

Section 300-3. - Definitions.

For the purpose of interpreting this Title, certain words and terms used herein shall be defined as follows:

Accessory structure: A building or structure which is clearly subordinate and incidental to and is customarily found in connection with a principal building and located on the same lot therewith.

Accidental discharge: A prohibited discharge into the City's municipal separate storm sewer system which occurs by chance and without planning or consideration prior to occurrence.

Addition (to an existing building), as used in Chapter 330 Floodplain Management: Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common roof or wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered new construction.

Adjacent to the future-conditions floodplains as used in Chapter 330 Floodplain Management: Those areas located within the defined horizontal distance from the future-conditions floodplain boundary that are at or lower in elevation than either three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher, unless the area is hydraulically independent (meaning absolutely no connection to the flooding source such as through pipes, sewer laterals, down drains, foundation drains, ground seepage, overland flow, gated or valved pipes, excavated and backfilled trenches, etc. with no fill or other manmade barriers creating the separation).

Applicant, as used in Chapter 340 Stormwater Management: A person submitting a post-development stormwater management application and plan for approval.

Aquifer: Any stratum (rock layer) or zone of rock beneath the surface of the earth capable of containing or producing water from a well. (Note: This is the same definition used in the Groundwater Use Act).

Area of future-conditions flood hazard: The land area that would be inundated by the one percent annual chance flood based on future-conditions hydrology (100-year future-conditions flood).

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

Area of special flood hazard: The land subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and flood-prone areas at or below the base flood elevation (including A, A1-30, A-99, AE, AO, AH, and AR on the DeKalb County FIRM), all floodplain and flood-prone areas at or below the future-conditions flood elevation, and all other flood-prone areas as referenced in Chapter 340. All streams with a drainage area of 100 acres or greater shall have the area of special flood hazard delineated.

Authorized representative, as used in Chapter 340 Stormwater Management:

- (1) If the discharger is a business, an owner, partner, corporate officer or highest ranking employee of the business employed at the facility from which the discharge or connection was made;
- (2) If the discharger is a federal, state or local government facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or that person's designee.

A-weighting (dBA): The electronic filtering in sound level meters that models human hearing frequency sensitivity. See Section 310-43.

Basal area: The cross-sectional area of a tree trunk at diameter breast height (DBH) expressed in terms of "units" per acre.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood.

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

Best management practices (BMPs): Sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia", published by the GSWCC, as of January 1 of the year in which the land-disturbing activity was permitted. This term also includes a wide range of stormwater management regulations, procedures, engineering designs, activities, prohibitions or practices which control the quality and/or quantity of stormwater.

Board as used in Chapter 310, Article 1 Soil Erosion, Sedimentation and Pollution, and Article 2 Stream Buffer Protection: The Georgia Board of Natural Resources.

Buffer, as used in Chapter 310, Article 2 Stream Buffer Protection: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Buffer, as used in Chapter 310 Environmental Standards: With respect to a stream, a natural or enhanced vegetated area (established by Subsection 310-18(a)), lying adjacent to the stream.

Building: See definition for "Structure".

Caliper: A forest standard of tree trunk measurement for understory or replacement trees. Caliper of the trunk shall be taken at six (6) inches above the ground for trees up to and including four (4) inch caliper size, and breast height (DBH) for trees larger than four (4) inch caliper (see *DBH*).

Certified personnel, as used in Chapter 310, Article 1 Soil Erosion, Sedimentation and Pollution: A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

City of Chamblee Municipal Separate Storm Sewer System: See "Municipal separate storm sewer system".

City of Chamblee Stormwater Management Program: That program of activities and procedures for stormwater management as set forth in the application for the permit, as approved by the Georgia EPD, and any amendment or modification thereto.

Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Closing, as used in Chapter 310, Article 3 Nuisances: Causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.

Commission, as used in Chapter 310, Article 1 Soil Erosion, Sedimentation and Pollution: The Georgia Soil and Water Conservation Commission (GSWCC).

Construction activity: Activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES general construction permits. These include construction projects resulting in land disturbance. Such activities include, but are not limited to, clearing and grubbing, grading, excavating and demolition.

Construction activity area (zone): An area 20 feet around the building footprint.

Cooling water, as used in Chapter 340 Stormwater Management: Water used exclusively as a cooling medium in an appliance, device or apparatus.

Cover area as used in Chapter 320 Buffers, Landscaping, and Tree Protection: That area which falls within the drip line of any tree.

CPECS, as used in Chapter 310, Article 1 Soil Erosion, Sedimentation and Pollution: Certified Professional in Erosion and Sediment Control with current certification by Envirocert, Inc., which is also referred to as CPESC, or CPESC, Inc.

Credit, as used in Chapter 340, Article 5 Stormwater Utility: A conditional reduction in the amount of a stormwater service charge to an individual property based on the provision and continuing presence of an effectively maintained and operational on-site stormwater system or facility or the provision of a service or activity by property owner, which system, facility, service, or activity reduces the stormwater utility's cost of providing stormwater services and facilities. Credits for on-site stormwater systems shall be generally proportional to the affect that such systems have on the peak rate of runoff from the site.

Critical Root Zone (CRZ): The minimum area beneath a tree, 70% of which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The CRZ will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and one-half (1.5) times the number of inches of the trunk diameter.

Customer of the stormwater utility: All persons, properties and entities served by and/or benefitting from the utility's acquisition, management, maintenance, extension, and improvement of the public stormwater management systems and facilities and regulation of public and private stormwater systems, facilities and activities related thereto, and persons, properties and entities which will ultimately be served or benefited as a result of the stormwater management program.

Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.

C-weighting (dBC): The electronic filtering in sound level meters that measures the peak sound pressure level. See Section 310-43.

DBH (Diameter at Breast Height): The standard measure of tree size (for trees existing on a site) measured in caliper inches. The tree trunk is measured at a height of four and one-half (4.5) feet above the ground. If a tree splits into multiple trunks below four and one-half (4.5) feet, then the trunk is measured at its most narrow point beneath the split. Trees with less than four and one-half (4.5) feet of clear trunk shall be measured as the diameter of the largest vertical branch or leader at breast height.

Density factor, as used in Chapter 320 Buffers, Landscaping and Tree Protection: A unit of measure used to prescribe the calculated tree coverage on a site. The site density factor for areas within the corporate limits of the City of Chamblee is assigned in Chapter 320.

Department, as used in Chapter 310, Article 1 Soil Erosion, Sedimentation and Pollution: The Georgia Department of Natural Resources (DNR).

Design professional, as used in Chapter 310, Article 1 Soil Erosion, Sedimentation and Pollution: A professional licensed by the State of Georgia in the field of engineering, architecture, landscape architecture, forestry, geology or land surveying; or a person that is a certified professional in erosion and sediment control (CPESC) with a current certification Envirocert, Inc. Design professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

Detention: The temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

Detention, extended: The detention of stormwater runoff for an extended period, typically 24 hours or greater.

Detention facility: A detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

Developed land: Property altered from its natural state by construction or installation of impervious surface as defined in this UDO.

Development, major: Any alteration of the natural environment which requires the approval of a development or site plan and issuance of a building permit. By way of illustration, but not limitation, major development shall also include the removal or destruction of trees incidental to the development of land or to the marketing of land for development, the removal or destruction of trees in conjunction with any grading activity, including the removal or filling (stockpiling) of soil or the removal of trees not in conjunction with an ongoing forest management program.

Development, minor: Any alteration of the natural environment, which may or may not require development, site plan approval or issuance of a building permit, but which would possibly cause the removal or destruction of any tree(s). Any removal of trees that constitutes major development as that term is herein defined shall not constitute minor development.

Development, new: A land development activity on a previously undeveloped site, or on a site which previous buildings or structures were completely removed.

Director, as used in Chapter 310, Article 1 Soil Erosion, Sedimentation and Pollution: The Director of the Environmental Protection Division or an authorized representative.

Discharge: The spill, draining, dumping, deposit, seeping, disposal, placement, release or loss of any material or substance to the City of Chamblee Municipal Separate Storm Sewer System.

Discharger: Any person who discharges to the City of Chamblee Municipal Separate Storm Sewer System, either directly or indirectly, including, without limitation, the owner and occupant of the property where the discharge occurs and the person responsible for or performing the discharge. For purposes of notice, "discharger" shall include the authorized representative of such discharger.

District, as used in Chapter 310, Article 1 Soil Erosion, Sedimentation and Pollution: The DeKalb County Soil and Water Conservation District.

Division, as used in Chapter 310, Article 1 Soil Erosion, Sedimentation and Pollution: The environmental protection division (EPD) of the department of natural resources.

Drainage easement: An easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Drainage structure: A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control or flood control purposes.

Drip line: The peripheral limits of the horizontal crown of a tree spread vertically to the ground; provided, however, that the same shall not be less than a circle with a five-foot radius measured from the center of the tree.

Emergency as used in Chapter 310, Article 4 Noise: Any occurrence or set or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work as used in Chapter 310, Article 4 Noise: Any work or action performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Equivalent residential unit (ERU): The unit of measure which provides the basis for comparing the runoff generated by one parcel with that generated by another. An ERU shall be the median impervious coverage of a statistical sampling of single detached dwelling lots in the county, which has been determined to be 3,000 square feet of impervious area.

Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion, sedimentation and pollution control plan: A plan required by the Erosion and Sedimentation Act, O.C.G.A. ch. 12-7 that includes, as a minimum protections at least as stringent as the state general permit, best management practices, and requirements in Subsection 310-3(c) of this ordinance.

Existing construction, as used in Chapter 330 Floodplain Management: Any structure for which the "start of construction" commenced before July 1, 2006.

Extreme flood protection: Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

Federal Clean Water Act or Clean Water Act: The Federal Water Pollution Control Act, as amended, presently codified at 33 U.S.C. 1251 et seq., and all regulations adopted pursuant thereto.

Fill: A portion of the land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

Final stabilization as used in Chapter 310, Article 1 Soil Erosion, Sedimentation and Pollution: All soil-disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or landscaping according to the plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

Finished floor elevation (FFE): The elevation of the lowest floor level that is entirely at or above the ground. The FFE is set at the top of the foundation wall, and does not refer to the floor elevation of the basement since it is below grade.

Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

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

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard area: Any site designated by the Federal Emergency Management Authority (FEMA) as susceptible to flooding, and shown on the official flood hazard boundary map and/or flood insurance rate maps for the Belmont area.

Flood insurance rate map or FIRM: The official map of a community, issued by the Federal Emergency Management Association, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood insurance study or FIS: The official report by the Federal Emergency Management Association evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Floodplain as used in Chapter 310, Article 2 Stream Buffer Protection: Any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood.

Floodplain or "Flood-prone area" as used in Chapter 330 Floodplain Management: Any land area susceptible to flooding.

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway or regulatory floodway: The channel of a stream or other watercourse and the adjacent areas of the floodplain which is necessary to contain and discharge the base flood flow without cumulatively increasing the base flood elevation more than one foot.

Functionally dependent, as used in Chapter 330 Floodplain Management: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

Future-conditions flood: The flood having a one percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100-year future-conditions flood.

Future-conditions flood elevation: The flood standard equal to or higher than the base flood elevation. The future-conditions flood elevation is defined as the highest water surface anticipated at any given point during the future-conditions flood.

Future-conditions floodplain: Any land area susceptible to flooding by the future-conditions flood.

Future-conditions hydrology: The flood discharges associated with projected land-use conditions based on a community's zoning map, comprehensive land-use plans, and/or watershed study projections, and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill and excavation.

Georgia EPD: The Environmental Protection Division of the Georgia Department of Natural Resources.

Georgia Water Quality Control Act or Water Quality Control Act: The Georgia Quality Control Act, as amended, presently codified at O.C.G.A. § 12-5-20 et seq., and all regulations adopted pursuant thereto.

Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Greenspace: Permanently protected areas of the site that are preserved in a natural state.

Greenway: A linear park and alternative transportation route approved by the City that provides passive recreational opportunities, pedestrian and/or bicycle paths, and conservation of open spaces or natural areas.

Ground elevation: The original elevation of the ground surface prior to cutting or filling.

Groundwater: Water beneath the Earth's surface between saturated soil and rock.

Groundwater recharge area (synonymous with aquifer recharge area): An area of the Earth's surface where water infiltrates the ground, thereby replenishing the groundwater supplies within an aquifer. See also "*Groundwater recharge areas, significant.*"

Groundwater recharge areas, significant: Areas mapped by DNR in Hydrologic Atlas 18 (1989 edition). Mapping of recharge areas is based on outcrop area, lithology (chemical nature and form of the rock), soil type and thickness, slope, density of lithologic contact, geologic structure, presence of "karst" topography (sinkholes, caves and fissures associated with limestone and other carbonate rocks), and potentiometric surfaces.

Historic structure: Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Hotspot: An area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

Hydrologic response: The manner and means whereby stormwater collects, remains, infiltrates, and is conveyed from a property. It is dependent on several factors including, but not limited to, the presence of impervious area, the size, shape, topographic, vegetative, and geologic conditions of a property, antecedent moisture conditions, and groundwater conditions on a property.

Hydrologic soil group (HSG): A natural resource conservation service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

Illegal connection as used in Chapter: Either of the following:

- (1) Any pipe, open channel, drain, or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (2) Any pipe, open channel, drain, or conveyance connected to the municipal separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Illicit discharge: Any direct or indirect non-stormwater discharge to the municipal separate storm sewer system, except as exempted in Section 340-18.

Industrial activity: Activities subject to NPDES industrial permits as defined in 40 CFR, section 122.26(b)(14).

Industrial stormwater permit: A national pollutant discharge elimination system (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies based on Standard Industrial Classification (SIC) Code.

Infiltration: The process of percolating stormwater runoff into the subsoil.

Inspection and maintenance agreement: A written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices, including their associated landscaping measures on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

Interested parties:

- (1) Owner;
- (2) Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia;
- (3) Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9;
- (4) Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the petitioner or records maintained in the county courthouse or by the clerk of the court. Interested parties shall not include the holder of the benefit or burden of any easement or right-of-way whose interest is properly recorded which interest shall remain unaffected; and
- (5) Persons in possession of said property and premises.

Jurisdictional wetland: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Land-Disturbing Activity: Any activity which may result in soil erosion from water or wind and the ~~movement~~ ^{involvement} of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Subsection 310-2(a)(5) of this UDO.

Larger Common Plan of Development or Sale, as used in Chapter 310, Article 1 Soil Erosion, Sedimentation and Pollution: A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Local Issuing Authority, as used in Chapter 310, Article 1 Soil Erosion, Sedimentation and Pollution: The governing authority of any county or municipality which is certified pursuant to O.C.G.A. § 12-7-8(a).

Maintenance, as used in Chapter 340 Stormwater Management: Any action necessary to preserve stormwater conveyances in proper working condition, in order to serve the intended purposes set forth in this appendix or to prevent structural failure of such conveyances.

Multi-use path: A path physically separated from motor vehicle traffic by a landscaped area or barrier within the street right-of-way or an independent easement. A multi-use path is used by several transportation modes, including bicyclists, pedestrians, joggers, skaters and other non-motorized travelers. Multi-use paths accommodate two-way travel.

Municipal separate storm sewer system: Any facility designed or used for collecting and/or conveying stormwater, including but not limited to, any roads with drainage systems, highways, city streets, streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and manmade or altered drainage channels, reservoirs, and other drainage structures, and which is:

- (1) Owned or maintained by the City;
- (2) Not a combined sewer; and
- (3) Not part of a publicly-owned treatment works.

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

National pollutant discharge elimination system (NPDES) stormwater discharge permit: A permit issued by the Georgia EPD under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.

Naturalized, as used in Chapter 320 Buffers, Landscaping, and Tree Protection: Adapted or acclimated to a new environment; introduced and established as if native.

Nephelometric turbidity units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.

New construction, as used in Chapter 330 Floodplain Management: Any structure (see definition) for which the "start of construction" commenced after July 1, 2006 and includes any subsequent improvements to the structure.

Noise: Any sound which annoys or disturbs humans or causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance: Any sound that:

- (1) Endangers the safety or health of any person;
- (2) Disturbs a reasonable person of normal sensitivities; or

- (3) Endangers personal or real property.

Noise sensitive facility: Any facility whose operations may be detrimentally impacted by excessive sound levels. Such facilities include, but are not limited to, schools, hospitals and places of worship.

Nonpoint source pollution: A form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Non-stormwater discharge: Any discharge to the storm drain system that is not composed entirely of stormwater.

Nonstructural stormwater management practice or nonstructural practice: Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions and vegetated channels.

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

Notice of intent (NOI): A notice of intent form provided by EPD for coverage under the State General Permit.

Notice of termination (NOT): A notice of termination form provided by EPD to terminate coverage under the state general permit.

Nuisances: Any activity that endangers the health, welfare or good order of the community.

- (1) Stagnant water on any premises;
- (2) Any dead or decaying matter, weeds or vegetation, or any fruit, vegetable, animal or rodent, upon any premises, which is odorous or capable of causing disease or annoyance to the inhabitants of the City;
- (3) The generation of smoke or fumes in sufficient amounts to cause odor or annoyance to the inhabitants of the City;
- (4) The pollution of public water or the injection of matter into the sewer system which would be damaging thereto, or the pollution of public water or the injection of matter or other non-stormwater discharges into the separate stormwater sewer;
- (5) Maintaining a dangerous or diseased animal or fowl;
- (6) Obstruction of a public street, highway or sidewalk without a permit;
- (7) Any unauthorized accumulation of garbage or trash on any premises;
- (8) All walls, trees and buildings that may endanger persons or property;
- (9) Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent such activities; and
- (10) Unused freezers, refrigerators and the like, unless the doors, latches or locks thereof are removed.

Octave band: All the components in a sound spectrum whose frequencies are between two sine wave components separated by an octave.

Off-site, as used in Chapter 320 Buffers, Landscaping, and Tree Protection: For tree relocation and tree replacement, means any location in excess of one (1) mile from the tree's original location.

Off-site facility, as used in Chapter 340 Stormwater Management: A stormwater management facility located outside the boundaries of the site.

On-site, as used in Chapter 320 Buffers, Landscaping, and Tree Protection: For tree relocation and tree replacement, means any location one (1) mile or less from the tree's original location.

On-site facility, as used in Chapter 340 Stormwater Management: A stormwater management facility located within the boundaries of the site.

Operator: The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

Outfall: The location where stormwater in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on-site, becomes a point source discharging into that receiving water.

Overbank flood protection: Measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e., flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the two-year through 25-year frequency storm events.

Overstory trees: Those trees that compose the top layer or canopy of vegetation and will generally reach a mature height of greater than 40 feet (40').

Pedestrian walkway: A walking surface similar to a sidewalk, which facilitates the safe, unobstructed and convenient flow of pedestrians internally on a private property.

Permit, as used in Chapter 310, Article 1 Soil Erosion, Sedimentation and Pollution: The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

Permit, as used in Chapter 340 Stormwater Management: The national pollution discharge elimination system permit for discharges from the City of Chamblee Municipal Separate Storm Sewer System issued by the Georgia EPD or such subsequent permit or authorization for discharges from the City of Chamblee Municipal Separate Storm Sewer System to waters of the state.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

Phase or Phased, as used in Chapter 310, Article 1 Soil Erosion, Sedimentation and Pollution: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Pollutant: Anything, which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

Pollution or polluted: The contamination or other alteration of any of water's physical, chemical or biological properties, including, but not limited to, change in temperature, taste, color, turbidity, or odor of such waters; or the discharge of any liquid, gaseous, solid, radioactive, or other substance into the City of Chamblee Municipal Separate Storm Sewer System as will or is likely to create a nuisance or render any waters contained therein or discharged into waters of the state harmful, detrimental or injurious to the

public health, safety or general welfare or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Pollution susceptibility: The relative vulnerability of groundwater to pollution from chemical spills, leaching of pollutants from dumpsites, animal waste from agricultural operations or pollution generated by other human activities.

Pollution susceptibility map(s): Maps prepared by the Georgia Department of Natural Resources (DNR) that shows the relative susceptibility of groundwater to pollution. Pollution susceptibility maps categorize the land areas of the State into areas of high, medium and low groundwater pollution potential.

Post-construction (stormwater): Stormwater best management practices that are used on a permanent basis to control runoff once construction is complete.

Post-development: The time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

Pre-development: The time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. However, if removal and replacement of impervious surfaces occur on more than 50 percent of the site, then the pre-development condition shall be characterized hydrologically with an SCS curve number of 60 or a rational method runoff coefficient of 0.30, unless stated otherwise within this appendix. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

Procedure, as used in Chapter 340 Stormwater Management: A procedure adopted by the department to implement a regulation or regulations adopted under this appendix, or to carry out other responsibilities as may be required by this appendix or other chapters of this Code, or other ordinances or resolutions of the City or other agencies.

Project, as used in Chapter 310, Article 1 Soil Erosion, Sedimentation and Pollution: The entire proposed development project regardless of the size of the area of land to be disturbed.

Properly designed: Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual), published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the manual as approved by the commission up until the date of NOI submittal.

Protected zone: All lands which fall outside the buildable area of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as yards, buffers or landscaped areas according to provisions of the City zoning ordinance or conditions of zoning or variance approval.

Protection area, or stream protection area means, with respect to a stream: The combined areas of all required buffers and setbacks applicable to such stream.

Public or private property (as used in Chapter 340, Article 3 Litter Control): The right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial or farm properties.

Public tree: Any tree located in the public right-of-way or City-owned property.

Real property line: The line, including its vertical extension that separates one parcel of real property from another.

Recompense: The dollar value to the City of a tree on private or public property used for the purpose of calculating cash recompense for removal or destruction.

Redevelopment: A land development project on a previously developed site, but excludes ordinary maintenance activities, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Regional stormwater management facility: Stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Required decommissioning date: Twelve months after a previously permitted SES no longer is in operation as a power generating facility.

Reservation: A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

Resident: Any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.

Riparian: Belonging or related to the bank of a river, stream, lake, pond or impoundment.

Roadway drainage structure: A device such as a bridge, culvert or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Runoff: Stormwater runoff.

Sanitary sewer system: The complete sanitary sewer system of the City which discharges sanitary sewerage directly or indirectly into the sewage treatment plant, including sanitary sewer pipelines, manholes and flushing inlets and appurtenances to the foregoing, but shall exclude any portion or facilities of the sewage treatment plant.

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Service fees: The stormwater management service fees applicable to a parcel of developed land, which charge shall be used to fund the City stormwater utility's cost of providing stormwater management services and facilities.

Soil and water conservation district approved plan: An erosion, sedimentation and pollution control plan approved in writing by the DeKalb County Soil and Water Conservation District or the City of Chamblee, in accordance with the approved Memorandum of Agreement.

Sound level meter (SLM): An instrument used to measure sound pressure levels conforming to type 1 or type 2 standards as specified in ANSI Standard SI.4-1983 or the latest version thereof.

Stabilization, as used in Chapter 310, Article 1 Soil Erosion, Sedimentation and Pollution: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State general permit: The National Pollution Discharge Elimination System (NPDES) general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future, pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1251 et seq., and O.C.G.A. § 12-5-30(f).

State waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

Stormwater: Any type of stormwater runoff, snow melt runoff, surface or subsurface runoff or drainage.

Stormwater better site design: Nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

Stormwater conveyance: Natural or constructed stormwater conduits, features, facilities or best management practices designed or used for the collection, conveyance or treatment of stormwater through open or closed drainage systems, including, but not limited to, pipes, ditches, depressions, swales, roads with drainage systems, highways, rights-of-way, county streets, catch basins, curbs, gutters, ditches, manmade channels, storm drains, detention ponds, retention ponds, infiltration devices, oil/water separators, sediment basins, modular pavement or other such devices.

Stormwater discharge associated with industrial activity: The discharge from any stormwater conveyance which is directly related to manufacturing, processing or raw materials storage areas at an industrial facility. The term includes, but is not limited to, stormwater discharges from industrial facility yards; immediate access roads and rails lines used or traveled by carriers of raw materials, manufactured products, waste materials or by-products used or created by the facility; material handling sites; refuse sites; sites used for the storage and maintenance of material handling equipment; sites used for application or disposal of process wastewaters; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms for raw materials, and intermediate and finished products); and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.

Stormwater management: The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare. Stormwater management shall include a system of vegetative or structural measures, or both.

Stormwater management facility: Any infrastructure that controls or conveys stormwater runoff.

Stormwater management measure: Any stormwater management facility or nonstructural stormwater practice.

Stormwater management plan: A document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this appendix.

Stormwater management system: The entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

Stormwater retrofit: A stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater runoff: The direct response of a land surface to precipitation and includes the surface and subsurface runoff or drainage or other concentrated flow that enters a stormwater conveyance during and following precipitation.

Stream: A flowing body of water, beginning at:

- (1) The location of a spring, seep, or groundwater outflow that sustains streamflow;
- (2) A point in the stream channel with a drainage area of 25 acres or more; or
- (3) Where evidence indicates the presence of a stream in a drainage area of more than 25 acres, the City may require field studies to verify the existence of a stream.

Stream bank: The sloping land that contains the stream channel and the normal flows of the stream.

Stream channel: The portion of a watercourse that contains the base flow of the stream.

Stream, ephemeral: A stream that flows only briefly during and following a period of rainfall in the immediate area.

Stream, Intermittent: A stream that flows for only part of the year or seasonally.

Structural erosion, sedimentation and pollution control practices: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication, "Manual for Erosion and Sediment Control in Georgia."

Structural stormwater control: A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

Structure: A walled and roofed building (including a gas or liquid storage tank) that is principally above ground, or a manufactured home.

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

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

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

Tree: Any self-supporting, woody perennial plant which has a trunk diameter of two inches or more when measured at a point six inches above ground level and which normally attains an overall height of at least ten feet at maturity, usually with one main stem or trunk and many branches.

- (1) *Boundary tree:* A tree on adjacent property whose root save area intrudes across the property line of the site under consideration, including across City limits.
- (2) *Destroyed tree:* When there is over 30 percent impact to the critical root zone of a tree, it shall be considered destroyed.
- (3) *Hardwood tree:* Any leaf-bearing (not needle-bearing) tree that is not coniferous (cone-bearing). This definition is based on the colloquialism, and does not reflect any true qualities of the tree.
- (4) *Hazardous tree:* A tree certified by a horticultural professional as having a major structural fault that could lead to catastrophic loss and could injure or damage property or human targets. Major structural faults may include, but not be limited to, large vertical cracks, decayed areas or columns, including bark areas, forks, dead wood/branches, hollows, significant leans, openings to the inner portions and mechanically damaged areas. Minor faults (correctable faults requiring care) may include things such as pavement buckles, surface roots, small dead wood, tree litter, animal/insect activities, entrapment, face-level branches, and destruction of surrounding property.
- (5) *Public tree:* Any tree which exists on publicly owned or controlled property or right-of-way.

- (6) *Softwood trees*: Any coniferous (cone-bearing) tree, such as pine, fir, hemlock, cedar, etc. This definition is based on the colloquialism, and does not necessarily reflect any true qualities of the tree.
- (7) *Specimen tree* or *specimen tree stand*: Any tree or group of trees within the protected zone which has been determined to be of high value because of its species, size, age or other definable criteria.
- (8) *Understory tree*: Those trees that grow beneath the overstory, and will generally reach a mature height of less than forty feet (40').

Tree protection zone: An area encompassing one and one-half times the diameter of a tree, which is protected by some physical method.

Tree removal: Any act, which causes a tree to die within two (2) years after commission of the act, including but not limited to, damage inflicted upon the root system in the Critical Root Zone or trunk, as the result of:

- (1) The improper use of machinery on the trees;
- (2) The storage of materials in or around the trees;
- (3) Soil compaction;
- (4) Altering the natural grade to expose the roots or to cover the tree's root system with more than four (4) inches of soil;
- (5) Causing the infection or infestation of the tree by pests, fungus or harmful bacteria;
- (6) Pruning judged to be excessive by the Administrator or not in accordance with the standard set forth by the International Society of Arboriculture (ISA);
- (7) Paving with concrete, asphalt or other impervious surface within such proximity as to be harmful to the tree or its root system; and
- (8) Application of herbicides or defoliants to any tree without first obtaining a permit.

Tree save area: All areas designated for the purpose of meeting tree density requirements, saving specimen trees, and/or preserving natural buffers.

Tree species selection list: The City of Chamblee's recommended species of trees.

Trout streams: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, in the rules and regulations for water quality control, Chapter 391-3-6 at www.epd.georgia.gov. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Undeveloped land: Land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have no more than 100 square feet of impervious surface.

Undeveloped property: Property upon which no building, structure, pavement or other improvements have been placed.

Unpolluted: The absence of pollution.

Vegetative erosion and sedimentation control measures: Measures found in the publication, "Manual for Erosion and Sediment Control in Georgia" for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or

- (2) Temporary seeding, producing short-term vegetative cover; or
- (3) Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publications Manual for Erosion and Sediment Control in Georgia.

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

Water quality: Those characteristics of stormwater that relate to the physical, chemical, biological or radiological integrity of water.

Water quantity: Those characteristics of stormwater that relate to the rate and volume of the stormwater, both surface and subsurface.

Watercourse: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Watershed: The land area that drains into a particular stream.

Wetlands: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

(Ord. No. [743](#), 12-19-17; Ord. No. [757](#), 12-18-18; [Ord. No. 776](#), 12-17-19)