



4800 Ashford Dunwoody Road
Dunwoody, Georgia 30338
dunwoodyga.gov | 678.382.6700

September 18, 2020

TO: Richard McLeod, Community Development Dept. Director
FM: Jeff Mueller, City Engineer
RE: Mayor and City Council Agenda Item, Changes to Chapter 16 of the City Code

Richard,

Following is the background information and proposed changes to the Flood Damage Prevention related sections of the city code:

BACKGROUND

In 2019, the city was notified that FEMA was intent on conducting a "Community Assistance Visit" (CAV). FEMA staff met with city staff the week of August 26, 2020. At this CAV, FEMA staff reviewed the city's ordinance and conducting an audit of the Community Development Department's permitting and inspection processes as they relate to flood damage prevention.

After this meeting, the city came into receipt of a letter from FEMA dated December 17, 2019. In this letter FEMA outlined required changes to the city's code as it relates to flood damage prevention.

The city submitted a response letter to FEMA on the matter dated January 31, 2020. Since that time, city staff has been in correspondence and coordination with FEMA staff to verify that the changes to the code as presented in this agenda item will address the requests of FEMA's December 17, 2019 letter as it relates to code changes.

PROPOSED changes:

1. Add a new subsection, subsection (3), under Section 16-136 (a) to state:

(3) 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 establishes this set of floodplain management and flood hazard reduction provisions for the purpose of regulating the use of flood hazard areas. It is determined that the regulation of flood hazard areas and the prevention of flood damages is in the public interest and will minimize threats to public health and safety, as well as to private and public property.
2. Modify Section 16-136 (d) as follows:

(d) *Applicability.* The flood damage prevention regulations of this division apply **to all areas Special Flood Hazard Areas and other floodplains regulated by** ~~within~~ the City of Dunwoody.

3. Modify Section 16-138 (a) (2) a.2 as follows:
 2. ~~All necessary permits have been received from those 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. All other required state and federal permits have been obtained;~~ and
4. Modify Section 16-138 (b) (1) e and add a new subsection f, under Section 16-138 (b) (1) to state:
 - e. ~~Copies of all applicable state and federal permits necessary for proposed development;~~ Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334”;
 - f. Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards; and
5. Modify Section 16-138 (b) (1) f to be renumbered as Section 16-138 (b) (1) g.
6. Modify Section 16-301 (e) by modifying definition of ‘elevated building’ as follows:
 means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above ground level by means of ~~fill~~, solid foundation perimeter walls, pilings, columns, piers or shear walls that are adequately anchored so as not to impair the structural integrity of the building during a base flood event.
7. Modify Section 16-301 (f) by modifying definition of ‘floodplain’ as follows:
 means any land area susceptible to ~~flooding~~ *being inundated by water from any source (see definition of ‘flooding).*’
8. Modify Section 16-301 (f) by moving the definition of ‘floor’ from Section 16-301 (f) to Section 27-621 (f).
9. Modify Section 16-301 (l) by modifying definition of ‘lowest floor’ as follows:
 means the lowest floor of the lowest enclosed area, including basement. ~~An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking or vehicles, building access or storage in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of these land development regulations.~~ *An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non- elevation design requirements of 44 Code of Federal Regulations Section 60.3”.*
10. Modify Section 16-301 (m) by modifying definition of ‘manufactured home’ as follows:

means a structure, transportable in one or more sections, built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. *The term 'manufactured home' does not include a 'recreational vehicle.'*

11. Modify Section 16-301 (n) by modifying definition of 'new construction' as follows:
 means ~~any structure for which the permitted date of construction commenced after adoption of this chapter, October 14, 2009.~~ , for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map (May 15, 1980) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For the purposes of interpreting and administering the flood damage prevention regulations of article II, division 8, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by this community ~~as a basis for community participation in the NFIP.~~ and includes any subsequent improvements to such structures".
12. Modify Section 16-301 (p) by modifying definition of 'permit' as follows:
 means the authorization necessary to conduct a land-disturbing activity *and development* under the provisions of this chapter.
13. Modify Section 16-301 (r) by adding a definition for 'regulatory floodway' as follows:
means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
14. Modify Section 16-301 (v) by adding a definition for 'variance' as follows:
means, for the purposes of interpreting and administering the flood damage prevention regulations of article II, division 8, a grant of relief by a community from the terms of a flood plain management regulation.
15. Modify Section 16-301 (v) by adding a definition for 'violation' as follows:
means, for the purposes of interpreting and administering the flood damage prevention regulations of article II, division 8, the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided".

U.S. Department of Homeland Security
Region IV
3003 Chamblee-Tucker Road
Atlanta, GA 30341



FEMA

December 17, 2019

The Honorable Dennis Shortal
Mayor, City of Dunwoody
4800 Ashford Dunwoody Road
Dunwoody, Georgia 30338

RE: National Flood Insurance Program (NFIP) - Community Assistance Visit (CAV)

Dear Mayor Shortal:

This letter is in follow-up to the U.S. Department of Homeland Security, Federal Emergency Management Agency's NFIP/CAV with the City of Dunwoody, August 26-28, 2019. Ms. Mary Rountree met with you, Mr. Eric Linton, Mr. Jeff Mueller, Mr. Rich Edinger, Mr. Mark Baumhart, and Mr. Richard McLeod.

The purpose of this CAV was to evaluate the effectiveness of the City's floodplain management program, as required for participation in the NFIP and to provide technical assistance on the City's administration of its flood damage prevention ordinance. The following outlines the findings of the visit and actions needed:

1. Administration of the City's flood damage prevention ordinance (Ordinance Number 2014-11-11)

FEMA requires community flood ordinances to contain minimum standards for participation in the NFIP including provisions for 44 Code of Federal Regulations at Sections 59.1 and 60.3. The City ordinance omits or incorrectly states some of those provisions and we have listed those below that must be revised.

The City ordinance appears to be generally based upon the Metropolitan North Georgia Water Planning District Floodplain Management and Flood Damage Prevention Model Ordinance (www.northgeorgiawater.org) and contains some higher regulatory standards found in that model ordinance. If a NFIP Community has adopted an ordinance containing higher regulatory standards than those required for participants in the NFIP, FEMA expects such communities to enforce those standards. However, the City ordinance does not contain all provisions in that model. Because the model ordinance is a State requirement, we recommend the City coordinate with the State to ensure those required provisions are included and rightly stated.

We identified the following provisions that must be revised as minimum requirements for participation in the NFIP:

- Include the State of Georgia enabling legislation, Article IX, Section II of the State Constitution and Section 36-1-20(a) of the Official Code of Georgia Annotated.
- Revise Section 26-136(d) to read, “This ordinance shall be applicable to Special Flood Hazard Areas and other floodplains regulated by the City”.
- Include a Severability clause, an example of which is found in the model ordinance at Section 1.6.
- Revise definition for “building” to “see structure”.
- Revise definition for “elevated building” by removing the word, “fill”.
- Revise definition for “floodplain” to “means any land area susceptible to being inundated by water from any source (see definition of ‘flooding’)”.
- Revise definition for floodway to “see regulatory floodway”.
- Include definition for “regulatory floodway” to “means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height”.
- Omit definition for “floor” and revise definition for “lowest floor” to “means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations Section 60.3”.
- Revise definition for “new construction” to “means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map (May 15, 1980) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures”.
- Revise definition for “permit” to apply to development.
- Include definition for “variance” to “means a grant of relief by a community from the terms of a flood plain management regulation”.
- Include definition for “violation”, “the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided”.
- Include definition of “manufactured home”, “means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term ‘manufactured home’ does not include a ‘recreational vehicle’”.
- Add definition of “manufactured home park or subdivision”, means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale”.

- Include provision for 44 Code of Federal Regulations, Section 60.3(a)(2), “Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334”.
- Include provision for 44 Code of Federal Regulations, Section 60.3(c)(6), “Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) Outside of a manufactured home park or subdivision, (ii) In a new manufactured home park or subdivision, (iii) In an expansion to an existing manufactured home park or subdivision, or (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement”.
- Include provision for 44 Code of Federal Regulations, Section 60.3(d)(3), “Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge”.
- Include provision for 44 Code of Federal Regulations, Section 60.3(c)(10), “Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated 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”.
- Include provision for 44 Code of Federal Regulations, Section 60.3 (a)(4), “Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards”.

2. Regulation of unpermitted development

Provide a Standard Operating Procedure for routinely monitoring any non-permitted substantial improvements and other development that might occur in the City’s floodplains, including in FEMA’s regulatory floodways, and provide a narrative description of such process. The City is responsible for all development in floodplains that it regulates.

The Honorable Dennis Shortal
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3. Revisions to FEMA's Flood Insurance Rate Maps

Provide assurance that the City will follow provisions in its ordinance for Section 16-136 (c)(4), "control filling, grading, dredging, and other development which may increase flood damage" and Section 16-139 (c) f. regarding the requirement to submit a Conditional Letter of Map Revision to FEMA prior to revising FEMA's base flood elevation.

4. Development permits and elevation data of new construction and substantial improvements

Provide permitting records (to include permit application, development permit/placard, finished construction elevation certificates, Letter of Map Changes, and floodproofing certificates, if applicable, and any substantial damage or substantial improvement determinations/calculations, or other evidence of compliance, for the following development:

- 1 1314 Valley View Drive 2017-0095,2016-12659
- 2 54 Perimeter Center East, provide Letter of Map Revision 2017-043
- 3 2030 Pernoshal Center East 2017-027
- 4 Heritage at Dunwoody 2014-9956
- 5 114 Valley View Drive 1308? 2018-1303,2019-0710... 1394? 2017-0920
- 6 4426 Tily Mill, fill and debris in floodway on both sides of Nancy Creek for about 50 yards (concrete, rebar, debris, no permit -code enforcement action
- 7 Dunwoody Village Apartment, dumpster not anchored 4415 N P'tree Rd, aka Dunwoody Crossing...
- 8 4363 Vintage Lane, possible substantial improvement no permits post dunwoody, code enforcement action
- 9 4364 Vintage Lane no permits post dunwoody
- 10 400 Ashford Dunwoody Road aka 400 perimeter ctr ter, 2019-0514,
- 11 700 Ashford Dunwoody Road aka 700 ashwood pkwy, aka 500 ashwood pkwy, 2019-1323,1322,1133
- 12 1993 Peeler Road no permits post dunwoody

Please provide the information requested in this letter by January 30, 2020. Should you have any questions regarding the follow-up items requested for the CAV, please call Ms. Rountree at 770-220-5366 or email her at mary.rountree@fema.dhs.gov.

Sincerely,

Timothy P. Russo

Jason O. Hunter, CFM, Chief
Floodplain Management & Insurance Branch
Mitigation Division



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 Dunwoody, Georgia 30338
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U.S. Department of Homeland Security, Region IV
 3003 Chamblee-Tucker Road
 Atlanta, GA 30341
 Attn: Mr. Jason O. Hunter, CFM, Chief, Floodplain Management & Insurance Branch, Mitigation Division

Re: National Flood Insurance Program (NFIP) -Community Assistance Visit (CAV), Response

Dear Mr. Hunter,

This letter is sent in response to your December 17, 2019 letter. In that letter, the city was requested to provide information to four outlined matters:

- Administration of the City’s flood damage prevention ordinance (Ordinance Number 2014-11-11). FEMA identified the following provisions in the city ordinance that must be revised as minimum requirements for participation in the NFIP. The table presented below outlines the provisions and the city’s response:**

FEMA Provision:	City Response:
Include the State of Georgia enabling legislation, Article IX, Section II of the State Constitution and Section 36-1-20(a) of the Official Code of Georgia Annotated.	<i>It is the city’s position that these sections are referenced in Chapter 2, “Administration,” of the city code as footnote references -see attachments appendix.</i>
Revise Section 26-136(d) to read, “This ordinance shall be applicable to Special Flood Hazard Areas and other floodplains regulated by the City”.	<i>Section 16-136(d) will be readopted by the Mayor and City Council as requested</i>
Include a Severability clause, an example of which is found in the model ordinance at Section 1.6.	<i>Please see Section 16-6, which covers the entire chapter, of which division 8, the flood damage prevention ordinance is a part.</i>
Revise definition for “building” to “see structure”.	<i>Done, per Sec 16-301</i>
Revise definition for “elevated building” by removing the word, “fill”.	<i>This will be readopted by the Mayor and City Council as requested</i>
Revise definition for “floodplain” to “means any land area susceptible to being inundated by water from any source (see definition of ‘flooding’)”.	<i>This will be readopted by the Mayor and City Council as requested</i>
Revise definition for “floodplain” to “means any land area susceptible to being inundated by water from any source (see definition of ‘flooding’)”.	<i>This will be readopted by the Mayor and City Council as requested</i>
Include definition for “regulatory floodway” to “means 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	<i>This will be readopted by the Mayor and City Council as requested</i>

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 Sharon Lowery, CMC City Clerk

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increasing the water surface elevation more than a designated height”.	
Omit definition for “floor” and revise definition for “lowest floor” to “means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non- elevation design requirements of 44 Code of Federal Regulations Section 60.3”.	<i>This will be readopted by the Mayor and City Council as requested</i>
Revise definition for “new construction” to “means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map (May 15, 1980) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, <i>new construction</i> means structures for which the <i>start of construction</i> commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures”.	<i>This will be readopted by the Mayor and City Council as requested</i>
Revise definition for “permit” to apply to development.	<i>In order to be readopted, an actual edit of the code text by FEMA will be required to clarify the request.</i>
Included definition for “variance” to “means a grant of relief by a community from the terms of a flood plain management regulation”.	<i>This will be readopted by the Mayor and City Council as requested</i>
Include definition for “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 certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided”.	<i>This will be readopted by the Mayor and City Council as requested</i>
Included definition of “manufactured home”, “means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term ‘manufactured home’ does not include a ‘recreational vehicle”.	<i>Done, per Sec 16-301</i>
Add definition of “manufactured home park or subdivision”, means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale”.	<i>Done, per Sec 16-301</i>

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<p>Include provision for 44 Code of Federal Regulations, Section 60.3(a)(2), "Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334".</p>	<p><i>This will be readopted by the Mayor and City Council as requested</i></p>
<p>Include provision for 44 Code of Federal Regulations, Section 60.3(c)(6), "Require that manufactured homes that are placed or substantially improved within Zones AI-30, AH, and AE on the community's FIRM on sites (i) Outside of a manufactured home park or subdivision, (ii) In a new manufactured home park or subdivision, (iii) In an expansion to an existing manufactured home park or subdivision, or (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement".</p>	<p><i>Done, per Sec 16-140-b-5</i></p>
<p>Include provision for 44 Code of Federal Regulations, Section 60.3(d)(3), "Prohibit encroachments, including fi11, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge".</p>	<p><i>This provision is reflected in Sec 16-139-e-1 and Sec 16-139-c-1</i></p>
<p>Include provision for 44 Code of Federal Regulations, Section 60.3(c)(10), "Require until a regulatory floodway is designated, that new construction, substantial improvements, or other development (including fi11) shall be permitted within Zones AI-30 and AE on the community's FIRM, unless it is demonstrated 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". Include provision for 44 Code of Federal Regulations, Section 60.3 (a)(4), "Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities,</p>	<p><i>The city would need assistance from FEMA for the language on this provision, as the state model ordinance did not require this provision. The 0.01 foot rise is more restrictive.</i></p>

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such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards”.	
Include provision for 44 Code of Federal Regulations, Section 60.3 (a)(4), “Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards”.	<i>It is the city’s position that this provision is reflected in Sec 16-139-c-2-e for ii, i and iii are implied in other segments of the city code, particularly Division 5 and Division 8 of this Article</i>

As specifically requested in the December 17, 2019 letter, the city will agree to modify its code for those items listed in the above table. The process involves the approval of the Mayor and City Council of Dunwoody.

The city would like to note that as recently as 2018, it modified its flood hazard ordinance at the request of the state of Georgia’s Department of Natural Resources. DNR had sent a letter to each local government of the Metro North Georgia Water Planning District (MNGWPD), requesting changes to flood hazard ordinances to bring them in line with the MNGWPD’s model ordinance. As a result of this effort, each local community had the same elements in its flood hazard regulations. The finding of inadequacies during this subsequent oversight, or assistance, review by FEMA of this just recently changed local ordinance implies fundamental inadequacies in the MNGWPD model ordinance, and the likelihood that every local government in the MNGWPD not subject to a CAV has these inadequacies as well. The city would like to urge that FEMA coordinate with the Georgia DNR representatives of the MNGWPD ordinance update effort to determine the efficacy of the model ordinance prior to the city going through another round of ordinance changes with our local elected officials so soon after a series of significant changes in 2018. If it is indeed determined between FEMA and GA DNR that the model ordinance is indeed inadequate that every local government modified in 2018, then each local government can reap the benefit of this CAV by having their model ordinances meet not only GA DNR muster, but FEMA’s as well.

In addition, if there is a need for further clarification on the text of the proposed city code, the city would like to request that FEMA staff edit the actual flood ordinance to minimize the amount of iteration which may be necessary through this line of communication. The city will include the existing code in the attachments appendix to this letter. (GA DNR did this for the city’s ordinance during the model ordinance revision process of 2018.)

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- 2. Provide a Standard Operating Procedure for routinely monitoring any non-permitted substantial improvements and other development that might occur in the City’s floodplains, including in FEMA’s regulatory floodways, and provide a narrative description of such process.**

Code Enforcement conducts routine patrols on a biweekly basis covering all addresses of the city. Unauthorized and unpermitted land disturbance is a patrol element. The enforcement of unpermitted land disturbance is in accord with Section 16-62 of the city code.

- 3. Provide assurance that the City will follow provisions in its ordinance for Section 16- 136 (c)(4), “control filling, grading, dredging, and other development which may increase flood damage” and Section 16-139 (c) f. regarding the requirement to submit a Conditional Letter of Map Revision to FEMA prior to revising FEMA’s base flood elevation.**

This assurance is provided in accord with Section 2-59-a-3, which enables the Community Development Department and the enforcement of Section 16 of the city code, “Land Development Regulations.”

- 4. Provide permitting records (to include permit application, development permit/placard, finished construction elevation certificates, Letter of Map Changes, and floodproofing certificates, if applicable, and any substantial damage or substantial improvement determinations/calculations, or other evidence of compliance, for the following development:**

	Address	City Response
1	1314 Valley View Drive	Permits 2017-0095, 2016-12659, documents will be included in the attachments appendix
2	54 Perimeter Center East, provide Letter of Map Revision	Permit 2015-11128, 2017-043, LMOR in process, documents will be included in the attachments appendix
3	2030 Pernoshal Center East	Permit 2017-027, documents will be included in the attachments appendix
4	Heritage at Dunwoody	Permit 2014-9956, documents will be included in the attachments appendix
5	114 Valley View Drive	Assumed address in question is 1308 Valley View Drive, Permits 2018-1303, 2019-0514, documents will be included in the attachments appendix
6	4426 Tilly Mill, fill and debris in floodway on both sides of Nancy Creek for about 50 yards (concrete, rebar, debris)	No permit is associated with this address and recent construction activity. The property line is Nancy Creek, and the other side of the creek is the City of Doraville. A code enforcement matter will be opened to pursue enforcement of this unauthorized activity
7	Dunwoody Village Apartment, dumpster not anchored	4415 North Peachtree Road, aka Dunwoody Crossing. A code enforcement matter will be opened to pursue enforcement of this non compliant condition
8	4363 Vintage Lane, possible substantial improvement	No permits have been issued subsequent to city incorporation. Documents will be pursued through Dekalb County. A code

Lynn Deutsch Mayor
 Eric Linton, ICMA-CM City Manager
 Sharon Lowery, CMC City Clerk

Pam Tallmadge City Council Post 1
 Jim Riticher City Council Post 2
 Tom Lambert City Council Post 3

Stacey Harris City Council Post 4
 Joe Seconder City Council Post 5
 John Heneghan City Council Post 6



4800 Ashford Dunwoody Road
Dunwoody, Georgia 30338
dunwoodyga.gov | 678.382.6700

		enforcement matter will be opened to pursue enforcement of this unauthorized activity
9	4364 Vintage Lane	No permits have been issued subsequent to city incorporation. Documents will be pursued through Dekalb County
10	400 Ashford Dunwoody Road	Aka 400 Perimeter Center Terrace, permit 2019-0514, 2018-053 (variance), documents will be included in the attachments appendix
11	700 Ashford Dunwoody Road	Aka 700 Ashwood Parkway, aka 500 Ashwood Parkway, permits 2019-1322,2019-1133, documents will be included in the attachments appendix
12	1993 Peeler Road	No permits have been issued subsequent to city incorporation. Documents will be pursued through Dekalb County. Investigation will be required to determine if a code enforcement action will be necessary.

Please let us know if you have any questions or comments.

Sincerely,

CITY OF DUNWOODY Community Development Department
Richard J. Edinger, P.E., City Engineer

c: Richard McLeod, Community Development Director

ATTACHMENTS APPENDIX

- Chapter 2 Title and Footnote References
- Flood Hazard Ordinance document for mark up by FEMA
- Section 2-59-a-3
- Relevant permitting documents (on accompanying thumb drive electronically)

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