

Sumter County

Not located in a MSA.

2003 Population Estimate 33,217; +0.1% change from 2000 Census.

Not a Tree City USA.

No tree board established by ordinance.

Chapter 8 ENVIRONMENT AND LAND DEVELOPMENT

ARTICLE I. IN GENERAL

Year first adopted or last revised unknown.

Addresses private property.

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Chapter 8 ENVIRONMENT AND LAND DEVELOPMENT*

***Cross references:** Buildings, Ch. 5; erosion and sediment control, Ch. 9; health and sanitation, Ch. 11; licenses and business regulations, Ch. 12; sewers, Ch. 22; signs, Ch. 23; streets and sidewalks, Ch. 25; subdivision regulations, Ch. 26; zoning, App. A.

State law references: Urban redevelopment, O.C.G.A. § 36-61-1 et seq.; development authorities, O.C.G.A. § 36-62-1 et seq.; regional development centers, O.C.G.A. § 50-8-30 et seq.; development of rivers with reference to flood control, O.C.G.A. § 12-5-331; acquisition of right to flood roads and highways, O.C.G.A. § 22-3-40 et seq.; soil and water conservation, O.C.G.A. § 2-6-1 et seq.; control of soil erosion and sedimentation, O.C.G.A. § 12-7-1 et seq.

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ARTICLE I. IN GENERAL

Sec. 8-1. Rules of construction.

For the purpose of this chapter, the following rules of construction shall apply:

- (1) Words used in the present tense shall include the future tense.
- (2) The word "shall" is mandatory and not discretionary.
- (3) The word "may" is permissive.
- (4) The phrase "used for" shall include the phrases "arranged for," "designed for," "maintained for" and "occupied for."
- (5) Words not defined in this chapter shall be construed to have the meaning given by common and ordinary use as defined by Webster's Third New International Dictionary, copyright 1970.

(Ord. of 11-3-87, § 11-4003)

Sec. 8-2. Definitions.

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

As-built drawings means amended site plans specifying the locations, dimensions, elevations, capacities and operational capabilities of road and drainage structures and facilities as they have been constructed.

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

Developer means any person who acts in his 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 any action in preparation for construction activities which results in alteration of either land or vegetation. This definition shall not apply to individual single-family dwelling unit construction within a subdivision recorded subsequent to November 3, 1987 or to alteration, modification or additions to single-family dwelling units except for, in either case, individual single-family lots where site plans for each are required by special designation on the recorded plat or such lots as are located within the intermediate floodplain. For the purpose of this section, only the alterations of the drainage system shall be deemed to be development on individual single-family lots.

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

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 system means the surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, manmade element which includes culverts, ditches, channels, retention facilities and the storm sewer system.

Erosion means the general process whereby earth is moved by flowing surface or subsurface water.

Exceptional and historical trees means those trees or strands 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.

Flood means a temporary rise in the level of rivers, streams and lakes which results in inundation of areas not ordinarily covered by water.

Flood hazard map means the official city map designating the elevation and boundaries of flooding under intermediate regional flood conditions maintained by the city engineer, based upon floodplain reports prepared by the U.S. Corps of Engineers or other reputable reports accepted by the city engineer and based upon competent engineering studies prepared by a currently state registered professional engineer, or the city engineer.

Intermediate regional flood 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 occurring each year.

Intermediate regional floodplain means the land area within the intermediate regional floodplain elevation contours as defined on the flood hazard map.

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

Maintenance of retention facility means preserving the enclosing walls or impounding embankment of the retention facility in good condition; insuring structural soundness, functional adequacy and freedom from sediment; and rectifying any unforeseen erosion problems.

Owner means the person in whom is vested the fee ownership, dominion or title of property, the proprietor; this term may also include a tenant, if chargeable under his lease for the maintenance of the property, and any agent of the owner or tenant including a developer.

Person means any human being, firm, partnership, association, corporation, governmental body or other legal entity.

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

Retention facility means a facility which provides for storage of storm water runoff and controlled release of this runoff during and after a flood or storm.

Runoff means the portion of precipitation on the land which reaches the drainage system.

Runoff coefficient means the ratio of runoff to rainfall.

Sedimentation means the processes that operate at or near the surface of the ground to deposit earth, debris, and other materials either on other ground surfaces or in water channels.

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

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

Stream means natural, running water flowing continuously or intermittently in a channel on or below the surface of the ground.

Structure means anything constructed or erected, the use of which requires a location

on the ground, or attached to something having a location on the ground, including but not limited to tennis courts, fences, swimming pools and buildings, excluding utility facilities except as hereinafter provided.

Tree means any woody plant which has a single or combined trunk with a caliper (diameter) of eight (8) or more inches five (5) feet above the ground, or any flowing ornamental woody plant having a caliper of two (2) or more inches five (5) feet above the ground.

Tree crown means the outside diameter of a tree's branches.

Tree permit means that permit issued by the city engineer authorizing the removal of trees as provided herein.

Tree protective zone means those areas required under applicable provisions of the zoning ordinance to be maintained as buffers subject to the conditions of those requirements and, in addition, an area twenty (20) feet in width (but not in addition to any required buffer area) encompassing the perimeter of any planned development as defined in the zoning ordinance; however, the tree protective zone may be used for vehicular access and utility easements (only if these uses are provided approximately perpendicular to the greater distance of the tree protective zone) and for city authorized or required drainage improvements.

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

(Ord. of 11-3-87, § 11-4003)

Sec. 8-3. Public policies; intent.

(a) This chapter establishes public policies for the protection of the natural environment and specifies standards for land development to insure achievement of these public policies.

(b) By declaration of public policies for environmental protection, the city council 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 city council 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 improvements program shall be accomplished.

(Ord. of 11-3-87, § 11-4001)

Sec. 8-4. Purposes.

(a) It is the purpose of this chapter to establish public policies for the protection of the natural environment 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 city streams and floodplains from substantial alteration of their natural functions and from sediment and debris accumulation;

- (5) Specifying standards for drainage system design; and
- (6) Assuring the continuous and efficient operation of the drainage system.

(b) It is the mayor and city council's intent that land development be accomplished in conformity with the public policy statements. To that end, the plans required under applicable provisions of this chapter shall be reviewed by the city engineer to enable a full exchange of information between the city and the developer as to the city'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 chapter.

(c) The mayor and city council further declares their intent that these public policies be evaluated periodically so as to reflect the community's interest in protection of the natural environment and to give direction to city actions in matters affecting the natural environment and land development.

(Ord. of 11-3-87, § 11-4002)

Sec. 8-5. Scope and exclusions.

This chapter shall apply to any land-disturbing activity undertaken by any person on any lands other than federal and state lands, except for the following:

- (1) Surface mining, as the same is defined in O.C.G.A. section 12-4-72;
- (2) Granite quarrying and land clearing for such quarrying;
- (3) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, and other related activities which result in minor soil erosion;
- (4) Single-family residences:
 - a. The construction of single-family residences when such are constructed by or under contract with the owner for his own occupancy; or
 - b. The construction of single-family residences not a part of a larger project and not exempted under subparagraph a. of this paragraph; provided, however, that construction of any such residence not otherwise exempt must conform to the minimum standards as set forth in O.C.G.A. section 12-7-6 and that such standards may be enforced by the issuing authority;
- (5) Agricultural practices involving the establishment, cultivation, or harvesting of products of the field or orchard; the preparation and planting of pasture land; forestry land management practices, including harvesting; farm ponds; dairy operations; livestock and poultry management practices; and the construction of farm buildings;
- (6) Any project carried out under the technical supervision of the Soil and Water Conservation Service of the United States Department of Agriculture;
- (7) Any project involving one and one-tenth acres or less; provided, however, that this exemption shall not apply to any land-disturbing activity within two hundred (200) feet of the bank of any state waters, and for purposes of this paragraph, "state waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent

streams which do not have water in them year round; provided, however, that any person responsible for a project which involves one and one-tenth (1.1) acres or less, which involves land-disturbing activity, and which is within two hundred (200) feet of any such excluded channel or drainageway must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained in this chapter shall prevent a city or county which is an issuing authority from regulating any such project which is not specifically exempted by subparagraph b. of paragraph (4) or by paragraph (1), (2), (3), (5), (6), (8), (9), or (10) of this section;

(8) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the Georgia Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; or construction and maintenance, or either, by any water or sewerage authority established by the General Assembly of this state; provided, however, that:

a. If such projects are constructed within two hundred (200) feet of the banks of any channels or drainageways which have water in them only during and immediately after rainfall events or intermittent streams which do not have water in them year round, then such projects shall conform to the specifications used by the Department of Transportation for control of soil erosion and sedimentation on its highway construction projects;

b. If such projects are constructed within two hundred (200) feet of the banks of any state waters which do have water in them year round and in which the drainage area of the watershed upstream from such projects is less than three (3) square miles, then such projects shall conform to the specifications used by the Department of Transportation for control of soil erosion and sedimentation on its highway construction projects;

c. If such projects are constructed within two hundred (200) feet of the banks of any state waters which do have water in them year round and in which the drainage area of the watershed upstream from such projects is equal to or more than three square miles, then such projects shall conform to the minimum standards set forth in O.C.G.A. section 12-7-6; and

d. If such projects are constructed within one hundred (100) feet (horizontal) of the banks of any state waters classified as "trout streams" pursuant to O.C.G.A. Title 12, Chapter 5 Article 2 the "Georgia Water Quality Control Act," regardless of the size of the watershed area, then such projects shall conform to the minimum standards set forth in O.C.G.A. section 12-7-6;

(9) Any land-disturbing activities conducted by any airport authority, provided that any such land-disturbing activity shall conform to the minimum standards set forth in O.C.G.A. section 12-7-6; or

(10) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, provided that any such land-disturbing activity shall conform to the minimum standards set forth in O.C.G.A. section 12-7-6.

(Ord. of 11-3-87, § 11-4009)

Sec. 8-6. Administration and enforcement.

(a) *Administration.* The city engineer or his designee shall administer and enforce provisions of this chapter as follows:

(1) The city engineer is designated to administer and enforce the grading, vegetation, erosion control, sedimentation control and drainage provisions of this chapter for all development and construction projects with the following duties and responsibilities:

a. Review all development permits to assure that the permit requirements of this chapter have been satisfied.

b. 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.

c. Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(2) The city engineer shall administer and enforce those provisions of this chapter which apply to developed and occupied areas and to property in an undeveloped state affecting city responsibility for maintenance of the storm drainage system. The city engineer shall assure that maintenance is provided within any altered or relocated portion of any watercourse so that flood-carrying capacity is not diminished.

(b) *Flood hazard map preparation.* The city engineer shall prepare and maintain the flood hazard map using the most current flood insurance study prepared by the Federal Emergency Management Agency with accompanying maps, or by such engineering studies prepared under the supervision of a currently state registered professional engineer which the city engineer, by using common and appropriate engineering procedures, shall deem accurate and acceptable for floodplain definition, or such studies as the director may prepare.

(c) *Bond provision.* A bond shall be required under this chapter as follows:

(1) *Policy.* It is hereby declared to be public policy that the developer of any property upon which development is proposed to be conducted shall be required to furnish a bond or other financial security necessary to insure the installation and maintenance of all structures and facilities required by this chapter.

(2) *Standards.* Current bonding provisions used by the city to insure installation, proper functioning and maintenance of drainage facilities within public rights-of-way shall remain in effect pending accomplishment of an evaluation of the city's bonding procedures.

(d) *Inspection and right of entry.* Upon presentation of city engineer designee identification to the developer, contractor, owner, owner's agent, operator or occupants, employees of the development and roads and drainage departments may enter during all reasonable hours any property under proposed or existing development and construction. These employees may make inspections of the facilities for the purpose of determining plan requirements or compliance with ordinance provisions. City engineer designees may inspect any drainage system within or outside of an existing drainage easement. All drainage facilities located on private property, whether dedicated to the city or not, shall be accessible at all times for city inspection. Where drainage facilities are accepted by the city for maintenance, public access easements shall be provided.

Reasonable access shall be provided to all drainage easements for inspection and maintenance functions. Where an easement does not exist for the drainage system, the permission of the owner shall be obtained before entrance; however, in the event of emergency maintenance requirements, permission of the owner shall not be mandatory.

(e) *Emergency maintenance.* The city engineer may conduct emergency maintenance operations on private land and on drainage systems where emergency conditions exist. Emergency maintenance shall constitute the removal of trees and other debris, which in the judgment of the city engineer, create a condition potentially injurious to life, property and public road system.

(1) The tree provisions of this chapter shall not apply in the case of emergencies such as floods, windstorms, ice storms or other disasters.

(2) Emergency maintenance conducted on any drainage system shall not be construed as constituting a continuing maintenance obligation on the part of the city.

(f) *Notice of violation.* Whenever the city engineer determines that activity on a property does not comply with the approved development and construction plans, he may issue a notice of violation. Whenever the city engineer determines that the drainage system has been unlawfully altered, causing inadequate drainage, he may issue a notice of violation. The notice of violation of the provisions of this chapter or of any rule or regulation adopted pursuant thereto, shall be to the owner of the property or his agent and shall:

(1) Be in writing;

(2) Include a description of the property sufficient for identification of where the violation has occurred;

(3) List the specific provisions of this chapter which have been violated; and

(4) State that, if these repairs, construction or alterations are not completed within a reasonable time period specified by the city engineer, summons shall be issued for the owner to appear in recorder's court. Each day the violation continues shall constitute a new and separate violation. However, in the judgment of the city engineer where the violation is willful, in wanton disregard of the provisions of this chapter or constitute a public health and safety hazard, he may issue a court summons in lieu of a notice of violation.

(g) *Remedies.* The city engineer shall hear and decide appeals from administrative or enforcement actions taken pursuant to the provisions of this chapter within fifteen (15) days of the appeal being filed. Any person aggrieved by a decision of the city engineer or seeking a variance from the development standards of this chapter shall have the right of appeal to the city council in accordance with the jurisdictional and procedural requirements of the zoning ordinance, provided however, the city council shall not have authority to approve any variance that would conflict with regulations of the federal flood insurance program.

(h) *Duration of permit.* Any development, grading or tree permit issued by the city engineer or approval of site plan or hydrologic study by the city engineer shall be in force for one (1) year. If not substantially acted upon within that time, the permit and/or approval shall be rescinded.

(Ord. of 11-3-87, § 11-4010)

Sec. 8-7. Legal status provisions.

(a) This chapter may be amended by the city council after giving public notice and holding a public hearing thereon in accordance with the procedural requirements of this Code.

(b) The provisions of this chapter shall apply to all development activity within the city. The provisions shall not, however, be construed as repealing or modifying any condition attached to the issuance of any development permit issued prior to November 3, 1987. This chapter shall not be construed so as to require any department of the city government to amend any development permit issued prior to the date of this chapter. However, the standards set forth in this chapter shall apply to all development, as defined herein, subsequent to November 3, 1987.

(Ord. of 11-3-87, § 11-4011)

Sec. 8-8. Plan submission.

(a) *Policy.* It is hereby declared to be public policy that all site plans submitted in accordance with applicable provisions of this chapter shall meet the requirements for their preparation and shall also provide information to enable a determination to be made by the city engineer as to plan conformance with public policy statements of this chapter.

(b) *Standards.* All persons proposing development or construction shall submit site plans to the city engineer illustrating the means by which conformance with policy provisions may be achieved and illustrating compliance with applicable development standards before issuance of a development or building permit.

(1) Electric, telephone and gas utilities shall submit plans and obtain a development permit only for major transmission installations located within rights-of-way or easements devoted exclusively to installations of utility facilities. Individual single-family lots within approved subdivisions shall be exempt from these requirements for new residential construction with the exception that individual single-family lots where site plans for each are required by special designation on the recorded plat or such lots are located within the intermediate regional floodplain shall be submitted for review and approval in accordance with this and other applicable Code provisions.

(2) Grading, erosion control, sedimentation control, and drainage plans shall be prepared under the supervision of a currently state registered professional engineer, architect, or landscape architect or combination as may be appropriate for project planning and design. Vegetation plans may be prepared by and implemented under the supervision of a currently state registered professional architect, forester, landscape architect or engineer as may be appropriate for project planning and design. When the hydrologic engineering analysis includes applications of the principles of flood routing, super critical flow, high energy dissipation or conversion, backwater curves, floodplain studies or other advanced hydrologic engineering techniques, the analysis shall be made by a currently state registered professional engineer proficient in hydrology.

(3) Site plans and supporting documentation to show conformance with this chapter shall be submitted in accordance with applicable provisions of the zoning ordinance and shall include:

a. Evidence of conformance with the requirements of this chapter for grading, vegetation alteration, erosion control, sedimentation control and drainage system alteration or development. Grading plans shall illustrate existing and proposed contours to the two-foot interval; golf courses and

other open space areas shall be exempt from this requirement but general grading plans shall be submitted. Related plans shall show locations of structures, roads, surface drainage, existing and proposed drainage conduits and proposed alterations to the existing site;

b. A hydrologic engineering analysis of storm water runoff under existing and proposed developed site conditions and a detailed evaluation of the projected effects on upstream and downstream properties within the affected drainage basin. This analysis shall include a determination of the culvert, floodplain and channel cross section area required to carry the affected stream at the intermediate regional flood stage level. The requirements for a complete hydrologic study may be waived by the city engineer for any development where the site plan submitted illustrates existing or proposed improvements sufficient to insure compliance with applicable provisions of this chapter;

c. Delineation of the boundaries and contour elevations of the intermediate regional floodplain for streams draining in excess of one hundred (100) acres. Unless shown on the flood hazard map, the intermediate regional flood contour elevations shall be established by engineering field control surveys and then be added to the flood hazard map upon approval of the city engineer and be clearly designated on each site plan, subdivision plat and construction plan. The actual building boundaries shall be shown; the same information shall be indicated by the seller to the purchaser of each property so affected. The evaluation contours representing the intermediate regional flood conditions shall be shown when they are located outside established ditch banks. A benchmark suitable for determining IRF elevations shall be established.

d. The projected sequence of work represented by the grading, vegetation, erosion control, sedimentation control and drainage plans as related to other major items of construction; and

e. Upon development project completion location, size, and invert elevations of piped segments of the storm drainage system, of control wires, and maximum water surface elevations in retention ponds shall be shown on the final plat for a subdivision, and on a final plan for other developments which shall be submitted to the city engineer. The professional engineer, architect, or landscape architect reviewing the construction shall provide a certificate that the development is in substantial compliance with approved plans for the project when required by the city engineer.

(Ord. of 11-3-87, § 11-4004)

Cross references: Buildings, Ch. 5.

Sec. 8-9. Grading.

(a) *Policies.* It is hereby declared to be public policy to:

- (1) Encourage the design of residential grading plans to provide natural appearance of land contours and to provide ease of use in public areas;
- (2) Minimize the adverse effects of land clearance and grading upon existing vegetation;
- (3) Minimize the adverse effects of land clearance and grading upon the

drainage system by strict erosion control and sedimentation and control measures; and

(4) Minimize erosion and shear failure potential by encouraging limited cutting and filling.

(b) **Standards.** The following standards shall apply to grading:

(1) All grading operations shall be conducted in compliance with the approved site plans.

(2) Before beginning construction activity, the intermediate regional floodplain elevation contours shall be identified on the property by staking or other identifying mechanisms no less than every one hundred (100) feet, and shall be identifiable throughout project development.

(Ord. of 11-3-87, § 11-4005)

Sec. 8-10. Erosion control and sedimentation control.

(a) **Policies.** It is hereby declared to be public policy to:

(1) Minimize the removal of vegetation;

(2) Minimize the exposure of bare earth to precipitation by encouraging the scheduling of land development in increments of workable size which can be completed within a single construction season or within a time period compatible with the type and size of the project;

(3) Provide for the reestablishment of vegetation within a reasonable period following completion of final grading and utility installation;

(4) Give priority to the paving of streets, parking lots and other areas within a reasonable time following completion of final grading; and

(5) Encourage the use of erosion control and sedimentation techniques found in "Manual for Erosion and Sedimentation Control in Georgia" as published by the State Soil and Water Conservation Committee.

(b) **Standards.** The following standards shall apply to erosion control and to sedimentation control:

(1) Sedimentation facilities (debris basins, sedimentation traps) and other control measures such as hay bales, berms, interceptor ditches and terraces, shall be installed in conjunction with the initial grading operations and be maintained throughout the development and construction process to remove sediment from runoff waters draining land under development. These shall be maintained by the developer to assure functional operation during all phases of construction by periodic maintenance activities.

(2) Land which has been cleared for development, and upon which construction has not commenced within sixty (60) days of this initial clearing shall be protected from erosion and consequent sedimentation by appropriate vegetation and land covering techniques such as seeding, sodding, ground cover installation or other vegetative or earth covering techniques.

(3) Construction activity on individual single-family lots or groups of lots shall be conducted only if sedimentation facilities are installed and maintained throughout the construction period to prevent sediment from any lot or group of lots during all phases of project construction. Substantial completion of final

grading and initial ground covering shall be completed prior to the issuance of an occupancy permit through seeding, sodding, ground covering installation or other vegetative or earth covering techniques.

(4) No grading, cutting or filling shall be accomplished on any site under development such that unprotected land surfaces will be in contact with surface water or will encroach upon natural waterways or their floodplains, unless erosion control and sedimentation control devices can be installed between the grading area and water surface during development and construction, and vegetation be restored upon project completion. The provisions of this section shall not apply to grading necessitated by drainage or other utility improvements required or authorized by the city.

(Ord. of 11-3-87, § 11-4006)

Sec. 8-11. Vegetation protection.

(a) *Policy.* It is hereby declared to be public policy to:

(1) Protect natural vegetation except where its removal is essential to property development, creation of open spaces for recreational, safety or aesthetic purposes or control of disease and infestation;

(2) Protect vegetation within the intermediate regional floodplain and within five (5) feet of the banks of those streams not having defined intermediate regional floodplain elevation contours, so as to assist in the retention of storm water runoff and the control of erosion, including particularly protection of stream bank stability by vegetation protection or restoration;

(3) Protect vegetation within natural areas and within fifty (50) feet of scenic roads as may be designated by the mayor and city council. Natural areas are defined as those sites which have:

a. Unique biological communities including unique wildlife or rare or exceptional vegetation possessing outstanding botanical qualities; or

b. Mature biological communities containing climax vegetation and a climax ecological balance of at least fifty (50) acres; or

c. Archaeological or historical value of state or regional significance.

Scenic roads are defined as those roads which may be designated by the mayor and city council as deserving special protection from land development because of their scenic beauty, extent of vegetation or geologic formations.

(b) *Standards.* The following standards shall apply to the protection of vegetation:

(1) No exceptional or historical tree nor any tree located within a tree protective zone may be removed with a permit or approval of a site plan.

(2) The following standards shall be used for determining exceptional trees in the city. Any tree achieving or exceeding the mature diameters and heights for each specified species of tree named below shall be considered exceptional and subject to the requirements of this chapter. Any other tree in the city not named below shall be considered exceptional if it also reaches the upper range of the mature diameter and height for that species of tree, as defined in G. Norman Bishop's Native Trees of Georgia, University of Georgia, November, 1965.

ENVIRONMENTAL POLICY

STANDARDS

TABLE INSET:

<i>Tree Name</i>	<i>Mature Tree Diameter</i>	<i>Mature Height</i>
American Beech (<i>Fagus grandifolia</i> Ehrh.)	48"	80'
Black Tupelo (Blackgum) (<i>Nyssa sylvatica</i> Marsh.)	48"	100'
Eastern Redbud (<i>Cercis canadensis</i> L.)	12"	50'
Flowering Dogwood (<i>Cornus florida</i> L.)	18"	40'
Loblolly Pine (<i>Pinus taeda</i> L.)	60"	100'
Northern Red Oak (<i>Quercus rubra</i> L.)	48"	80'
Pignut Hickory (<i>Carya glabra</i> (Mill.) Sweet.)	30"	90'
Post Oak (<i>Quercus stellata</i> Wang.)	36"	60'
Red Hickory (<i>Carya ovalis</i> (Wang) Sarg.)	36"	100'
Shagbark Hickory (<i>Carya ovata</i> (Mill.) K. Koch.)	36"	80'
Shortleaf Pine (<i>Pinus echinata</i> Mill.)	48"	100'
Sourwood (<i>Oxydendrum arboreum</i> L.DC.)	18"	60'
Sweetgum (Red gum) (<i>Liquidambar styraciflua</i> L.)	60"	140'
White Oak (<i>Quercus alba</i> L.)	48"	100'
Yellow Poplar (<i>Liriodendron tulipifera</i> L.)	72"	100'

(1) Existing trees within the tree protective zone shall be protected except that, where development necessitates removal of trees therein, a plan for tree replanting shall be submitted and approved by the city engineer. Replanting under the approved plan on the project site shall be accomplished prior to use or building occupancy, except that this replanting may be deferred in accordance with the schedule submitted with the replanting plan until the next appropriate season for vegetation installation. All trees planted in accordance with the plan shall be at least four (4) feet in height.

(2) The city engineer may authorize the removal of exceptional and historical trees and trees located within the protective zone on the basis of the following criteria:

- a. The condition of the trees with respect to disease, insect infestation, danger of falling, proximity to existing or proposed structures and interference with utility services and drainage facility;
- b. The necessity of removing trees in order to construct property improvements or to allow reasonable use of the property;
- c. The topography of the land and the effect of tree removal on erosion, soil retention and the diversion or increased flow of surface waters;
- d. The utility of using existing trees to serve as buffers between conflicting uses and maintenance of the existing vegetative cover in the area;
- e. The number, size and location of trees and other vegetation to be planted on the site; and
- f. Good forestry practices, i.e., the number of healthy trees or species of trees which the site or any portion thereof can support.

(3) Selective cutting of vegetation in accordance with generally accepted forestry practices, including the removal of deceased, infested or damaged trees shall be exempt from the requirements of this section.

(4) Earth and other materials resulting from or used during the development process shall not be temporarily or permanently stored in locations which would cause suffocation of that root system of trees which are to be preserved; in particular there shall be no significant grade changes (except as required by the approved plans) or storage of these materials within the area immediately below the crown of these trees.

(5) The city engineer, upon advice of the county extension service or state forestry commission in accordance with commonly accepted forestry practices and finding of tree disease and infestation, may require the removal of trees to prevent the transmission of disease and infestation; to prevent the danger of these trees falling; or to prevent potential injury to life and property.

(Ord. of 11-3-87, § 11-4007)

Sec. 8-12. Drainage.

(a) *Policies.* It is hereby declared to be public policy to:

(1) Recognize the necessity of joint action by the city and the development industry in resolution of existing drainage problems and prevention of their worsening or recurrence;

(2) Work in a cooperative relationship with the development industry to accomplish the above-stated objective by encouraging through this chapter and other public actions the development of fewer but larger major retention facilities and the incremental resolution of existing drainage problems on a priority basis in concert with private development activities;

(3) Maintain, where feasible, the natural environment of city streams through reduction of flow quantities resulting from new development and, where feasible, restore the floodplain to its natural functional purpose to resolve existing flooding problems, but recognize the necessity of using urban streams for storm water runoff in those situations where maintenance of the natural stream environment would result in continuation or worsening of flooding conditions;

(4) Incrementally assume maintenance responsibility for the public drainage system;

(5) Require of the development industry the responsibility to maintain the functioning of the storm drainage system;

(6) Encourage the construction of joint retention ponds serving several properties which can be accepted for maintenance by the city upon completion of project development. The city encourages (where engineering judgment so warrants) the location of these retention facilities off the site of the property under development and may participate in the construction of major retention facilities which would serve not only the needs of the property under development, but would assist in resolving existing flooding problems;

(7) Encourage innovative design solutions to the effective retention of runoff. Drainage control measures to retain and regulate the rate of storm water discharge which shall be acceptable shall include, but need not be limited to, retention ponds, retention on flat roofs, parking lots, streets, open space areas, underground storage and oversized storm drains with restricted outlets. In addition, the city council encourages the development of retention facilities in such a manner that they will become aesthetically and recreationally beneficial to the community in which they are located;

(8) Encourage accommodating runoff from residential properties or between individual single-family lots through underground piping rather than open surface drainage swales and minimize cross drains from streets to natural drainage ways by longitudinal piping or by retaining within the streets, for as long a reach as commonly accepted standards of engineering judgment permit, runoff to a point of discharge not directly affecting individual single-family lots.

(b) *Standards.* The following standards shall apply to drainage:

(1) All engineering design items for storm drainage and erosion control and sedimentation control and delineation of the intermediate regional floodplains shall meet the applicable minimum requirements of published design standards of the city, available from the city engineer. Rainfall intensities used in hydrologic computations shall not be less than shown by applicable rainfall curves published by the National Weather Service for the affected area.

(2) A combination of storage and controlled release of storm water runoff shall be required for all development and construction which will increase the peak rate of runoff from the site by more than one (1) cubic foot per second for a ten-year frequency storm and shall not apply to individual single-family lots of less than two (2) acres.

(3) The release rate of storm water from all developments where retention is required shall:

a. Not exceed the peak storm water runoff rate from the area in its existing state for all intensities up to and including the one-hundred-year frequency for all durations of rainfall; or

b. Not be greater than that calculated for a storm of two-year frequency with a runoff coefficient of 0.20, 0.25, and 0.35 for land with an average slope of up to two (2) percent, two (2) percent to seven (7) percent and over seven (7) percent respectively.

(4) The drainage system being developed shall have adequate capacity to accommodate the flow from all upstream areas for a storm of one-hundred-year frequency.

(5) 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 drainage facilities or systems in downstream areas. 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, the development permit shall be denied 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 build-up.

(6) The live retention storage to be provided shall be calculated on the basis of the one-hundred-year frequency rainfall as published by the National Weather Service for the affected areas. The retention system required shall be that necessary to handle the runoff of a one-hundred-year rainfall, for any and all durations from the proposed development, with a release rate that does not exceed the approved release rate during the same duration storm. Retention control structures and other drainage improvements shall be located and designed to prevent erosion damage to adjacent property owners.

(7) When the developer requests and the city engineer determines that development and construction projects are too small, or that engineering and economic factors make combined retention or other drainage facilities more practical, the city may authorize the joint construction of these facilities to serve two (2) or more properties by two (2) or more developers. This authorization shall be granted by the city council upon appli

cation for approval being submitted through the city engineer. Where joint retention facilities serving two (2) or more properties are approved for construction no use of land or occupancy of building within the properties served by these facilities shall be permitted until completion of the retention facility, except upon approval by the mayor and city council.

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

a. Permanent fencing at least four (4) feet in height shall be required around all these facilities having a maximum water or undercut depth of more than four (4) feet or a bank slope greater than one and one-half (1 1/2) (horizontal) to one (1) (vertical) or those designated by the health department as constituting a public health hazard. This fencing shall be designed, installed and maintained to allow the free flow of runoff and sediment into the facility. The fence shall include a gate of sufficient size to permit entrance of equipment necessary to allow periodic maintenance activities. Fencing may be waived by the city engineer in nonresidential areas where the pond is more than five hundred (500) feet from a residential district and in residential districts when retention is provided in natural areas such as stream channels and fencing, in the opinion of the city engineer, would damage the environment or affect stream flow.

b. These facilities shall be located on tracts of land, designated for this use on the recorded plat, with sufficient area around the perimeter to provide access for maintenance purposes and shall be immediately adjacent to or be provided with an access easement to a public street. The access easement shall provide at least ten (10) feet of width outside

of above ground obstructions including trees, headwalls, weirs, settling basins or other drainage structures.

c. Perforated standpipes or a french drain, in accordance with published design standards available from the city engineer or other methods which will achieve equal performance to prevent standing of water and inadequate drainage shall be installed within all these facilities.

d. Except as provided in subsection (b)(8)e. above, the property owner shall be responsible for the maintenance of the retention facilities during grading, construction, and following final approval of the completed project. This maintenance obligation shall be binding on future owners, successors and assigns of the property.

e. In the case of single-family residential subdivisions approved after the date of adoption of this provision, the city shall assume maintenance responsibility one year after the release of the performance bond for subdivision streets. A special drainage district as authorized by Georgia Laws 1972, p. 1552 is established for property in a single-family residential subdivision at the time the plat is finally recorded, and will be so noted on the plat. Upon completion of developer maintenance all retention ponds shall have a positive slope to the outlet in order to facilitate complete drainage and otherwise be as originally permitted.

f. Retention facilities in single-family residential subdivisions constructed under permits issued prior to the city ordinance assigning maintenance responsibility will not be accepted for city maintenance unless individually approved by and at the discretion of the mayor and city council and suitable access easements are provided. At the time the mayor and city council accept a retention facility for city maintenance, a special drainage district will be established that includes all properties for which the retention facility is designed to compensate for increased peak runoff rates due to development.

(9) Special drainage system maintenance requirements.

a. No impoundment of water which retains in excess of 0.5 acre feet of runoff shall be removed without first obtaining a development permit, which shall only be issued after competent engineering studies provided by the developer show that this removal will not adversely affect downstream properties.

b. Trash, garbage, construction materials, construction materials, construction by-products or other debris shall not be deposited in any part of the drainage system.

c. No restrictions or barriers, including fences, may be placed in the drainage system or intermediate regional floodplain without first obtaining a development permit. When on- or off-site debris has accumulated within an immediate 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 city engineer 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.

d. No permanent structures or additions shall be constructed within the intermediate regional floodplain other than those nonbuilding facilities required or authorized by the city engineer 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 the zoning ordinance.

(10) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(11) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters.

(12) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(13) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(Ord. of 11-3-87, § 11-4008)

Cross references: Zoning, App. A.

Sec. 8-13. Water conservation restrictions.

(a) *Definitions.*

(1) *Commercial* means any type of building other than residential.

(2) *Construction* means the erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable or obsolete faucet, showerhead, toilet or urinal in an existing building.

(3) *Residential* means any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.

(b) *Restrictions on Residential Buildings.* On or after July 1, 1991, no construction may be initiated within the city for any residential building of any type which:

(1) Employs a gravity type-tank, flushometer-valve, or flushometer-tank toilet that uses more than an average of one and six tenths (1.6) gallons of water per flush; however, this paragraph shall not be applicable to one-piece toilets until July 1, 1992.

(2) Employs a shower head that allows a flow of more than an average of two and five tenths (2.5) gallons of water per minute at sixty (60) pounds per square inch of pressure.

(3) Employs a urinal that uses more than an average of one (1.0) gallon of water per flush;

(4) Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than two (2.0) gallons of water per minute.

(5) Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than two and five tenths (2.5) gallons of water per minute.

(c) *Restrictions on Commercial Buildings.* On or after July 1, 1992, there shall be no construction of any commercial building initiated within the city for any commercial

building of any type which does not meet the requirements of paragraphs (1) through (5) of subsection (b) of this section.

(d) *Exemptions; Fee.*

(1) *Exemptions.* New construction and the repair or renovation of an existing building shall be exempt from the requirements of subsections (b) and (c) of this section when:

a. It is unnecessary to obtain a building permit under existing ordinances for repairs, renovations or construction contemplated; or

b. When such plumbing or sewerage system within such existing building, because of its capacity, design or installation, would not function properly if the toilets, faucets or showerheads required by this section were installed; or

c. Such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or

d. Units to be installed are:

(i) Specifically designed for use by the handicapped;

(ii) Specifically designed to withstand unusual abuse or installation in a penal institution; or,

(iii) Toilets for juveniles.

(2) *Fee.* The owner, or his agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in subparagraph (1)b, c or d of this subsection shall obtain the exemption by applying to the city. A fee of two hundred dollars (\$200.00) shall be charged for the inspection and issuance of such exemption.

(e) *Enforcement; Penalty.*

(1) This section shall be enforced by the office of the building inspector of the city. Citations for violations may be issued by the chief building inspector appointed by the city.

(2) Any person violating this section shall be tried before the municipal court of the city. Upon conviction, a violation of this section may be punished by a fine of not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed three (3) months.

(Ord. of 2-5-91, §§ 1--5)

Editor's note: Inclusion of the provisions of §§ 1--5 of an ordinance adopted Feb. 5, 1991, as § 8-13 was at the discretion of the editor, the ordinance being nonamendatory of the Code.

Secs. 8-14--8-30. Reserved.