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Section 340-37. - General provisions.

(a) *Purpose and intent.* The purpose of this Article is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. This Article seeks to meet that purpose through the following objectives:

- (1) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;
- (2) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, stream bank erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;
- (3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- (4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
- (5) Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable;
- (6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and
- (7) Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

(b) *Applicability.*

- (1) This Article shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to Subsections (b)(2) or (3) below. These standards apply to any new development or redevelopment site that meets one or more of the following criteria:
 - a. New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities of 10,000 square feet or more; . If the development adds between 1,000 square feet and 5,000 square feet, then only runoff reduction and water quality as per code Section 340-39 (a) (1) is required. All site improvements must be evaluated for impacts to surface flow characteristics.
 - b. Redevelopment that includes the creation, addition and/or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity of 10,000 square feet or more; . If the redevelopment adds or replaces between 1,000 square feet and 5,000 square feet, then only runoff reduction and water quality as per code Section 340-39 (a) (1) is required. All site improvements must be evaluated for impacts to surface flow characteristics.

- c. Any new development or redevelopment, regardless of size, that is defined by the Public Works Director to be a hotspot land use; or
 - d. Land development activities that are smaller than the minimum applicability criteria set forth in Subsections (b)(1)a. and (b)(1)b. above, if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.
 - e. Linear transportation projects that exceed the threshold in (a) or (b) above.
- (2) The following activities are exempt from this Article:
- a. Agricultural or silvicultural land management activities within areas zoned for these activities;
 - b. Repairs to any stormwater management facility or practice deemed necessary by the Public Works Director;
 - c. Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs;
 - d. Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;
 - e. Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;
 - f. Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to, elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and
 - g. Linear transportation projects, funded in whole or in part and managed by the City, to the extent the administrator determines that implementing the stormwater management standards is infeasible for any portion of the Site. For this exemption to apply, an infeasibility report shall first be submitted to the administrator that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the administrator.
- (3) The following activities are exempt from stream channel protection and overbank flooding protection requirements of this Article, if the applicant can provide adequate proof that the improvements will not have any adverse impacts to upstream and downstream properties, and the proposed project would not exacerbate any existing drainage problems within the drainage basin:
- a. Individual single-family or duplex residential lots that are not part of a subdivision or phased development project that includes the creation, addition and/or replacement of 53,000 square feet or more of impervious cover, or that involves other land development activity of 10,000 square feet or more.
 - b. Additions, additional accessory structures, or modifications to existing single-family or duplex residential structures that includes the creation, addition and/or replacement of 53,000 square feet or more of impervious cover, or that involves other land development activity of 10,000 square feet or more.

- (c) *Designation of ordinance administrator.* The public works director or his designee is hereby appointed to administer and implement the provisions of this Article.
- (d) *Compatibility with other regulations.* This Article is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this Article are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this Article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.
- (e) *Severability.* If the provisions of any section, subsection, paragraph, subdivision or clause of this Article shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Article.
- (f) *Stormwater design manual.* The City will utilize the policy, criteria and information including technical specifications and standards in the 2016 edition of the Georgia Stormwater Management Manual and any relevant local addenda or equivalent local stormwater management design manual, for the proper implementation of the requirements of this Article. The manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience.

(Ord. No. 743 , 12-19-17; Ord. No. 776 , 12-17-19)