ORDINANCE NO. 2020-___

AN ORDINANCE BY THE CITY OF PINE LAKE TO AMEND ARTICLE 3 OF CHAPTER 22 OF THE CITY CODE ORDINANCES; TO REVISE AND RENAME THE CITY'S ORDINANCE ON POST-DEVELOPMENT STORMWATER MANAGEMENT TO ACCORD WITH THE SUBSTANCE AND LANGUAGE OF THE CURRENT MS4 PERMIT AND THE GEORGIA STORMWATER MANAGEMENT MANUAL; TO ESTABLISH AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.

WHEREAS, land development projects and other land use conversions, and their associated changes to land cover, permanently alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which in turn increase flooding, stream channel erosion and sediment transport and deposition; and

WHEREAS, land development projects and other land use conversions also contribute to increased nonpoint source pollution and degradation of receiving waters; and

WHEREAS, the impacts of post-development stormwater runoff quantity and quality can adversely affect public safety, public and private property, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters; and

WHEREAS, these adverse impacts can be controlled and minimized through the regulation of stormwater runoff quantity and quality from new development and redevelopment, by the use of both structural facilities as well as nonstructural measures, such as the conservation of open space and greenspace areas. The preservation and protection of natural area and greenspace for stormwater management benefits is encouraged through the use of incentives or "credits." The state greenspace program provides a mechanism for the preservation and coordination of those greenspace areas which provide stormwater management quality and quantity benefits; and

WHEREAS, localities in the state are required to comply with a number of both state and federal laws, regulations and permits which require a locality to address the impacts of post-development stormwater runoff quality and nonpoint source pollution;

NOW THEREFORE, BE IT ORDAINED by the City of Pine Lake, as follows:

Section 1.

City Code Section 22-1 is hereby amended by striking the existing language and inserting in lieu thereof the following:

"The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except as otherwise defined in a specific article or where the context clearly indicates a different meaning:

Accidental discharge means a discharge prohibited by this ~~article~~ chapter which occurs by chance and without planning or thought prior to occurrence.

Administrator means the person appointed to administer and implement the article on Post-Construction Stormwater Management for New Development and Redevelopment in accordance with Section 22-54 and to administer other parts of this chapter.

Agricultural practices means practices involving the establishment, cultivation or harvesting of products of the field or orchard; the preparation and planting of pasture land or farm ponds; and the construction of farm buildings.

Appeals authority means the board, one of whose purpose is to review appeals to this chapter and render decisions and variances.

Applicant means a person submitting a land development application or other application for approval.

Best management practices (BMPs) means both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent and reduce the pollution of the waters of the State of Georgia.

BMP landscaping plan means a design for vegetation and landscaping that is critical to the performance and function of the BMP including how the BMP will be stabilized and established with vegetation. It shall include a layout of plants and plant names (local and scientific).

Buffer means, with respect to a stream, a natural or enhanced vegetated area (established by section 22-113(a)(1), lying adjacent to the stream.

Channel means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Clean Water Act means the Federal Water Pollution Control Act (33 USC 1251 et seq.), and any subsequent amendments thereto.

Conservation easement means an agreement between a landowner and the city or other government agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

Construction activity means activities subject to the state 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.

Conveyance means stormwater features designed for the movement of stormwater through the drainage system, such as concrete or metal pipes, ditches, depressions, swales, etc.

Department means the department of administration responsible for all stormwater management activities and implementation of the provisions of this chapter.

Detention means the temporary storage of stormwater runoff in a stormwater detention facility for the purpose of controlling the peak discharge.

Detention facility means a structure designed for the storage and gradual release of stormwater runoff at controlled rates.

Developer means a person who undertakes land development activities.

Development means a new development or redevelopment.

Development activity means:

(1) The division of a lot, tract or parcel of land into two or more lots, plots, sites, tracts, parcels or other divisions by plot or deed;

(2) The construction, installation or alteration of a structure, impervious surface or drainage facility;

(3) Clearing, scraping, grubbing or other activities significantly disturbing the soil, vegetation, mud, sand or rock of a site; or

(4) Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging or otherwise disturbing the soil, vegetation, mud, sand or rock of a site.

Director means the administrator or the director of administration or any such person's duly authorized representatives.

Discharge means the release of treated or untreated water to the municipal/county separate storm sewer system.

Drainage easement means 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.

Easement means an acquired legal right for the specific use of land owned by others.

Erosion and sedimentation control plan means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

Extended detention means the detention of stormwater runoff for an extended period of time.

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

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

(1) The overflow of inland or tidal waters; or

(2) The unusual and rapid accumulation or runoff or surface waters from any source.

Flooding means a volume of surface water that exceeds the banks or walls of a BMP or channel and overflows onto adjacent lands.

Floodplain means 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 map).

Generalized wetland map means a map showing the general locations of wetlands within the jurisdiction of the city.

Greenspace or *open space* means permanently protected areas of the site that are preserved in a natural state.

GSMM means the latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook, and its Appendices.

Hotspot means a land use or activity on a site that has the potential to produce higher than normally found levels of pollutants in stormwater runoff. As defined by the administrator,

hotspot land use may include gasoline stations, vehicle service and maintenance areas, industrial facilities (both permitted under the Industrial Stormwater General Permit and others), material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

Illegal connection means 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 nonstormwater 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/county) separate storm sewer system which has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency.

Illicit discharge means any direct or indirect nonstormwater discharge to the (municipal/county) separate storm sewer system, except as exempted in section 22-25.

Impervious cover or impervious surface means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface, as well as any manmade paved, hardened or structural surface regardless of material.

Industrial activity means activities subject to NPDES industrial permits as defined in 40 CFR 122.26(b)(14).

Industrial stormwater general permit means ~~a~~ the National Pollutant Discharge Elimination System (NPDES) permit issued to an industry for stormwater discharges associated with industrial activity. The permit regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration means the process of percolating stormwater runoff into the subsoil.

Inspection and maintenance agreement means a written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices 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.

Jurisdictional determination means an official, written statement or map signed by the U.S. Corps of Engineers or, in the case of coastal marshlands, the state department of natural resources.

Jurisdictional wetland means 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 development means any land change including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.

Land development activities means those actions or activities which comprise, facilitate or result in land development.

Land development application means the application for a land development permit on a form provided by the City of Pine Lake along with the supporting documentation required in Section 22-57.

Land development permit means the authorization necessary to begin construction-related, land-disturbing activity.

Land development project means a discrete land development undertaking.

Land disturbance means any land or vegetation change including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or any other installation of impervious cover.

Land disturbing activity means any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including but not limited to, clearing, dredging, grading, excavating, and filling of land. Land disturbing activities does not include agricultural practices as described in O.C.G.A. §12-2-17(5) or silvicultural land management activities as described in O.C.G.A. §12-7-17(6) within areas zoned for those activities.

Linear feasibility program means a feasibility program developed by the City of Pine Lake and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria for determining when implementation of stormwater management standards for linear transportation projects being constructed by the City of Pine Lake is infeasible.

Linear transportation projects means construction projects on traveled ways including, but not limited to, roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

Litter means any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic and glass containers, broken glass, dead animals, solvents, paint, slag, auto parts, metal or intentionally or unintentionally discarded materials of every kind and description which are not waste as such term is defined in O.C.G.A. § 16-7-51(6).

Maintenance means any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this chapter or to prevent structural failure of such facilities.

MS4 Permit means the NPDES permit issued by the Georgia Environmental Protection Division for discharges from the City of Pine Lake's municipal separate storm sewer system.

National pollutant discharge elimination system (NPDES) stormwater discharge permit means a permit issued by the state 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.

New development means land disturbing activity, structural development (construction, installation or expansion of a building or other structure), and/or creation of impervious surface on a previously undeveloped site.

Nonpoint source pollution means 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.

Nonstormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

Nonstructural stormwater management practice or *nonstructural practice* means 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.

Off-site facility means a stormwater management facility located outside the boundaries of the site.

On-site facility means a stormwater management facility located within the boundaries of the site.

Overbank flood protection means 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).

Owner means the legal or beneficial owner of a site including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person in control of the site.

Parcel means any plot, lot or acreage shown as a unit on the latest county tax assessment records or city records.

Permit means the permit issued by the city to the applicant which is required for undertaking any land development activity.

Person means, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the state, any interstate body or any other legal entity.

Pine Lake separate storm sewer system or *municipal/county system* means any facility designed or used for collecting and/or conveying stormwater including, but not limited to, any roads with drainage systems, highways, city streets, curbs, gutters, inlets, catchbasins, 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 all or in part by the city;

(2) Not a combined sewer; and

(3) Not part of a publicly-owned treatment works.

Pollutant means 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; nonhazardous 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 means the contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes, but is not limited to, a change in temperature, taste, color, turbidity or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare or environment, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Post-construction stormwater management means stormwater best management practices that are used on a permanent basis to control and treat runoff once construction has been completed in accordance with a stormwater management plan.

Post-development means the conditions anticipated to exist~~,~~ after completion of the proposed development activity.

Practicability policy means the latest edition of the Metropolitan North Georgia Water Planning District's Policy on Practicability Analysis for Runoff Reduction.

Pre-development means the conditions that exist~~,~~ on a site immediately before the implementation of the proposed development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time before the first item being approved or permitted shall establish pre-development conditions.

Pre-development hydrology means (a) for new development, the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before implementation of the proposed development; and (b) for redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property.

Premises mean any building, lot, parcel of land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Previously developed site means a site that has been altered by paving, construction, and/or land disturbing activity.

Private means property or facilities owned by individuals, corporations and other organizations and not by the city, county, state or federal government.

Procedure means a procedure adopted by the utility, by and through the director or administrator, to implement a regulation or regulations adopted under this chapter, or to carry out other responsibilities as may be required by this Code or other codes, ordinances or resolutions of the city or other agencies.

Project means a land development project.

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 means 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.

Redevelopment means structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious cover, replacement of impervious surface not as part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

Regional stormwater management facility or regional facility means 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.

Regulation means any regulation, rule or requirement prepared by the department and adopted by the city pursuant to the requirements of this chapter.

Riparian means belonging or related to the bank of a river, stream, lake, pond or impoundment.

Routine maintenance means activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Runoff means stormwater runoff.

Sanitary sewer system means the complete sanitary sewer system of the city and county which discharge sewage 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 means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, ice or gravity from its site of origin.

Setback means, with respect to a stream, the area established by section 22-113(a)(2) extending beyond any buffer applicable to the stream.

Site means any lot, plot, parcel or tract of land; the parcel of land being developed or the portion thereof on which the land development project is located.

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

Stormwater better site design means 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 concept plan means an initial plan for post-construction stormwater management at the site that provides the groundwork for the stormwater management plan, including the natural resources inventory, site layout concept, initial runoff characterization, and first round stormwater management system design.

Stormwater management means the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to meet the objectives of this chapter and which shall include a system of vegetative of structural measures, or both, that control the increased volume and rate of stormwater runoff and water quality impacts caused by manmade changes to the land.

Stormwater management design manual means the most recent manual of design, performance and review criteria for stormwater management practices, prepared under the direction of the director of administration. Copies of the manual can be obtained from the department of administration.

Stormwater management facilities means constructed or natural components of a stormwater drainage system, designed to perform a particular function, or multiple

functions, including but not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catchbasins, oil/water separators, sediment basins, natural systems and modular pavement.

Stormwater management measure means any stormwater management facility or nonstructural stormwater practice.

Stormwater management plan means the set of drawings and other documents that comprise all of the information and specifications for the drainage systems, structures, BMPs, concepts and techniques that will be used to control stormwater as required by this chapter and the stormwater management design manual. Also included are the supporting engineering calculations and results of any computer analysis.

Stormwater management standards means those standards set forth in Section 22-56.

Stormwater management system means 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 means 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, runoff or *stormwater* means any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stream means any stream 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 less than 25 acres, the city may require field studies to verify the existence of a stream.

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

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

Structural stormwater control means 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.

Subdivision means any division or re-division of a lot, tract or parcel, regardless of its existing or future use, into two or more lots, tracts or parcels. The term "subdivision" means the act or process of dividing property, except that, where appropriate to the context, the ownership at the time of subdivision.

Temporary emergency permit means a temporary permit that may be issued in certain circumstances specified Section 22-186(c)(6).

Variance means the modification of the minimum stormwater management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this ~~article~~ chapter.

Water quality means those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff.

Watershed means the land area that drains into a particular stream.

Wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and distribution sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs and similar areas.

Wetland delineation means the establishment of wetland boundaries by a representative of the U.S. Army Corps of Engineers or an authority designated by the Corps.

Wetland protection district means all wetlands within the jurisdiction of the city and shown on the generalized wetland map.

Other terms used but not defined in article 3 shall be interpreted based on how such terms are defined and used in the GSMM and the City of Pine Lake's MS4 permit."

Section 2.

Article 3 of Chapter 22 is further amended by striking it and inserting in lieu thereof the following:

"22-54. **Adoption and Implementation of the GSMM; Conflicts and Inconsistences; Designation of Administrator**.

(a) In implementing this article, the City of Pine Lake shall use and require compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the GSMM as well as related appendices.

(b) This article is not intended to modify or repeal any other article, ordinance, rule, regulation, or other provision of law including, but not limited to, any applicable stream buffers under state or local laws, and the Georgia Safe Dams Act and Rules for Dam Safety. In the event of any conflict or inconsistency between any provision in the City of Pine Lake's MS4 permit and this article, the provision from the MS4 permit shall control. In the event of any conflict or inconsistency between any provision of this article and the GSMM, the provision from this article shall control. In the event of any other conflict or inconsistency between any provision of this article and any other ordinance, rule, regulation or other provision of law, the provision that is more restrictive or imposes higher protective standards for human health or the environment shall control.

(c) If any provision of this article is invalidated by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this article.

(d) The mayor may from time to time appoint someone to administer and implement this article.

22-55. **Applicability Criteria for Stormwater Management Standards.**

This article applies to the following activities:

(1) New development that creates or adds 5,000 square feet or more of impervious cover, or that involves other land disturbing activities of one acre or more;

(2) Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land disturbing activity of one acre or more;

(3) Any new development or redevelopment, regardless of size, that is a hotspot land use as defined in this Chapter; or

(4) New development and redevelopment if

(a) such new development or redevelopment is part of a subdivision or other common plan of development; and

(b) the sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the threshold in (1) and (2) above;

(5) Linear transportation projects that exceed the threshold in (1) or (2) above.

(b) The following activities are exempt from this article:

1. Land disturbing activity conducted by 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;

2. Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;

3. Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;

4. Repairs to any stormwater management facility or practice deemed necessary by the administrator;

5. Agricultural practices as described in O.C.G.A. §12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in subsection (a)(1) or (2) above;

6. Silvicultural land management activities as described in O.C.G.A. §12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in subsection (a)(1) or (2) above;

7. Installation 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

8. Linear transportation projects being constructed by the City of Pine Lake to the extent the administrator determines that the stormwater management standards may be infeasible to apply, all or in part, for any portion of the linear transportation project. For this exemption to apply, an infeasibility report that is compliant with the City of Pine Lake's linear feasibility program shall first be submitted to the administrator that contains adequate documentation to support the evaluation of the applicable portion(s) and any resulting infeasibility determination, if any, by the administrator.

Sec. 22-56. Stormwater Management Standards.

Subject to the applicability criteria in Section 22-55(a) and exemptions in Section 22-55(b), the following stormwater management standards apply. Additional details for each standard can be found in the GSMM Section 2.2.2.2:

(a) Design of Stormwater Management System: The design of the stormwater management system shall be in accordance with the applicable sections of the GSMM as directed by the administrator. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

(b) Natural Resources Inventory: Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the Stormwater Management Plan shall include, at a minimum, as applicable:

(i) Topography (minimum of 2-foot contours) and steep slopes (i.e., areas with slopes greater than 15%);

(ii) Natural drainage divides and patterns;

(iii) Natural drainage features (e.g., swales, basins, depressional areas);

(iv) Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas and river corridors;

(v) Predominant soils (including erodible soils and karst areas; and

(vi) Existing predominant vegetation including trees, high quality habitat and other existing vegetation.

(c) Better Site Design Practices for Stormwater Management: Stormwater management plans shall preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable. Additional details can be found in the GSMM Section 2.3.

(d) Stormwater Runoff Quality/Reduction: Stormwater Runoff Quality/Reduction shall be provided by using the following:

(i) For development with a stormwater management plan submitted before July 1, 2020, the applicant may choose either (A) Runoff reduction; or (B) Water quality.

(ii) For development with a stormwater management plan submitted on or after July 1, 2020, the applicant shall choose (A). Runoff Reduction and additional water quality shall not be required. To the extent (A) Runoff Reduction has been determined to be infeasible for all or a portion of the site using the Practicability Policy, then (B) Water Quality shall apply for the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.

(A) Runoff Reduction – The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.

(B) Water Quality – The stormwater management system shall be designed to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2 inch rainfall event.

(iii) If a site is determined to be a hotspot as detailed in Sections 22-1 and 22-55, the City of Pine Lake may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.

(e) Stream Channel Protection: Stream channel protection shall be provided by using all of the following three approaches:

(i) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;

(ii) Erosion prevention measures, such as energy dissipation and velocity control; and

(iii) Preservation of any applicable stream buffer.

(f) Overbank Flood Protection: Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour storm event.

(g) Extreme Flood Protection: Extreme flood protection shall be provided by controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.

(h) Downstream Analysis: Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises 10% of the total drainage area in accordance with Section 3.19 of the GSMM. This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system.

(i) Stormwater Management System Inspection and Maintenance: The components of the stormwater management system that will not be dedicated to and accepted by the City of Pine Lake, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and

maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This plan shall be written in accordance with the requirements in Section 22-59.

22-57. Application fee and procedures; pre-submittal meeting, stormwater concept plan; stormwater management plan requirements

(a) The fee for review of any land development application shall be based on the fee structure established by the city, and payment shall be made before the issuance of any land disturbance permit or building permit for the development.

(b) Land development applications are handled as part of the process to obtain the land disturbance permit pursuant to Section 22-228 or building permit pursuant to Section 18-5, as applicable. Before any person begins development on a site, the owner of the site shall first obtain approval in accordance with the following procedure:

(i) File a land development application with the City of Pine Lake on the city's form of application with the following supporting materials:

A. The stormwater management plan prepared in accordance with Section 22-57(g) and (h);

B. A certification that the development will be performed in accordance with the stormwater management plan once approved;

C. A Preliminary determination of infeasibility, if applicable, prepared in accordance with the practicability policy; and

D. An acknowledgement that applicant has reviewed the city's form of inspection and maintenance agreement and that applicant agrees to sign and record such inspection and maintenance agreement before the final inspection.

(ii) The administrator shall inform the applicant whether the application and supporting materials are approved or disapproved.

(iii) If the application or supporting materials are disapproved, the administrator shall notify the applicant of such fact in writing. The applicant may then revise any item

not meeting the requirements hereof and resubmit the same for the administrator to again consider and either approve or disapprove.

(iv) If the application and supporting materials are the city may issue the associated land disturbance permit or building permit, provided all other legal requirements for the issuance of such permits have been met. The stormwater management plan included in such applications becomes the approved stormwater management plan.

(c) All development shall be consistent with the approved stormwater management plan and all applicable land disturbance and building permits and shall be conducted only within the area specified in the approved stormwater management plan. No changes may be made to an approved stormwater management plan without review and advanced written approval by the administrator.

(d) Before a land development permit application is submitted, an applicant may request a pre-submittal meeting with the City of Pine Lake. The pre-submittal meeting should take place based on an early step in the development process such as before site analysis and inventory (GSMM Section 2.4.2.4) or the stormwater concept plan (GSMM Section 2.4.2.5). The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. To the extent applicable, local and regional watershed plans, greenspace plans, trails and greenway plans, and other resources protection plans should be consulted in the pre-submittal meeting. Applicants must request a pre-submittal meeting with the City of Pine Lake when applying for a Determination of Infeasibility through the Practicability Policy.

(e) The stormwater concept plan shall be prepared using the minimum following steps:

(i) Develop the site layout using better site design techniques, as applicable (GSMM Section 2.3).

(ii) Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff quality/reduction, channel protection, overbank flooding protection and extreme flood protection (GSMM Section 2.2).

(iii) Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations (GSMM Section 4.1).

(f) The stormwater concept plan shall contain:

(i) Common address and legal description of the site;

(ii) Vicinity map; and

(iii) Existing conditions and proposed site layout mapping and plans (recommended scale of 1” = 50’), which illustrate at a minimum:

A. Existing and proposed topography (minimum of 2-foot contours);

B. Perennial and intermittent streams;

C. Mapping and predominant soils from USDA soil surveys;

D. Boundaries of existing predominant vegetation and proposed limits of clearing and grading;

E. Location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, steam buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.);

F. Location of existing and proposed roads, buildings, parking areas and other impervious surfaces;

G. Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements;

H. Preliminary estimates of unified stormwater sizing criteria requirements;

I. Preliminary selection and location, size, and limits of disturbance of proposed BMPs;

J. Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains;

K. Flow paths;

L. Location of the boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as applicable) and relationship of site to upstream and downstream properties and drainage; and

M. Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings.

(g) The stormwater management plan shall contain the items listed in this part and be prepared under the direct supervisory control of either a registered professional engineer or a registered landscape architect licensed in the State of Georgia. Items (iii), (iv), (v), and (vi) shall be sealed and signed by a registered professional engineer licensed in the state of Georgia. The overall site plan must be stamped by a design professional licensed in the State of Georgia for such purpose. (GSMM Section 2.4.2.7).

(i) Natural resources inventory

(ii) Stormwater concept plan

(iii) Existing conditions hydrologic analysis

(iv) Post-development hydrologic analysis

(v) Stormwater management system

(vi) Downstream analysis

(vii) Erosion and sedimentation control plan

(viii) BMP landscaping plan

(ix) Inspection and maintenance agreement

(x) Evidence of acquisition of applicable local and non-local permits

(xi) Determination of infeasibility (if applicable)

(h) For redevelopment and to the extent existing stormwater management structures are being used to meet stormwater management standards the following must also be included in the stormwater management plan for existing stormwater management structures

(i) As-built drawings

(ii) Hydrology reports

(iii) Current inspection of existing stormwater management structures with deficiencies noted

(iv) BMP landscaping plan

Sec. 22-58. Construction inspections of post-development stormwater management system

(a) *Inspections to ensure plan compliance during construction.*

(1) Periodic inspections of the stormwater management system construction shall be conducted by the staff of the city or conducted and certified by a professional engineer who has been approved by the city. Construction inspections shall utilize the approved stormwater management plan for establishing compliance.

(2) All inspections shall be documented with written reports that contain the following information:

a. The date and location of the inspection;

b. Whether construction is in compliance with the approved stormwater management plan;

c. Variations from the approved construction specifications; and

d. Any other variations or violations of the conditions of the approved stormwater management plan.

If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions.

(a) *Final inspection and as built plans.* Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant is responsible for certifying that the completed project is functioning properly and in accordance with the approved stormwater management plan and associated hydrologic analysis. The required certification shall include a certification of volume, or other performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and build according to the design specifications in the approved stormwater management plan. This certification and the required performance tests shall be performed by a qualified person and submitted to the city with the request for a final inspection. The city, or a contractor acting on behalf of the city, shall perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities.

(i) All applicants are required to submit actual "as built" plans for any stormwater management facilities after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a professional engineer. A final inspection by the city is required before the release of any performance securities can occur.

(ii) The applicant(s) must certify that the landscaping is established and installed in conformance with the BMP landscaping plan.

(iii) The applicant(s) must deliver to the city a signed inspection and maintenance agreement that has been recorded by the owner in the property record for all parcel(s) that make up the site.

22-59. Ongoing inspection and maintenance of stormwater facilities and practices.

(a) *Maintenance of stormwater management systems predating current GSSM.* For any stormwater management systems approved and built based on requirements predating the current GSMM and that is not otherwise subject to an inspection and maintenance agreement, such stormwater management systems shall be maintained by the owner so that the stormwater management systems perform as they were originally designed.

(b) *Inspection and maintenance agreements*.

(1) The owner shall execute an inspection and maintenance agreement with the city obligating the owner to inspect, clean, maintain, and repair the stormwater management systems, including vegetation in the final BMP landscaping plan. The form of the inspection and maintenance agreement shall be the form provided by the City of Pine Lake. After the inspection and maintenance agreement has been signed by the owner and the city, the owner shall promptly records such agreement at the owner's cost in the property record for all parcel(s) that make up the site and deliver to the city a copy of document showing the recording.

(2) The inspection and maintenance agreement shall identify by name or official title the person(s) serving as the point of contact for carrying out the owner's obligations under the inspection and maintenance agreement. The owner shall update the point of contact from time to time as needed and upon request by the city. Upon any sale or transfer of the site, the new owner shall notify the city in writing within 30 days of the name or official title of new person(s) serving as the point of contact for the new owner. Any failure of an owner to keep the point of contact up to date shall, following 30 days' notice, constitute a failure to maintain the stormwater management system.

(3) The inspection and maintenance agreement shall run with the land and bind all future successors-in-title of the site. If there is a future sale or transfer of only a portion of the site, then:

(i) The parties to such sale or transfer may enter into and record an assignment agreement designating the owner responsible for each portion of the site and associated obligations under the inspection and maintenance agreement. The parties shall record and provide written notice and a copy of such recorded assignment agreement to the city.

(ii) In the absence of a recorded assignment agreement, all owners of the site shall be jointly and severally liable for all obligations under the inspection and maintenance agreement regardless of what portion of the site they own.

(b) *Right of entry for maintenance inspections*. The terms of the inspection and maintenance agreement shall provide for the city's right of entry for maintenance inspections and other specified purposes. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into or recorded, or has otherwise been invalidated or deemed insufficient, then the city shall have the right to enter and make inspections pursuant to the city's general provisions for property maintenance inspections pursuant to Sections 18-6.

(c) Owner's failure to maintain the stormwater management system. The terms of the inspection and maintenance agreement shall provide for what constitutes a failure to maintain a stormwater management system and the enforcement options available to the City of Pine Lake. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into or recorded, or has otherwise been invalidated or deemed insufficent then:

(i) An owner's failure to maintain the stormwater system so that it performs as it was originally designed shall constitute and be addressed as a violation or failure to comply with owner's maintenance obligations pursuant to Chapter 18 and Sections 50-27, 50-28, and 54-32.

(ii) To address such a failure to maintain the stormwater management system, the city shall have all the powers and remedies that are available to it for other violations of an owner's property maintenance obligations including, without limitation, prosecution, penalties, abatement, lien and emergency measures.

22-60. Violations, enforcement and penalties.

Any action or inaction which violates the provisions of this article or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this section. A violation may include, but is not limited to, failure to submit as-built drawings, failure to submit a final BMP landscaping plan, or failure of the final inspections and may constitute and be addressed as violations of, or failures to comply with the underlying land disturbance permit pursuant to Section 22-228 or the underlying building permit pursuant to Chapter 18. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any other penalties shall not prevent such equitable relief. To address a violation of this article, the city shall have all the powers and remedies that are available to it for other violations of building and land disturbance permits and, in addition, it may utilize the notice and penalty provisions below.

(1) *Notice of violation.* If the city determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management

plan or the provisions of this article, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this article without having first secured a permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:

a. The name and address of the owner or the applicant or the responsible person;

b. The address or other description of the site upon which the violation is occurring;

c. A statement specifying the nature of the violation;

d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this article and the date for the completion of such remedial action;

e. A statement of the penalty that may be assessed against the person to whom the notice of violation is directed; and

f. A statement that the determination of violation may be appealed to the city by filing a written notice of appeal within 30 days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours' notice shall be sufficient).

(2) *Penalties.* In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the city shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the city may take any one or more of the following actions or impose any one or more of the following penalties:

a. *Stop-work order.* The city may issue a stop-work order which shall be served on the applicant or other responsible person. The stop-work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation described therein, provided that the stop-work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation .

b. *Withhold certificate of occupancy.* The city may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

c. *Suspension, revocation or modification of permit.* The city may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the city may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

d. *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the city shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours' notice shall be sufficient) after the city has taken one or more of the actions described above, the city may impose a penalty not to exceed $1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

e. *Criminal penalties* . For intentional and flagrant violations of this article, the city may issue a citation to the applicant or other responsible person, requiring such person to appear in the city magistrate court to answer charges for such violation. Upon conviction, such person shall be punished according to the general penalties described in section 1-9. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense."

Section 3. The various clauses and subsections of this ordinance are intended to be severable. Should any of the provisions of this ordinance be deemed invalid by a court of competent jurisdiction, it is the intent of the City Council that the remaining provisions remain in full force and effect.

Section 4. All ordinances and portions of ordinances in conflict with the terms of this ordinance are hereby repealed as to the subject matter of this ordinance.

Section 5. This ordinance shall become effective upon its approval by the City Council, signature by the Mayor, and approval as to form by the City Attorney.

ADOPTED this _____day of _____ 2020.

MAYOR AND CITY COUNCIL OF PINE LAKE, GEORGIA

_____

Mayor Melanie Hammet

ATTEST:

_____

Valerie Caldwell, City Clerk
(SEAL)

Approved as to Form:

_____

Susan J. Moore, City Attorney