substantially improved on: (1) individual lots or parcels, (2) in new and/or 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 no lower than one foot above the base flood elevation.

(2) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:

1. The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or

2. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

(3) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Ref. subsection [831.01\(f\)](#) above)

(4) All recreational vehicles placed on sites must either:

1. Be on the site for fewer than 180 consecutive days.

2. 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

3. The recreational vehicle must meet all the requirements for "new construction", including the anchoring and elevation requirements of subsection [831.02\(c\)2.](#), above.

(d) Floodway. Located within areas of special flood hazard established in Section [830.01](#), are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

(1) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, 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 in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.

(2) ~~Only if~~ (1) above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of [this article](#).

### 831.03 Building Standards for A-zones.

Located within the areas of special flood hazard established in section [830.01](#), 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:

- (a) When base flood elevation data or floodway data have not been provided in accordance with section [830.01](#), then the building inspection director shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer the [flood hazard reduction](#) provisions of [this division-2](#). Only if data are not available from these sources, then the following provisions (subsections (b) and (c) shall apply.
- (b) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or **20 25** feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than a 1 foot increase in flood levels during the occurrence of the base flood discharge.
- (c) In special flood hazard areas without base 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 feet above the highest adjacent grade at the building site. (Note: Require the lowest floor to be elevated one foot above the estimated base flood elevation in A-zone areas where a limited detail study has been completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection [831.01\(d\)](#), "elevated buildings".
  - (1) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than three feet above the highest adjacent grade at the building site.
  - (2) The building inspection director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

### 831.04 Building Standards for AE Zones.

Located within the areas of special flood hazard established in section [830.01](#), where streams with base flood elevations are provided but no floodways have been designated (zones AE), the following provisions apply:

- (a) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided 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 base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (b) New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with section [831.02](#).

### 831.05 Building Standards for AO Zones.

Areas of special flood hazard established in section [830.01](#), may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. The following provisions apply:

- (a) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection [831.01\(d\)](#), "elevated buildings". The building inspection director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.
- (b) New construction or 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 FIRM flood level plus one foot above 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 for meeting the provisions above, and shall provide such certification to the officials set forth above and as required by [permit application provisions per Section 834](#).
- (c) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

#### **831.06 Standards for Subdivisions.**

- (a) All subdivision and/or development proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (c) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (d) For subdivisions and/or developments greater than 50 lots or ~~five~~ 5 acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final LOMR.

#### **831.07 Standards for Critical Facilities.**

- (a) Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.
- (b) All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

## Sec. 832. Floodplain Administrator.

The Community Development Director or designee shall administer and implement the provisions of this article.

### 832.01 Duties of the Floodplain Administrator.

- (a) Review proposed development to assure that the permit requirements of this article have been satisfied.
- (b) 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. Require that copies of such permits be provided and maintained on file.
- (c) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- (d) When base flood elevation data or floodway data have not been provided in accordance with Section 834, then the administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to administer the provisions of [this article](#).
- (e) 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 in accordance with [Construction Stage Submittal Requirements provisions per Section 834](#).
- (f) Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been floodproofed, in accordance with [Construction Stage Submittal Requirements provisions per Section 834](#).
- (g) When floodproofing is utilized for a structure, the administrator shall obtain certification of design criteria from a registered professional engineer or architect in accordance with [applicable building standards and application requirements per Section 834, subsection 836.02\(c\) and subsection 833.02\(b\) or subsection 833.04\(b\)](#).
- (h) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.
- (i) 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).
- (j) For any altered or relocated watercourse, submit engineering data/analysis within six months to the FEMA to ensure accuracy of community flood maps through the letter of map revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (k) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building inspection director shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (l) All records pertaining to the provisions of this article shall be maintained in the Community Development Department ~~office~~ and shall be open for public inspection.



**Sec. 833. Warning and Disclaimer of Liability.**

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of Harris County or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

**Sec. 834. Permit Requirements, Review and Appeals Procedures.**

Consideration of the effect of floodplains areas on the issuance of permits, approval of rezoning requests and review of subdivision plans is found under the "Other Permits" Division of Article 11 (Procedures and Permits) of this Development Code. Applicable appeals procedures are found in the "Appeals" Division of Article 11.