

AN ORDINANCE

**AN ORDINANCE TO AMEND
THE CODE OF DEKALB COUNTY, GEORGIA, AS REVISED 1988,
CHAPTER 14, ARTICLES I and II, RELATING LAND DEVELOPMENT, AND FOR
OTHER PURPOSES.**

WHEREAS, the Governing Authority of DeKalb County is tasked with the protection of the County's health, safety, and general welfare; and

WHEREAS, the Georgia Environmental Protection Division updated the Model Post-Construction Stormwater Management Model Ordinance in 2019; and

WHEREAS, the Georgia Environmental Protection Division requires local jurisdictions with Municipal Separate Storm Sewer System (MS4) permits to adopt ordinances, or update existing ordinances when necessary, for compliance with their MS4 permit, in order to address development and redevelopment, and enforce post-construction controls;

WHEREAS, the DeKalb County Code does not currently reflect the 2019 EPD Model Post-Construction Stormwater Management Model Ordinance;

NOW THEREFORE, BE IT ORDAINED by the DeKalb County Board of Commissioners, and it is hereby ordained by the Authority of same, that Chapter 14, Articles I and II, of the Code of DeKalb County, as Revised 1988, is hereby amended as follows:

PART I. ENACTMENT

By adding, removing, and modifying defined terms in Section 14.1 and amending Article II and Sections 14-27 through 14-29, 14-31, 14-40, and 14-42 of Chapter 14 of the Code of DeKalb County, as Revised 1988, to as follows:

Sec. 14.1 - Definitions.

For the purposes of this chapter, certain terms and words are hereby defined. Where words are not herein defined, but are defined in [section 1-2](#), those words shall have the meaning as defined therein. The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected to a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

Administrator means the person appointed to administer and implement article II of this Chapter in accordance with Section 14.31(a) and 14.31(c).

Aggrieved person(s) means a person(s) whose property is the subject of the action appealed from or a person's who has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.

Agricultural operations means those practices involving the establishment, cultivation, or harvesting of products of the field or orchard, the preparation and planting of pasture land, farm ponds, dairy operations, livestock and poultry management practices and the construction of farm buildings.

Alley means a minor way, which is used primarily for vehicular service access to the back or side of properties otherwise fronting on a street.

Appeal means a review authorized by this chapter of any final order, requirement, or decision of the planning director or the chief executive officer based on or made in the enforcement of this chapter, excluding [section 14-39](#).

Applicant means a person submitting a land development application for approval, and who acts in the person's own behalf or as the agent of an owner of property.

As-built drawings means amended site plans specifying the location, dimensions, elevations, capacities and operational capabilities of public improvements, including water, sewer, road and drainage structures and stormwater management facilities as they have been constructed.

Bank (stream bank) means the sloping land that contains the stream channel and the normal flows of the stream.

Basement means a space having one-half (½) or more of its floor-to-ceiling height below the average level of adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6½) feet.

Best management practice (“BMP”) means both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or 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).

Bicycle lane means that part of a street or highway adjacent to the roadway, designated by official signs or markings for use by persons riding bicycles.

Block means a piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the planning director may delineate the outline of the block.

BNR means the board of natural resources.

Board or board of commissioners means the board of commissioners of DeKalb County, Georgia.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting system.

Buffer area means that portion of a lot set aside for open space and/or visual screening purposes, pursuant to the applicable provisions of the DeKalb County Code and all conditions of zoning, to separate different use districts, or to separate uses on one (1) property from uses on another property of the same use district or a different use district.

Buffer, county means an area of land fifty (50) feet in width immediately adjacent to the state buffer.

Buffer, stream means the state buffer and the county buffer as measured horizontally from the top of the stream bank.

Buffer, state means an area of land twenty-five (25) feet in width immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Buildable area means the area of a lot remaining after all setback requirements, including buffer areas, have been met.

Builder as used in sections [14-135](#) and [14-136](#) means a person who constructs a structure or dwelling for residential occupancy by humans.

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building permit means required written permission issued by the development director for the construction, repair, alteration, or addition to a structure.

Building setback line. Building setback line means the minimum horizontal distance required between the public right-of-way or the utility easement abutting a private street and the principal building or structure on a lot or any projection thereof except projections that are authorized exceptions to building set back line requirements in [chapter 27](#) of the Code of DeKalb County and any zoning conditions approved by the board of commissioners pursuant thereto. The size of the utility easement(s) for a private street shall be equal to the required size of the public right of way and shall not be any smaller in width or length than what would be required for a public right of way.

CPESC means a certified professional in erosion and sediment control with current certification by, EnviroCert, Inc. which is also referred to as CPESC or CPESC, Inc.

Caliper means the diameter of a tree trunk, applied only to new or replacement plantings, that is taken six (6) inches above the ground for up to and including four-inch caliper size, and twelve (12) inches above the ground for larger sizes.

Certified personnel means a person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

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

Channel protection means the protection of stream channels, in accord with the Georgia Stormwater Management Manual, from bank and bed erosion and degradation by preserving or restoring the applicable stream buffer, by providing extended detention, and by integrating erosion prevention measures such as energy dissipation and velocity control.

Chief executive officer means the chief executive officer of DeKalb County or designee.

Clean concrete means concrete that is free of added paints, insulators, reinforcing materials, sealers, asphalt, clay balls, soils, epoxy expansion material, or any other deleterious material that could potentially contaminate groundwater.

Collector street means a street or road designated as a collector street in the DeKalb County Thoroughfare Plan.

Commission means the state soil and water conservation commission.

Comprehensive plan means the DeKalb County Comprehensive Plan adopted by the board of commissioners, as it may be amended from time to time, which divides the unincorporated areas of the county into land use categories and which constitutes the official policy of the county regarding long term planning and use of land.

Conservation easement means a restriction or limitation on the use of real property which is expressly recited in any deed or other instrument of grant or conveyance executed by or on behalf of the owner of the land described therein and whose purpose is to preserve land or water areas predominantly in their natural scenic landscape or open condition or in an agricultural farming, forest or open space use and includes conservation easements authorized by state law.

Construction means any alteration of land for the purpose of achieving its development or changed use, including particularly any preparation for, building of or erection of a structure.

Construction waste means waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures. Such waste includes, but is not limited to: asbestos-containing waste, wood, tree stumps, tree tops, bricks, metal, concrete, wall board, paper, cardboard, glass, wire, plastics, and other typical construction waste products and refuse.

County means DeKalb County, Georgia, a political subdivision of the State of Georgia. When appropriate to the context, the term "county" also includes authorized officers, employees and agents thereof.

County arborist means the county official having the primary responsibilities of administration and enforcement of the tree protection ordinance.

County zoning ordinance or *zoning ordinance* means the zoning ordinance of DeKalb County, Georgia.

Critical root zone means an area of root space that is within a circle circumscribed around the trunk of a healthy tree using a radius of one (1) foot per inch DBH.

Crosswalk means a right-of-way within a block dedicated to public use, ten (10) feet or more in width, intended primarily for pedestrians and from which motor-propelled vehicles are excluded, and which is designed to improve or provide access to adjacent roads or lots.

Cut means 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."

DBH (Diameter at breast height) means the diameter of a tree trunk measured in inches at a height of four and one-half (4½) 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.

DNR means the Department of Natural Resources of the State of Georgia.

DeKalb County Municipal Separate Storm Sewer System means a stormwater conveyance or system of stormwater conveyances that are all of the following: owned or maintained by the County; designed or used for collecting or conveying stormwater; is not a combined sewer; not part of a publicly owned treatment works (POTW); and not located within the boundaries of a city located within the county or owned or operated by any other government entity.

DeKalb County Stormwater Management Manual means the Georgia Stormwater Management Manual.

Deck, elevated means an open, unenclosed structure elevated above previous natural grade that is attached to the primary structure.

Density factor means a unit of measurement used to prescribe the calculated required tree coverage on a site.

Department means the development department.

Design professional means a professional licensed by the state 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 by EnviroCert, Inc. Design professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

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 any person who acts in the person's own behalf or as the agent of an owner of property and engages in alteration of land or vegetation in preparation for construction activity.

Development means **new development or redevelopment**.

Development director means the director of the **planning and sustainability** department of DeKalb County, or his designee.

Development permit means any permit that authorizes land disturbance for the use, construction thereon or alteration of any real property within the unincorporated limits of the county.

Director means the director of the planning and **sustainability** department of DeKalb County, or his designee.

Director, EPD means the director of the environmental protection division or an authorized representative.

District means the DeKalb County Soil and Water Conservation District.

Division means the environmental protection division of the department of natural resources.

Drainage means the removal of surface or subsurface water from a given area, either by gravity or by pumping, commonly applied herein to surface water.

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

Drainage plan means a plan prepared using appropriate and commonly accepted engineering standards, which specifies the means for alteration or development of a drainage system.

Drainage structure means a device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one (1) place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

Drainage system means the surface and subsurface system for the removal of water from the land, including, but not limited to, both the natural elements of streams, marshes, swales and ponds, whether of an intermittent or continuous nature, and the manmade element which includes culverts, ditches, channels, detention facilities that comprise the storm drainage system.

EPD means the environmental protection division of the department of natural resources.

Elevated building means a nonbasement building built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), and/or shear walls.

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

Erosion, sedimentation and pollution control plan means a plan required by the Erosion and Sedimentation Act, O.C.G.A. § 12-7-1 et seq., that includes, protections at least as stringent as the state general permit, best management practices, and requirements in [section 14-38\(b\)\(4\)c.](#) of this article.

Exceptional and historical trees means those trees or stands of trees which are exceptional representatives of their species in terms of size, age or unusual botanical quality, or are associated with historically notable events.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before June 6, 1974.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

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

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

Final stabilization means that 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, one hundred (100) percent of the soil surface is uniformly covered in permanent vegetation with a density of seventy (70) percent or greater, or landscaped according to the erosion, sedimentation and pollution control plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual for Erosion and Sediment Control in Georgia, as amended (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 grade means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Flood or flooding means a volume of surface water that exceeds the banks or walls of a BMP or channel, and overflow onto adjacent lands. This definition shall not apply to the DeKalb County floodplain management ordinance, or the FEMA, NFIP or the DeKalb County CRS participation related regulations.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as zone A.

Flood hazard map means the official county map designating the elevation and boundaries of flooding and associated floodways under base flood conditions maintained by the county, based upon the flood insurance study for the county dated January 5, 1983 or any revision thereto, the United States Corps of Engineers or other reputable reports accepted by the roads and drainage director, and based upon competent engineering studies prepared by a currently state-registered professional engineer, or the county.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

Floodplain in [section 14-44.1](#) et seq. means any land area susceptible to flooding, which would have at least a one (1) percent probability of a 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.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor means the top surface of an enclosed area in a building (including basement), i.e., the top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Footpath in [section 14-44.1](#) et seq. means any unpaved, narrow and pervious trail in a stream buffer allowing for pedestrian travel.

Frontage, lot means the distance for which the front boundary line of the lot and the street line are coincident.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Georgia Stormwater Management Manual (GSMM) means **the latest edition of the Georgia Stormwater Management Manual. The GSMM** provides the criteria, technical design specifications and standards for the proper implementation of the requirements of this chapter **and have been adopted by the board of commissioners.**

Governing authority of DeKalb County means the county's board of commissioners and chief executive officer.

Grading means 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.

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

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Historic structure. See [Chapter 13.5](#).

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. Examples of hotspots include, but are not limited to gas/fueling/gasoline stations, vehicle service and maintenance areas, auto recycling facilities, material storage sites, garbage loading and transfer facilities, landfills, industrial facilities (both permitted under the Industrial Stormwater General Permit and others), and commercial parking lots with high-intensity use.

Impervious surface means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into the soil, including but not limited to surfaces such as concrete or asphalt as well as most conventionally surfaced streets, roofs, sidewalks, driveways, parking lots, and other similar structures.

Industrial Stormwater General Permit means the National Pollutant Discharge Elimination System (NPDES) permit issued by the Georgia Environmental Protection Division to an industry for stormwater discharges associated with industrial activity. The permit regulates pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies based on Standard Industrial Classification (SIC) Code.

Infiltration means the process of percolating stormwater runoff into the **sub**soil.

Inspection and maintenance agreement means a written agreement executed by an owner in a form approved by the director that will provide the long-term inspection, **operation** and maintenance of a stormwater management system, **its components** 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.

Intermediate regional flood (IRF) means a one-hundred-year frequency flood as defined on the flood hazard map which has a probability of occurring once every one hundred (100) years or having a one (1) percent chance of being equaled or exceeded in any given year. Also known as the base flood, or one hundred-year flood.

Intermediate regional floodplain means the land area within the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year as defined on the flood hazard map. Also known as area of special flood hazard, or one hundred-year floodplain.

Land development application or land disturbance application means application for a land development permit on a form provided by DeKalb County along with the supporting documentation required in section 14.40(h)(1).

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

Land-disturbing activity means any activity which may result in soil erosion from water or wind and the movement 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 [section 14-38\(b\)\(3\)\(e\)](#) or [silvicultural land management activities as described in section 14-38\(b\)\(3\)\(f\)](#).

Larger common plan of development or sale means a contiguous area where multiple separate and distinct construction activities are occurring under one (1) 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.

Linear feasibility program means a feasibility program developed by DeKalb County 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 DeKalb County is infeasible.

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

Live detention means that quantity of water capable of being effectively contained by a designated facility for stormwater storage for a specified period of time.

Local issuing authority means the governing authority of DeKalb County.

Local street means a street used primarily for access to abutting properties in residential, industrial or other developments.

Lot, for the purposes of this article, means a designated parcel, tract, or area of land legally established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Lot, corner, for the purposes of this article, means a lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot, double-frontage, for the purposes of this article, means a lot that abuts two (2) parallel streets or that abuts two (2) streets that do not intersect at the boundaries of the lot. A double-frontage lot may also be referred to as a through lot.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of [44](#) CFR 60.3.

Maintenance of detention facility means preserving the enclosed walls or impounding embankments of the detention facility in good condition; ensuring structural soundness, functional adequacy and freedom from excessive sediment; removing obstructions affecting operation of outlet device(s) and rectifying any unforeseen erosion problems.

Major thoroughfare/major arterial means a street, road or highway shown as a major thoroughfare in the DeKalb County Transportation and Thoroughfare Plan.

Manufactured home means a new or used structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, [42](#) U.S.C. section 5401 et seq.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with national geodetic vertical datum (NGVD).

Metropolitan River Protection Act (MRPA) means a state law found at O.C.G.A. § 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Minor thoroughfare/minor arterial means a street, road or highway shown as a minor thoroughfare in the DeKalb County Transportation and Thoroughfare Plan.

***MS4 permit* means the NPDES permit issued by the Georgia Environmental Protection Division for discharges from the DeKalb County municipal separate storm sewer system.**

Multi-phase residential development means any development undertaken by a single developer or a group of developers acting in concert, to develop lots for sale in a residential subdivision where such land is developed pursuant to multiple preliminary or final plats and such land is contiguous or is known, designated, or advertised as a common unit or by a common name.

Multiuse trail means a recreation corridor intended for the use of non-motorized forms of transportation such as, but not limited to, walking, running, bicycles, in-line skates, as identified in a master plan for multi-use trails in DeKalb County approved by the board of commissioners.

New development means land disturbing activities, structural development (construction, installation or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site. New development also includes the construction of improvements such as, but not limited to, streets, driveways or parking area, water sewer mains, storm water drainage facilities, and sidewalks.

NOI means a notice of intent form provided by EPD for coverage under the State General Permit.

NOT means a notice of termination form provided by EPD to terminate coverage under the State General Permit.

National geodetic vertical datum (NGVD), as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

Natural ground surface means the ground surface in its original state before any grading excavation or filling.

Nephelometric turbidity units (NTUs) means 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 means any structure for which the permitted date of construction commenced after adoption of this chapter.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 6, 1974.

Nonpoint source pollution means a form of water pollution that does not originate from a discrete point such as a **wastewater** 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.

Nonstructural stormwater management practice or nonstructural practice means any natural or planted vegetation or other nonstructural component and practice 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, vegetated channels and natural depressions.

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

One hundred-year floodplain means land in the floodplain subject to a one (1) percent or greater statistical occurrence probability of flooding in any given year.

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

Open space means that portion of a lot, including yards, established pursuant to the requirements of this chapter as open space, which is open and unobstructed from ground level to the sky, with the exception of natural foliage or accessory recreational facilities or walkways, which is accessible to all persons occupying a building on the lot and is not a part of the roof of any portion of any building.

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

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, firm or corporation on control of the site.**

Parcel in [section 14-44.1](#) et seq. means any plot, lot or acreage shown as a unit on the latest county tax assessment records.

Permit means the authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

Person means 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* means subparts or segments of construction projects where the subpart or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Planning commission means the planning commission of DeKalb County.

Planning director means the director of the department of planning of DeKalb County or designee.

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 on site immediately after completion of the proposed development.

Potential purchaser as used in sections [14-135](#) and [14-136](#) means a person purchasing property in a residential subdivision or a multi-phase residential development from a developer and/or builder for occupancy as a residence or as a residence to be rented or leased to others.

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

Predevelopment refers to the woods conditions of a site. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the predevelopment conditions established at the time of the first item being approved or permitted shall establish pre-development conditions for all subsequent phases

Pre-development hydrology means for both new development and redevelopment, the runoff curve number determined using the natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before implementation of the proposed development.

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

Project means the entire proposed development project regardless of the size of the area of land to be disturbed.

Properly designed means 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 means all areas of a parcel required to remain in open space, including all areas required as yard areas, buffer areas, stream buffers, state buffer zones or landscaped areas according to provisions of the DeKalb County Zoning Ordinance or by conditions of zoning or variance approval.

Public facilities shall mean the roads, water, sewer, schools, traffic control devices, and electrical service.

Public works director means the director of the public works department or designee.

Qualified personnel means any person who meets or exceeds the education and training requirements of O.C.G.A. § 12-7-19.

Reach means a longitudinal segment of a stream or river measured along specified points on the stream or river.

Reasonable access means a fifteen-foot access easement from the public right-of-way to the stormwater management facility and a ten-foot drainage and maintenance easement on all four (4) sides of the stormwater management facility.

Recreation areas means those portions of open space designed and intended for active recreational use, such as sports fields and other play areas.

Recreational vehicle means a vehicle that is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recycled concrete aggregate means clean concrete made up of previously used concrete construction material that has been cleaned and crushed for use in future construction projects.

Redevelopment means a structural development (construction, installation, or expansion of building or other structure), creation or addition of impervious surfaces, replacement of impervious surfaces not as part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment also includes the construction of improvements such as, but not limited to, streets, driveways or parking area, water sewer mains, storm water drainage facilities, and sidewalks on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

Routine maintenance means ordinary maintenance activities such as resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution. The activities shall keep the impervious surface the same as to its constructed condition. This definition only applies to existing paved surfaces or similar surfaces. Adding a building or structure on existing paved surfaces shall not be considered as a routine maintenance. This definition shall be applied only for the purpose of this Chapter unless it is stated otherwise in other Chapters.

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.

Residential shall have the same meaning as given in [Chapter 27](#) except that it shall not include apartments.

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

Roadway drainage structure means a device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by intercepting the flow on one (1) side of a traveled way

consisting of one (1) or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Rock outcropping means a single, contiguous piece of exposed rock that has a horizontal surface area equal to or greater than two hundred (200) square feet.

Runoff means **stormwater runoff**.

Runoff coefficient means the ratio of runoff to rainfall.

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

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

Sedimentation facility means a detention facility specifically developed for the purpose of allowing the deposit of sediment resulting from the land development process which may be constructed as part of or separately from a detention facility.

Sediment basin means a detention facility specifically developed for the purpose of allowing the deposit of sediment resulting from the land development process that may be constructed as part of or separately from a detention facility.

Seller as used in sections [14-135](#) and [14-136](#) means a builder or developer.

Significant tree means any existing, healthy, living tree eight (8) inches DBH or greater in size.

***Site* means an area of land where development is planned, which may include all or portions of one or more parcels of land. For subdivision and other common plans of development, the site includes all areas of land covered under an applicable land development permit.**

Site plan means, that plan required to acquire a development, construction or building permit which shows the means by which the applicant will conform with applicable provisions of this chapter and other applicable ordinances.

Soil and water conservation district approved plan means an erosion, sedimentation and pollution control plan approved in writing by the DeKalb County Soil and Water Conservation District.

Soil stabilizer means construction material placed on the soil surface to add stability for future construction projects.

Specimen tree means any tree that has been determined to meet the criteria within [section 14-39](#) for the determination of specimen trees.

SS&WCC means the state soil and water conservation commission.

Stabilization means 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.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

State means the State of Georgia.

State general permit means the National Pollution Discharge Elimination System (NPDES) general permit or permits for storm-water 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 means 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 the State of Georgia, which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

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 plan means a plan for post-construction stormwater management at the site that meets the requirements of section 14-40(g) and is included as part of the land development application.

Stormwater management standards means those standards set forth in section 14-40(d).

Stormwater management system means the entire set of non-structural site design feature and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner designed to prevent 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 manual means the Georgia Stormwater Management Manual.

Stormwater runoff means flow on the surface of the ground, resulting from precipitation.

Stormwater quality site development review tool is an Excel spreadsheet tool available from the DeKalb County Public Works Department or website for use by both local government review staff and the development community to quickly evaluate the water quality performance of stormwater management plans for development sites. All new development and redevelopments in DeKalb County use the stormwater quality site development review tool to facilitate the evaluation of the project in accordance with recommendations of this chapter and the Georgia Stormwater Management Manual.

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.

Stream in [section 14-44.1](#) et seq. means state waters, and natural, running water flowing continuously or intermittently in a channel on or below the surface of the ground, and includes, but is not limited to, all natural or manmade streams depicted on the 1995 DeKalb County Geographic Information System (GIS) map maintained by the DeKalb County GIS director. Stream starts at the location of a spring, seep or groundwater outflow that sustains stream flow. No stream shall be excluded from this definition due to its failure to be identified on the GIS map. Field verification shall be performed to make a final determination as to the existence of a stream where a dispute exists. Such field verification may be performed by the director.

Stream channel in [section 14-44.1](#) et seq. means the portion of a watercourse that contains the base flow of the stream.

Streambank means as measured horizontally from that point where vegetation has been wrested by normal stream flow or wave action.

Street, private means an access way similar to and having the same function as a public street, providing access to more than one (1) property but held in private ownership. Private streets, when authorized, shall be developed in accordance with the specifications for public streets established in Division 3, Part B of this chapter.

Street, public means any right-of-way set aside for public travel deeded to the county and any right-of-way that has been accepted for maintenance as a street by the county.

Street right-of-way line means the dividing line between a lot, tract or parcel of land and a street right-of-way.

Structure means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on or in the ground. This does not include telephone poles and utility boxes.

Structural erosion, sedimentation and pollution control practices means 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 rip rap, 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 fill material means construction material used to support structures or build up a piece of land or embankment.

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 of such runoff.

Subdivision, for the purposes of this article, means the division or redivision of a tract or parcel of land resulting into two (2) or more lots, regardless of its existing and future use, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway. Where appropriate to context, subdivision may also be used to reference the aggregate of all lots held in common ownership at the time of division.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement means any combination of repairs, reconstruction, alteration or improvements to a structure taking place during the life of a structure, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring. This term includes structures that have incurred substantial damage regardless of the actual 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 structure commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a building required to comply with existing state or local health, sanitary, or safety code specifications which have been identified by a code enforcement official and which are solely necessary to assure safe living conditions, or any alteration to a structure listed on the National Register of Historic Places or a state inventory of historic places.

Substantially improved existing manufactured home parks or subdivision is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

SWCD means the Soil and Water Conservation District of DeKalb County.

Thoroughfare plan means a comprehensive street plan of the county indicating proposed location and right-of-way widths for major thoroughfares, minor thoroughfares, collector streets and other streets.

Tree means any living, self-supporting, woody perennial plant which has a trunk caliper of two (2) inches or more measured at a point six (6) inches above the ground and which normally attains a height of at least ten (10) feet at maturity usually with one (1) main stem or trunk and many branches.

Tree harvesting means the felling, loading, and transporting of timber products done pursuant to a special exception issued by the zoning board of appeals.

Tree save area means the boundaries of the area or areas surrounding trees wherein it is essential that they remain undisturbed in order to prevent damage and loss of trees that are to be retained on site during the development and building process.

Tree replacement means the replacement of trees and landscape plant materials into the minimum required landscape areas, as determined by the zoning regulations or the tree protection ordinance.

Trout streams means all streams or portions of streams within the watershed as designated by the Game and Fish 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 et seq.

Trout waters, first order means streams into which no other streams flow except springs.

Trout waters, primary means streams or waters supporting a self-sustaining population of rainbow, brown or brook trout.

Trout waters, secondary means streams or waters in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year.

Used for includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

Vegetation means all plant growth, especially trees, shrubs, vines, ferns, mosses and grasses.

Vegetative erosion and sedimentation control measures means measures for the stabilization of erodible or sediment-producing areas by: covering the soil with permanent seeding, sprigging or planting, producing longterm vegetative cover; temporary seeding, producing shortterm vegetative cover; or sodding, covering areas with a turf of perennial sod-forming grass. Such measures can be found in the publication "Manual for Erosion and Sediment Control in Georgia."

Watercourse means 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.

Water quality protection means the requirement that all developments must improve the quality of storm runoff from the development site.

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

Wetlands means those areas that are inundated or saturated by surface or ground water 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. 85-00, Pt. I, 12-28-00; Mo. of 1-23-01; Ord. No. 30-02, Pt. I, 7-9-02; Ord. No. 35-02, Pt. I, 9-10-02; Ord. No. 36-02, Pt. I, 9-10-02; Ord. No. 19-03, Pt. I, 7-22-03; Ord. No. 04-04, Pt. I, 6-8-04; Ord. No. 05-17, Pt. I, 11-8-05; Ord. No. 07-17, Pt. I, 7-24-07; Ord. No. 09-05, Pt. I, 2-24-09; Ord. No. 11-05, Pt. I, 3-15-11; [Ord. No. 16-08](#), Pt. I, 7-19-16; [Ord. of 8-13-19\(1\)](#), Pt. I)

Cross reference— Definitions and rules of construction generally, [§ 1-2](#).

ARTICLE II. - ENVIRONMENTAL CONTROL and STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT

Sec. 14-27. - Preamble.

- (a) This article establishes public policies for the protection of the natural environment and specifies standards for land development to ensure achievement of these public policies.
- (b) By declaration of public policies for environmental protection, the board of commissioners expresses its intent to protect the public interest by seeking to assure, where appropriate, maintenance of the natural environment, prevention of its degradation and assuring high quality land development. The board further declares its intent that these policies shall constitute the public policy framework within which a comprehensive program for protection of the natural environment and implementation of a comprehensive drainage improvement program shall be accomplished.
- (c) The development process, as established by this [Chapter 14](#), is guided by the policies and provisions contained in the comprehensive plan of DeKalb County.
- (d) **In implementing this article, DeKalb County shall use and require compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the GSMM as well as all related appendices.**
- (e) **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 and 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 DeKalb County'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.**
- (f) **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.**

(Ord. No. 85-00, Pt. I, 12-28-00)

Sec. 14-28. - Purposes.

- (a) It is the purpose of this article to establish public policies **to protect, maintain and enhance the public health, safety, natural environment and general welfare** and to establish requirements, standards and procedures for land development. The public policy objective of protecting the natural environment is to be achieved by:
- (1) Regulating the alteration of land and topography.
 - (2) Regulating the removal and requiring the replacement of certain vegetation.
 - (3) Requiring erosion control and sedimentation control.
 - (4) Protecting county streams and floodplains from substantial alteration of their natural functions and from sediment and debris accumulation.
 - (5) Specifying standards for drainage system design.
 - (6) Assuring the continuous and efficient operation of the drainage system.
 - (7) Protecting the water quality within intermittent and perennial streams throughout DeKalb County.
 - (8) Establishing minimum requirements and procedures to control the adverse effects of increased post-construction stormwater runoff and nonpoint source pollution associated with new development and redevelopment. Proper management of post-construction 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. Additionally, DeKalb County is required to comply with several State and Federal laws, regulations, and permits and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quantity, velocity, and quantity of post-construction stormwater runoff.**
- (b) It is the board of commissioners' intent that land development be accomplished in conformity with the public policy statements. To that end, the plans required under applicable provisions of this article shall be reviewed by the county to enable a full exchange of information between the county and the applicant as to the county's public policies for land development. However, these policies shall not be used as a control or regulatory mechanism nor be construed as land development standards enforceable under applicable provisions of this article.
- (c) The board further declares its intent that these public policies be evaluated periodically so as to reflect the community's interests in protection of the natural environment and to give direction to county actions in matters affecting the natural environment and land development.

(Ord. No. 85-00, Pt. I, 12-28-00)

Sec. 14-29. - Scope and applicability.

- (a) The provisions of this article shall apply to all development activity within the county.
- (b) Sections [14-31](#), [14-32](#), [14-33](#), [14-34](#), [14-35](#), [14-36](#), [14-37](#), [14-38](#), [14-40](#), [14-41](#), [14-42](#), and [14-43](#), shall not apply to any portion of a property included within the limits of a

valid and complete application for a land disturbance permit or for sketch plat approval which are received by the director prior to the effective date of this article II of [Chapter 14](#). Such applications will be subject to the provisions of [Chapter 14](#) in effect prior to the effective date of this article II.

- (c) Before filing a land development **permit** application on a project for review and approval, the applicant shall request **a pre-submittal meeting and** meet with the **applicable** department(s) of DeKalb County to discuss the procedure for approval of a land development permit and the requirements as to the general layout of streets, parking, open space/lot coverage, street improvements, drainage, sewage, fire protection and similar matters, as well as the availability of existing services, including schools. **The purpose of the pre-submittal meeting is also 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 resource protection plans should be consulted in the pre-submittal meeting. The pre-submittal meeting should take place based on an early step in the development process such as before site analysis and inventory or the stormwater concept plan.** The **applicable** department(s) and the applicant shall review the applicant's stormwater management plans, inspection and maintenance requirements and water quality control requirements. This meeting will also allow county officials to discuss with the applicant the necessary regulations that will properly accomplish the project. **Applicants must request a pre-submittal meeting with the applicable department(s) of DeKalb County when applying for a Determination of Infeasibility through the Practicability Policy.**
- (d) For purposes of this section, a valid and complete application for a land disturbance permit shall consist of the following:
- (1) Six (6) copies of complete civil plans, that include a site plan, a grading and drainage plan, a utility plan, a soil erosion and sedimentation control plan, a landscape plan, and a tree survey;
 - (2) One (1) hydrology report and completed stormwater quality site development review tool documentation;
 - (3) An application signed by the owner of the property, or a completed indemnification agreement signed by the owner of the property; and
 - (4) Payment of the appropriate development review application fee. **The fee for review of any land development application shall be based on the fee structure established by DeKalb County, and payment shall be made before the issuance of any land disturbance permit or building permit for the development.**
- (e) For purposes of this section, a valid and complete application for a sketch plat approval shall consist of the following:
- (1) Four (4) copies of the preliminary plat site plan that is in conformance with the zoning of the property in effect at the time of the application, and, a tree survey;
 - (2) An application signed by the owner of the property, or if the application is not signed by the owner, a completed indemnification agreement signed by the owner of the property; and
 - (3) Payment of the appropriate development review application fee.

- (f) In no event shall any project excepted from the provisions of this article pursuant to [section 14-29\(b\)](#) above, be extended for a greater time period than eighteen (18) months from the effective date of this article II of [Chapter 14](#).

(Ord. No. 85-00, Pt. I, 12-28-00; Ord. No. 05-17, Pt. I, 11-8-05)

Sec. 14-31. - Administration and enforcement generally.

The county shall administer and enforce the provisions of this article as follows:

- (a) The director is designated to administer **and implement this Chapter**; and enforce the grading, vegetation, erosion control, sedimentation control, drainage and water quality provisions of this article for all development and construction projects with the following duties and responsibilities:
- (1) Review all development permits to assure that the permit requirements of this article have been satisfied;
 - (2) Advise permittee when additional federal or state permits may be required, and if specific federal or state permits are known to be required, that copies of such permits be provided and maintained on file with the development permit; and
 - (3) Notify adjacent communities and the state department of natural resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (b) The director shall administer and enforce those provisions of this article that apply to developed and occupied areas and to property in an undeveloped state affecting county responsibility for maintenance of the storm drainage system. The director shall assure that maintenance is provided within any altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished.
- (c) The Director may appoint someone to administer and implement this article.**

(Ord. No. 85-00, Pt. I, 12-28-00; Ord. No. 05-17, Pt. I, 11-8-05)

Sec. 14-40. - Stormwater management and water quality control.

- (a) The governing authority believes the county's stream systems are a valuable natural resource that requires joint and cooperative action by the county and the development industry to resolve existing stormwater management and flooding problems, prevention of their worsening or recurrence while utilizing this resource for the good of the entire county.

The development industry and the county shall cooperate to control water quality and maintain the county's drainage and stream systems from stormwater runoff resulting from development activities.

- (b) Applicability **criteria for stormwater management and water quality control standards. This article applies to all development which meets one (1) or more of the following criteria:**
 - (1) Increases the peak rate of runoff from the site by more than one (1) cubic foot per second for a ten-year frequency storm;
 - (2) Involves the creation or **addition** of five thousand (5,000) square feet or **greater** of impervious **surface area**, or that involves land development activities of one (1) acre of land or **greater**;
 - (3) Includes the creation, addition or replacement in redevelopment (**excluding routine maintenance and exterior modeling**) of five thousand (5,000) square feet or **greater** of impervious **surface area**, or that involves land development activities of one (1) acre of land or **greater**;
 - (4) Any new development or redevelopment, regardless of size, **that is a hotspot land use as defined in this Chapter**; or
 - (5) Land development activities that are smaller than the minimum applicability criteria set forth in items (1) **through (3)** 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;
 - (6) **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 (b)(2) and (b)(3) above;**
 - (7) **Linear transportation projects that exceed the threshold in (b)(2) or (b)(3) above.**
- (c) Exemptions. The **stormwater management and water quality control standards** shall not apply to the following criteria:
 - (1) Individual single-family or duplex residential lots that are not part of a subdivision or phased development project unless they meet one (1) of the criteria listed above in (b);
 - (2) Additions or modifications to existing single-family or duplex residential structures unless it meets one (1) of the criteria listed above in (b);
 - (3) Agricultural or silvicultural land management activities as described respectively in O.C.G.A. § 12-7-17(5) and O.C.G.A. § 12-7-17(6) within areas zoned for these activities; **and, with the exception of buildings and permanent structures that exceed the threshold in (b)(2) or (b)(3) above;**
 - (4) Repairs to any stormwater management facility or practice deemed necessary by the **administrator**;
 - (5) 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;

- (6) Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;
 - (7) Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;
 - (8) 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
 - (9) Linear transportation projects being constructed by DeKalb County 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 DeKalb County linear feasibility program 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.
 - (10) The director may exempt the owner from those provisions of this article where complete compliance with those specific provisions is physically impossible.
 - (11) The requirements, or portions thereof, of subsections (b)(1) and (b)(2) above shall not be waived if the director determines that such waiver would increase known flooding problems, or exceed the capacity of the downstream drainage system.
 - (12) A waiver of these minimum runoff quantity control requirements may be granted only after a written request is submitted by the applicant containing descriptions, drawings, and any other information that is necessary to evaluate the proposed land disturbing activity. A separate written waiver request shall be required if there are subsequent additions, extensions, or modifications, to the development which would alter the approved stormwater runoff characteristics of a land disturbing activity receiving a waiver.
 - (13) Appeals from said waiver decisions may be taken to the zoning board of appeals pursuant to the provisions of [section 14-34\(d\)](#).
- (d) Standards for stormwater management and water quality control: Subject to the applicable criteria in Section 14-40(b) and exemptions in Section 14-40(c), the following stormwater management standards apply. Additional details for each standard can be found in the GSMM. In the event of any conflict or inconsistency between any provision of this article and the GSMM, the provision of this article shall control:
- (1) A combination of storage and controlled release of stormwater runoff shall be required for all development and construction for the entire site which meets one (1) or more of the criteria in Section 14-40(b).

- (2) 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. In the event of any conflict or inconsistency between any provision of this article and the GSMM, the provision of this article shall control.
- (3) 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.
- (4) 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.
- (5) Stormwater runoff quality/reduction: stormwater runoff quality/reduction shall be provided by using the following:
 - (i) For development with stormwater management plan submitted before December 6, 2020, the applicant may choose either Runoff reduction (paragraph (ii)(a) or Water quality (paragraph (ii)(b) below);
 - (ii) For development with a stormwater management plan submitted on or after December 6, 2020, the applicant shall choose Runoff reduction (paragraph (a) below) and additional water quality shall not be required. To the extent Runoff reduction has been determined to be infeasible for all or a portion of the site using the Practicability Policy, then Water quality (paragraph (b) below) 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 Section 14-40(b), DeKalb County may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.
- (6) **Stream channel protection:** Stream channel protection from bank and bed erosion and degradation 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, restoration and/or reforestation (with native vegetation) of any applicable stream buffer.
- (7) **Overbank flood protection:** Downstream overbank flood protection and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour storm event. If control of the one-year, twenty-four -hour storm is exempted, then peak discharge rate attenuation of the two-year through the twenty-five year return frequency storm event must be provided.
- (8) **Extreme flood protection:** Extreme flood protection and public safety protection shall be provided by controlling and safely conveying the 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.
- (9) **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. A downstream peak flow analysis will include the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse

immediately downstream from the project. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the Georgia Stormwater Management Manual. The downstream analysis may result in the need to resize structural components of the stormwater management system.

- (10) Stormwater management system inspection and maintenance: The components of the stormwater management system that will not be dedicated to and accepted by DeKalb County, 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 14-40(n).
- (e) General Standards: The following provisions are not subject to the applicability criteria in Section 14-40(b) and exemptions in Section 14-40(c), and are applicable to all developments, redevelopment and constructions activities.
- (1) If forty (40) percent or less of a site is to be redeveloped, all stormwater requirements must be met for the redeveloped area only and the non-disturbed area will be treated as predeveloped prior to the redevelopment. But if more than forty (40) percent of the site is to be redeveloped, then the entire site must meet all stormwater requirements.
 - (2) Detention designs may be rejected by the director if they incorporate structures and facilities that will demand considerable maintenance or will be difficult to maintain or will utilize numerous small structures if other alternatives are physically possible.
 - (3) Discharge velocities from detention facilities shall be reduced to provide a non-erosive velocity flow from a structure, channel, or other control measure as set forth in the approved Georgia Stormwater Management Manual.
 - (4) Stormwater management and flood control facilities may include both structural and nonstructural components. Natural or planted vegetation as well as other natural runoff conduits are examples of these non-structural components and shall be retained where practicable. In addition, these components must provide for or enhance stormwater quantity and/or quality control or other stormwater benefits.
 - (5) The drainage system being developed shall have adequate capacity to accommodate the flow from all upstream areas for a one hundred year storm event.
 - (6) The drainage system from a proposed development must discharge into an outfall that has adequate capacity to accommodate the runoff from the development. If the connecting downstream system is not able to accommodate the allowable design flows from the site, then the design engineer must design drainage facilities with the capacity to over-detain flows so they can be accommodated by the existing downstream conveyance

- structures, whereby allowing the existing downstream system to operate correctly. If downstream easements are needed to extend the drainage system to an adequate outfall, the developer shall obtain these easements.
- (7) A landscaping plan shall be submitted for all detention and other storage facilities as part of the overall drainage plan.
 - (8) Land uses within the intermediate regional floodplain shall not diminish or restrict the capacity of the channels or floodplains of the stream, its tributaries, drainage ditches or any other stormwater management facilities or systems and shall not increase the IRF elevation or velocity or concentration of flow in downstream areas. The development permit shall be denied if the required hydrologic studies reveal that a request for filling or grading within the intermediate regional floodplain would overload the capacity of the channel downstream or increase flood stages upstream, unless equivalent flow and storage capacity is replaced and maintained by the owner within the intermediate regional floodplain. Altered sections of the intermediate regional floodplain shall have a positive slope so as to provide positive drainage back to the stream flow line and this section must be maintained by the owners in perpetuity so as to prevent or remove silt buildup.
 - (9) Excavation within floodplain areas shall not be permitted unless the excavation can be accomplished in such a manner that the existing low level drainage pattern through the floodplain shall be maintained. The area of compensation within the floodplain shall be considered as ineffective flow area for the purpose of calculating floodplain elevations to meet no-rise certification requirements. The amount of compensation shall be limited to one hundred fifty (150) cubic yards per acre of floodplain area.
 - (10) The live detention storage to be provided shall be calculated on the basis of the one hundred year frequency rainfall as published in the Georgia Stormwater Management Manual. The detention system required shall be necessary to handle the runoff of a one hundred year rainfall, for any and all durations from the post-development, with a release rate that does not exceed the pre-development release rate during the same duration storm. Detention control structures and other drainage improvements shall be located and designed to prevent erosion damage to adjacent property owners.
 - (11) When the applicant requests and the director determines that development and construction projects are too small, or that engineering and economic factors make combined detention or other stormwater management facilities more practical, the county may authorize the joint construction of these facilities to serve two (2) or more properties by two (2) or more applicants. This authorization shall be granted by the zoning board of appeals upon application for approval being submitted through the director. Where joint detention facilities serving two (2) or more properties are approved for construction, no use of land or occupancy of buildings within the properties served by these facilities shall be permitted until completion of the detention facility, except upon approval of the zoning board of appeals.

(12) The following requirements shall apply to the installation, development and maintenance of all stormwater and sedimentation control facilities designed for temporary storage of stormwater runoff:

(i) Permanent fencing at least four (4) feet in height shall be required around all facilities having a temporary water storage depth of greater than four (4) feet or those designated by the board of health as constituting a public health hazard.

(ii) This fencing shall be designed, installed and maintained to allow the free flow of runoff and sediment into the facility. Fencing shall be established on the outside edge of a facility. The fence shall include a gate of sufficient size to permit entrance of equipment necessary to allow periodic maintenance activities. The gate shall be placed in a manner such that the gate does not obstruct reasonable access or become obstructive. The director may waive fencing in nonresidential areas where a pond is more than five hundred (500) feet from a residential district and in residential districts when detention is provided in natural areas such as stream channels and fencing in the opinion of the director would damage the environment or affect stream flow.

(iii) The access easement to the facility shall not have a profile slope steeper than thirty-three (33) percent and a cross slope of no more than ten (10) percent. The elevation of the maintenance easement around the facility shall be established at the top of the dam or wall elevation and be constructed with a cross slope of no more than ten (10) percent to the drainage facility. Fencing that complies with the requirement of section 14-40(e)(12)(ii) shall be constructed on the outside edge of the maintenance easement. Gates that comply with the requirements of section 14-40(e)(12)(ii) shall be constructed on each maintenance easement.

(iv) Detention and sedimentation control facilities shall not be placed in any of the following:

- (a) Transitional buffer zones as defined in Chapter 27.
- (b) Floodplains.
- (c) Wetlands.
- (d) Stream buffer zones.
- (e) State buffer zones.

(v) Perforated standpipes or a french drain, in accordance with published design standards available from the director, or other methods which will achieve equal performance to prevent standing water and inadequate drainage shall be installed within all the detention and sedimentation control facilities.

(vi) The commercial, single-family, and/or multifamily residential property owner shall be responsible for the maintenance of the stormwater management facilities during grading, construction, and following final approval of the completed project. This maintenance and certification

obligation shall be binding on all future owners, successors and assigns of the property.

(vii) In the case of single-family residential subdivisions, DeKalb County is not responsible for the maintenance of the stormwater management or detention facilities except as provided below.

(a) The subdivision is included in a special drainage or tax district and is so noted on the final recorded plat; or

~~(b)~~ The county has accepted the stormwater management or detention facilities for maintenance and is so noted on the final recorded plat.

(13) In residential zoning districts, not less than seventy (70) percent of the minimum lot area, as established by applicable zoning district development standards, shall be above the intermediate regional flood elevation contours with the exception that lots in the R-150 district shall conform to requirements of the R-100 district.

(14) All buildings located adjacent to the intermediate regional floodplain shall be constructed so that all portions of the structure, including the basement floor or crawl areas, shall be not less than three (3) feet above the intermediate regional flood elevations; however, structural support units may be located within the intermediate regional floodplain, provided they do not conflict with the hydrologic design characteristics of the approved plans and do not conflict with other requirements of this article. Any structure or manufactured home so erected must be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure, and be constructed with flood-resistant materials and utility equipment resistant to flood damage. Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Floodproofing of residential construction will be in accordance with section 14-40(e)(18) and 14-432 of the Code of DeKalb County. When floodproofing is utilized for a nonresidential structure, the owner of the property shall obtain written certification from a registered professional engineer or architect and shall provide such certification to the director before the director approves such activity.

(15) The profile elevation of the centerline of all public streets shall be constructed a minimum of one (1) foot above the intermediate regional flood elevation contours. The director may grant exceptions to this provision in cases where construction of the street elevation is below the intermediate regional flood elevation and elevation contours would improve drainage or reduce the effects of flooding.

(16) Special drainage system maintenance requirements are as follows:

(i) Pursuant to Chapter 22.5 of the Code of DeKalb County, as amended, trash, garbage, construction materials, construction by-

- products or other debris shall not be deposited in any part of the drainage system.
- (ii) No restriction or barriers, including fences, may be placed in the drainage system or intermediate regional floodplain without first obtaining a development permit. When on-site or off-site debris has accumulated within an intermediate regional floodplain in such a manner as to interfere with the free flow of water so as to increase the risk of hazardous inundation of upstream properties adjacent to the intermediate regional floodplain, the director shall require the owner of the property where this debris was generated, if its source can be identified, to clear and remove the debris so as to permit the free flow of water.
 - (iii) No impoundment of water which retains in excess of five-tenths (0.5) acre (in feet) of runoff shall be removed without first obtaining a development permit, which shall only be issued after competent engineering studies provided by the applicant show that this removal will not adversely affect downstream properties.
 - (iv) No permanent structures or additions shall be constructed within the intermediate regional floodplain other than those non-building facilities required or authorized by the director which will not conflict with the hydrologic design characteristics of the approved development and construction plans. Land within the intermediate regional floodplain may be used to meet setback, yard, open space and buffer requirements in accordance with applicable provisions of Chapter 27 and the buffer requirements of this chapter.
- (17) Any proposal for development in a regulatory floodway as identified on the flood boundary-floodway map must be accompanied by engineering certifications assuring that no increase in the flood levels of the base flood would be caused by the proposed development. Such proposals include culverts and bridges.
- (18) New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundations and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls, as follows:
- (i) Designs for complying with this requirement must either be certified by a currently state-registered professional engineer or currently state-registered professional architect and meet the following minimum criteria:
 - (ii) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.
 - (a) The bottom of all openings shall be no higher than one (1) foot above grade.

- (b) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - (iii) Electrical, plumbing and other utility connections are prohibited below the base flood elevation.
 - (iv) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - (v) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (19) New development and redevelopments in DeKalb County must use the stormwater quality site development review tool to facilitate the evaluation of the project in accordance with recommendations of this ordinance and the Georgia Stormwater Management Manual.
- (20) At a minimum, new projects shall include stormwater quality provisions and the BMPs necessary to accomplish each of the following:
 - (i) Compliance with the standards described in Section 14-40(d)(5).
 - (ii) BMPs shall be used to control discharges into the local drainage system of any organic or inorganic matter that cause or tend to cause pollution of such waters.
 - (a) Minimization of impervious areas within developments and minimization of impervious areas directly connected to the local drainage system is encouraged as a non-structural BMP for water quality and quantity control.
 - (b) A plan shall be provided to protect all existing wetland/floodplain areas within the development site.
- (21) All developments shall provide Stormwater Runoff Quality/Reduction as described in Section 14-40(d)(5) to improve the water quality of the storm runoff from the development site.
- (22) All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:
 - (i) It meets the standards described in Section 14-40(d)(5).
 - (ii) Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual; and
 - (iii) Runoff from a stormwater hotspot and activities identified by DeKalb County are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.
- (23) Structural stormwater controls. All structural stormwater management facilities shall be selected and designed using the appropriate criteria from

the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the director before being included in the design of a stormwater management system.

- (24) Stormwater credits for nonstructural measures. The use of one (1) or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required. The applicant may, if approved by the director, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements that identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Georgia Stormwater Management Manual.
 - (25) Drainage system guidelines. Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public right-of-ways. Stormwater conveyance facilities that are designed to carry runoff from more than one (1) parcel, existing or proposed, shall meet the following requirements:
 - (i) Methods to calculate stormwater flows shall be in accordance with the Georgia Stormwater Management Manual;
 - (ii) All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the Georgia Stormwater Management Manual; and
 - (iii) Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the Georgia Stormwater Management Manual.
- (f) Stormwater concept plans:
- (1) Stormwater concept plans shall be prepared using the minimum following steps:
 - (i) Develop the site layout using better site design techniques, as applicable.
 - (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.

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

(2) 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 of 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, stream 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) Stormwater management plan:

- (1) 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.

- (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; and
- (xi) Determination of Infeasibility (if applicable).

(2) 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; and
- (iv) BMP Landscaping Plans.

(h) Application procedures.

Land development applications are handled as part of the process to obtain the land disturbance permit pursuant to Section 14-38(b)(1) and Section 14-38(b)(5)(b)(1) or building permit pursuant to Section 7.30(a). Before any person begins development on a site, the owner of the site shall first obtain approval in accordance with the following procedure:

- (1) File a land development application with DeKalb County on DeKalb County's form of application with the following supporting materials:
 - (i) the stormwater management plan prepared in accordance with Section 14-40(g);
 - (ii) a certification that the development will be performed in accordance with the stormwater management plan once approved;
 - (iii) a Preliminary Determination of Infeasibility, as applicable, prepared in accordance with the practicability policy;
 - (iv) an acknowledgement that applicant has reviewed the DeKalb County's form of inspection and maintenance agreement and that applicant agrees to sign and record such inspection and maintenance agreement before the final inspection; and

- (v) any additional supporting materials required by this chapter, as applicable.
 - (2) The administrator shall inform the applicant whether the application and supporting materials are approved or disapproved.
 - (3) 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.
 - (4) If the application and supporting materials are approved, DeKalb County 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.
- (i) Compliance with the Approved Stormwater Management Plan. All development shall be:
- (1) consistent with the approved stormwater management plan and all applicable land disturbance and building permits, and
 - (2) 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.
- (j) Inspections to Ensure Plan Compliance During Construction. Periodic inspections of the stormwater management system during construction shall be conducted by the staff of DeKalb County or conducted and certified by a professional engineer who has been approved by DeKalb County. Inspections shall use the approved stormwater management plan for establishing compliance. All inspections shall be documented with written reports that contain the following information:
- a. The date and location of the inspection;
 - b. Whether the stormwater management system is in compliance with the approved stormwater management plan;
 - c. stormwater management plan;
 - d. Variations from the approved stormwater management plan; and
 - e. Any other variations or violations of the conditions of the approved stormwater management plan.
- (k) Final Inspection; As-Built Drawings; Delivery of Inspection and Maintenance Agreement. Upon completion of the development, the applicant is responsible for:
- a. Certifying that the stormwater management system is functioning properly and was constructed in conformance with the approved stormwater management plan and associated hydrologic analysis;
 - b. Submitting as-built drawings showing the final design specifications for all components of the stormwater management system as certified by a professional engineer;

- c. Certifying that the landscaping is established and installed in conformance with the BMP landscaping plan; and
- d. Delivering to DeKalb County 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.

The required certification under part (a) 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 built 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 DeKalb County with the request for a final inspection. DeKalb County shall perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities.

(l) Violations and enforcement.

Any violation of the approved stormwater management plan during construction, failure to submit as-built drawings, failure to submit a final BMP landscaping plan, or failure of the final inspection shall constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit pursuant to Section 14-38(b)(1) and Section 14-38(b)(5)(b.) (1) or the underlying building permit pursuant to Section 7.30(a). To address a violation of this article, DeKalb County shall have all the powers and remedies that are available to it for other violations of building and land disturbance permits, including without limitation the right to issue notices and orders to ensure compliance, stop work orders, and penalties as set forth in the applicable ordinances for such permits.

(m) Maintenance by owner of stormwater management systems predating current GSMM.

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.

(n) Inspection and maintenance agreements.

(1) The owner shall execute an inspection and maintenance agreement with DeKalb County obligating the owner to inspect, clean, maintain, and repair the stormwater management system; including vegetation in the final BMP landscaping plan. The form of the inspection and maintenance agreement shall be on the form provided by DeKalb County. After the inspection and maintenance agreement has been signed by the owner and DeKalb County, the owner shall promptly record such agreement at the owner's cost in the property record for all parcel(s) that make up the site.

(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 DeKalb County. Upon any sale or transfer of the site, the new owner shall notify DeKalb County 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 assignment agreement to DeKalb County.
- (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.

(o) Right of entry for maintenance inspections.

The terms of the inspection and maintenance agreement shall provide for DeKalb County'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, recorded, or has otherwise been invalidated or deemed insufficient, then DeKalb County shall have the right to enter and make inspections pursuant to DeKalb County's general provisions for property maintenance inspections pursuant to Section 14-32.

(p) 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 DeKalb County.

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, recorded, or has otherwise been invalidated or deemed insufficient, then:

- (1) An owner's failure to maintain the stormwater management system so that it performs as it was originally designed shall constitute and be addressed as a violation of, or failure to comply with, owner's property maintenance obligations pursuant to Section 14-34; and
- (2) To address such a failure to maintain the stormwater management system, DeKalb County 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, and emergency measures.

July 20, 2021

(Ord. No. 85-00, Pt. I, 12-28-00; Mo. of 1-23-01; Ord. No. 24-03, Pt. I, 10-14-03; Ord. No. 05-17, Pt. I, 11-8-05; [Ord. of 8-13-19\(2\)](#), Pt. I)

Sec. 14-42. - Reserved.

PART II. EFFECTIVE DATE

This ordinance shall become effective upon adoption by the Board of Commissioners and approval by the Chief Executive Officer.

PART III. SEVERABILITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole nor any part thereof other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

ADOPTED by the DeKalb County Board of Commissioners, this ____ day of _____, 2021.

STEPHEN R. BRADSHAW
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2021.

MICHAEL L. THURMOND

July 20, 2021

Chief Executive Officer
DeKalb County, Georgia

ATTEST:

BARBARA SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO FORM:

APPROVED AS TO SUBSTANCE:

VIVIANE H. ERNSTES
County Attorney

ANDREW A. BAKER
Planning & Sustainability Director