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26
27 **Sec. 74-501. - Introduction.**

28 It is hereby determined that:

- 29 (a) Land development projects and other land use conversions, and their associated changes
30 to land cover, permanently alter the hydrologic response of local watersheds and increase
31 stormwater runoff rates and volumes, which in turn increase flooding, stream channel
32 erosion, and sediment transport and deposition;
- 33 (b) Land development projects and other land use conversions can also contribute to
34 increased nonpoint source pollution and degradation of receiving waters;
- 35 (c) The impacts of post-development stormwater runoff quantity and quality can adversely
36 affect public safety, public and private property, drinking water supplies, recreation, fish
37 and other aquatic life, property values and other uses of lands and waters;
- 38 (d) These adverse impacts can be controlled and minimized through the regulation of
39 stormwater runoff quantity and quality from new development and redevelopment

1 projects by the use of structural and nonstructural measures, such as the conservation or
2 restoration of open space and greenspace areas;

3 (e) Localities in the State of Georgia are required to comply with a number of both State and
4 Federal laws, regulations and permits which require a locality to address the impacts of
5 post-development stormwater runoff quality and nonpoint source pollution;

6 (f) Therefore, the City of Atlanta has established this set of regulations governing the
7 management of post-development stormwater runoff and the ongoing maintenance of
8 stormwater control systems for the purpose of protecting local water resources from
9 degradation. It is in the public interest to regulate post-development stormwater runoff
10 discharges and control systems in order to reduce or minimize increases in stormwater
11 runoff rates and volumes, post-construction soil erosion and sedimentation, stream
12 channel erosion, and nonpoint source pollution associated with post-development
13 stormwater runoff.

14 (Ord. No. 2004-56, §§ 2—4, 9-15-04)

15 **Sec. 74-502. - Purpose and intent.**

16 (a) The purpose of this Article is to protect, maintain and enhance the public health, safety,
17 environment, and general welfare by establishing minimum requirements and procedures
18 to control the adverse effects of post-development stormwater runoff and nonpoint source
19 pollution associated with new development and redevelopment, by focusing on the types
20 of frequently occurring storm events that generate the most water quality impacts.

21 (b) Proper management of post-development stormwater runoff will minimize damage to
22 public and private property and infrastructure, safeguard the public health, safety,
23 environment and general welfare of the public, and protect water and aquatic resources.
24 This ordinance seeks to meet those purposes through the following objectives:

25 (1) Establish decision-making processes surrounding land development activities that
26 protect the integrity of the watershed and preserve the health of water resources;

27 (2) Establish post-construction stormwater management and site planning and design
28 criteria to protect natural resources from the direct impacts of the land
29 development process, and to preserve and/or restore natural hydrologic conditions
30 on development sites;

31 (3) Encourage the use of nonstructural stormwater management methodologies,
32 stormwater better site design practices, peak rate and/or runoff reduction, and the
33 preservation of greenspace and other conservation areas by establishing minimum
34 post-development stormwater management standards and design criteria for the
35 regulation and control of stormwater runoff quantity and quality;

- 1 (4) Establish design and application criteria for the construction and use of structural
2 stormwater control facilities that meet the minimum post-development stormwater
3 management standards;
- 4 (5) Coordinate site design plans with the City of Atlanta's greenspace protection plan;
- 5 (6) Establish provisions for the long-term responsibility for operation, inspection,
6 maintenance, and repair of private structural stormwater control facilities and
7 private commitments for nonstructural stormwater management practices to
8 ensure that they continue to function as designed, are maintained, and pose no
9 threat to public safety or the environment; and
- 10 (7) Establish administrative procedures for the submission, review, approval and
11 disapproval of stormwater management plans, and for the inspection of approved
12 active projects, and long-term compliance.
- 13 (8) Protect public health and safety by reducing the risk of localized flooding and
14 reducing the amount of runoff entering public rights of way.

15 (Ord. No. 2004-56, §§ 2—4, 9-15-04)

16 **Sec. 74-503. - Definitions.**

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

19 *Applicant* means a person submitting a post-development stormwater management application
20 and plan for approval.

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

23 *Commissioner* means the Commissioner of the Department of Watershed Management or a
24 designee.

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

29 *Demolition* means removal of an existing building, structure, or other impervious surface.

30 *Detention* means the temporary storage of stormwater runoff in a stormwater management
31 facility for the purpose of controlling the peak discharge.

- 1 *Detention facility* means a detention basin or structure designed for the detention of stormwater
2 runoff and gradual release of stored water at controlled rates.
- 3 *Developer* means a person who undertakes land development activities.
- 4 *Development* means a land development or land development project.
- 5 *Drainage easement* means an easement appurtenant or attached to a tract or parcel of land
6 allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the
7 tract or parcel of land subject to the drainage easement.
- 8 *Erosion and Sedimentation Control Plan* means a plan that is designed to minimize the
9 accelerated erosion and sediment runoff at a site during land disturbance activities.
- 10 *Extended detention* means the detention of stormwater runoff for an extended period, typically
11 24 hours or greater.
- 12 *Extreme flood protection* means measures taken to prevent adverse impacts from large low-
13 frequency storm events with a return frequency of 100 years or more.
- 14 *Flooding* means a volume of water that is too great to be confined within the banks or walls of a
15 conveyance or stream channel and overflows onto adjacent lands.
- 16 *Grading* means altering ground surfaces to specified elevations, dimensions and slopes; this
17 includes, but is not limited to, stripping, cutting, filling, stockpiling and shaping or any
18 combination thereof and includes the land in its cut or filled condition.
- 19 *Greenfield* means land in its natural condition.
- 20 *Greenspace* means permanently protected areas of the site that are preserved in a natural state.
- 21 *Green Infrastructure* means an interconnected natural system and/or engineered system that
22 strengthens and mimics natural hydrologic functions and processes through the use of plants and
23 soil to slow, filter, evapotranspire, and infiltrate stormwater runoff close to its source; or the
24 capture and reuse of stormwater runoff.
- 25 *High Risk Operation* means an area where the use of the land has the potential to generate highly
26 contaminated runoff, with concentrations of pollutants in excess of those typically found in
27 stormwater as consistent with facilities operating under a Standard Industrial Code (SIC) or
28 requiring coverage under the Georgia General NPDES Stormwater Permit for Discharges from
29 Industrial Activities or as identified as a highly visible pollutant source (HVPS) per the City of
30 Atlanta's Stormwater Management Plan (SWMP) developed in accordance with the
31 requirements of the City of Atlanta's NPDES Municipal Separate Storm Sewer System (MS4)
32 permit.

- 1 *Hotspot* means an area with, or having potential for, a high level of pollution and/or
2 contamination within a larger area of low adverse environmental impact or normal
3 environmental quality.
- 4 *Hydrologic Soil Group (HSG)* means a Natural Resource Conservation Service classification
5 system in which soils are categorized into four runoff potential groups. The groups range from
6 group A soils, with high permeability and little runoff produced, to group D soils, which have
7 low permeability rates and produce much more runoff.
- 8 *Impervious cover* means a surface composed of any material that significantly impedes or
9 prevents the natural percolation of water into soil, which includes, but is not limited to, rooftops,
10 buildings, streets and roads, and any concrete or asphalt surface.
- 11 *Industrial stormwater permit* means a National Pollutant Discharge Elimination System
12 (NPDES) permit issued to an entity which regulates the pollutant levels associated with
13 industrial stormwater discharges or specifies on-site pollution control strategies.
- 14 *Inspection and maintenance agreement* means a written agreement providing for the long-term
15 inspection and maintenance of stormwater management facilities and practices on a site or with
16 respect to a land development project, which, when properly recorded in the deed records of the
17 Superior Court of Fulton or DeKalb County, whichever is applicable, constitutes a restriction on
18 the title to a site or other land involved in a land development project.
- 19 *Jurisdictional wetland* means an area that is inundated or saturated by surface water or
20 groundwater at a frequency and duration sufficient to support a prevalence of vegetation
21 typically adapted for life in saturated soil conditions, commonly known as hydrophytic
22 vegetation, as determined by the U.S. Army Corps of Engineers.
- 23 *Land development* means any land change, including, but not limited to, clearing, digging,
24 grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and
25 filling of land, construction, paving, and any other installation of impervious cover.
- 26 *Land development activities* means those actions or activities which comprise, facilitate or result
27 in land development.
- 28 *Land development project* means a discrete land development undertaking.
- 29 *National Pollutant Discharge Elimination System (NPDES) Permit* means the applicable national
30 pollutant discharge elimination system permit issued by the state environmental protection
31 division and in effect at the time of application for a post-development stormwater plan approval.
- 32 *New development* means a land development activity on a previously undeveloped site.
- 33 *Nonpoint source pollution* means a form of water pollution that does not originate from a
34 discrete point such as a sewage treatment plant or industrial discharge, but involves the transport
35 of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic

1 materials and other contaminants from land to surface water and groundwater via mechanisms
2 such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product
3 of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal
4 and urban runoff sources.

5 *Nonstructural Stormwater Management Practice* means any natural or planted vegetation or
6 other nonstructural component of the stormwater management plan that provides for or enhances
7 stormwater quantity and/or quality control or other stormwater management benefits, and
8 includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow
9 filtration areas, natural depressions, and vegetated channels.

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

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

14 *Open space* means permanently protected areas of the site that are preserved in a natural state.

15 *Overbank Flood Protection* means measures taken to prevent an increase in the frequency and
16 magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and
17 enter the floodplain), and that are intended to protect downstream properties from flooding for
18 the 2-year through 25-year frequency storm events.

19 *Owner* means the legal or beneficial owner of a site, including but not limited to, a mortgage or
20 vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in
21 control of the site.

22 *Percolation* means the process of absorption of stormwater runoff into the subsoil.

23 *Permit* means the permit issued by the City of Atlanta to the applicant which is required for
24 undertaking any land development activity.

25 *Person* means, except to the extent exempted from this ordinance, any individual, partnership,
26 firm, association, joint venture, public or private corporation, trust, estate, commission, board,
27 public or private institution, utility, cooperative, city, county or other political subdivision of the
28 State, any interstate body or any other legal entity.

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

32 *Pre-development* refers to the time period, or the conditions that exist, on a site prior to the
33 commencement of a land development project and at the time that plans for the land
34 development of a site are approved by the City of Atlanta. Where phased development or plan
35 approval occurs, which includes but is not limited to demolition, preliminary grading, roads and

- 1 utilities, the existing conditions at the time prior to issuance of the first project-related approval
2 or permit shall represent pre-developed conditions, in accordance with Section 74-513(d).
- 3 *Project* means the portion of the proposed development in terms of the area of land to be
4 disturbed.
- 5 *Q* means the peak rate of discharge.
- 6 *Redevelopment* means a land development project or addition on a previously developed site.
- 7 *Regional stormwater management facility* means stormwater management facilities designed to
8 control stormwater runoff from multiple properties, where the owners or developers of the
9 individual properties may assist in the financing of the facility, and the requirement for site-
10 specific on-site controls may be either eliminated or reduced.
- 11 *Responsible party* means the owner or owner's agent.
- 12 *Runoff* means the flow of surface water resulting from precipitation.
- 13 *Runoff Reduction* means the interception, evapotranspiration, infiltration or capture and reuse of
14 stormwater runoff.
- 15 *Single Family Residential development* means development or redevelopment of a lot containing
16 a single one or two family dwelling as defined in Section 16-29.001(12) of the City of Atlanta's
17 Zoning Ordinance.
- 18 *Site* means the parcel of land being developed, or the portion thereof on which the land
19 development project is located.
- 20 *Stormwater better site design* means nonstructural site design approaches, practices and
21 techniques that can reduce a site's impact on the watershed and can provide for nonstructural
22 stormwater management. Stormwater better site design includes conserving and protecting
23 natural areas and greenspace, reducing impervious cover and using natural features for
24 stormwater management.
- 25 *Stormwater management* means the collection, retention, detention, conveyance, storage,
26 treatment and disposal of stormwater runoff in a manner intended to prevent increased flooding,
27 streambank channel erosion, habitat degradation and water quality degradation, and to enhance
28 and promote the public health, safety and general welfare.
- 29 *Stormwater management facility* means any infrastructure that controls or conveys stormwater
30 runoff.
- 31 *Stormwater management measure* means any stormwater management facility or nonstructural
32 stormwater practice.

1 *Stormwater management plan* means the document(s) describing how existing runoff
2 characteristics will be affected by a land development project and containing measures for
3 complying with the provisions of this ordinance.

4 *Stormwater management site plan* means an engineering drawing depicting how and where
5 stormwater management facilities and practices will be installed on the site.

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

9 *Stormwater retrofit* means a stormwater management practice designed for a currently developed
10 site that previously had either no stormwater management practice in place or a practice
11 inadequate to meet the stormwater management requirements of the site.

12 *Structural stormwater control* means a structural stormwater management facility or device that
13 controls stormwater runoff and changes the characteristics of that runoff including, but not
14 limited to, the quantity and quality, the period of release, or the velocity of flow of such runoff.

15 *Subdivision* means the division of a tract or parcel of land resulting in one or more new lots or
16 building sites for the purpose, whether immediately or in the future, of sale, other transfer of
17 ownership or land development, and includes divisions of land resulting from or made in
18 connection with the layout or development of a new street or roadway or a change in an existing
19 street or roadway.

20 (Ord. No. 2004-56, §§ 2—4, 9-15-04)

21 **Sec. 74-504. - Applicability.**

22 (a) **Development and redevelopment.** This Article shall apply to all development and
23 redevelopment, except single family residential development, unless exempt pursuant to
24 Section 74-504(d). The standards found in this Article apply to any new development or
25 redevelopment site that meets one or more of the following:

26 (1) New development that involves the creation of any impervious cover; or

27 (2) New development that involves land development activities of one disturbed acre
28 or more; or

29 (3) Redevelopment that involves land development activity of one disturbed acre or
30 more; or

31 (4) Redevelopment that includes the creation, addition, or demolition and
32 replacement of 500 square feet or more of impervious cover; or
33

1 (5) Demolition that leaves in place more than 500 square feet of impervious cover
2 within the area of demolition, unless building permit application for replacement
3 structure or use which includes appropriate stormwater management is in place.
4

5 (b) **Single family residential.** Sections 74-513(a), 74-513(b), 74-515 and 74-516 of this
6 Article shall apply to a single family residential development, unless exempt pursuant to
7 Section 74-504(d). For the purposes of this Article, a single family residential
8 development shall include the following:
9

10 (1) Development or redevelopment of any site involving the construction of a single-
11 family residence; or
12

13 (2) Addition or modification that involves the creation, addition, or demolition and
14 replacement of 1,000 square feet or more of impervious cover to any single family
15 residential site.
16

17 A single family residential development shall not include development or redevelopment
18 of a site intended to be developed as a larger common plan of development or sale as
19 defined in Atlanta City Code Section 74-37.
20

21 (c) **High risk operation and hotspot.** This Article shall apply to any new development or
22 redevelopment, regardless of size, that meets the definition of Hotspot or High Risk
23 Operation, which includes, but is not limited to, fueling stations or industrial facilities
24 with potential for runoff pollution.
25

26 (d) **Exemptions.** The following activities are exempted from Sections (a), (b) and (c) above,
27 but shall be subject to the minimum requirements in Section 74-516:

28 (1) Agricultural or silvicultural land management activities within properly zoned
29 agricultural areas resulting in less than 1,000 square feet of impervious surface;

30 (2) Regrading or reshaping existing athletic fields or public parks resulting in less
31 than 1,000 square feet of new impervious surface;

32 (3) Installations, repairs, or modifications to storm drains, drainage structures, storm
33 water management facilities, or other drainage facilities to improve drainage
34 capabilities;

35 (4) Installations, repairs, or modifications to sanitary sewer facilities to expand or
36 improve sanitary sewer service capabilities;

37 (5) Work specifically related to the installation, repair, or maintenance of utility
38 service connections, including but not limited to sewer, water, electric, telephone,
39 and gas, to existing facilities;

40 (6) Installations of dumpster pads with drains connected to sanitary sewers;

- 1 (7) Installations or modifications to existing structures to accommodate Americans
2 with Disability Act (ADA) requirements, including but not limited to elevator
3 shafts, handicapped access ramps and parking, and enlarged entrances or exits;
- 4 (8) Installations or modifications to existing structures to address health and safety
5 issues or compliance with Atlanta City Code requirements, including but not
6 limited to fire escapes, stairways, and additional exits;
- 7 (9) Installations to existing structures of incidental mechanical or electrical
8 equipment placed on areas of previously existing impervious surfaces;
- 9 (10) Installation of hardscape less than 5,000 square feet, such as uncovered parking,
10 pedestrian, or patio areas, which utilize pervious pavers or other appropriate
11 infiltration techniques;
- 12 (11) Incidental maintenance or repair of existing impervious paved surfaces which
13 impact less than 1,000 square feet;
- 14 (12) Overlays or resurfacing of existing impervious paved surfaces;
- 15 (13) Any work permitted in the public rights of way such as the installations of
16 sidewalks, driveway aprons, and street cuts, or projects on private property
17 necessitated by activities in the public rights of way;
- 18 (14) Sidewalks or trails 15 feet wide or less where runoff is directed via sheet flow
19 toward vegetated areas at least twice as wide as the paved area, provided that the
20 potential for erosion is adequately addressed;
- 21 (15) Any minor work which in the professional judgment of the Commissioner is
22 deemed in the best interest of the City of Atlanta;
- 23 (16) Stream bank stabilization or restoration activities, or activities solely for the
24 purpose of environmental remediation; or
- 25 (17) Replacement of an existing driveway to access a single family residential
26 development.

27

28 (Ord. No. 2004-56, §§ 2—4, 9-15-04; Ord. No. 2005-46, § 1, 7-26-05)

29 **Sec. 74-505. - Designation of ordinance administrator.**

30 The Commissioner of the Department of Watershed Management or his designee is hereby
31 appointed to administer and implement the provisions of this Article.

1 (Ord. No. 2004-56, §§ 2—4, 9-15-04)

2 **Sec. 74-506. - Compatibility with other regulations.**

3 (a) The requirements of this Article are in addition to the requirements of any other
4 ordinance, rule, regulation or other provision of law, and where any provision of this
5 ordinance imposes restrictions different from those imposed by any other ordinance, rule,
6 regulation or other provision of law, whichever provision is more restrictive or imposes
7 higher protective standards for human health or the environment shall control.

8 (b) During any permitted construction activity, erosion and sedimentation control best
9 management practices as set forth in Article II of Chapter 74 shall be implemented to
10 prevent the migration of any sediment into any perennial streams, intermittent streams,
11 stream buffer, and waters of the state.

12 (Ord. No. 2004-56, §§ 2—4, 9-15-04)

13 **Sec. 74-507. - Severability.**

14 If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance
15 shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or
16 invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this
17 ordinance.

18 (Ord. No. 2004-56, §§ 2—4, 9-15-04)

19 **Sec. 74-508. - Stormwater design manual.**

20 The City of Atlanta will utilize the policy, criteria and information including technical
21 specifications and standards in the Georgia Stormwater Management Manual, the applicable
22 sections of the Coastal Stormwater Supplement and any relevant rules, regulations, or policies of
23 the City of Atlanta, including Chapter 74 of the Code of Ordinances, or procedures of the
24 Department of Watershed Management in effect at the time of application for the proper
25 implementation of the requirements of this ordinance. The manual may be updated and expanded
26 periodically, based on improvements in science, engineering, monitoring and local maintenance
27 experience.

28 (Ord. No. 2004-56, §§ 2—4, 9-15-04)

29 **Sec. 74-509. - Permit procedures and requirements.**

30 (a) No owner or developer shall perform any land development activities without first
31 meeting the requirements of this ordinance prior to commencing the proposed activity.

32 (b) Any owner or developer proposing a land development activity shall obtain a building
33 permit or other appropriate approval from the City of Atlanta.

- 1 (c) A permit application shall be accompanied by the following items in order to be
2 considered:
- 3 (1) Stormwater concept plan and consultation meeting certification in accordance
4 with Section 74-510;
- 5 (2) Stormwater management plan in accordance with Section 74-511;
- 6 (3) Inspection and maintenance agreement in accordance with Section 74-517;
- 7 (4) Performance bond in accordance with Section 74-518, if applicable; and
- 8 (5) Permit application and plan.
- 9 (d) The approved stormwater management plan shall obligate the responsible party to
10 accomplish all land clearing, construction, development and drainage in accordance with
11 the stormwater management plan. Any and all permits for development activities may be
12 revoked at any time if the construction of stormwater management facilities is not
13 conducted in strict accordance with approved plans.
- 14 (e) Applicants shall obtain all state and federal permits required for the proposed
15 development activity in addition to the plans and permits required by the City of Atlanta.
- 16 (f) The City of Atlanta shall inform the applicant whether the application, stormwater
17 management plan and inspection and maintenance agreement are approved or
18 disapproved. If either the permit application, stormwater management plan or inspection
19 and maintenance agreement are disapproved, the City of Atlanta shall notify the applicant
20 of such fact in writing. The applicant may then revise any item not meeting the
21 requirements hereof and resubmit the same.
- 22 (g) Upon a finding by the Department of Watershed Management that the permit application,
23 stormwater management plan and inspection and maintenance agreement meet the
24 requirements of this ordinance, the City of Atlanta may issue a permit for the land
25 development project, provided all other legal requirements for the issuance of such
26 permit have been met.
- 27 (h) Notwithstanding the issuance of the permit, in conducting the land development project,
28 the applicant or responsible party shall be subject to the following requirements:
- 29 (1) The applicant or responsible party shall comply with all applicable requirements
30 of the approved plan and this ordinance and shall certify that all land clearing,
31 construction, land development and drainage will be done according to the
32 approved plan;
- 33 (2) The land development project shall be conducted only within the area specified in
34 the approved plan;

1 (3) The City of Atlanta shall be allowed access to the site for inspection and
2 enforcement; and

3 (4) No changes may be made to an approved plan without review and written
4 approval by the Department of Watershed Management.

5 (i) Upon completion of the project, the applicant or responsible party shall submit the
6 stormwater engineer's certification and as-built plan as required by Section 74-519(b). If
7 the as-built differs substantially from the approved plan but is still acceptable to the City
8 of Atlanta, then the applicant or responsible party shall update the recorded inspection
9 and maintenance agreement upon approval of the City of Atlanta.

10 (Ord. No. 2004-56, §§ 2—4, 9-15-04)

11 **Sec. 74-510. – Stormwater concept plan and consultation meeting.**

12
13 (a) The owner, developer, engineer, or agent shall hold a consultation meeting with the
14 Department of Watershed Management to discuss the post-development stormwater
15 management measures necessary for the proposed project, as well as to discuss and assess
16 constraints, opportunities and ideas for stormwater management designs utilizing green
17 infrastructure and runoff reduction techniques before the formal site design engineering is
18 commenced. This consultation meeting shall be held prior to approval of a preliminary
19 plat, rezoning, or planning review, and prior to submittal of an application for a building
20 permit. The Department of Watershed Management shall make all reasonable efforts to
21 schedule the consultation meeting within one (1) week of an appropriate meeting request
22 made by an owner, developer, engineer or agent.
23

24 (b) The following information shall be included in the concept plan which shall be submitted
25 at the time of the consultation meeting:

26
27 (1) **Existing conditions / Proposed site plans.** Existing conditions and proposed site
28 layout sketch plans, which shall illustrate at a minimum: existing and proposed
29 topography; perennial and intermittent streams; mapping of predominant soils
30 from soil surveys; boundaries of existing predominant vegetation and proposed
31 limits of clearing and grading; and location of existing and proposed roads,
32 buildings, parking areas and other impervious surfaces.
33

34 (2) **Infiltration rates.** Infiltration rates shall be determined by soil surveys, on-site
35 soil analysis, or percolation test. If site has been previously developed or graded
36 or contains urban soil types, a percolation test is required.
37

38 (3) **Natural resources inventory.** A written or graphic inventory of the natural
39 resources in existence prior to the commencement of the project. This inventory
40 shall address resources both on the site and in the surrounding area that is or may
41 be impacted by the project. This inventory shall also include a description of soil
42 conditions, forest cover, topography, wetlands, and other native vegetative areas

1 on the site, as well as the location and boundaries of other natural feature
2 protection and conservation areas such as wetlands, lakes, ponds, floodplains,
3 stream buffers and other setbacks, including but not limited to drinking water well
4 setbacks and septic setbacks. Particular attention should be paid to
5 environmentally sensitive features that present constraints for development.
6

7 (4) **Stormwater management system concept plan.** A written or graphic concept
8 plan of the proposed post-development stormwater management system that
9 identifies the scope and magnitude of the project and related stormwater
10 requirements, and identifies how stormwater better site design techniques will be
11 used to reduce the need for structural stormwater controls. The plan shall also
12 include: preliminary selection and location of proposed structural stormwater
13 controls; location of existing and proposed conveyance systems such as grass
14 channels, swales, and storm drains; flow paths; location of floodplain/floodway
15 limits; relationship of site to upstream and downstream properties and drainages;
16 and preliminary location of proposed stream channel modifications, such as
17 bridge or culvert crossings.

18 **Sec. 74-511. Submittal requirements for stormwater management plans.**

19 (a) The stormwater management plan shall detail how post-development stormwater runoff
20 will be controlled or managed and how the proposed project will meet the requirements
21 of this ordinance, including the performance criteria set forth in Section 74-513.

22 (b) This plan shall be in accordance with the criteria established in this section and must be
23 submitted with the stamp and signature of a professional engineer (PE) licensed in the
24 State of Georgia, who must verify that the design of all stormwater management facilities
25 and practices meet the submittal requirements outlined in the Georgia Stormwater
26 Management Manual, the Coastal Stormwater Supplement and the City of Atlanta’s
27 submittal requirements for commercial and single-family residential development. Plans
28 and studies shall be presented in a format that itemizes each of the requirements in
29 Section 74-511(c), including performance criteria set forth in Section 74-513.

30 (c) The stormwater management plan must ensure that the requirements and criteria in this
31 ordinance are being complied with and that opportunities are being taken to minimize
32 adverse post-development stormwater runoff impacts from the development. The plan
33 shall consist of maps, narrative, and supporting design calculations (hydrologic and
34 hydraulic) for the proposed stormwater management system. The plan shall include all of
35 the applicable design requirements and forms found in the Georgia Stormwater
36 Management Manual, the Coastal Stormwater Supplement and the City of Atlanta’s
37 submittal requirements for commercial and single-family residential development. This
38 includes but is not limited to the following:

- 39 (1) Common address and legal description of site;
- 40 (2) Vicinity map;

- 1 (3) **Existing conditions/proposed site plans.** Existing conditions and proposed site
2 layout sketch plans, which illustrate at a minimum: existing and proposed
3 topography; perennial and intermittent streams; mapping of predominant soils
4 from soil surveys; boundaries of existing predominant vegetation and proposed
5 limits of clearing and grading; and location of existing and proposed roads,
6 buildings, parking areas and other impervious surfaces;
- 7 (4) **Infiltration rates.** Infiltration rates shall be determined by soil surveys, on-site
8 soil analysis, or percolation test. If site has been previously developed or graded
9 or contains urban soil types, a percolation test is required;
- 10 (5) **Natural resources inventory.** A written or graphic inventory of the natural
11 resources in existence prior to the commencement of the project. This inventory
12 shall address resources both on the site and in the surrounding area that is or may
13 be impacted by the project. This inventory shall also include a description of soil
14 conditions, forest cover, topography, wetlands, and other native vegetative areas
15 on the site, as well as the location and boundaries of other natural feature
16 protection and conservation areas such as wetlands, lakes, ponds, floodplains,
17 stream buffers and other setbacks, including but not limited to drinking water well
18 setbacks and septic setbacks. Particular attention should be paid to
19 environmentally sensitive features that present constraints for development;
- 20 (6) **Existing conditions hydrologic analysis.** The existing condition hydrologic
21 analysis for stormwater runoff rates, volumes, and velocities, in accordance with
22 the Georgia Stormwater Management Manual, which shall include: a topographic
23 map of existing site conditions with the drainage basin boundaries indicated;
24 acreage, soil types and land cover of areas for each subbasin affected by the
25 project; all perennial and intermittent streams and other surface water features; all
26 existing stormwater conveyances and structural control facilities; direction of
27 flow and exits from the site; analysis of runoff provided by off-site areas upstream
28 of the project site; and methodologies, assumptions, site parameters and
29 supporting design calculations used in analyzing the existing conditions site
30 hydrology. For redevelopment sites, predevelopment conditions shall be modeled
31 using the established guidelines in Section 74-513;
- 32 (7) **Post-development hydrologic analysis.** The post-development hydrologic
33 analysis for stormwater runoff rates, volumes, and velocities, which shall be
34 calculated in accordance with the Georgia Stormwater Management Manual, and
35 include: a topographic map of developed site conditions with the post-
36 development drainage basin boundaries indicated; total area of post-development
37 impervious surfaces and other land cover areas for each subbasin affected by the
38 project; calculations for determining the runoff volumes that need to be addressed
39 for each subbasin for the development project to meet the post-development
40 stormwater management performance criteria in Section 74-513; location and
41 boundaries of proposed natural feature protection and conservation areas;
42 documentation and calculations for any applicable site design credits that are

1 being utilized; and methodologies, assumptions, site parameters and supporting
2 design calculations used in analyzing the existing conditions site hydrology. For
3 a subdivision of land or planned development, post-development runoff volumes,
4 rates, and velocities shall be calculated based on the built out conditions of the
5 entire parcel to be subdivided, regardless of future ownership of individual lots.
6 Estimates of impervious surfaces shall be made based on maximum allowable lot
7 coverage in accordance with Section 16-29.001(38) of the City of Atlanta's
8 Zoning Ordinance when meeting the performance criteria in Section 74-513 (c)
9 through (i). The developer of said subdivided parcel may provide the Runoff
10 Reduction/Water Quality measures in accordance with Sections 74-513 (a) and
11 (b) for individual lots and must be reflected accordingly on the final plat;

12 (8) **Stormwater management system.** The description, scaled drawings and design
13 calculations for the proposed post-development stormwater management system,
14 which shall include: a map and/or drawing or sketch of the stormwater
15 management facilities, including the location of nonstructural site design features
16 and the placement of existing and proposed structural stormwater controls,
17 including design water surface elevations, storage volumes available from zero to
18 maximum head, location of inlet and outlets, location of bypass and discharge
19 systems, and all orifice/restrictor sizes; a narrative describing how the selected
20 structural stormwater controls will be appropriate and effective; cross-section and
21 profile drawings and design details for each of the structural stormwater controls
22 in the system, including supporting calculations to show that the facility is
23 designed according to the applicable design criteria; a hydrologic and hydraulic
24 analysis of the stormwater management system for all applicable design storms
25 (including stage-storage or outlet rating curves, and inflow and outflow
26 hydrographs); documentation and supporting calculations to show that the
27 stormwater management system adequately meets the post-development
28 stormwater management performance criteria in Section 74-513; drawings, design
29 calculations, elevations and hydraulic grade lines for all existing and proposed
30 stormwater conveyance elements including stormwater drains, pipes, culverts,
31 catch basins, channels, swales and areas of overland flow; and where applicable, a
32 narrative describing how the stormwater management system corresponds with
33 any watershed protection plans, TMDL implementation plans, and/or local
34 greenspace protection plan;

35 (9) **Post-development downstream analysis.** A downstream peak flow analysis
36 which includes the assumptions, results and supporting calculations to show safe
37 passage of post-development design flows downstream. The analysis of
38 downstream conditions in the report shall address each and every point or area
39 along the project site's boundaries at which runoff will exit the property. The
40 analysis shall focus on the portion of the drainage channel or watercourse
41 immediately downstream from the project. This area shall extend downstream
42 from the project to a point in the drainage basin where the project area is ten
43 percent of the total basin area. In calculating runoff volumes and discharge rates,

1 consideration may need to be given to any planned future upstream land use
2 changes. The analysis shall be in accordance with the stormwater design manual;

3 (10) **Construction phase erosion and sedimentation control plan.** An erosion and
4 sedimentation control plan in accordance with the City of Atlanta Soil Erosion
5 and Sedimentation Control provisions found in Article II of Chapter 74, the
6 Georgia Erosion and Sedimentation Control Act, and any NPDES permit for
7 construction activities. The plan shall also include information on the
8 sequence/phasing of construction and temporary stabilization measures and
9 temporary structures that will be converted into permanent stormwater controls.
10 Prior to the approval of the stormwater management plan, the applicant shall
11 submit a proposed staged construction and inspection control schedule for
12 approval; otherwise, the construction and inspection control schedule will be for
13 the entire drainage system. No stage work related to the construction of
14 stormwater management facilities or BMPs shall proceed until the next
15 proceeding stage of work, according to the sequence specified in the approved
16 staged construction and inspection control schedule, as inspected and approved.
17 Runoff reduction and water quality measures shall be installed in the final phase
18 of construction to prevent clogging;

19 (11) **Stormwater landscaping plan.** A detailed landscaping and vegetation plan
20 describing the woody and herbaceous vegetation that will be used within and
21 adjacent to stormwater management facilities and practices. The landscaping plan
22 must also include: the arrangement of planted areas, natural and greenspace areas
23 and other landscaped features on the site plan; information necessary to construct
24 the landscaping elements shown on the plan drawings; descriptions and standards
25 for the methods, materials and vegetation that are to be used in the construction;
26 density of plantings; descriptions of the stabilization and management techniques
27 used to establish vegetation; and a description of who will be responsible for
28 ongoing maintenance of vegetation for the stormwater management facility and
29 what practices will be employed to ensure that adequate vegetative cover is
30 preserved;

31 (12) **Operations and maintenance plan.** Detailed description of ongoing operations
32 and maintenance procedures for stormwater management facilities and practices
33 to ensure their continued function as designed and constructed or preserved. This
34 plan will identify the parts or components of a stormwater management facility or
35 practice that need to be regularly or periodically inspected and maintained, and
36 the equipment and skills or training necessary. The plan shall include a narrative
37 describing how stormwater management system is designed to function, including
38 capture, runoff control, water quality treatment, channel protection and flood
39 protection, a narrative describing ongoing operations and maintenance procedures
40 for all stormwater management facilities and practices as shown on the
41 Stormwater Management Site Plan, an inspection and maintenance schedule,
42 description of maintenance tasks, identification of responsible parties for ongoing
43 maintenance, description of funding source, and a review of access and safety

1 issues. Provisions for the periodic review and evaluation of the effectiveness of
2 the maintenance program and the need for revisions or additional maintenance
3 procedures shall be included in the plan;

4 (13) **Maintenance access easements.** The applicant must ensure access from public
5 right-of-way to stormwater management facilities and practices requiring regular
6 maintenance at the site for the purpose of inspection and repair by securing all the
7 maintenance access easements needed on a permanent basis. Such access shall be
8 sufficient for all necessary equipment for maintenance activities. Such easements
9 shall be reflected in all plats and surveys;

10 (14) **Inspection and maintenance agreements.** The applicant must execute an
11 inspection and maintenance agreement binding on all subsequent owners of land
12 served by an on-site stormwater management facility or practice in accordance
13 with Section 74-517; and

14 (15) **Evidence of acquisition of applicable local and non-local permits.** The
15 applicant shall certify and provide documentation to the City of Atlanta that all
16 applicable environmental permits have been acquired for the site prior to approval
17 of the site development and stormwater management plan.

18 (Ord. No. 2004-56, §§ 2—4, 9-15-04)

19
20 **Sec. 74-512. - Off-site facilities.**
21

22 (a) The stormwater management plan for each land development project shall provide for
23 stormwater management measures located on the site of the project, unless provisions are
24 made to manage stormwater by an off-site or regional stormwater management facility.
25 The off-site or regional stormwater management facility, if applicable, must comply with
26 the following:
27

28 (1) The off-site or regional stormwater management facility must be located on
29 property legally dedicated for the purpose;
30

31 (2) The off-site or regional stormwater management facility must be designed and
32 adequately sized to provide a level of stormwater quantity and quality control that
33 is equal to or greater than that which would be afforded by on-site practices;
34

35 (3) There must be a legally-obligated entity responsible for long-term operation and
36 maintenance of the off-site or regional stormwater facility; and
37

38 (4) On-site measures shall be implemented, where necessary, to protect upstream and
39 downstream properties and drainage channels from the site to the off-site facility.
40

- 1 (b) A stormwater management plan that shows the adequacy of the off-site or regional
2 stormwater management facility must be submitted to the Department of Watershed
3 Management.
4
- 5 (c) To be eligible for a modification, the applicant must demonstrate to the satisfaction of the
6 Department of Watershed Management that the use of an off-site or regional stormwater
7 management facility will not result in the following impacts to upstream or downstream
8 areas:
9
- 10 (1) Increased threat of flood damage to public health, life, and property;
 - 11
 - 12 (2) Deterioration of existing culverts, bridges, dams, and other structures;
 - 13
 - 14 (3) Accelerated streambank or streambed erosion or siltation;
 - 15
 - 16 (4) Degradation of in-stream biological functions or habitat; or
 - 17
 - 18 (5) Water quality impairment in violation of state water quality standards, and/or
19 violation of any state or federal regulations.
20

21 (Ord. No. 2004-56, §§ 2--4, 9-15-04)

22
23 **Sec. 74-513. – Performance criteria for stormwater management.**
24

25 For new developments, the following performance criteria shall be applied to the area of the site
26 impacted by the proposed work. For redevelopment, the following performance criteria shall be
27 applied to the area of the site impacted by the proposed work, provided that the impacted area
28 does not exceed 35 percent of the previously developed area. If the impacted area exceeds 35
29 percent of the previously developed area, the following performance criteria shall be applied to
30 the entire development, including the previously developed area:
31

- 32 (a) **Stormwater runoff reduction.** The stormwater runoff volume generated by the first
33 1.0” of rainfall shall be retained on-site in order to help maintain pre-development site
34 hydrology and help protect the local watershed from several indirect impacts of the land
35 development process, including decreased groundwater recharge, decreased baseflow and
36 degraded water quality. A stormwater management system is presumed to comply with
37 this criteria if:
38
- 39 (1) It includes green infrastructure practices that provide for the interception and
40 evapotranspiration, infiltration, or capture and reuse of stormwater runoff, that
41 have been selected, designed, constructed and maintained in accordance with the
42 information presented in the latest edition of the Georgia Stormwater
43 Management Manual and applicable sections of the Coastal Stormwater
44 Supplement; or constitutes an alternative practice responsibly designed and
45 documented by the engineer to reproduce the intent of the Georgia Stormwater

1 Management Manual and applicable sections of the Coastal Stormwater
2 Supplement; and
3

- 4 (2) It is designed to provide the amount of stormwater runoff reduction from the
5 runoff generated by the first 1.0” of rainfall as specified in the latest edition of the
6 Georgia Stormwater Management Manual and applicable sections of the Coastal
7 Stormwater Supplement.
8

9 (b) **Water quality protection.** All stormwater runoff generated from a site shall be
10 adequately treated before discharge. It will be presumed that a stormwater management
11 system complies with this requirement if it satisfies the stormwater runoff reduction
12 criteria in Section 74-513(a). However, if any of the stormwater runoff volume generated
13 by the first 1.0” of rainfall cannot be reduced or retained on the development site, due to
14 site characteristics or constraints, such as, a high water table, surface bedrock,
15 contaminated soils, or the presence of a High Risk Operation or Hotspot, the remaining
16 volume shall be increased by a multiplier of 1.2 and shall be intercepted and treated in
17 one or more stormwater management practices that provide at least an 80 percent
18 reduction in total suspended solids loads in accordance with the following criteria:
19

- 20 (1) The practice shall be sized to treat the prescribed water quality treatment volume
21 from the site, as defined in the Georgia Stormwater Management Manual;
22
23 (2) Appropriate structural stormwater controls or nonstructural management practices
24 are selected, designed, constructed or preserved, and maintained according to the
25 specific criteria in the Georgia Stormwater Management Manual and applicable
26 sections of the Coastal Stormwater Supplement; or constitutes an alternative
27 practice responsibly designed and documented by the engineer to reproduce the
28 intent of the Georgia Stormwater Management Manual and applicable sections of
29 the Coastal Stormwater Supplement; and
30
31 (3) Runoff from a High Risk Operation or Hotspot land use activity identified by the
32 City of Atlanta is adequately treated and addressed through the use of appropriate
33 structural stormwater controls, nonstructural management practices and pollution
34 prevention practices.
35

36 (c) **Stream channel protection.** Protection of stream channels from bank and bed erosion
37 and degradation shall be provided by using all of the following approaches:
38

- 39 (1) Preservation, restoration and/or reforestation with native vegetation of the
40 applicable stream buffer pursuant to Chapter 74, Article VII: Riparian Buffer
41 Requirements;
42
43 (2) 24-hour extended detention storage of the one-year, 24-hour return frequency
44 storm event; and
45
46 (3) Erosion prevention measures such as energy dissipation and velocity control.

1
2 For redevelopment projects that create, add, or demolish and replace less than 5,000
3 square feet of impervious surface and meet the performance criteria of Section 74-513(a)
4 and (b), stream channel protection is not required.

- 5 (d) **Overbank flooding protection.** For new development (greenfield), overbank flood and
6 property protection shall be provided by attenuating the post-development peak discharge
7 rate to the pre-development rate up to the 25-year, 24-hour return frequency storm event.

8 For redevelopment, overbank flood and property protection shall be provided by reducing
9 the peak discharge rate up to the 25-year, 24-hour storm event in accordance with the
10 following formula:

$$\frac{\%PIC}{2} = \%PDRR$$

11 PIC = Pre-development Impervious Cover

12 PDRR = Peak Discharge Rate Reduction

13 For sites where previous demolition has removed impervious surfaces, pre-development
14 peak discharge rate calculations and percentage of impervious coverage shall be
15 calculated based on pre-demolition conditions. For sites that have been demolished and
16 have remained fallow and stabilized with vegetation for a minimum of 5 years, they shall
17 be considered as having pre-development conditions of 20% impervious cover for
18 purposes of calculating peak discharge rate reduction.

19 For land development permitted post-2004 and served by appropriate stormwater
20 management facilities, subsequent redevelopment of the same area is not required to
21 further reduce the peak discharge rate, provided that the site continues to meet the
22 reduction previously achieved.

23 For redevelopment projects that create, add, or demolish and replace less than 5,000
24 square feet of impervious surface and meet the performance criteria of Section 74-513(a)
25 and (b), overbank flooding protection is not required.

- 26
27 (e) **Extreme flooding protection.** Extreme flood and public safety protection shall be
28 provided by attenuating and safely conveying the 100-year, 24-hour return frequency
29 storm event without any increase in peak discharge rate, such that flooding is not
30 exacerbated.

31
32 For redevelopment projects that create, add, or demolish and replace less than 5,000
33 square feet of impervious surface and meet the performance criteria of Section 74-513(a)
34 and (b), extreme flooding protection is not required.

- 35
36 (f) **Structural stormwater controls.**

1 (1) All structural stormwater management facilities shall be selected and designed
2 using the appropriate criteria from the Georgia Stormwater Management Manual
3 and applicable sections of the Coastal Stormwater Supplement. All structural
4 stormwater controls must be designed appropriately to meet their intended
5 function. For other structural stormwater controls not included in the Georgia
6 Stormwater Management Manual, or for which pollutant removal rates have not
7 been provided, the effectiveness and pollutant removal of the structural control
8 must be documented through prior studies, literature reviews, or other means and
9 receive approval from City of Atlanta before being included in the design of a
10 stormwater management system. In addition, if hydrologic or topographic
11 conditions, or land use activities warrant greater control than that provided by the
12 minimum control requirements, the City of Atlanta may impose additional
13 requirements deemed necessary to protect upstream and downstream properties
14 and aquatic resources from damage due to increased volume, frequency, and rate
15 of stormwater runoff or increased nonpoint source pollution loads created on the
16 site in question.

17
18 (2) Applicants shall consult the Georgia Stormwater Management Manual for
19 guidance on the factors that determine site design feasibility when selecting and
20 locating a structural stormwater control.

21
22 (g) **Stormwater credits for nonstructural measures.** The applicant may take credit for the
23 use of stormwater better site design practices and reduce the water quality volume and
24 runoff reduction requirements. The site design practices that qualify for this credit and the
25 criteria and procedures for applying and calculating the credits are included in the
26 Georgia Stormwater Management Manual and applicable sections of the Coastal
27 Stormwater Supplement.

28
29 (h) **Drainage system guidelines.** Stormwater conveyance facilities, which may include but
30 are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction
31 boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be
32 provided when necessary for the protection of public right-of-way and private properties
33 adjoining project sites and/or public rights-of-way. Stormwater conveyance facilities that
34 are designed to carry runoff from more than one parcel, existing or proposed, shall meet
35 the following requirements:

36
37 (1) Methods to calculate stormwater flows shall be in accordance with the Georgia
38 Stormwater Management Manual;

39
40 (2) All culverts, pipe systems and open channel flow systems shall be sized in
41 accordance with the stormwater management plan, pursuant to Section 74-511,
42 using the methods included in the Georgia Stormwater Management Manual; and

43
44 (3) Design and construction of stormwater conveyance facilities shall be in
45 accordance with the criteria and specifications found in the Georgia Stormwater

1 Management Manual and applicable sections of the Coastal Stormwater
2 Supplement.

- 3
4 (i) **Rules for dam safety and any other applicable federal, state, or local requirement.**
5 Any land development activity that involves a site which proposes a dam shall comply
6 with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.
7

8 (Ord. No. 2004-56, §§ 2—4, 9-15-04)

9 **Sec. 74-514. - High risk operation and hotspot requirements.**

10 In addition to the provisions of this Article, developments and redevelopments that meet the
11 definition of High Risk Operation or Hotspot shall meet the following criteria:

- 12 (a) No portion of the area of risk shall bypass the stormwater management system;
13 (b) At a minimum, treatment method must be as specified in the Georgia Stormwater
14 Management Manual and be designed for the specific pollutant of risk; and
15 (c) The Commissioner may exercise at his discretion, to create additional and specific
16 policies regarding these types of operations.

17 **Sec. 74-515. – Single family residential plan requirements.**

18 In addition to the requirements in Sections 74-513(a), 74-513(b), and 74-516, single family
19 residential developments not otherwise exempt from this Article, under Section 74-504(d), shall
20 submit a grading plan and an erosion and sediment control plan to the Site Development section
21 of the Department of Watershed Management identifying the following:

- 22 (a) Existing and proposed ground contours and elevations;
23 (b) Sanitary and storm sewers, structures and easements;
24 (c) Location, configuration and finished floor elevations for existing and proposed building
25 structures;
26 (d) Location, configuration and finished elevations for existing and proposed paved areas;
27 (e) Erosion and sediment control practices in conformance with the Manual for Erosion and
28 Sediment Control in Georgia, Chapter 6; and
29 (f) Plan shall be signed and sealed by State of Georgia registered architect, landscape
30 architect, engineer or land surveyor.

31 **Sec. 74-516. - Minimum requirements.**

1 For all development and redevelopment activities, including single family residential and those
2 which are otherwise exempt from this Article, the following minimum requirements shall apply:

- 3
- 4 (a) Lots and buildings shall be developed in a manner to ensure that storm water exiting
5 individual parcels or lots under post-developed conditions does not adversely impact the
6 adjacent parcels or lots as a result of concentrated flows, flooding, erosion, or deposits of
7 silt or sediment;
- 8 (b) The stormwater discharge from a downspout, cistern, or any water collection device shall
9 be located a distance of no less than 10 feet from common property line and oriented so
10 direction of concentrated flow is not toward the adjacent property line;
- 11 (c) Discharge from any downspout described in (a) must be dissipated, infiltrated, or diverted
12 such that flows will not be concentrated; and
- 13 (d) No person shall erect, construct, or otherwise permit any obstruction that prevents the
14 natural or contained flow of water to any component of the stormwater system of the City
15 of Atlanta, unless such obstruction is allowed as part of a permit approved pursuant to
16 this article.

17 **Sec. 74-517. - Stormwater management inspection and maintenance.**

- 18 (a) Prior to the issuance of any permit for a land development activity requiring a stormwater
19 management facility or practice hereunder for which the City of Atlanta requires ongoing
20 maintenance, the owner or responsible party shall execute an inspection and maintenance
21 agreement. Such agreement shall be submitted prior to the issuance of any such permit
22 and shall be binding on all appropriate successors in title of the site.

23 Inspection and maintenance agreements may terminate or be amended if superseded by
24 subsequent development approved by the City of Atlanta. Any applicant for development
25 will be required to obtain an inspection and maintenance agreement for all proposed and
26 existing stormwater management facilities on the property.

- 27 (b) The inspection and maintenance agreement must be approved by the City of Atlanta; and
28 upon approval, recorded in the deed records of the Superior Court of Fulton or DeKalb
29 County, whichever is applicable, prior to issuance of permit.

- 30 (c) Responsibility for the operation and maintenance of the stormwater management facility
31 or practice shall remain with the property owner and shall pass to any successor in title. If
32 portions of the site are sold or otherwise transferred, the inspection and maintenance
33 responsibility shall pass to the appropriate successor in title. Such transfers shall
34 designate for each portion of the site, the responsible party to be permanently responsible
35 for its inspection and maintenance and shall be recorded in the deed records for the
36 property. The inspection and maintenance agreement shall identify by name or official
37 title the person responsible for carrying out the inspection and maintenance.

1 (d) Where a stormwater maintenance facility exists on any property to be subdivided,
2 including, but not limited to, Subdivisions, Planned Developments, Multi-family
3 Developments, or Mixed Use Developments, the facility shall be owned in accordance
4 with the following:
5

6 (1) If a property owners' association is created, in accordance with the Georgia
7 Property Owners' Association Act (O.C.G.A. § 44-3-220, et seq.), the stormwater
8 maintenance facility shall be treated as a common area, and the following
9 provisions, at a minimum, shall be included in the property owners' association's
10 bylaws or covenants:
11

12 a. Governance by the Georgia Property Owners' Association Act (O.C.G.A.
13 § 44-3-220, et seq.) or a successor to that Act that grants lien rights to the
14 association for maintenance expenses and tax obligations;
15

16 b. Automatic compulsory membership in the property owners' association of
17 all lot purchasers and their successor in title;
18

19 c. A fair and uniform method of assessment and collection/payment for dues,
20 maintenance, and related costs;
21

22 d. Perpetual and continued inspection and maintenance liability for the
23 required stormwater facility;
24

25 e. Filing of all required covenants, declarations, and restrictions with the
26 Clerk of the Superior Court of Fulton or DeKalb County, whichever is
27 applicable; and
28

29 f. Prior arrangement for the transfer of ownership of the stormwater
30 maintenance facility in fair and equal parts to all lot owners in the case of
31 the property owners' association dissolving.
32

33 (2) If a property owners association is not created, the stormwater maintenance
34 facility shall be owned by all appropriate successors in title to the land in the
35 development sold or otherwise transferred. Costs associated with the inspection
36 and maintenance of the stormwater facility shall be assessed equitably among all
37 of the lots in the development.

38 (e) The inspection and maintenance agreement shall comply with the requirements of the
39 Department of Watershed Management and include, at a minimum, a description of the
40 property, appropriate details of the stormwater management plan, an operations and
41 maintenance plan, and a plan for annual inspection.

42 (f) In addition to enforcing the terms of the inspection and maintenance agreement, the City
43 of Atlanta may also enforce all of the provisions for ongoing inspection and maintenance
44 in Section 74-520 of this Article.

1 (g) Prior to the issuance of any permit for a land development activity requiring a stormwater
2 management facility or practice hereunder, the owner or responsible party shall execute
3 an indemnification and hold harmless agreement, in a form provided by the City of
4 Atlanta, which shall state at a minimum, that the owner or responsible party shall
5 indemnify and hold harmless the City of Atlanta for any up-stream or down-stream
6 damages due to structural, design, installation, maintenance or any other failure of the
7 stormwater management facility.

8 (Ord. No. 2004-56, §§ 2—4, 9-15-04)

9 **Sec. 74-518 - Performance and maintenance bonds.**

10 Bonding requirements shall be in parallel with those included for Erosion Control Application
11 Requirements, pursuant to Section 74-39(b)(5). Prior to release of the bond, all stormwater
12 facilities shall be intact and functioning as designed and in accordance with this Article.

13 (Ord. No. 2004-56, §§ 2—4, 9-15-04)

14 **Sec. 74-519. - Construction inspections of post-development stormwater management**
15 **system.**

16 (a) **Inspections to ensure plan compliance during construction.** Periodic inspections of
17 the stormwater management system construction shall be conducted by the staff of the
18 City of Atlanta or conducted and certified by a professional engineer who has been
19 approved by the City of Atlanta. Construction inspections shall utilize the approved
20 stormwater management plan for establishing compliance.

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

- 23 a. The date and location of the inspection;
- 24 b. Whether construction is in compliance with the approved stormwater
25 management plan;
- 26 c. Variations from the approved construction specifications; and
- 27 d. Any other variations or violations of the conditions of the approved
28 stormwater management plan.

29 (2) If any violations are found, the responsible party shall be notified in writing of the
30 nature of the violation and the required corrective actions.

31 (b) **Final inspection and as built plans.** Upon completion of a project, and prior to final
32 inspection pursuant to Section 74-43(f) or issuance of a certificate of occupancy, the
33 applicant is responsible for certifying that the completed project is in accordance with the

1 approved stormwater management plan. All applicants are required to submit an
2 electronic format as determined by the Department of Watershed Management, and a
3 paper format of the actual "as built" plans for any stormwater management facilities or
4 practices after final construction is completed. The plan must show the as built
5 configuration for all stormwater management facilities and practices and must be
6 certified by a professional engineer. A final inspection by the City of Atlanta is required
7 before the release of any performance securities can occur.

8 (Ord. No. 2004-56, §§ 2—4, 9-15-04)

9 **Sec. 74-520. - Ongoing inspection and maintenance of stormwater facilities and practices.**

10 (a) **Absence of an inspection and maintenance agreement.** The absence of an inspection
11 and maintenance agreement shall not relieve the responsible party from performing
12 proper maintenance and inspection of the stormwater management facility. If the
13 responsible party fails or refuses to meet the requirements of this ordinance, the City of
14 Atlanta may correct the violation as provided in Section 74-520(f) hereof.

15 (b) **Pre-existing facilities.** For facilities constructed prior to the effective date of this
16 ordinance, the responsible party shall perform proper maintenance of the stormwater
17 management facility as required by the indemnification agreement. If the responsible
18 party fails or refuses to meet the requirements of this ordinance, the City of Atlanta may
19 correct the violation as provided in Section 74-520(f) hereof.

20 (c) **Maintenance inspection of storm water facilities and practices.** The following shall
21 apply to all sites regardless of the existence of an inspection and maintenance agreement:

22 (1) Stormwater management facilities and practices included in a stormwater
23 management plan must undergo ongoing inspections to document maintenance
24 and repair needs and ensure compliance with the requirements of the agreement,
25 the plan and this Article.

26 (2) A stormwater management facility or practice shall be inspected on a periodic
27 basis by the responsible party. Such inspection shall be conducted in accordance
28 with the approved inspection and maintenance agreement pursuant to Section 74-
29 517, or, in the absence of an inspection and maintenance agreement, in
30 accordance with the requirements of this Article. In the event that the stormwater
31 management facility has not been maintained and/or becomes a danger to public
32 safety or public health, the City of Atlanta shall notify the party responsible for
33 carrying out the maintenance plan by registered or certified mail, or by delivery in
34 person of a notice of violation to the person specified in the inspection and
35 maintenance agreement. The notice shall specify the measures needed to comply
36 with the agreement and the plan and shall specify the time within which such
37 measures shall be completed. Failure of the City of Atlanta to provide such notice
38 shall not relieve the responsible party from performing proper maintenance and
39 inspection of the stormwater management facility. If the responsible party fails or

1 refuses to meet the requirements of the inspection and maintenance agreement,
2 the City of Atlanta may correct the violation as provided in Section 74-520(f)
3 hereof; and

4 (3) An annual inspection shall be performed and attested to by a qualified
5 professional (certified Level II Georgia Soil and Water Conservation Commission
6 Specialist) with results reported to the Department of Watershed Management.
7 Any deficiencies noted in either operation or maintenance of the facility must be
8 included in the report along with the proposed remedies required and a time table
9 for their implementation. If substantial deficiencies are found, a follow-up
10 inspection to confirm correction of said deficiencies shall be performed and
11 reported to the Department of Watershed Management.

12 (4) Inspection programs by the City of Atlanta may be established on any reasonable
13 basis, including but not limited to routine inspections, random inspections,
14 inspections based upon complaints or other notice of possible violations, and joint
15 inspections with other agencies inspecting under environmental or safety laws.
16 Inspections may include, but are not limited to reviewing maintenance and repair
17 records, sampling discharges, surface water, groundwater, and material or water
18 in stormwater management facilities, and evaluating the condition of stormwater
19 management facilities and practices.

20 (d) **Right-of-entry for inspection.** The City of Atlanta may enter the property at reasonable
21 times and in a reasonable manner for the purpose of inspection. This includes the right to
22 enter a property when it has a reasonable basis to believe that a violation of this ordinance
23 is occurring or has occurred and to enter when necessary for abatement of a public
24 nuisance or correction of a violation of this ordinance.

25 (e) **Records of maintenance activities.** Parties responsible for the operation and
26 maintenance of a stormwater management facility shall maintain records of all
27 maintenance and repairs and provide copies to the Department of Watershed
28 Management upon request.

29 (f) **Failure to maintain.** If a responsible party fails or refuses to meet the requirements of
30 the inspection and maintenance agreement or indemnity agreement, the City of Atlanta
31 after 30 days written notice (except, that in the event the violation constitutes an
32 immediate danger to public health or public safety, 24 hours notice shall be sufficient),
33 may correct a violation of the design standards or maintenance requirements by
34 performing the necessary work to place the facility or practice in proper working
35 condition. The City of Atlanta may assess the owner of the facility for the cost of repair
36 work which shall be a lien on the property, and may be placed on the ad valorem tax bill
37 for such property and collected in the ordinary manner for such taxes.

38 (Ord. No. 2004-56, §§ 2—4, 9-15-04)

39 **Sec. 74-521. - Notice of violation.**

1 (a) **Notice of violation.** If the City of Atlanta determines that an owner or other responsible
2 party has failed to comply with the terms and conditions of a permit, an approved
3 stormwater management plan, inspection and maintenance agreement, indemnity
4 agreement, or any provision of this Article, it shall issue a written notice of violation to
5 such applicant or other responsible party. Where a person is engaged in activity covered
6 by this Article without having first secured a permit therefor, the notice of violation shall
7 be served on the owner or the responsible party in charge of the activity being conducted
8 on the site. The notice of violation shall contain:

- 9 (1) The name and address of the owner or the applicant or the responsible party;
- 10 (2) The address or other description of the site upon which the violation is occurring;
- 11 (3) A statement specifying the nature of the violation;
- 12 (4) A description of the remedial measures necessary to bring the action or inaction
13 into compliance with the permit, the stormwater management plan or this
14 ordinance and the date for the completion of such remedial action;
- 15 (5) A statement of the penalty or penalties that may be assessed against the person to
16 whom the notice of violation is directed; and
- 17 (6) A statement that the determination of violation may be appealed to the municipal
18 court by filing a written notice of appeal within 30 days after the notice of
19 violation (except, that in the event the violation constitutes an immediate danger
20 to public health or public safety, or where a person is taking action without a
21 required permit, such a notice of violation must be appealed within 24 hours).

22 (Ord. No. 2004-56, §§ 2—4, 9-15-04)

23 **Sec. 74-522. - Enforcement.**

- 24 (a) Any action or inaction which violates the provisions of this Article or the requirements of
25 an approved stormwater management plan or permit may be subject to the enforcement
26 actions outlined in this section. Any such action or inaction which is continuous with
27 respect to time may be abated by injunctive or other equitable relief. The imposition of
28 any of the penalties described in Section 74-523 may be in addition to and shall not
29 prevent such equitable relief.
- 30 (b) Any enforcement activities for violations of the provisions of this Article which are also
31 violations of Article II of Chapter 74 for land-disturbing activities shall be undertaken
32 pursuant to the provisions of Article II of Chapter 74.
- 33 (c) Any enforcement activities for violations of the provisions of this Article which are also
34 violations of Chapter 158 for vegetation shall be undertaken pursuant to the provisions of
35 Chapter 158.

1 (Ord. No. 2004-56, §§ 2—4, 9-15-04)

2 **Sec. 74-523. - Penalties.**

3 (a) **Penalties.** In the event the remedial measures described in the notice of violation have
4 not been completed within the time provided in the notice of violation for appeal to the
5 municipal court, any one or more of the following actions or penalties may be taken or
6 assessed against the person to whom the notice of violation was directed.

7 (b) **Notice.** Upon expiration of the notice, the City of Atlanta may notify the person in
8 violation of its intent to seek penalties and of any other enforcement to be taken under
9 this section. Before taking any of the following actions or imposing any of the following
10 penalties, the City of Atlanta shall first notify the applicant or other responsible party in
11 writing of its intended action, and shall provide not more than 72 hours (except, that in
12 the event the violation constitutes an immediate danger to public health or public safety,
13 or taking action without a required permit 24 hours notice shall be provided) to cure such
14 violation. In the event the applicant or other responsible party fails to cure such violation
15 after such notice and cure period, the City of Atlanta may take any one or more of the
16 following actions or impose any one or more of the following penalties:

17 (1) **Stop work order.** The City of Atlanta may issue a stop work order which shall be
18 served on the applicant or other responsible party. It shall stop all activities at the
19 site except for the work required to remedy the violation or violations. The stop
20 work order shall remain in effect until the applicant or other responsible party has
21 taken the remedial measures set forth in the notice of violation or has otherwise
22 cured the violation or violations described therein.

23 (2) **Withhold certificate of occupancy.** The City of Atlanta may refuse to issue a
24 certificate of occupancy for the building or other improvements constructed or
25 being constructed on the site until the applicant or other responsible party has
26 taken the remedial measures set forth in the notice of violation or has otherwise
27 cured the violations described therein.

28 (3) **Suspension, revocation or modification of permit.** The City of Atlanta may
29 suspend, revoke or modify the permit authorizing the land development project. A
30 suspended, revoked or modified permit may be reinstated after the applicant or
31 other responsible party has taken the remedial measures set forth in the notice of
32 violation or has otherwise cured the violations described therein. Suspension,
33 revocation or modification of a permit shall not prohibit the responsible party
34 from taking the necessary remedial measures to cure the violations.

35 (4) **Civil penalties.** In the event the applicant or other responsible party fails to take
36 the remedial measures set forth in the notice of violation or otherwise fails to cure
37 the violations described therein within the time provided in the notice of violation,
38 or such greater period as the City of Atlanta shall deem appropriate after the City
39 of Atlanta has taken one or more of the actions described above, the City of

1 Atlanta may issue a citation for the violation of this Article and impose a penalty
2 not to exceed \$2,500.00 per violation, depending on the severity of the violation,
3 for each day the violation remains unremedied after receipt of the notice of
4 violation.

5 (5) **Criminal penalties.** For intentional and flagrant violations of this ordinance, the
6 City of Atlanta may issue a citation to the applicant or other responsible party,
7 requiring such person to appear in municipal court to answer charges for such
8 violation. Upon conviction, such person shall be punished by a fine not to exceed
9 \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each
10 day upon which any violation shall occur shall constitute a separate offense.
11 Imposition of criminal penalties shall be a separate and distinct action from the
12 imposition of civil penalties pursuant to subsection (4) of this section.

13 (6) **Liability.** Implementation of this section does not reduce liability under any other
14 applicable state or federal law, rule, or requirement.

15 (c) **Remedies not exclusive.** The remedies listed in this Article are not exclusive of any
16 other remedies available under any applicable federal, state or local law. Each remedy
17 listed in this subsection may be sought and imposed for each day of violation and the
18 Department of Watershed Management may seek cumulative remedies.

19 (Ord. No. 2004-56, §§ 2—4, 9-15-04) **Secs. 74-524—74-600.** - Reserved.