COUNTY DEPARTMENT AGENDA REQUEST

Department:	Stormwater Management	Presenter(s):	Vanessa Birrell/Bryan Keller
Meeting Date:	Wednesday, August 4, 2010	Type of Request:	New Business

Wording for the Agenda:

Staff will present amendments to the Fayette County Code, Chapter 8 Development Regulations, Articles I, III, IV, and VIII.

Background/History/Details:

Proposed revisions to Fayette County Development Regulations, Articles I, III, IV, and VIII integrate amendments from the revised Subdivision Regulations and reflect the departmental reorganization in early 2009, changing stormwater management and environmental program functions from the Public Works Department to the new Stormwater Management Department. Article I, In general adds Sec. 8-4 defining Jursidictional Wetlands and availability of the National Wetlands Inventory maps to county residents. This section was deleted from the Floodplain Management Ordinance in Oct. 2008 when the Metropolitan North Georgia Water Planning District model floodplain ordinance was adopted. Article III, Street Design Standards and Specifications deletes design standards for stormwater street drainage and reorganizes these standards in Article VIII – Post-Development Stormwater Management for New Development and Redevelopment. This makes responsibility for Article III implementation entirely an Engineering function. Both Article IV, Floodplain Management, and Article VIII, Post-Development Stormwater Management were initially adopted after the Metropolitan North Georgia Water Planning District model ordinances. These amendments are primarily a content rearrangement to simplify use and understanding of submittal requirements and a change of department names.

What action are you seeking from the Board of Commissioners?

Staff will brief the Board on this issue. If there is a consensus to move forward with the amendments, an ordinance will be drafted and scheduled for adoption by the Board at a future meeting.

If this item requires funding, please describe:

No

Has this issue come before the Commissioners in the past?	No	If so, when?	
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

ARTICLE I. IN GENERAL

Sec. 8-1. Short title. This chapter shall be known and may be cited as the "Development Regulations of Fayette County, Georgia."
(Ord. No. 86-13, § 1-1, 7-24-86)

Sec. 8-2. Landfill Regulations. Prior to approval of zoning for a landfill, the Board shall be provided sufficient data, acceptable to the Department of Natural Resources, indicating that soil types, groundwater levels, etc., are conduc~~t~~ive to landfilling operations. A site plan covering the entire tract under consideration showing access, buffer or screening areas, existing streams and non-usable lands, adjacent property owners, etc., shall be submitted for review. A 500-foot buffer shall be provided around the periphery of the tract. If restriction of movement of trash and debris is necessary, a fence at least (6) feet in height shall be provided around the periphery.

Sec. 8-3 Community Sewer System Regulations.

Community sewer systems used must be approved by the Fayette County Board of Health. Treatment and discharge areas ~~are to~~ ***shall*** be indicated on the preliminary and final plats. All community residential sewer systems must comply with the rules and regulations proposed by the Water Protection Branch of the Environmental Protection Division, Department of Natural Resources for the State of Georgia entitled "Land Application by Drip Irrigation" revised as of May 1, 1995, and as hereinafter amended, and containing the local amendment entitled "Sanitary Sewer System Specifications".

Sec. 8-4 Wetlands Protection.

Jurisdictional Wetlands are areas that meet the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers. Jurisdictional Wetlands Determination is a delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. 1344, as amended. Any development project which, in the determination of the County Stormwater Management Department, will disturb a any wetlands area, either indicated on the U.S. Fish and Wildlife National Wetlands Inventory (NWI) maps or by field determination of the County Stormwater Management Director, must be submitted to the U.S. Army Corps of Engineers for a jurisdictional wetlands determination and permit if necessary.

The NWI maps are on display in the Fayette County Stormwater Management Department. If the official determination by the U.S. Army Corps of Engineers indicates that jurisdictional wetlands will be affected/altered by the proposed activity, the applicant must obtain a permit from the U.S. Army Corps of Engineers prior to the issuance of any permits from Fayette County. The NWI map does not represent all of

the boundaries of jurisdictional wetlands within Fayette County and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. No local government action under this ordinance relieves the land owner from federal or state permitting requirements.

Secs. 8-5 - 8-24 Reserved.

ARTICLE III. STREET DESIGN STANDARDS AND SPECIFICATIONS*

Sec. 8-46. Design standards.

All roads and bridges constructed in unincorporated Fayette County shall be designed in accordance with latest editions of the American Association of State Highway and Transportation Officials (AASHTO) design guides and specifications except as provided in these regulations. (Ordinance No. 2001-10)

Sec. 8-47. Classification system.

Five (5) functional classifications are identified on the thoroughfare plan. Any street not indicated on the thoroughfare plan will be classified by the Fayette County Engineer**.** The five classification categories are as follows:

(1) Major Arterial. A Georgia State Route which provides traffic movement through the region, as well as traffic movement within the County.

(2) Minor Arterial. A street which provides traffic movement within the County.

(3) Collector. A street which collects traffic from local and other collector streets and provides a connection to arterial streets.

(4) County Local. A street which provides access to adjoining properties and traffic circulation within a limited area.

(5) Internal Local. A street which primarily serves an individual development and provides traffic circulation within that development.

(Ordinance No. 86-13, § 3-2, 7-24-86)

State constitution reference - County street and road construction and maintenance, Art. IX, § II, Para. III.

State law references - Acquisition of property by counties for public road construction and other transportation purposes, OCGA § 32-3-1 et seq.; classification, designation, etc., of public roads, OCGA § 32-4-1 et seq.; county powers as to public roads, OCGA § 32-4-40 et seq.; reimbursement of counties in regard to acquisition of rights-of-way, OCGA § 32-5-26; acquisition by county of unauthorized outdoor advertising, OCGA § 32-6-83; limited access roads, OCGA § 32-6-110 et seq.; commercial driveways leading to or from state highways, OCGA § 32-6-130 et seq.; elimination of grade crossings, OCGA § 32-6-193 et seq.; reimbursement of counties for property, interests and right-of-way conveyed

to Georgia Highway Authority, OCGA § 32-10-6; county roads, bridges and ferries, OCGA § 36-55-22.1; county police to inspect and report on condition of roads and bridges, OCGA § 36-8-6. (Ordinance No. 86-13, § 3-1, 7-24-86).

***Cross-reference -** Streetlights, Ch. 6.

Sec. 8-48. Minimum right-of-way widths and dedication requirements.

The thoroughfare plan illustrates the functional classification of streets and the general location of future arterial and collector streets in the county. The right-of-way dedication requirements expressed below shall correspond to the functional classifications illustrated on the thoroughfare plan. Should a proposed subdivision adjoin an existing street, the developer shall dedicate additional right-of-way to meet one-half the minimum right-of-way requirement for the applicable functional classification of the adjoining street.

(1) *Minimum right-of-way and pavement widths.*

Functional Classification	*Minimum R/W*	*Minimum Pavement Width*
	Major Arterial	Per GA DOT Per GA DOT
Minor Arterial	100’	24’
	Collector	80’
	24’	
(Ordinance NO. 2001-10)		
	County Local	60’
	24’	
Internal Local		60’
		24’

(2)Median width. Minimum median width for a divided street shall be at least twenty-four (24) feet. (Ordinance No. 86-13, § 3 - 3, 7-24-86; Ordinance No. 94 - 04, § 5, 3-24-94) (Amended June 9, 2005)

Sec. 8-49. Roadway sectional composition standards by use and functional classification.

The applicable standard shall be based on functional classification and the predominant zoning through which a street passes. See latest edition of the Georgia Department of Transportation Standard Specifications for the Construction of Roads and Bridges for specifications of referenced asphaltic concrete types. For all street classifications, before asphalt pavement is placed a Bituminous Prime shall be applied to the base material in accordance with DOT specifications. Application rate shall be a minimum of 0.15 gallons per square yard.

(1) *Residential/Local.*

a. 1 ½” Asphaltic concrete Type “F” (top course).

2” Asphaltic concrete Type “B” (binder).
6” Crusher run or graded aggregate base for main line pavement.
10” Crusher run or graded aggregate base for cul-de-sacs.

Subgrade stabilized with stone, unless material in place weighs at least 95 lbs./cu. ft. (Ordinance No. 2001-10)

Or

b. 1 ½” Asphaltic concrete Type “F” (top course).
2” Asphaltic concrete Type “B” (binder).
6” Soil cement base for main line pavement
10” Soil cement base for cul-de-sacs.
Soil cement shall be mixed in place - compacted to 98% maximum dry density per standard proctor test ASTM D698.

Subgrade stabilized with stone, unless material in place weighs at least 95 lbs./cu. ft. (Ordinance No. 2001-10)

Or

c. 6” Concrete pavement per specifications detailed in section 8 - 49.1.
4” Crusher run or graded aggregate base course compacted to 98% maximum dry density per standard proctor test ASTM D698.

(2) *Office, institutional, commercial and all collectors.*

a. 1½” Asphaltic concrete Type “F” (top course).
2½” Asphaltic concrete Type “B” (binder).
8” Graded aggregate or crusher run base course for main line pavement.
10” Graded aggregate or crusher run base course for cul-de-sacs.
Base shall be compacted to 98% maximum dry density per standard proctor test ASTM D698.

Subgrade stabilized with stone, unless material in place weighs at least 95-lbs./cu. ft. (Ordinance No. 2001-10)

Or

b. 1½” Asphaltic concrete Type “F” (top course)
2½” Asphaltic concrete Type “B” (binder).
8” Soil cement base for main line pavement
10” Soil cement base for cul-de-sac.
Soil cement shall be mixed in place - compacted to 98% maximum dry density per standard proctor test ASTM D698.

Subgrade stabilized with stone, unless material in place weighs at least 95-lbs./cu. ft. (Ordinance No. 2001-10)

Or

c. 7" Concrete pavement per specifications detailed in section 8-49.1.
4" Crusher run or graded aggregate base course compacted to 98% maximum dry density per standard proctor test ASTM D698. (Ordinance No. 2001-10)

(3) *Industrial and all arterials.*

a. 1½" Asphaltic concrete Type "F" (top course).
2" Asphaltic concrete Type "B" (binder).
3" Asphaltic base.
8" Graded aggregate or crusher run base course compacted to 98% maximum dry density per standard proctor test ASTM D698.

Subgrade stabilized with stone, unless material in place weighs at least 95 lbs./cu.ft.

Or

b. 1½" Asphaltic concrete Type "F" (top course).
2" Asphaltic concrete Type "B" (binder).
3" Asphaltic base.
8" Soil cement stabilized base course mixed in place compacted to 98% maximum dry density per standard proctor test ASTM D698.
Subgrade stabilized with stone, unless material in place weighs at least 95-lbs./cu. ft.

Or

c. 8" Concrete pavement per specifications detailed in section 8-49.1.
4" Crusher run or graded aggregate base course compacted to 98% maximum dry density per standard proctor test ASTM D698. (Ordinance No. 2001-10)

(4) *Typical Road Cross Sections.*
For typical roadway cross sections with asphalt pavements see Figure 8-49 (4). (Ordinance No. 2001-10; Ordinance No. 86-13, § 3 - 4, 7-24-86; Ordinance No. 90-07, 7-12-90; Ordinance No. 94-04, § 1, 3-24-94; Ordinance No. 95-09, § 1 - 3, 6-21-95; Ordinance No. 2000-07)

Sec. 8-49.1.

(a) *Base.* Earth base shall be compacted to ninety-eight (98) percent of maximum dry density per ASTM D698, AASHTO T99 , or ASTM D2049. If unit weight of soil base is below ninety-eight (98) pounds per

cubic feet, then crushed stone, aggregate, or select granular material shall be added to the base material and recompacted to ninety-eight (98) percent density. In extreme soil conditions such as encountered in organic and expansive clay soils, the existing earth shall be excavated to a depth of twelve (12) inches (minimum) and replaced with a six-inch soil cement base (mixed in place) which shall be properly prepared and compacted per the latest edition of the state department of transportation specifications for soil cement construction. (Ordinance No. 90-07, 7-12-90)

Sec. 8-49.2. Subgrade, base and pavement material and construction specifications.

(a) All tests and data described below shall be conducted or provided and paid for by the paving contractor or the developer. Test results shall be submitted to the County Engineer and Stormwater Management Department for review and/or approval prior to review of the Final Plat. (Ordinance No. 2001-10*)*

(b) Subgrade: Embankments shall be constructed in eight to twelve inch lifts. Individual lifts shall be compacted using sheep's foot rollers, vibratory compactors, pneumatic tire rollers or other equipment capable of obtaining the required compaction. The surface of the completed subgrade shall be bladed to a smooth and uniform texture. The centerline profile shall conform to the established elevations with an acceptable tolerance of +/- ½ inch. The acceptable tolerance under a template conforming to the designed cross-section shall be +/- ¼ inch. (Ordinance NO. 2001-10)

Soil density tests shall be performed on roadway fills four (4) feet in height and greater. The compaction tests will be performed to within twelve (12) inches of the final grade of the subgrade. For the fills requiring compaction tests they shall be compacted to ninety-five (95) percent of maximum dry density per the standard proctor test (ASTM D698, AASHTO T99). One set of compaction tests shall be performed on every other twelve (12) inch lift at one hundred-foot intervals along the roadway fill section. An independent party selected by the developer's engineer and approved by the Engineering Department shall perform the tests. Where the subgrade compaction is determined to be less than the required degree, the developer shall remove, replace, and/or recompact the section in question, or use other means approved by the Engineering Department and Stormwater Management Department, until the density is determined to meet the required limit. Copies of all test results shall be submitted to the Engineering Department and Stormwater Management Department. (Ordinance No. 2001-10)

The compaction of the top twelve (12) inches of the subgrade shall be inspected by proof rolling. The subgrade shall have sufficient stability to support any and all types of construction equipment used to construct the roadway without "pumping" (vertical and/or horizontal displacement of the subgrade). The "proof-roll" compaction inspection of the subgrade shall be by a vehicle with a minimum gross vehicle weight of 24,000 pounds, fully loaded with a minimum of 16 tons (32,000 pounds) of graded aggregate (54,000 pounds total weight minimum). The weight of the proof-roll inspection vehicle and the accompanying load shall be

shown on a printed "load-out" ticket from a reputable quarry. Representatives of the Engineering Department and Road Department or Public Works shall approve all subgrades in the unincorporated areas of Fayette County. The contractor, at the contractor's expense, shall correct any areas not passing the proof-roll inspection. (Ordinance No. 2001-10)

(c) Concrete Pavement:

(1) Concrete pavement compressive strength shall be four thousand (4,000) psi at twenty-eight (28) days. Concrete test cylinders will be taken from each batch poured for every seven hundred fifty (750) feet of street-paving construction. These shall be tested according to ASTM C31-69 and C39-72 to ascertain the twenty-eight day compressive strength. (Ordinance No. 2001-10)

(2) A concrete slump test (ASTM C143-74) will be conducted at the same time that the cylinders are made. The concrete shall not be accepted which has a slump value greater then 2 ½ inches. (Ordinance No. 2001-10; Ordinance No. 90-07, 7-12-90; Ordinance No. 94-04 § 2, 3, 3-24-94; Ordinance No. 2000-7)

(3) Core samples shall be made at intervals of not less than five hundred (500) feet and not more than one thousand (1,000) feet of paving. Core sample report must be approved by Engineering Department prior to final plat approval.

(d) Asphalt Pavement:

(1) Placement of the base material and asphalt shall be inspected and approved by the Road Department as specified below. The paving contractor/developer is responsible for requesting such inspections, and placement of base and /or asphalt shall not be done until such inspections have been scheduled. (Ordinance NO. 2001-10)

(2) The compacted base course (graded aggregate or crusher run) shall have sufficient stability to support any and all types of construction equipment used to construct the roadway without "pumping" (vertical and/or horizontal displacement of the base due to any number of factors including too much water, not enough compactive effort, etc.), regardless of compaction. The "proof-roll" compaction inspection of the graded aggregate base shall be by a vehicle with a minimum gross vehicle weight of 24,000 pounds, fully loaded with a minimum of 16 tons (32,000 pounds) of graded aggregate (54,000 pounds total weight minimum). The weight of the proof-roll inspection vehicle and the accompanying load shall be shown on a printed "load-out" ticket from a reputable quarry. A

representative of the Road Department or Public Works shall inspect all graded aggregate bases in the unincorporated areas of Fayette County. The contractor, at the contractor's expense, shall correct any areas not passing the proof-roll inspection. (Ordinance NO. 2001-10)

(3) The graded aggregate base thickness, as required in the current Fayette County Development regulations, shall not be deficient in any area by more than ½ total inches. Any deficient area shall be corrected by adding additional quantities of the same materials and rebuilt to the desired thickness. The contractor, at contractor's expense, and during the proof-roll compaction inspection process, shall do the measurement. Three holes shall be dug every 1500 feet or one hole per each 500 feet, to confirm the required thickness. At least one hole shall be dug for any areas less than the above footage. A representative of Fayette County Public Works or the Road Department shall determine the hole(s) location and confirm the depth of graded aggregate base. (Ordinance NO. 2001-10)

(4) Core samples shall be taken of the asphalt at intervals of not less than three hundred (300) feet and not more than five hundred (500) feet. Samples shall be taken from the center of the travel lane and samples shall alternate between travel lanes. The thickness of the asphalt shall not be less than 1/4" from the plan dimensions. Core sample report must be approved by Engineering Department prior to final plat approval. (Ordinance NO. 2001-10)

(e) Subdrains: Lateral subdrains shall be constructed at a minimum interval of every 500 ft. for roadways with a continuous grade of 2% or less, and in all sag vertical curves and cul-de-sacs. The top of the subdrain shall be at the interface of the subgrade and the subbase. For all locations in the roadway, the subdrain shall extend from the centerline to the nearest drop inlet or ditch on each side of the road. For cul-de-sacs, the subdrain shall be designed to accommodate the location of the drop inlet and expected groundwater flow. The subdrain shall consist of a 6 inch perforated plastic pipe and be placed at the bottom of a two foot by two foot ditch backfilled with AASHTO No. 57 gradation material. Detail drawing, Figure 8-49.2 (e), for the pavement subdrain is on file in the Engineering Department. (Ordinance No. 2001-10; Ordinance No. 90-07, 7-12-90; Ordinance No. 94-04 § 2, 3, 3-24-94; Ordinance No. 2000-7)

Sec. 8-50. Design speed and grade.

Street Classification	*Maximum Grade*	*Maximum Design Speed*	*Minimum Grade*
Arterial	8%	55 MPH	1%
Collector	10%	45 MPH	1%
		Local	
County	10%	35 MPH	1%
Internal (less than 5 acres)	15%	25 MPH	1%
(5 acres or more)	10%	25 MPH	1%

(Ordinance No. 86-13, § 3 - 5, 7-24-86; Ordinance No. 94-04, § 6, 3-24-94)

Sec. 8-51. Minimum cul-de-sac specifications.

The distance between the curb and gutter (or edge of pavement) and the right-of-way within a cul-de-sac shall be at least as wide as such distance along a given roadway prior to entering a cul-de-sac.

(1) *Residential cul-de-sacs.* Sixty-foot right-of-way radius - minimum forty-foot pavement radius. Islands are prohibited in cul-de-sacs. Existing islands will be removed at the county's discretion, or where there is a significant problem with access by or operation of public safety vehicles and school buses.

(2) *Commercial cul-de-sacs.* Sixty-foot right-of-way radius - minimum forty-foot pavement radius.

(3) *Industrial cul-de-sacs.* Industrial cul-de-sacs shall provide a sixty-foot radius without an island, and shall provide a minimum forty-foot pavement width or radius, as applicable.(Ordinance No. 86-13, § 3 - 6, 7-24-86; Ordinance No. of 7-28-88; Ordinance No. 94 - 04. § 4, 3-24-94)

Sec. 8-52. Residential access.

Access. Every residential lot shall meet the minimum requirements of Article V. Street Frontage for Access of the Fayette County Zoning Ordinance.

(a) *Residential driveway cuts.* Each residential lot shall have at least one (1) and no more than two (2), driveway cuts. Each driveway cut shall be subject to the following conditions:

(1) Where lots have frontage on multiple roads, the driveway cut(s) shall be located on the street with the lowest functional classification, unless the County Engineer provides written authorization allowing otherwise. Exceptions may be provided if doing so improves traffic safety or flow, minimizes environmental impacts, or is appropriate based on site-specific physical characteristics of the property. (Amended June 9, 2005)

(2) The minimum requirements for sight distance contained in section 8-55 have been met. (Ordinance No. 2001-01)

(3) *Exceptions*. (Ordinance No. 2001-01)

a. *Shared Driveways*. Upon determination by the Engineering Department that the sight distance requirements of Section 8-55 cannot be met for individual driveways, a maximum of two (2) lots may share a residential driveway. Shared driveways must meet all of the following conditions:

b. The width of the shared driveway shall be a minimum of 20 feet and constructed of an all weather surface approved by the Engineering Department.

c. A permanent cross-access easement agreement shall be recorded and the easement reflected on the plat of both properties.

d. The street address of each lot shall be clearly marked at the road frontage/curb cut and at the fork in the shared driveway.

e. Each lot must have a minimum of one hundred (100) feet of immediate road frontage.

f. The shared driveway must comply with the minimum requirements for sight distance contained in Section 8-55.

(b) *Multiple frontage lot.* When a lot has multiple frontages, the driveway cut(s) shall be located on the street with the lowest functional classification in accordance with Section 8-47.

(c) *Circular driveways.* One circular driveway may be permitted, per lot, if the sight distance requirements in Section 8-55 can be met for both entrances. Circular driveways may also connect multiple frontages provided sight distance requirements can be met for both entrances and both streets have the same functional classification. Circular driveways shall count as one driveway cut with respect to Section 8-52(a). (Ordinance No. 2000-07, Ordinance No. 2002-01)

Circular driveways shall not be allowed in conjunction with a non-circular driveway on lots with less than 100 feet or road frontage (i.e., those abutting a cul-de-sac turnaround).

(d) No residential lot may have a mailing address on a street where a driveway cut does not exist. (Ordinance No. 2000-07, Ordinance No. 2002-01) (Ordinance No. 86 - 13 § 3 - 7, 7-24-86; Ordinance No. 92 - 07, 4-9-92; Ordinance No. 92 - 10, 5-14-92; Ordinance No. 93 - 03 § 1, 2, 3-11-93)

Sec. 8-53. New street and nonresidential access cuts.

The language contained in this section refers to nonresidential curb cuts only. The language below applies equally to proposed new streets.

(1) *Nonresidential driveways.* Nonresidential driveway cuts shall be permitted under the following conditions:

a. Required minimum distance between a nonresidential driveway and an existing street intersection or another nonresidential driveway.

Type of Street

Distance from intersection

Local	*Collector*	*Arterial*
100’	200’	250’

Distances shall be measured along a right-of-way line from the point of intersection of the nearest right-of-way of an existing street to the nearest pavement edge of a proposed driveway. If a proposed driveway is on the opposite side of the street from a nonresidential driveway or an existing street intersection, the centerline of the proposed driveway shall be aligned with the existing driveway or street or shall be offset the distances shown above.

b. Required minimum distance between a nonresidential driveway and a street or another nonresidential driveway (other than from existing intersections).

Type of Street

Distance from intersection

Local	*Collector*	*Arterial*
300’	400’	500’

(1) The minimum distance between nonresidential driveway cuts shall be measured along a right-of-way line from its point of intersection with the nearest right-of- way of any existing pavement edge to the nearest pavement edge of the proposed nonresidential driveway. If a proposed driveway is on the opposite side of an existing street intersection or nonresidential driveway, the centerline of the proposed driveway or street shall be aligned with the existing driveway or street or shall be offset the distances shown above.

(2) *Interparcel access.* Interparcel access shall be required in order to facilitate movement between and among parcels adjoining arterial or collector streets to improve overall safety. When the natural grade along a common property line exceeds fifteen (15) percent throughout its length, such access shall be at the option of the property owners.

(3) *Exceptions.* In case where it is determined that for technical or legal reasons these provisions for access cannot be met, the number and location

of curb cuts shall be considered by DOT or by the Engineering Department and the zoning administrator, as appropriate. (Ordinance No. 2001-10)

(4) *Multiple-frontage lots.* When a residential lot has multiple frontages, the driveway(s) shall be located on the street with the lowest functional classification in accordance with section 8 - 47. (Ordinance No. 86-13, § 3-8, 7-24-86; Ordinance of 7-23-87; Ordinance of 3-24-88)

Sec. 8-54. Acceleration and deceleration lanes.

Minimum Deceleration Lane Design

County Local & Collector	*Arterial*
120 feet long and 50 foot taper	200 feet long and 50 foot taper

For any driveway or street located on a major thoroughfare, except driveways serving one (1) to five (5) single-family residences, a deceleration lane shall be provided. The minimum length for deceleration lanes at all new street locations shall be as shown above except that either the Engineering Department or the state department of transportation's district traffic and safety engineer, as applicable, may specify longer or shorter deceleration lanes based on grade, distance from an intersection, design speed, etc.

The Engineering Department shall make recommendations to the district traffic engineer on the need for and design of acceleration lanes on state routes.

The Engineering Department shall determine the need for and design specifications for acceleration lanes along county streets. (Ordinance No. 86 - 13, § 3 - 9, 7-24-86) (Ordinance No. 2001-10)

Sec. 8-55. Sight distance and alignment.

Alignment and Continuation Streets within the subdivision shall be arranged as to provide for the alignment and continuation of or projection of existing public streets.

All driveways shall be located and streets aligned so as to provide at least the horizontal and vertical sight distances as listed below. All sight distance shall be determined by the methods found in the latest edition of A Policy on Geometric Design of Highways and Streets (AASHTO).

(1) Horizontal sight distance refers to the ability to detect objects in the roadway while negotiating a horizontal curve. The distance is measured from a point at which the height of the driver's eye is 3.50 feet above the roadway to a stationary object having a height of six (6) inches above the roadway.

Arterial streets……..500 feet
Collector streets……350 feet
Local streets..……200 feet

(2) Vertical sight distance refers to the ability to detect an object in the roadway while negotiating the crest of a hill. The distance is measured the same as for horizontal curves.

20 miles per hour design = 150 ft. sight distance
25 miles per hour design = 175 ft. sight distance
30 miles per hour design = 200 ft. sight distance
35 miles per hour design = 240 ft. sight distance
40 miles per hour design = 275 ft. sight distance

*See section 8 -51 for cul-de-sac radius.

50 miles per hour design = 350 ft. sight distance

In approaches to intersections, there shall be a leveling of the street at a grade not exceeding four (4) percent for a distance of not less than fifty (50) feet from the nearest right-of-way of the intersecting street.

(3) Minimum horizontal, radii of centerline curvature.

Arterial streets - as specified by state DOT.
Otherwise ……..1,260 feet
Collector streets …… 675 feet
Local streets …..…… 35 mph, 350 feet
30 mph, 250 feet
25 mph, 170 feet
Dead end* and loop streets……. 125 feet

(4) Tangents. Between reverse curves there shall be not less than the following minimum tangents.

Arterial streets - as specified by state DOT.
Otherwise ……250 feet
Collector streets …… 100 feet
Local streets where there is no super elevation…… 50 feet
(Ordinance No. 86-13, § 3 - 10, 7-24-86; Ordinance No. 94 - 04, § 7, 3-24-94)

Sec. 8-56. Stormwater Drainage Plan

(a) *Purpose.* A Stormwater Management Plan (hereinafter referred to as "the plan") shall be prepared for all development projects. The purpose of such a plan shall be to provide for the effective and safe conveyance of excess stormwater off of the subject property in such a way and by such means that adjacent property owners are not adversely affected and, in the case of residential developments, the stormwater runoff within a subdivision does not create an unreasonable impact on any individual lot or property owner. The stormwater management system may include, but shall not be limited to, such elements as: catch basins; culverts; ditches; drainage easements; natural creeks, streams or lakes; piping systems; stormwater detention facilities; and, filtration areas. The following requirements are the minimum for any project. The Stormwater Management Department shall require more stringent design criteria for a particular project or situation, if

it is warranted based on sound engineering principles and practices. (Ordinance No. 2000-07; Ordinance No. 2001-10)

(b) *Design Responsibility.* The plan and its component facilities shall be designed and certified by a professional engineer registered to do business in the State of Georgia. The sufficiency, accuracy and completeness of the design, including calculations, drawings and all documentation is, and shall remain, the responsibility of the person certifying the plans. The plan shall be checked by the designer for accuracy and completeness prior to submittal for review. (Ordinance No. 2000-07)

(c) *County Review and Approval.* The Stormwater Management Department shall review the plan and all submitted calculations and documentation. The submittals will be checked for completeness and compliance with this section of the development regulations as well as the requirements of any other applicable ordinance. (Ordinance No. 2000-07; Ordinance No. 2001-10)

The Stormwater Management Department shall require documentation and calculations beyond the original submittal if, in their opinion, the plan does not satisfy the purpose as stated in the subsection (a). The approval of the plan does not preclude the necessity for field changes once construction has begun. Any such amendments to the approved plan shall be submitted to the Stormwater Management Department on revised drawings and shall be supported by such documentation as is appropriate. (Ordinance No. 2001-10)

Additional information on stormwater management requirements are provided in Article XIII of the Fayette County Development Regulations, *Post-Development Stormwater Management for New Development and Redevelopment*.

(d) ~~*Design Standards for Street Drainage*~~

~~1. *Curb and gutter requirements.* All new streets constructed within the county except those constructed to serve subdivisions in which all lots are five (5) acres or larger, shall have curbs and gutters. Rolled back curbs are not acceptable, only straight back are allowed. Curb shall be six (6) inches high and gutter shall be twenty-four (24) inches face of gutter to back of curb. (Ordinance No. 2000-07)~~

~~2. *Curb Inlets.* Curb inlets shall conform to the state department of transportation (GDOT) specifications. Spacing of inlets shall not exceed five hundred (500) feet on a continuous grade and shall be sized to intercept a minimum of eighty-five (85) percent of the flow in the gutter section. Inlets shall be located to prevent stormwater from crossing an intersection. Inlets located in a sag shall be sized to prevent gutter spread from covering more than half of the road's travel surface during the 25-year storm event. If grates are proposed for inlet devices, the bars must be perpendicular to the road and shall pose no~~

~~hazard to bicycle traffic. In any case, throat height shall not exceed eight (8) inches. (Ordinance No. 2000-07)~~

~~3. *Pipe Material*. Only reinforced concrete may be used for storm drain structures under the roadway and in applications to create buildable lots. The pipe must be designed and installed to meet the requirements in the latest edition of the Concrete Pipe Design Manual. A third-party pipe installation inspection report will be required for all pipes being placed in the ground. See Section 8-454(F) of the Development Regulations for additional information.~~

~~The Stormwater Management Department shall be notified before the pipe installation begins. (Ordinance No. 2001-10)~~

~~All other pipe materials may be used in applications approved by the Georgia Department of Transportation. (Ordinance No. 97-04, 3-27-97; Ordinance No. 2000-07)~~

~~4. *Piping Systems* – Cross drains, laterals and outfalls which are part of a street drainage system shall be sized for subcritical gravity flow. In the case of complex piping systems, the design engineer must provide calculations to show that no pipe is flowing under pressurized conditions and that the hydraulic grade line is below finished grade at all points for the 25-year storm event. Calculations determining the headwater elevation (inlet or outlet controlled) for the 100-year storm shall be provided by the design engineer. The backwater area inundated by the 100-year storm shall be shown and designated on the final plat as a 100-year flood plain. It shall be based on as-built road conditions and shall be subject to the same conditions and limitations as any other flood plain. (Ordinance No. 2000-07)~~

~~5. *Storm Drain* – Storm drains shall not exceed five hundred (500) feet of continuous length between an inlet, manhole or junction box access.~~

~~6. *Headwall Locations* – In residential subdivisions outfall piping from catch basins shall, at a minimum, extend from the street to a point thirty (30) feet behind the front building setback line or to the 100-year floodplain, whichever is less.~~

~~7. *As-Builts* – As-built drawings of piping systems shall be submitted to the Division of Utility Services upon completion of construction and prior to final plat approval. Certification from a registered professional engineer, stating that the piping systems will function as designed, must also be submitted prior to final plat approval. (Ordinance No. 2000-07; Ordinance No. 2001-10)~~

~~8.~~ *Bridges* – All new bridges shall be constructed of concrete unless otherwise approved by the Engineering Department. They shall have a deck width equal to the approach roadway and be designed for a HS 20-44 design load. For bridges crossing streams with a regulatory floodway, the bridge shall span the floodway and have three feet of

freeboard. For streams without a regulatory floodway, the bridge shall be designed to convey a 100-year storm with three feet of freeboard and create no more than a foot of backwater. (Ordinance No. 2001-10)

9. ~~*Headwalls and Tailwalls.* All culverts and storm drain system outfalls shall have headwalls or tailwalls. Flared end, vertical wall or vertical wall with wing walls types are acceptable.~~

10. ~~*Outlet velocity.* All outlets must be designed with energy dissipaters if outlet velocities are greater than 4.0 feet per second during the 25-year design storm. (Ordinance No. 2000-07)~~

11. ~~*Ditches.* Drainage ditches shall have a minimum bottom width of two (2) feet and shall have 3:1 side slopes. Ditches must be designed to handle the 100-year flow rate and lined with an appropriate erosion control matting capable of withstanding the 25-year flow velocity. (Ordinance No. 2000-07)~~

~~(e) *Stormwater Runoff Control* – In addition to the standards set forth in Article XIII, the following criteria shall apply to the control of stormwater runoff.~~

1. ~~In designing the outlet control structure, the design engineer shall consider the effects of submergence on the structure's ability to control discharge. If weirs, orifices, etc. will become submerged by downstream conditions then adjustments must be made by the designer in designing the outlet structure.~~

2. ~~Detention basins shall be located far enough from any property line to allow dispersal of the discharge, unless the basin discharges directly into a receiving stream. In either case, erosion control considerations shall be addressed in the erosion and sedimentation control plan.~~

3. ~~An emergency spillway shall be provided to by-pass flows for the 100-year storm in the event that the principal outlet structure gets blocked. (Ordinance No. 2000-07)~~

4. ~~Any stormwater detention basin which poses a threat to public safety or constitutes an "attractive nuisance" shall be fenced to prevent access to the basin. A gate shall be provided for maintenance access. The gate shall be large enough to accommodate trucks or excavation equipment. (Ordinance No. 97-04, 3-27-97)~~

5. ~~No stormwater detention basin shall be constructed on a perennial stream or creek. Perennial streams are defined as those indicated as heavy solid blue lines on the U.S.G.S. Quadrangle sheets or any stream with a watershed of twenty (20) acres or more. Buffers and setbacks required by the Watershed Protection Ordinance must also be satisfied. This shall apply unless detention is to be provided by a lake or pond. (Ordinance No. 97-04, 3-27-97; Ordinance No. 2000-07)~~

~~6. If detention is to be provided by a lake or pond, adequate storage must be provided, or be available in the case of existing lakes or ponds, to manage the runoff from the one-hundred year storm. In addition to these requirements, ponds or lakes must meet the requirements of the Flood Plain Regulations, and Dams and Impoundment Design and Specifications. (Ordinance No. 97-04, 3-27-97; Ordinance No. 2000-07)~~

~~7. Detention ponds shall be surveyed upon completion of construction to insure that the design stage/storage rating curve can be maintained. This data shall be certified by a registered professional engineer and submitted to the Stormwater Management Department prior to final plat approval. (Ordinance No. 2000-07; Ordinance No. 2001-10)~~

~~8. A means of access from the nearest internal street in the subdivision to any detention pond shall be cleared and reserved by means of an easement which shall be accurately shown and identified on the final plat.(Ordinance No. 97-04, 3-27-97)~~

~~9. For the purposes of this ordinance, "pre-developed conditions" shall mean prior to any man made improvements. (Ordinance No. 2000-07)~~

Sec. 8-57. Street resurfacing.

(a) All work shall be in conformance with the Georgia Department of Transportation Standard Specifications for Construction of Roads and Bridges, latest edition. (Ordinance No. 2001-10)

(b) All weak areas shall be removed and repaired with proper full depth patches. All debris (soil, GAB, and asphalt) shall be removed and disposed of properly. (Ordinance No. 2001-10)

(c) The surface to be overlaid shall be thoroughly cleaned and all debris removed.

(d) A tack coat of asphalt (AC-10 or AC-20) shall be applied to the entire surface to be overlaid.

(e) The overlay thickness shall be 1 ½ inches of Type F or 9.5 mm SuperPave asphalt concrete. For lifts of 1 ½ inches or greater, Type E or 12.5 mm SuperPave asphalt concrete shall be used. The maximum lift thickness shall be 2 inches. (Ordinance No. 2001-10)

(f) Prior to placing the overlay, a leveling course of Type G sand-asphalt shall be used where necessary or as determined by the Engineering or Road Department. (Ordinance No. 2001-10)

(g) The county will evaluate the existing pavement conditions and determine the overlay thickness using the methods in the Asphalt Institute's manual, Asphalt Overlays for Highway and Street Rehabilitation. For all streets other than residential, actual traffic counts will be obtained and coring, or other acceptable methods of obtaining the actual existing pavement

thickness, will be utilized. In no case shall an overlay thickness be less than one (1) inch. (Ordinance No. 86-13, § 3 -13, 7-24-86)

Sec. 8-58. Street cuts.

Street cuts shall be constructed in accordance with standards available from the Engineering Department. (Ordinance No. 86-13, § 3-13, 7-24-86; Ordinance No. 2001-10)

Sec. 8-59. Street names.

Street names shall not be similar, duplicate, nor sound similar to the names of existing streets in the county. Hyphenating, dividing one (1) word into two (2) words, affixing "Drive" for "Road", etc., or other manipulations of an existing street name shall not constitute an acceptable street name. Similar sounding names shall be unacceptable regardless of spelling.

(1) *Continuity of street names.* A continuous street, one (1) proposed to be continuous, or one (1) proposed to continue an existing street shall bear the same name throughout.

(2) *Subdivision street numbering.* The county's established residential street numbering system shall be utilized for every residential, commercial or industrial subdivision in the county.

(3) *Property numbers.* Every building shall be assigned and display a property number. Property numbers shall be so located and of such a size as to be visible from the street. If a mailbox is located at the street, such mailbox shall have the property number affixed thereto with numerals measuring at least three (3) inches in height.

(4) *Unlawful to deface, remove.* It shall be unlawful for any person to alter, deface or take down any property number placed in accordance with this provision except for repair or replacement of such number.
(Ordinance No. 86-13, § 3-14, 7-24-86)

Sec. 8-60. Street and traffic signs.

Developers shall be responsible for placing street signs and traffic signs in accordance with these regulations. All required signs shall be in place prior to the occupancy of any structure.

(1) *Street signs.* Major street name signs shall be installed above the intersecting local street name sign. A street name sign shall be installed for every street at an intersection. Standard street name signs shall have at least four-inch high letters for major thoroughfares and at least three-inch high letters for local streets. These letters shall be mounted on an anodized aluminum blank not less than 0.08 inch thick covered with a reflective background. The sign shall be coated with a clear acrylic coating. Nameplates shall be mounted parallel or nearly parallel to the street. Street names shall be visible on both sides. Street signs shall be installed at all street intersections according to the following standards: Sign posts shall be at least seven (7) feet but not more

than nine (9) feet above the street elevation. At least two (2) feet shall be well embedded in the ground. Sign poles shall be not less than two (2) feet from the curb or edge of pavement nor more than ten (10) feet from the curb or edge of pavement.

(2) *Traffic signs.* Traffic control devices to include signs, signals, street markings, etc., shall be installed by the developer. The type and location of traffic control devices shall be determined by the Engineering Department based upon the latest edition of the Manual on Uniform Traffic Control Devices. Stop signs shall be installed at every intersection. (Ordinance No. 2001-10)

(3) *Wooden traffic control signs.*

a. *Scope.* This specification covers the fabrication and installation of wooden street name and traffic control signs for use in subdivisions. (Ordinance No. 2001-10)

b. *Reference publications.* All signs shapes, dimensions, colors and mounting criteria will conform with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD) in effect at the time of the installation of the signs.

c. *Materials.*

1. Signs shall be fabricated from clear heart redwood, clear cedar or a waterproof medium density fiberboard that meets the requirement of ASTM D1037-99. Finished thickness of the material shall be one (1) inch. (Ordinance No. 2001-10)

2. Post shall be fabricated from four-inch by four-inch pressure treated lumber or clear heart redwood or clear cedar.

3. Fasteners shall be aluminum, brass or galvanized steel.

4. Other material may be used if specifications are submitted to and approved by the Engineering Department. (Ordinance No. 2001-10)

d. *Finishing.*

1. All Wooden signs shall be painted. No stained signs will be accepted. Signs shall receive a primer coat of latex paint. The background shall receive two (2) coats of latex paint, and raised areas or letters shall receive two (2) additional coats of latex paint.

2. Sign posts shall also be painted with a primer coat of latex paint and two (2) finish coats of latex paint.

e. *Installation.* All traffic control, street name, speed limit and other signs shall be installed in accordance with the requirements of the MUTCD (clearance, height above pavement, etc.). Sign installation will be inspected by the public works or engineering departments prior

to the public thoroughfare being accepted by the county. (Ordinance No. 86-13, § 3 - 15, 7-24-86; Ordinance No. 93 - 04 § 2, 3, 3-11-93)

Sec. 8-61. Grassing of shoulders.

The developer shall be responsible for providing adequate and effective ground cover on the shoulders of the roads as early in the construction process as possible. The requirements for the erosion and sediment control plan (see county erosion and sediment control ordinance) include information on vegetation types and planting dates. Temporary ground cover is permissible within the limits of the erosion and sediment control plan; however, in no case will rye grass be considered, nor accepted, as permanent ground cover. (Ordinance No. 90-07, 7-12-90)

Sec. 8-62. Utility locations.

In order to promote uniformity in installation and more effective and less damaging maintenance, a uniform system for locating utilities is hereby established. The locations are noted on Drawing 8-63-1 in Appendix A. Applicable utilities and their locations shall be noted on subdivision construction plans. (Ordinance No. 96-08 5-9-96)

Sec. 8-63. Sidewalks.

(a) Sidewalks installed in subdivisions may be installed on the county right-of-way in accordance with the location and dimensions given below. The county, through these requirements, does not intend to accept these sidewalks as county property. The county shall shoulder no responsibility for the maintenance and repair of sidewalks. Maintenance and/or repair of sidewalks are the responsibility of adjacent property owners or the applicable homeowner's association.

(b) Sidewalks shall be no more than three (3) feet wide; and shall be located two (2) feet behind the back face of the curb in order to not interfere with utility locations. See Drawing 8-63-1 in Appendix A.

(c) Sidewalks shall be constructed only on individual lots that have been permitted for construction. (Ordinance No. 96-08, 5-9-96)

Sec. 8-64. Reserved.

Sec. 8-65. Landscape islands/traffic dividers.

In order to promote uniformity in the configuration and construction of landscape islands/traffic dividers ("islands/dividers") within the right-of-way at entrances to residential subdivisions, a uniform standard is hereby established.

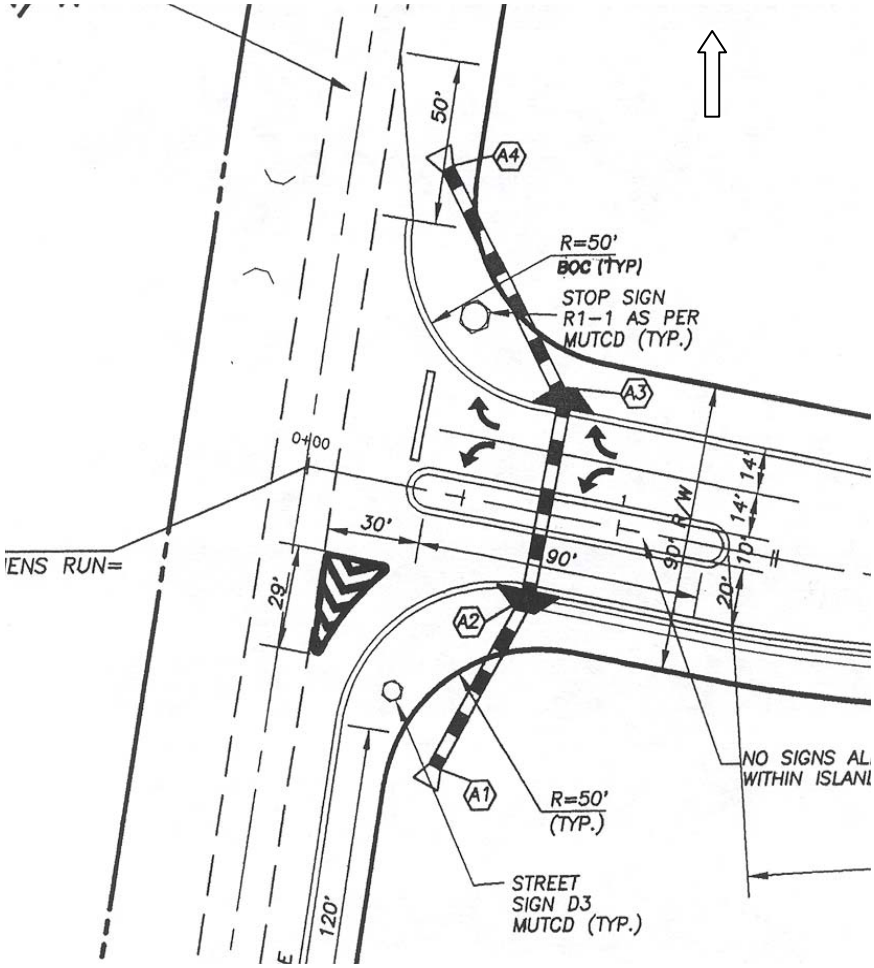
(1) Where an island/divider is planned, the right-of-way shall be eighty (80) feet in width at the connecting public road. The right-of-way shall remain eighty (80) feet in width for a distance of 150 feet at which point the right-of-way will taper to the normal sixty-(60) feet.

(2) The island/divider shall be delineated with curb and gutter regardless of whether curb and gutter is required in the remainder of the development.

(3) The island/divider shall not be more than 100 feet long and shall not be more than sixteen (16) feet in width from the back of curb to back of curb with a sixteen (16) foot travel lane on each side of the island/divider.

(4) No signs or structures shall be allowed in the island/divider. No trees or plants shall be placed in the island/divider that will block a persons view of oncoming traffic. Any object encroaching into the right of way or obstructing to the view of oncoming traffic shall be removed. (See Example below for clarification). (Ordinance No. 97-10, 9/3/97; Ordinance No. 2000-07)

Example:
Paragraph (4) above means that any object placed in an island/divider that will block someone's view of cars traveling North and South bound shall be removed.



Sec. 8-66 – 8-80. Reserved.

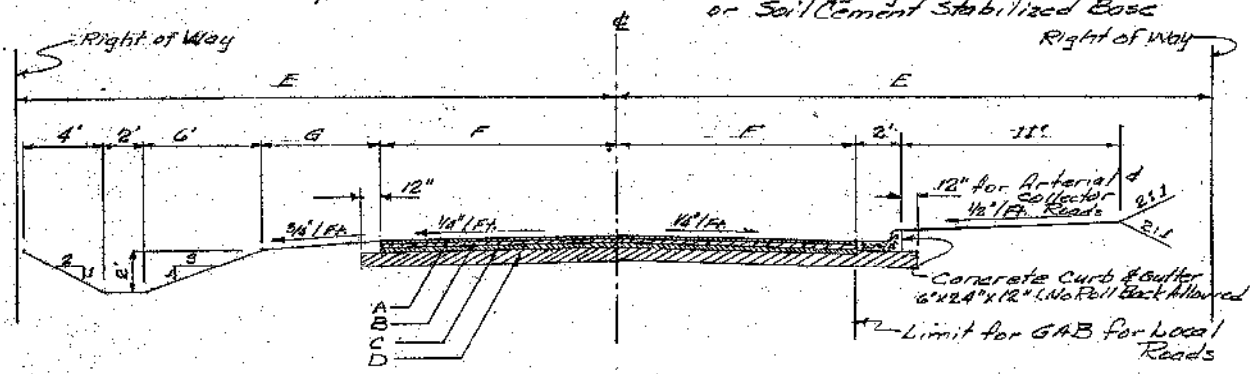
Figures/Drawings
Figure 8-49(4)

Fayette County Typical Road Cross Section

Dimension	Arterial	Collector	Local
A	1½"	1½"	1½"
B	2"	2½"	2"
C	3"	—	—
D	8"	8"	6"
E	50'	40'	30'
F	*	*	12'
G	10'	8'	6'

* See Sec. 8-4B(2) for pavement width

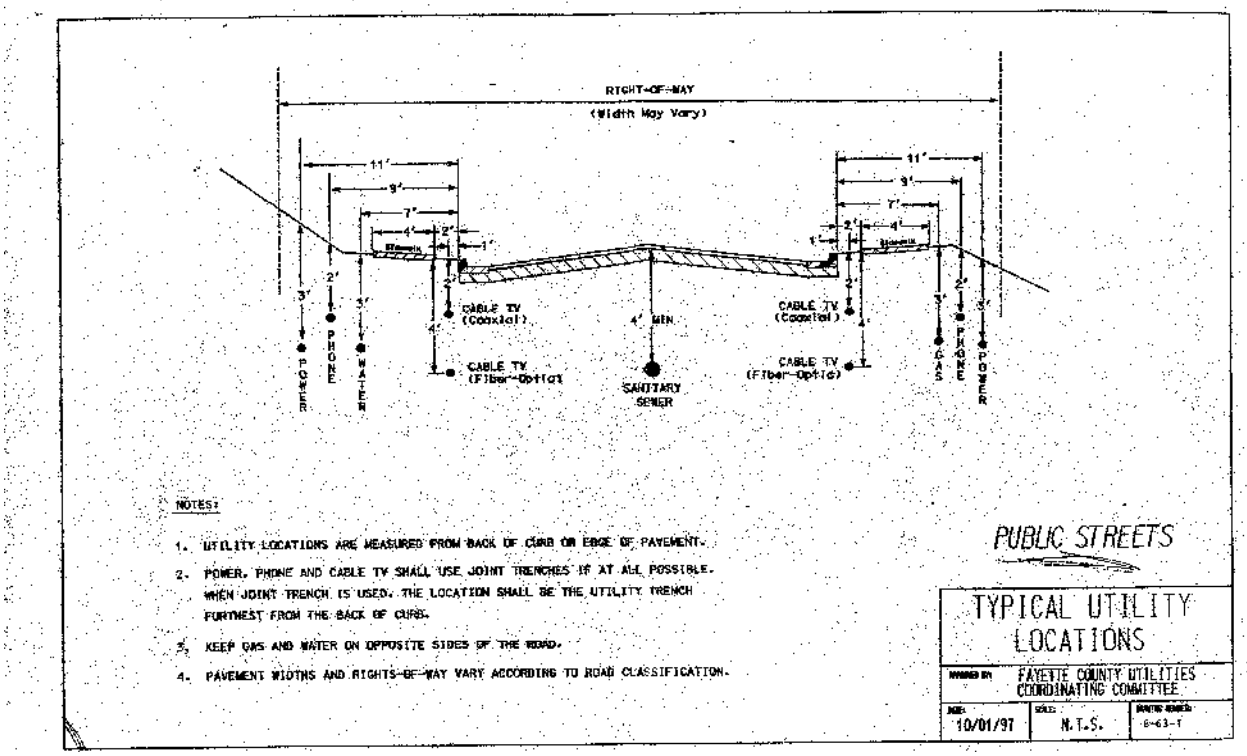
A- Type "F" Asphaltic Concrete
B- Type "B" Asphaltic Concrete
C- Asphaltic Base
D- Graded Aggregate Base (GAB) or Soil Cement Stabilized Base



Typical Half Roadway Section with Ditches

Typical Half Roadway Section with Curb and Gutter

Figure 8-49(4)



Drawing Number 8-63-1

Article IV
Fayette County Development Regulations
Floodplain Management

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~~Section 2 Definitions~~
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Section 8-81. Introduction

It is hereby determined that:

1. **~~The f~~*F*lood hazard areas of Fayette County are subject to periodic inundation~~ which~~ *that* may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect ~~the~~ public health, safety and general welfare*;***

2. **Flood hazard areas ~~can~~ serve important stormwater management, water quality, stream *corridor and* bank protection, ~~stream corridor protection~~, wetland preservation and ecological purposes when permanently protected as undisturbed or minimally disturbed areas*;***

3. **Effective floodplain management and flood hazard protection activities can (1) protect human life and health; (2) minimize damage to private property; (3) minimize damage to public facilities and infrastructure such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains; and (4) minimize expenditure of public money for costly flood control projects associated with flooding and generally undertaken at the expense of the general public*; and,***

4. **Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated ~~have~~ delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.**

Therefore, Fayette County, Georgia, does ordain this ordinance and establishes this set of floodplain management and flood hazard reduction policies for the purpose of regulating the use of flood hazard areas. It is determined that the regulation of flood hazard areas and the prevention of

flood damage ~~are~~ *is* in the public interest and will minimize threats to public health and safety, as well as to private and public property.

Section 8-82. Definitions

Addition (to an existing building). **Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered New Construction.**

Appeal. **A request for a review of the ~~County Engineer~~ *Stormwater Management Director's* interpretation of any provision of this ordinance.**

Area of Shallow Flooding. **A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one *(1)* to three *(3)* feet, and/or where a clearly-defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.**

Area of Special Flood Hazard. **The land subject to a one *(1)* percent or greater chance of flooding in any given year. This includes all floodplain and flood prone areas at or below the base flood elevation (including A, A1-30, A-99, AE, AO, AH, and AR on the FHBM or the FIRM), all floodplain and flood prone areas at or below the future-conditions flood elevation, and all other flood prone areas as referenced in Section ~~1.4~~ *8-83.(g) of this ordiance*. For drainage areas less than 100 acres, the area of special flood hazard shall be delineated at the discretion of the ~~County Engineer~~ *Stormwater Management Director*.**

Base Flood. **The flood having a one *(1)* percent chance of being equaled or exceeded in any given year, also known as the 100-year flood.**

Base Flood Elevation. **The highest water surface elevation anticipated at any given point during the base flood.**

Basement. **A portion of a building having its floor subgrade (i.e., below ground level) on more than one side.**

Building. **Any structure built for support, shelter, or enclosure for any occupancy or storage.**

~~**"County Engineer"** means the person so appointed by the Fayette County Board of Commissioners and his/her employees designated to enforce and interpret this article. If not designated otherwise, the County Engineer is the Director of Engineering.~~

Development. **Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials.**

Elevated Building. **A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.**

Existing Construction. **Any structure ~~for which~~ where the "start-of-construction" commenced before ~~23~~ June** *23,* **1983 (~~this is~~ the** *effective* **date of Fayette County's original floodplain management regulation.)**

Existing Manufactured Home Park or Subdivision. **A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before 23 June 1983 (the date of Fayette County's original floodplain management regulation).**

Expansion to an Existing Manufactured Home Park or Subdivision. **The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.**

FEMA. **The Federal Emergency Management Agency.**

Flood or Flooding. **A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation or runoff of surface waters from any source.**

Flood Hazard Boundary Map. **An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.**

Flood Insurance Rate Map (FIRM).**An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.**

Flood Insurance Study (FIS). **The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.**

Floodplain. **Any land area susceptible to flooding during the base flood.**

Floodproofing. **Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.**

Floodway or Regulatory Floodway. **The channel of a stream or other watercourse and the adjacent areas of the floodplain which is necessary to contain and discharge the base flood flow without cumulatively increasing the base flood elevation more than one *(1)* foot.**

Functionally-dependent Use. **A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.**

Future-conditions Flood. A flood having a one ***(1)*** -percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100-year future-conditions flood.

Future-conditions Flood Elevation. A flood standard equal to or higher than the Base Flood Elevation. The Future-conditions Flood Elevation is defined as the highest water surface anticipated at any given point during the future-conditions flood.

Future-conditions Floodplain. **Any land area susceptible to flooding by the future-conditions flood.**

Future-conditions Hydrology. **The flood discharges associated with projected land-use conditions based on a community's zoning map, comprehensive land-use plans, and/or watershed study projections, and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.**

Highest-adjacent Grade. **The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.**

Historic Structure. **Any structure that is;**
(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
(c) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or,
(d) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either by:
1. An approved state program as determined by the Secretary of the Interior, or
2. ~~Directly by the~~ Secretary of the Interior in states without approved programs.

Lowest Floor. **The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this ordinance.**

Manufactured Home. **A building, transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.**

Mean Sea Level. **The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance the term is synonymous with National Geodetic Vertical Datum (NGVD) and/or the North American Vertical Datum (NAVD) of 1988.**

National Geodetic Vertical Datum (NGVD). **As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.**

New Construction. **Any structure (see definition) for which the "start of construction" commenced after June 23, 1983, and includes any subsequent improvements to the structure**.

New Manufactured Home Park or Subdivision. **A manufactured home park or subdivision for which the construction of facilities for servicing the lots on**

which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 23, 1983.

North American Vertical Datum (NAVD) of 1988. **A vertical control used as a reference for establishing varying elevations within the floodplain.**

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

Permit. The Certificate of Zoning Compliance issued by Fayette County to the applicant which is required prior to undertaking any development activity.

Recreational Vehicle. **A vehicle which is:**

(a) built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) designed to be self-propelled or permanently towable by light duty truck; and,

(d) designed primarily for use as temporary living quarters for recreational, camping, travel, or seasonal use and not for use as a permanent dwelling.

Site. **The parcel of land being developed, or the portion thereof on which the development project is located.**

Start of Construction. **The date the permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. A minimum of one inspection approval must be obtained as evidence that work was commenced or that work has continued. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are not exempt from any ordinance requirements). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other**

structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stormwater Management Department. The Fayette County Stormwater Management Department so designated by the Fayette County Board of Commissioners to interpret and implement this article.

Stormwater Management Director. The person so appointed by the Fayette County Board of Commissioners and his/her employees designated to enforce and interpret this article.

Structure. **A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.**

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

Substantial Damage**. The damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged-condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.**

Substantial Improvement**. Any combination of permitted repairs, reconstruction, alteration, or improvements to a building, taking place during a ten (10) -year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the building means (1) the appraised value of the structure as determined by the Fayette County Tax Assessor prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage" regardless of the actual amount of repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor system, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project.**

Substantially Improved Existing Manufactured Home Park or Subdivision**. The repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.**

Variance**. A grant of relief from the requirements of this ordinance that which permits construction in a manner otherwise prohibited by this ordinance.**

Violation**. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.**

Section 8-83. General Provisions

(a) **Purpose and Intent** The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, stream bank and stream corridor protection, wetlands preservation and ecological and environmental protection**.** ~~by provisions designed to:~~

This ordinance seeks to meet the purpose through the following objectives:

1. Require that uses vulnerable to floods, including facilities ~~which~~ ***that*** serve such uses, be protected against flood damage at the time of initial construction;

2. Restrict or prohibit uses ~~which are~~ dangerous to health, safety and property due to flooding or erosion hazards, or ~~which~~ ***that*** increase flood heights, velocities, or erosion;

3. Control filling, grading, dredging and other development ~~which~~ ***that*** may increase flood damage or erosion;

4. Prevent or regulate the construction of flood barriers ~~which will~~ ***that*** unnaturally divert flood waters or which may increase flood hazards to other lands;

5. Limit the alteration of natural floodplains, stream channels, and natural protective barriers ~~which are involved in the~~ ***that*** accommodation of flood waters; and,

6. Protect the ***functions of*** stormwater management**;** water quality, stream bank ~~protection~~, ***and*** stream corridor**s** ~~protection,~~**;** wetland**s,** ~~preservation~~ and ecological functions of natural floodplain areas.

(b) **Applicability.** This ordinance shall be applicable to all areas of Areas of Special Flood Hazard within Fayette County and all areas "adjacent" to an Area of special Flood Hazard, as defined herein. A property shall be subject to the terms and conditions of this ordinance whenever a building permit, land disturbance permit, certificate of zoning compliance, subdivision, or reconfiguration of a parcel is required and/or approved by the county. ~~The conditions of this ordinance shall supersede floodplain constraints depicted on final plats, construction drawings, surveys, etc. The effective date of this ordinance is October 1, 2008.~~

(c) **Designation of Ordinance Administrator.** The ~~County Engineer~~ ***Stormwater Management Director*** is hereby appointed to administer and implement the provisions of this ordinance.

(d) **Compatibility with Other Regulations.** This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or impose higher protective standards for human health or the environment shall control.

(e) **Severability.** If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

(f) ***Effective Date. The effective date of this ordinance is October 1, 2008. . The conditions of this ordinance shall supersede floodplain constraints depicted on final plats, construction drawings, surveys, etc.***

(g) **Basis for Area of Special Flood Hazard – Flood Area Maps and Studies**. For the purposes of this ordinance, the following are adopted by reference.

1. The September 26, 2008, Flood Insurance Study (FIS) on file with the ~~Fayette County~~ ***Stormwater Managemet*** Department with accompanying maps and other supporting data and any revision thereto ~~are~~ ***is*** hereby adopted by reference.

2. Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the 100-year floodplain and flood-prone areas include:

   a. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey or any other local, State or Federal agency applicable to Fayette County; or,

   b. Any base flood study authored by a registered professional engineer in the State of Georgia which has been prepared by FEMA approved methodology and approved by the ~~Fayette County Engineering~~ ***Stormwater Management*** Department.

3. Other studies which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and flood-prone areas include:

   a. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, state or federal agency applicable to Fayette County; or,

   b. Any future-conditions flood study that is: 1) authored by a registered professional engineer in the State of Georgia; 2) prepared using FEMA approved methodology; and, 3) approved by the ~~Fayette County Engineering~~ ***Stormwater Management*** Department.

4. The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the Fayette County ~~Engineering~~ ***Stormwater Management*** Department.

(h) **Warning and Disclaimer of Liability.** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Fayette County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

Section 8-84. Standards for Development

(a) Definition of Floodplain Boundaries and Areas of Special Flood Hazard

1. Studied "A" zones, as identified in the FIS, shall be used to establish base flood elevations whenever available.

2. For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations shall be provided by ~~Fayette County Engineering~~ ***Stormwater Management*** Department***t***. If future-conditions elevation data is not available from the ~~Fayette County Engineering~~ ***Stormwater Management*** Department, then it shall be determined by a registered professional engineer using a method approved by FEMA and the ~~Fayette County Engineering~~ ***Stormwater Management*** Department.

3. For streams or other drainage basins with drainage areas less that 100 acres, Areas of Special Flood Hazard shall be determined by a registered professional engineer using a method approved by the ~~Fayette County Engineering~~ ***Stormwater Management*** Department, as required by the ~~County Engineer~~ ***Stormwater Management Director***.

   a. The Area of Special Flood Hazard shall be delineated for all man-made flood hazards (e.g., yard drains, stormwater management structures, inlets to storm sewer systems, etc.) by a registered professional engineer.

(b) **Definition of Floodway Boundaries**. The width of a floodway shall be determined from the FIS or a FEMA approved flood study. For all streams with a drainage area of 100 acres or greater, the regulatory floodway shall be provided by the ~~Fayette County Engineering~~ ***Stormwater Management*** Department. If floodway data is not available from the ~~Fayette County~~ ***Stormwater Management*** Department, then it shall be determined by a registered professional engineer using a method approved by FEMA and the ~~Fayette County Engineering~~ ***Stormwater Management*** Department.

(c) **General Standards.**

1. No development shall be allowed within the future-conditions floodplain that could result in any of the following:

   a. Raising the base flood elevation or future-conditions flood elevation equal to or more than ***one one-hundredth (*** 0.01***)*** foot;

   b. Reducing the base-flood or future-conditions flood storage capacity;

   c. Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area; or,

   d. Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.

2. Any development within the future-conditions floodplain allowed under (1) above shall also meet the following conditions:

a. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the top of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel;

b. Cut areas shall be stabilized and graded to a slope of no less than ***two*** (2.0) percent;

c. Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;

d. Verification of no-rise conditions, [***one*** ***one-hundredth*** ***(***0.01***)*** or less], flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of Section ~~4.4~~ ***8-86.(e)***;

e. Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, shall be located and constructed to minimize or eliminate infiltration or contamination from flood waters; and,

f. Any significant physical changes to the base flood floodplain shall be submitted as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the ~~Fayette County Engineering~~ ***Stormwater Management*** Department using the Community Consent forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval shall be the responsibility of the applicant. Within six months of the completion of construction, the applicant shall submit as-built surveys for a final Letter of Map Revision (LOMR).

Section 8-85. Provisions for Flood Damage Reduction

(a) General Standards. In all Areas of Special Flood Hazard the following provisions apply:

1. New construction of principal buildings (residential or non-residential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of Sections ~~4.3, 4.4 and 4.5~~ ***8-83.(c), 8-85, and 8-86.(e)*** have been met;

2. New construction or substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;

3. New construction or substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;

4. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;

5. Elevated Buildings. All new construction and substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished and flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

   a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

      (i) Provide a minimum of two openings having a total net area of not less than one *(1)*-square inch for every square foot of enclosed area subject to flooding;
      (ii) The bottom of all openings shall be no higher than one *(1)* -foot above grade; and,
      (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.

   b. So as not to violate the "Lowest Floor" criteria of this ordinance, the unfinished and flood resistant enclosure shall solely be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and,

   c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

6. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding;

7. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited

to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces;

8. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

9. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

10. On-site waste disposal systems shall be located and constructed to avoid impairment to them, or contamination from them, during flooding;

11. Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non- conformity is not furthered, extended or replaced; and,

12. If the proposed development is located in multiple flood zones or multiple base flood elevation cross the proposed site, the higher or more restrictive base flood elevation or future condition elevation and development standards shall take precedence.

(b) **Building Standards for Structures and Buildings within the Future-Conditions Floodplain.** The following provisions, in addition to those in Section ~~5.1~~ ***8-85.(a),*** shall apply:

1. Residential and Non-Residential Building Structures

   a. New construction of principal buildings, including manufactured homes shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sections ~~4.3, 4.4 and 4.5~~ ***8-83.(c), 8-85, and 8-86.(e)*** have been met. If all of the requirements of Sections ~~4.3, 4.4 and 4.5~~ ***8-83.(c), 8-85, and 8-86.(e)***have been met, all new construction shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section ~~5.1~~ ***8-85.(a)***. A registered Professional Engineer or Architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the ~~Fayette County Engineering~~ ***Stormwater Management*** Department.

b. Substantial improvement of any principal structure or manufactured home shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section ~~5.1(5)~~ ***8-85.(a)5***. A registered Professional Engineer or Architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the ~~Fayette County Engineering~~ ***Stormwater Management*** Department.

2. Accessory Structures and Facilities. Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking lots, recreational facilities and other similar non-habitable structures and facilities) which are permitted to be located within the limits of the floodplain shall be constructed of flood-resistant materials and designed to pass all floodwater in accordance with Section ~~5.1(5)~~ ***8-85.(a)5*** and be anchored to prevent flotation, collapse or lateral movement of the structure.

3. Standards for Recreational Vehicles. All recreational vehicles placed on sites must either:

   a. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or,

   b. The recreational vehicle must meet all the requirements in ***Section 8-85.(b)1.b*** for Residential Buildings, Substantial Improvements ~~(Section 5.2(1)(b))~~, including the anchoring and elevation requirements.

4. Standards for Manufactured Homes

   a. New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of Sections ~~4.3, 4.4 and 4.5~~ ***8-83.(c), 8-85, and 8-86.(e)*** have been met.

   b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:

      (i) The lowest floor of the manufactured home is elevated no lower than three (3) feet above the level of the base flood

elevation, or one (1) foot above the future-conditions flood elevation, whichever is higher; or,

(ii) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with standards of Section ~~5.1(7)~~ ***8-85.(a)7***.

(c) Building Standards for Structures and Buildings Authorized Adjacent to the Future-Conditions Floodplain

For purposes of this ordinance, the term "adjacent to the future-conditions floodplain" includes: all buildings and structures on a property that contains (partially or entirely) an Area of Special Flood Hazard; or all buildings and structures on a property that shares a common property line within another parcel that contains an Area of Special Flood Hazard. ***Residential and non-residential*** b~~B~~uilding***s*** and structures adjacent to the future-conditions floodplain shall meet the following:

1. For new construction or substantial improvement of construction, the elevation of the lowest floor, including basement and access to the building, shall be at least three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher.

Compliance with the above requirement shall be determined by a certified as-built Elevation Certificate or Flood-Proofing Certificate for non-residential construction including the lowest floor elevation or floodproofing level and submitted immediately upon completion of floodproofing or survey work. The Elevation Certificate shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by the same.

a. Buildings and structures authorized adjacent to the future-conditions floodplain may be exempt from the requirements of this section if the following conditions apply:

(i) The building(s) or structure(s) is not within the same sub-basin as the Area of Special Flood Hazard and the drainage divide between the Area of Special Flood Hazard and the building or structure of concern is at least three (3) feet

above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher; or

(ii) The Area of Special Flood Hazard is a man-made hazard associated with a storm sewer system (e.g., a yard drain) and the grading within the sub-basin provides unconstrained, positive drainage away from the building or structure at a minimum slope of *two (*2*)* **percent.**

b. The ~~Fayette County~~ ***Stormwater Management*** Department shall determine if either of these conditions is applicable to a building or structure. Alternatively, the owner/ developed may provide a letter justifying applicability of the exemptions. The letter shall be prepared by a registered professional engineer and shall be reviewed and approved by the ~~Fayette County~~***Stormwater Management*** Department in order for the exemption to be valid. In either case, the owner/applicant shall be solely responsible for providing any as-built elevation data necessary to determine applicability of the exemptions. The elevation data shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same.

(d) Building Standards for Residential Single-Lot Developments on Streams without an Established Base Flood Elevations and/or Floodway (A-Zones)

For a residential single-lot development not part of a subdivision that has Areas of Special Flood Hazard, where streams exist but no base flood data have been provided (A-Zones), the ~~Fayette County Engineering~~ *Stormwater Management* **Department shall review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation and floodway data, or future-conditions flood elevation data available from a Federal, State, local or other source, in order to administer the provisions and standards of this ordinance.**

If data are not available from any of these sources, the following provisions shall apply:

1. No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or fifty feet from the top of the bank of the stream, whichever is greater.

2. In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the ground immediately around the building and positive drainage must be provided at a minimum two (2) percent slope away from the building. Openings

sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with Section ~~5.1(5)~~ ***8-85.(a)5***.

(e) Building Standards for Areas of Shallow Flooding (AO-Zones)

Areas of Special Flood Hazard may include designated "AO" shallow flooding areas. These areas have base flood depths of one (1) to three (3) feet above ground, with no clearly defined channel. In these areas the following provisions apply:

1. All substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the flood depth number in feet specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section ~~5.1(5)~~ ***8-85.(a)5***.

2. Substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one (1) foot above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice.

3. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(f) Standards for Subdivisions

1. All subdivision proposals shall identify the Areas of Special Flood Hazards and provide base flood elevation data and future-conditions flood elevation data;

2. All residential lots in a subdivision proposal shall have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required;

3. All subdivision plans will provide the elevations of proposed structures in accordance with Section ~~3.2~~ ***8-86.(b)***;

4. All subdivision proposals shall be consistent with the need to minimize flood damage;

5. All subdivision proposals shall have public utilities and facilities such as water, sanitary sewer, gas, and electrical systems located and constructed to minimize or eliminate infiltration of flood waters, and discharges from the systems into flood waters; and,

6. All subdivision proposals shall include adequate drainage and stormwater management facilities per the requirements of Fayette County ***Article VIII*** to reduce potential exposure to flood hazards.

(g) **Floodway Encroachments.** Located within Areas of Special Flood Hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity flood waters, debris or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in ~~(2.)~~ ***Section 8-85.(g)2*** below;

2. Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof; and,

3. If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway shall be issued by the ~~Fayette County Engineering~~***Stormwater Management*** Department until an affirmative Conditional Letter of Map Revision (CLOMR) is issued by FEMA and no-rise certification is approved by the ~~Fayette County Engineering~~***Stormwater Management*** Department.

(h) **Maintenance Requirements.** The property owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on his property so that the flood-carrying or flood storage capacity is not diminished. The ~~Fayette County Engineering~~***Stormwater Management*** Department may direct the property owner (at no cost to Fayette County) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the ~~Fayette County Engineering~~***Stormwater Management*** Department.

Section 8-86. Permit Procedures and Requirements

(a) **Permit Application Requirements.** No owner or developer shall ***be approved for or*** perform any development activities on a site without first meeting the applicable requirements***, restrictions, and criteria*** of this ordinance prior to commencing the proposed activity.

Unless specifically excluded by this ordinance, any landowner or developer desiring a permit for a development activity shall submit to the ~~Fayette County Engineering~~ ***Stormwater Management*** Department documentation showing compliance with this ordinance.

~~No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this ordinance.~~

(b) **Floodplain Management Plan Requirements.** A Floodplain Management Plan shall be required for all projects with development activities within, either partially or completely, an Area of Special Flood Hazard. The plan shall include the following items:

1. Site plan drawn to scale, which includes but is not limited to:

   a. Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;

   b. For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one ***(1)***-foot contour elevations throughout the building site;

   c. Proposed locations of water supply, sanitary sewer, and utilities;

   d. Proposed locations of drainage and stormwater management facilities;

   e. Proposed grading plan;

f. Base flood elevations and future-conditions flood elevations;

g. Boundaries of the base flood floodplain and future-conditions floodplain;

h. If applicable, the location of the floodway; and,

i. Certification of the above by a registered professional engineer or surveyor.

2. Building and foundation design detail, including but not limited to:

a. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;

b. Elevation in relation to mean sea level to which any non-residential structure will be floodproofed;

c. Certification that any proposed non-residential floodproofed structure meets the criteria in Section ~~5.2(2)~~ ***8-85.(b)2***;

d. For enclosures below the base flood elevation, location and total net area of foundation openings are required in Section ~~5.1 (5)~~ ***8-85.(a)5***; and,

e. Design plans certified by a registered professional engineer or architect for all proposed structure(s).

3. Description, based on engineering calculations or modeling, of the extent to which any watercourse will be altered or relocated as a result of the proposed development;

4. Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre-and post development conditions base flood elevations, future-conditions flood elevations, flood protection elevations, Special Flood Hazard Areas and regulatory floodway widths, flood profiles and all other computations and other information similar to that presented in the FIS;

5. Copies of all applicable State and Federal permits necessary for proposed development; and,

6. All appropriate certifications required under this ordinance.

The approved Floodplain Management Plan shall contain certification by the applicant that all development activities will be done according to the plan or previously approved revisions. Any and all development permits and/or use and occupancy certificates or permits may be revoked at any

time if the construction and development activities are not in strict accordance with approved plans.

(c) **Construction Stage Submittals.** ~~Requirements~~ For all new construction and substantial improvements on sites with a Floodplain Management Plan, the permit holder shall provide to the ~~Fayette County Engineering~~ ***Stormwater Management*** Department a certified as-built Elevation Certificate or Floodproofing Certificate for non-residential construction including the lowest floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is completed. A final Elevation Certificate shall be provided after completion of construction including final grading of the site. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by the same.

Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The ~~Fayette County Engineering~~ *Stormwater Management* **Department shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit certification or failure to make the corrections required hereby shall be cause to issue a stop work order for the project.**

(d) **Duties and Responsibilities of the Administrator.** Duties of the ~~Fayette County Engineering~~ ***Stormwater Management*** Department shall include, but shall not be limited to:

1. Review all development applications and permits to assure that the requirements of this ordinance have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;

2. Require that copies of all necessary permits from governmental agencies from which approval is required by Federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, No. 33 U.S.C. 1334, be provided and maintained on file;

3. When Base Flood Elevation data or floodway data have not been provided, then the ~~Fayette County Engineering~~ ***Stormwater Management*** Department shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, state or other sources in order to meet the provisions of Sections ~~4~~ ***8-84*** and ~~5~~ ***8-85***;

4. Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures;

5. Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been flood-proofed;

6. When floodproofing is utilized for a non-residential structure, the owner/developer shall provide to the ~~Fayette County Engineering~~***Stormwater Management*** Department certification of design criteria from a registered professional engineer or architect;

7. Notify affected 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 Emergency Management Agency (FEMA);

8. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions) the ~~Fayette County Engineer~~ ***Stormwater Management Director*** shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area graphically delineated on the floodplain maps; and,

9. All records pertaining to the provisions of this ordinance shall be maintained by Fayette County and shall be open for public inspection.

(e) **Engineering Study Requirements for Floodplain Encroachments.** An engineering study is required, as appropriate to the proposed development activities on the site, whenever a development proposes to disturb any land within the future-conditions floodplain, except for a residential single-lot development on streams without established base flood elevations and/or floodways for which the provisions of Section ~~5.4~~ ***8-85.(d)*** apply. This study shall be prepared by a currently registered Professional Engineer in the State of Georgia and made a part of the application for a permit. This information shall be submitted to and approved by the ~~Fayette County Engineering~~***Stormwater Management*** Department prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include:

1. Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;

2. Step-backwater analysis, using a FEMA-approved methodology approved by the ~~Fayette County Engineering~~***Stormwater Management*** Department**.** Cross-sections and flow information shall be obtained whenever available and supplemented by the applicant or by the ~~Engineering~~***Stormwater Management*** Department. Computations will be shown duplicating FIS results and will then be rerun with the proposed modifications to determine the new base flood profiles, and future-conditions flood profiles;

3. Floodplain storage calculations based on cross-sections (at least one every 100 feet) showing existing and proposed floodplain conditions to show that base flood floodplain and future-conditions floodplain storage capacity would not be diminished by the development; ***and,***

4. The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all future-conditions floodplain encroachments.

Section 8-87. Variance Procedures

The following variance and appeals procedures shall apply to an applicant who has been denied a permit for a development activity or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this ordinance. A request for a variance may be submitted by an applicant who has been denied a permit by the ~~Fayette County Engineering~~ *Stormwater Management* **Department or by an owner or developer who has not previously applied for a permit for the reasons stated herein above.**

(a) Requests for variances from the requirements of this ordinance shall be submitted to the ~~Fayette County Engineering~~ ***Stormwater Management*** Department. All such requests shall be heard and decided in accordance with procedures to be published in writing by the ~~Fayette County Engineering~~ ***Stormwater Management*** Department. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.

(b) Any person adversely affected by any decision of the ~~Fayette County Engineering~~ ***Stormwater Management*** Department shall have the right to appeal such decision to the Fayette County Planning Commission as established by Fayette County in accordance with procedures to be published in writing by the Fayette County Planning Commission. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.

(c) Any person aggrieved by the decision of the Fayette County Planning Commission may appeal such decision to the Fayette County State Court, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.

(d) Variances may be issued for the repair or rehabilitation of Historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an Historic structure, and the variance issued shall be the minimum necessary to preserve the historic character and design of the structure.

(e) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this section are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

(f) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(g) In reviewing such requests, the ~~Fayette County Engineering~~ ***Stormwater Management*** Department and Fayette County Planning Commission shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.

(h) Conditions for Variances;

1. A variance shall be issued only when all of the following conditions are met:

   a. a finding of good and sufficient cause;

   b. a determination that failure to grant the variance would result in exceptional hardship; and,

   c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance.

2. The provisions of this ordinance are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a Historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

3. Any person to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

4. The ~~Fayette County Engineering~~***Stormwater Management*** Department shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(i) Any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as ~~Fayette County Engineering~~***Stormwater Management*** Department and Fayette County Planning Commission shall deem necessary to the consideration of the request.

(j) Upon consideration of the factors listed above and the purposes of this ordinance, ~~Fayette County Engineering~~***Stormwater Management*** Department and the Fayette County Planning Commission may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this ordinance.

(k) Variances shall not be issued "after the fact."

Section 8-88. Violations, Enforcement and Penalties

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

(l) **Notice of Violation.** If the ~~Fayette County Engineering~~***Stormwater Management*** Department determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured a permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:

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

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

3. A statement specifying the nature of the violation;

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

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

6. A statement that the determination of violation may be appealed to the ~~Fayette County Engineering~~ ***Stormwater Management*** Department by filing a written notice of appeal within thirty days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).

Section 8-89. Penalties

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed.

Before taking any of the following actions or imposing any of the following penalties, the ~~Fayette County Engineering~~ ***Stormwater Management*** Department shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten (10) days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation.

In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the ~~Fayette County Engineering~~***Stormwater Management*** Department may take any one or more of the following actions or impose any one or more of the following penalties.

(a) **Stop Work Order.** The ~~Fayette County Engineering~~ ***Stormwater Management*** Department may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.

(b) **Withhold Certificate of Occupancy.** The ~~Fayette County Engineering~~ ***Stormwater Management*** Department may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken

the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

(c) **Suspension, Revocation or Modification of Permit.** The ~~Fayette County Engineering~~ ***Stormwater Management*** Department may suspend, revoke or modify the permit authorizing the development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the ~~Fayette County Engineering~~ ***Stormwater Management*** Department may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(d) **Civil Penalties**. In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days, or such greater period as the ~~Fayette County Engineering~~ ***Stormwater Management*** Department shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the ~~Fayette County Engineering~~ ***Stormwater Management*** Department has taken one or more of the actions described above, the ~~Fayette County Engineering~~ ***Stormwater Management*** Department may impose a penalty not to exceed $1,000 (depending on the severity of the violation) for each day the violation is not remediated after receipt of the notice of violation.

(e) **Criminal Penalties.** For intentional and flagrant violations of this ordinance, the ~~Fayette County Engineering~~ ***Stormwater Management*** Department may issue a citation to the applicant or other responsible person, requiring such person to appear in Fayette County State Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed $1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

STATE OF GEORGIA
FAYETTE COUNTY

INSPECTION AND MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT CONTROLS

THIS AGREEMENT, made and entered into this _____ day of _____, 20_____, by and between (insert full name of owner) _____, his/her successors and assigns, including but not limited to any homeowners association, commercial developer, holder of any portion of the below described property, and/or similar (hereinafter called the "Landowner"), and Fayette County Board of Commissioners (hereinafter called the "County") WITNESSETH, that

WHEREAS, the Landowner is the owner of certain real property described as (Fayette County Tax Map/Parcel Identification Number) _____ and recorded by deed in the land records of Fayette County, Georgia, Deed Book _____ page _____, and Plat Book _____, page _____ hereinafter called the "Property".

WHEREAS, the Landowner is proceeding to build on and develop the property; and

WHEREAS, the Site Plan/Construction Drawings/Subdivision Plan/Development known as (insert name of plan/development) _____, hereinafter called the "Plan", which is expressly made a part hereof, as approved or to be approved by the County, provides for detention and/or management of stormwater within the confines of the property; and

WHEREAS, the County and the Landowner agree that the health, safety, and welfare of the residents of Fayette County, Georgia, require that on-site stormwater management facilities be constructed and maintained on the Property; and

WHEREAS, the County requires that on-site stormwater management facilities as shown on the Plan be constructed and adequately maintained by the Landowner.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site stormwater management facilities shall be constructed by the Landowner in accordance with the plans and specifications identified in the Plan.

2. The Landowner shall adequately maintain the stormwater management facilities and perform the work necessary to keep these facilities in good working order at all times, as described in the *Operations and Maintenance Plan*, which is hereby agreed to and on file in the Fayette County Engineering Department. In the event a maintenance schedule for the stormwater management facilities is provided on the approved plans or in the *Operations and Maintenance Plan*, it shall be followed. The *Operations and Maintenance Plan* shall be used to determine what adequate maintenance and good working condition is acceptable by the County.

3. The Landowner shall inspect the stormwater management facility and submit an annual inspection report to the Fayette County Engineering Department. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection shall cover all applicable stormwater management facilities, including but not limited to, conveyance measures, outlet structures, pond areas, access roads, etc. Deficiencies shall be noted in the inspection report along with a schedule for repair. The inspection procedures, frequency and report shall follow the procedures established in the project's *Operations and Maintenance Plan*.

4. The Landowner hereby grants permission to the County, its authorized agents and employees, to enter upon the Property and to inspect the stormwater management facilities whenever the County deems necessary. The County shall provide the Landowner copies of the inspection findings and a directive to commence with the repairs, if necessary.

5. In the event the Landowner fails to maintain the stormwater management facilities in good working condition which is acceptable to the County, the County may issue citations to the Landowner for resulting, continuing ordinance violations, on a daily basis (as set forth in the Fayette County Code of Ordinances §1-8), until such time as the issues are satisfactorily resolved. Additionally, the County may enter upon the Property and take whatever steps necessary to correct deficiencies and to recover the costs of such repairs plus any associated costs through a judgment lien or other necessary means.

   It is expressly understood and agreed that the County is under no obligation to routinely maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the County.

6. In the event the County, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of work as described in

paragraph 5, for labor, use of equipment, supplies, materials, and/or similar purposes, the Landowner shall reimburse the County within thirty (30) days of receipt of a demand of payment for reimbursement of said costs.

7. This Agreement imposes no liability of any kind whatsoever on the County and the Landowner agrees to hold the County harmless from any liability in the event the stormwater management facilities fail to operate properly.

8. This Agreement shall be recorded among the land records of Fayette County, Georgia, and shall constitute a covenant running with the land, and shall be binding on the Landowner, as herein defined and/or any other successor in interest, including but not limited to, any homeowners association and/or developer.

9. This Agreement may be enforced by proceedings at law or in equity by or against the parties hereto and their respective successors in interest.

10. Invalidation of any one of the provisions of this Agreement shall in no way effect any other provision and all other provisions shall remain in full force and effect.

11. The signors below hereby represent and covenant that they are clothed with the necessary authority to bind the parties which they represent to the terms and conditions of the foregoing agreement.

WITNESS the following signatures and seals:

Landowner:

_____
Corporate Name

By: _____
CORPORATE SEAL President (type name and title)

_____
President (signature)

Attest By: _____
Secretary

County of Fayette, Georgia

By: Jack Smith
Chairman, Board of Commissioners

_____
COUNTY SEAL Chairman (signature)

Attest By: _____
Deputy Clerk

Article XIII

Fayette County Development Regulations

Post-Development Stormwater Management for
New Development and Redevelopment

Section 8-90. Introduction

It is hereby determined that:

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

2. Land-development projects and other land-use conversions also contribute to increased nonpoint source pollution and degradation of receiving waters;

3. The impacts of post-development stormwater runoff quantity and quality can adversely affect public safety, public and private property, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of land and water;

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

5. Localities in the State of Georgia ~~are required to~~ ***must*** comply with ~~a number of both~~ ~~S~~***s***tate and ~~F~~***f***ederal laws, regulations and permits ~~which~~ ***tha***t require ~~a locality to address the~~ impacts of post-development stormwater runoff quality and nonpoint source pollution ***be addressed***.

Therefore, Fayette County ~~has~~ establishe~~d~~***s*** this set of stormwater management policies to provide reasonable guidance ~~for the~~ regulati~~on~~***ng*** ~~of~~ post-development stormwater runoff ~~for the purpose of protecting local water resources from degradation. It has determined that it is in the public interest to regulate post-development stormwater runoff discharges in order~~ to control and minimize increases in stormwater runoff rates and volumes, post-

construction soil erosion and sedimentation, stream channel erosion, and nonpoint source pollution associated with post-development stormwater runoff.

Section 8-91. Definitions

Applicant. ~~means~~ A person submitting a ~~Post-development~~ Stormwater Management *Permit* Application ~~and Plan~~ for approval.

Basin. ~~means~~ An area of land that drains to a single outlet and is separated from other basins by a divide (i.e., a watershed.)

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

Common Plan of Development. ~~means~~ A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or scale.

Conservation Easement. ~~means~~ An agreement between a land owner and Fayette County or other government agency or land trust that ~~permanently~~ ***legally*** protects ~~open space or greenspace~~ ***a designated natural conservation area for purposes of better stormwater management site design*** on the owner's land ***in perpetuity*** by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

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

~~**Detention Facility.** A detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.~~

Developer. ~~means~~ A person who undertakes land-development activities.

~~**Development.** means A land development or land-development project.~~

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

Erosion and Sedimentation Control Plan. ~~means~~ A plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land-disturbance activities.

Extended Detention. ~~means~~ The detention of stormwater runoff for an extended period, typically 24 hours or greater.

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

Flooding. ~~means~~ A volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

~~**Greenspace/Open Space.** means permanently protected areas of the site that are preserved in a natural state.~~

Georgia Stormwater Management Manual. A stormwater technical guidance manual, also known as "the Blue Book" published by the Atlanta Regional Commission. The 'Georgia Stormwater Management Manual' is hereby incorporated by reference into this ordinance.

~~**Hydrologic Soil Group (HSG).** A Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little much more runoff.~~

Impervious Cover. ~~means~~ A surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface (excludes porous pavements).

~~**Industrial Stormwater Permit.** A National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.~~

Infiltration. ~~means~~ The process of ~~percolating~~ stormwater runoff ***percolating*** into the subsoil.

Inspection and Maintenance Agreement. ~~means~~ A written agreement approved by the ***Fayette County Board of Commissioners*** providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land-development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land-development project

Jurisdictional Wetland. ~~means~~ An area ~~that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation~~ ***that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineer.***

Jurisdictional Wetlands Determination. A delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. § 1344, as amended.

Land Development ("Development"). ~~means~~ Any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Land-Development Activities. ~~means~~ Those actions or activities that comprise, facilitate or result in land development.

Land-development Project ("Project"). ~~means~~ A discrete land development undertaking.

New Development. ~~means~~ A land-development activity on a previously undeveloped site.

Natural Conservation Area. A legally protected area of the site that is peretuiously preserved in a natural state thereby retaining the pre-development hydrologic and water quality characteristics. This area shall be a minimum contiguous area of 10,000 square feet.

Nonpoint-source Pollution. ~~means~~ A form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint-source pollution is a by-product of land-use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

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

Off-site ~~Facility~~ *System*. ~~means~~ A stormwater management ~~facility~~ ***system*** located outside the boundaries of the site.

~~**On-Site Facility.** means A stormwater management facility located within the boundaries of the site.~~

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

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

Permit. ~~means~~ The permit issued by the Fayette County ~~**Engineering**~~ ***Stormwater Management*** Department to the applicant, which is required for undertaking any land-development activity.

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

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

Pre-development. ~~refers to~~ The time period, or the conditions that exist***ed***, on a site prior to the commencement of a***ny*** land-development project and at the time that plans for the land development of a site are approved by the plan ~~approving authority~~ ***Stormwater Management Department***. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

~~**Project.** means A land-development project.~~

Redevelopment. ~~means~~ A land-development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint-source pollution.

Regional Stormwater Management Facility/Regional Facility. ~~means~~ ***Any*** stormwater management ~~facilities~~ ***system*** designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

~~**Runoff.** means stormwater runoff.~~

Site. ~~means~~ The parcel of land being developed, or the portion thereof on which the land-development project is located.

Stormwater Better Site Design. ~~means~~ Nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and ~~greenspace~~, reducing impervious cover and using natural features for stormwater management.

Stormwater Drainage System. A system designed to provide adequate surface drainage that includes inlets, street and roadway gutters, ditches, small channels, swales and underground piping systems.

Stormwater Management. ~~means~~ The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public's health, safety and general welfare.

~~**Stormwater Management Facility.** means Any infrastructure that controls or conveys stormwater runoff.~~

~~**Stormwater Management Measure.** means Any stormwater management facility or nonstructural stormwater practice.~~

Stormwater Management Plan. ~~means~~ A document describing how existing runoff characteristics will be affected by a land-development project and containing measures for complying with the provisions of this ordinance.

Stormwater Management System. ~~means~~ The entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

Stormwater ~~Management~~ Nonstructural Practice. ~~means~~ ~~Any natural or planted vegetation or other~~ ***A*** nonstructural component of the stormwater management ~~plan~~ ***system*** that provides ~~for or~~ enhance~~s~~***d*** stormwater quantity and/or quality control or other ~~stormwater management~~ benefit~~s~~, ~~and~~ include~~s~~***ing*** but ~~is~~ not limited to, riparian buffers, ~~open and greenspace areas~~, ***natural conservation areas***, overland flow filtration areas, natural depressions, and vegetated channels.

Stormwater Structural Control. ~~means~~ A***n*** ~~structural~~***engineered*** stormwater management ~~facility or~~ device that controls stormwater runoff and***/or*** ~~changes~~ ***mitigates*** the ~~characteristics~~ effects of ~~that~~ ***increased*** runoff ~~including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff~~.

~~**Stormwater Retrofit.** A stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.~~

Stormwater Runoff. ~~means~~ The flow of surface water resulting from precipitation.

Subbasin. ~~means~~ ***The*** hydrologic divisions of a watershed that are relatively homogeneous.

Subdivision. ~~See definition of "subdivision" in Article III of the Zoning Ordinance~~ ***All divisions of a tract of land into a minimum of two (2) or more lots.***

General Provisions

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

This ordinance seeks to meet that purpose through the following objectives:

1. Establish decision-making processes surrounding land-development activities that protect ~~the integrity of the watershed~~ and preserve the health of water resources;

2. Require ~~that~~ new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank erosion, nonpoint source pollution, ~~and~~ increases in stream temperature***s***, and ~~maintain the integrity of~~ preserve stream channel ***integrity*** and aquatic habitats;

3. Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;

4. Establish design ~~and application~~ criteria for the construction and use of stormwater structural control facilities that can be used to meet the minimum post-development stormwater management standards;

5. Encourage ~~the use of~~ nonstructural stormwater management and stormwater better site design practices, such as ~~the preservation of greenspace and other conservation areas~~ ***establishing natural conservation areas***, to the maximum extent practicable;

6. Establish provisions for the long-term responsibility ~~for~~ and maintenance of ~~structural stormwater control facilities and nonstructural~~ stormwater management ~~practices~~ ***systems*** to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and,

7. Establish administrative procedures for the submission, review, ***and*** approval ~~and disapproval~~ of stormwater management ~~plans~~ ***applications,*** and ~~for the~~ inspection ***procedures*** of approved ~~active projects~~ ***applications***, ~~and long-term follow-up~~ ***for both construction and post-construction phases***.

(b) ***Applicability.*** ***This ordinance shall be applicable to any new or redevelopment project within unincorporated Fayette County that meets one or more of the following criteria, unless specifically exempted below:***

1. The project creates 5,000 square feet or more of impervious cover;

2. The project disturbs one acre or more of land; or

3. The project is part of a larger common plan of development, even though it individually may not meet the criteria set forth above and the multiple

separate and distinct land-development activities may take place at different times.

The following activities are exempt from this ordinance:

1. Individual single-family or duplex residential lots that are not part of a larger common plan of development;

2. Individual single-family or duplex residential lots that are part of a larger common plan of development (e.g., a subdivision or minor subdivision) but have no new roads (public or private) or other common structures associated with the subdivision or phased development. This exemption, however, may be waived by the ~~Engineering~~ ***Stormwater Management*** Department if ~~the Department~~ ***it is*** determine~~s~~***d*** the project may have significant adverse impacts on downstream properties;

4. Additions or modifications to existing single-family or duplex residential structures;

5. Agricultural or silvicultural land-management activities within areas zoned for these activities; and,

6. Repairs to any stormwater management facility or practice deemed necessary by the ~~Engineering~~ ***Stormwater Management*** Department.

(c) Designation of Ordinance Administrator.***The Fayette County*** ~~**Engineering**~~ ***Stormwater Management Department shall administer and implement the provisions of this ordinance.***

(d) ***Compatibility with Other Regulations. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.***

(e) ***Severability, If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.***

(f) ***Effective Date. This ordinance shall be effective*** **August 1, 2005** ***and apply to all developments that have preliminary plats or site development plans initially***

received by the Fayette County Zoning Department on or after this date. ~~Projects with received dates prior to August 1, 2005 shall satisfy the stormwater criteria in place at the time the documents were initially submitted.~~

(g) ***Stormwater Design Manual. The ~~Engineering~~*** Stormwater Management ***Department will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the ~~current~~ Georgia Stormwater Management Manual and any relevant local addenda~~, for the proper implementation of the requirements of in this ordinance~~. The manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience***.

The ~~**Engineering**~~ ***Stormwater Management*** Department may publish an addendum to the *Georgia Stormwater Management Manual* to (1) clarify discrepancies between the manual and any section of the County's Development Regulations, (2) specify requirements where options/alternatives are provided, (3) establish minimum design standards, or (4) further describe submittal requirements. The criteria within the addendum shall be considered minimum design standards and, in the event of a conflict, supersede design standards set forth in the *Georgia Stormwater Management Manual*. ~~A copy of the a~~ ***A***ddendum shall be available from the ~~**Engineering**~~ ***Stormwater Management*** Department.

Section 8-92. Post-Development Stormwater Management Performance Criteria

The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this ordinance:

(a) ***Drainage*** *System Guidelines Stormwater Management* ***System Criteria.*** *which may, c****atch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided****, when necessary****, for the protection of public right-of-way and p****rivate properties adjoining project sites and/or public right-of-ways. Stormwater ~~conveyance facilities~~*** management systems ***that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:***

1. Methods to calculate stormwater flows shall be in accordance with the ~~*Georgia Stormwater Management Manual*~~ **Stormwater Design Manual** *;*

~~2. All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the *Georgia Stormwater Management Manual*;~~

3. Design and construction of stormwater ~~conveyance facilities~~ ***management systems*** shall be in accordance with the criteria and specifications found in the ~~*Georgia Stormwater Management Manual*~~ ***Stormwater Design Manual****;*

4. If a project is developed in phases, the stormwater management system in an initial phase must be sized and constructed to handle the quantity and effects of stormwater that may flow into that system from subsequent phases.

(b) New Street Construction Design Criteria

1. ***All new streets constructed within the county except those constructed to serve subdivisions in which all lots are five (5) acres or larger, shall have curbs and gutters. Rolled-back curbs are not acceptable, only straight-back curbs are allowed. Curb shall be six (6) inches high and gutter shall be 24 inches face of gutter to back of curb.***

2. ***Curb inlets shall conform to the Georgia Department of Transportation (GDOT) specifications. Spacing of inlets shall not exceed 500 feet on a continuous grade and shall be sized to intercept a minimum of 85 percent of the flow in the gutter section. Inlets shall be located to prevent stormwater from crossing an intersection, but may not be located in a radius for the intersection. Inlets located in a sag shall be sized to prevent gutter spread from covering more than half of the road's travel surface during the 25-year storm event. If grates are proposed for inlet devices, the bars must be perpendicular to the road and shall pose no hazard to bicycle traffic. In any case, throat height shall not exceed eight (8) inches. All stormwater structures requiring inverts shall be paved.***

3. ***Only reinforced concrete shall be used for storm drain structures under the roadway, publicly owned right-of-way and in applications to create buildable lots. The pipe must be designed and installed to meet the requirements in the latest edition of the Concrete Pipe Design Manual. A third-party pipe standarized installation inspection report is required for all pipes being placed in the ground prior to final plat. Additional information may be requested for the pipe installation report.***

4. ***Other pipe materials may be used in applications approved by GDOT.***

5. ***Cross drains, laterals and outfalls that are part of a street drainage system shall be sized for subcritical gravity flow. The design engineer must provide calculations to show that any pipes are not flowing under pressurized conditions and that the hydraulic grade lines are below finished grade at all points for the 25-year storm event. Calculations determining the headwater elevation (inlet or outlet controlled) for the 100-year storm event shall be provided by the design engineer. The backwater area inundated by the 100-year storm event shall be shown and designated on the final plat as an area of Special Flood Hazard Area. It shall be based on as-built road conditions and shall be subject***

to the same conditions and limitations as any other floodplain (Fayette County Development Regulations, Article IV.)

6. ***Storm drains shall not exceed 500 feet of continuous length between an inlet, manhole or junction box access. All junctions boxes shall be installed with accesses at grade.***

7. ***In residential subdivisions, outfall piping from catch basins shall, at a minimum, extend from the street to a point 30 feet behind the front building setback line or to the 100-year floodplain, whichever is less.***

8. ***For bridges crossing streams with a regulatory floodway and or floodplain, the bridge must meet criteria set forth in Fayette County Development Regulations, Article IV.***

9. ***All culverts and storm drain system outfalls shall have headwalls or tailwalls. Flared end, vertical wall or vertical wall with wing-walled outfall types are acceptable.***

10. ***All outlets must be designed with energy dissipaters if outlet velocities are greater than four (4) feet per second during the 25-year storm event.***

11. ***Drainage ditches shall have a minimum bottom width of two (2) feet and shall have 3:1 side slopes. Ditches must be designed to handle the 100-year flow rate and lined with an appropriate erosion control matting capable of withstanding the 25-year flow velocity.***

12. ***Upon completion of the construction activities, the applicant shall submit "as-built" plans for all stormwater management facilities and practices associated with the project. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a Professional Engineer registered in the State of Georgia. The as-built plan shall also include stage/storage data for all detention or retention structures. These data shall be provided and certified by a registered land surveyor. A final inspection by the Storwater Department is required before the release of any performance securities can occur.***

~~***The EngineeringStormwater Management Department can request additional information for the pipe installation report as a condition of issuing the Land Disturbance Permit. The Engineering Department shall also be notified before the pipe installation begins so the County may also periodically inspect the installation process.***~~

(c) ***Stormwater Structural Controls.*** ***All stormwater structural controls shall be selected and designed using the appropriate criteria from the*** ~~***Georgia Stormwater Management Manual***~~ Stormwater Design Manual. ***All structural stormwater controls must be and designed appropriately to meet their intended function. For***

~~other~~ **stormwater structural** ***controls not included in the ~~Georgia Stormwater Management Manual~~,*** Stormwater Design Manual ***or for which pollutant removal rates have not been provided, the effectiveness and of the pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the ~~Engineering~~*** Stormwater Management ***Department before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land-use activities warrant greater control than that provided by the minimum control requirements, the ~~Engineering~~*** Stormwater Management ***Department may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwat*****er runoff or increased nonpoint-*****source pollution loads created on the ~~site~~*** development***. ~~in question~~.***

1. The outlet control structure shall be designed so as not to be submerged due to down stream conditions.

2. Detention basins shall be located far enough from any property line to allow non-erosive dissipation of the discharge, unless the basin discharges directly into a receiving stream. In either case, erosion control considerations shall be addressed in the erosion and sedimentation control plan.

3. An emergency spillway shall be provided to by-pass flows for the 100-year storm in the event that the principal outlet structure gets blocked.

4. Any stormwater detention basin that poses a threat to public safety or constitutes an "attractive nuisance" shall be fenced to prevent access to the basin. A gate shall be provided for maintenance access. The gate shall be large enough to accommodate trucks or excavation equipment.

5. A stormwater detention basin shall not be constructed on state waters, unless all federal, state and local environmental permits have been acquired.

6. If detention is to be provided by a lake or pond, adequate storage must be provided, or be available in the case of existing lakes or ponds, to manage the runoff from the 100-year storm. In addition to these requirements, ponds or lakes must meet the requirements Articles IV and X of the Fayette County Development Regulations and all applicable federal and state and local regulations.

7. Water quality requirements cannot be satisfied by existing or proposed lakes or ponds.

8. In common residential developments (e.g., subdivisions), all stormwater management systems except those used exclusively for water conveyance

(e.g., swales, ditches, and storm pipes) shall be on common property owned by a Homeowners Association, or other entity if approved by the ~~Engineering~~ ***Stormwater Management Department***, and not counted as an area for an individual lot.

The Stormwater Management Department shall require documentation and calculations beyond the original submittal if, in their opinion, the plan does not satisfy the purpose as stated in this ordinance. The approval of the plan does not preclude the necessity for field changes once construction has begun. Any such amendments to the approved plan shall be submitted to the Stormwater Management Department on revised drawings and shall be supported by such documentation as is appropriate

Applicants shall consult the ~~Georgia Stormwater Management Manual~~ ***Stormwater Design Manual*** for guidance on the factors that determine site design feasibility when selecting and locating a stormwater structural control.

(d) ***Modifications for Off-Site Facilities. The stormwater management plan for each land-development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site ~~facility~~ system.***

A stormwater management plan must be submitted to the ~~**Engineering**~~ ***Stormwater Management*** Department that shows the adequacy of the off-site or regional facility.

To be eligible for a modification, the applicant must demonstrate ***to the Stormwater Management Department*** that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:

1. Increased threat of flood damage to public health, life, and property;
2. Deterioration of existing culverts, bridges, dams, and other structures;
3. Accelerated streambank or streambed erosion or siltation;
4. Degradation of in-stream biological functions or habitat; or
5. Water quality impairment in violation of state water quality standards, and/or violation of any state or federal regulations.

(e) ***Post-development Downstream Analysis.*** *A downstream peak flow analysis that includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This* analysis ~~*area*~~ *shall* evaluate all effected ***stormwater management systems*** *extend*ing *downstream from the project to a point in the drainage basin where the project area is* ten (*10*) *percent of the total basin area. For example, if the project area is* seven (*7*) *acres, the* post-*development downstream analysis should* ***extend downstream to a point where the drainage area is 70 acres or greater.***

In calculating runoff volumes and discharge rates, consideration may need to be given to any planned ~~future~~ upstream land-use changes. The analysis shall be in accordance with the Stormwater Design Manual.

(f) ***Water Quality.*** *All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:*

1. It is sized to treat the prescribed water quality treatment volume from the site, as defined in the ~~*Georgia Stormwater Management Manual*~~ ***Stormwater Design Manual*** ;and,

2. Appropriate stormwater structural controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the ~~*Georgia Stormwater Management Manual*~~ ***Stormwater Design Manual.***

(g) ***Stream Channel Protection****. Stream channels shall be protected from bank and bed erosion and degradation by* ~~*using*~~ providing *all of the following three approaches:*

1. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer, as established in ***Article VII and Article IX***Fayette County's ***Development Regulations*** ~~Watershed Protection Ordinance and Soil Erosion and Sedimentation Control Ordinance~~;

2. 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event. This requirement may be adjusted or waived by the ~~**Engineering**~~ ***Stormwater Management*** Department for sites that discharge directly into larger perennial streams, rivers, ***jurisdictional*** wetlands, or lakes, if the applicant can demonstrate that the reduction in these flows will not have an impact on upstream or downstream streambank or channel integrity; and

3. Erosion prevention measures such as energy dissipat~~ion~~ ***ors that*** ~~and velocity~~ control ***velocity***.

(h) ***Overbank and Extreme Flood Protection.*** *Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak-discharge rate to the pre-development rate for the 25, 50, and 100-year, 24-hour ~~return frequency~~ storm events. If control of the 1-year, 24-hour storm* ***events*** *under Section* ***8-454(~~B~~f)*** *is exempted, then peak discharge rate attenuation of the 2-year through the 25-year return frequency storm event shall also be provided, (i.e., the 2, 5, 10 and 25-year storm* ***events****.) Overbank and extreme* flood *protection shall be provided for all drainage basins within a development. The procedures for providing overbank and extreme flood protection shall follow the criteria specified in the ~~Georgia Stormwater Management Manual~~.* ***Stormwater Design Manual.***

This requirement may be adjusted or waived by the ~~**Engineering**~~ ***Stormwater Management*** Department, on a sub-watershed by sub-watershed basis, for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.

(i) ***~~Stormwater~~ Site Design Credits for Nonstructural Measures. The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under Section 8-454(~~A~~e). The applicant may, if approved by the ~~Engineering~~ Stormwater Management Department, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements, which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the ~~Georgia Stormwater Management Manual~~. Stormwater Design Manual. All applicable documentation requirements shall be submitted and approved by the Stormwater Management Department prior to issuance of a certificate-of-occupancy or final plat approval. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the ~~Georgia Stormwater Management Manual~~. Stormwater Design Manual.***

(j) ***Drainage Easements. Drainage easements shall be provided for all stormwater management facilities designated for water conveyance. These easements shall ~~normally~~ generally be ~~twenty (20)~~ feet in width, except where existing streams or creeks or constructed basins require greater width. Such easements shall be shown on plans and plats as required by other sections of the county's ordinances. Since these easements are part of an overall system for the development, neither the***

easement location nor the system element located in it may be modified without the approval of the ~~Engineering~~ Stormwater Management Department.

(k) ***Maintenance Access Easements.*** ***The applicant must ensure access from public right-of-way to stormwater management ~~facilities and practices~~*** systems ***requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property and All maintenance access easements shall be inspected and maintained as part of the annual operations and maintenance program.***

(l) ***Dam Design Guidelines.*** ***Any land-disturbing activity th****at involves a site that proposing* ***dam*** *construction* ***shall comply with the Georgia Safe Dams Act and Rules for Dam Safety, as applicable, and Article X of the Fayette County Development Regulations.***

Section 8-93. Stormwater Management ~~Permit Procedures and~~ Application Submittals and ~~Requirements~~ *Procedures*

~~Permit Application Requirements~~. ~~No owner or developer shall perform any land development activities without first meeting the requirements of this ordinance prior to commencing the proposed activity.~~ Unless specifically exempted by this ordinance, any owner or developer proposing a land activity shall submit the following items to the ~~Engineering~~ Stormwater Management ***Department:***

- Stormwater Management Plan
- **Operations and Maintenance Plan**
- Inspection and Maintenance Agreement;
- Stormwater ~~Tax~~ Assessment Area;
- ~~Maintenance Bond~~ ***Other Submittals***;
- Application Review Fees, and
- Application Procedure

Each of the above submittals shall be in accordance with the criteria specified in the following subsections.

(a) ***Stormwater Management Plan. The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the***

proposed project will meet the requirements of this ordinance, including the performance criteria set forth in Section 8-4543.

This plan shall be submitted under the stamp and signature of a Professional Engineer ~~(PE)~~ licensed in the state of Georgia. In addition, the Professional Engineer shall provide written certification that the plan meets the design criteria established in this ordinance and the ~~*Georgia Stormwater Management Manual*~~. ***Stormwater Design Manual.*** ***Any revisions to the stormwater management plan, including, but not limited to, installation of new stormwater structures, additions to approved stormwater structures, or modifications of existing structures, shall be submitted with the stamp and seal of a Professional Engineer licensed in the State of Georgia and receive written approval from the Stormwater Management Department prior to implementation.***

The stormwater management plan shall include, at a minimum, the following information and be presented in the order set forth below:

1. *Common Address and Description of Site* – The description of the site shall include the metes and bounds of the property, via a survey or written legal description, and identification of all adjacent property owners.

2. *Vicinity Map*

3. *Existing Conditions Hydrologic Analysis* – The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities shall include:

   a. A topographic map of existing site conditions with ~~the~~ *each* drainage basin boundar~~ies~~*y* indicated. Drainage divides and downstream receiving waters shall be clearly delineated on the topographic map;

   b. Acreage, soil types and land cover of areas for each subbasin affected by the project;

   c. All perennial and intermittent streams, jurisdictional wetlands, and other surface water features;

   d. All existing stormwater ~~conveyances and structural control facilities~~ *management* ***systems*.**

   e. Direction of flow and exits from the site;

   f. Analysis of runoff provided by off-site areas upstream of the project site;

   g. Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.

   h. For redevelopment sites, "pre-development conditions" for the portion of the site undergoing land-development activities shall be based on field

conditions prior to any structural or impervious improvements. "Pre-development conditions" for the portion of the site outside the land-development activities shall be based on the conditions present when the stormwater management plan is submitted to Fayette County.

4. *Post-development Hydrologic Analysis* – The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities shall include:

   a. A topographic map of developed site conditions (i.e., proposed contours) with the post-development drainage basin boundaries indicated. Drainage divides and downstream receiving waters shall be clearly delineated on the topographic map;

   b. Total area of post-development impervious surfaces and other land- cover areas for each subbasin affected by the project;

   c. Calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet the post-development stormwater management performance criteria in Section 8-454*3*:

   d. Location and boundaries of proposed natural feature protection and conservation areas;

   e. Documentation and calculations for any applicable site design credits that are being used; and

   f. Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.

   g. If the land-development activity on a redevelopment site constitutes more than 50 percent of the site, then the stormwater runoff performance criteria in Section 8-454*3* must be met for the entire site.

5. *Stormwater Management System* – The description, scaled drawings and design calculations for the proposed post-development stormwater management system~~, which~~ ***shall*** include the following:

   a. A map and drawing of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed stormwater structural controls~~, includingd~~ *.D*esign water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes *for all structural controls shall be indicated.*

   b. Cross-section and profile drawings and design details for each of the stormwater structural controls in the system, including supporting calculations to show that the ~~facility~~ *system* is designed according to the applicable design criteria;

c. A hydrologic and hydraulic analysis of the stormwater management system for all applicable ~~design~~ storms *events* (including stage-storage or outlet rating curves, and inflow and outflow hydrographs);

d. Documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in Section 4 *8-453* ;

e. Drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyances ~~elements~~ including stormwater drains, pipes, culverts, catch basins, channels, swales, *ditches* and areas of overland flow, and

f. Where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans ~~and/or local greenspace protection plan~~.

(b) ***Operations and Maintenance Plan.*** **Property owners are responsible for performing operation and maintenance activities for stormwater management facilities and practices located on their property; see Section 8-453~~7.(C) and (Dh)~~ for additional information. The applicant shall provide a project-specific Operations and Maintenance Plan that includes detailed descriptions of required operations and maintenance procedures for the project's stormwater management facilities and practices to ensure ~~their~~ continued function as designed and constructed ~~or preserved~~. The plan shall identify the parts or components of each stormwater management facility or practice that needs to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary for this work. The plan shall include a detailed inspection and maintenance schedule, a list of all maintenance tasks, and identify the responsible parties for all maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall also be included in the plan. Checklists shall be provided, as appropriate. Any revisions to the Operations and Maintenance Plan shall be submitted with the stamp and seal of a Professional Engineer~~ing (PE)~~ licensed in the State of Georgia and receive written approval from the Fayette County ~~Engineering~~** Stormwater Management **Department.**

(c) ***Inspection and Maintenance Agreements. The applicant or owner of the land involved in a land-development project requiring a stormwater management facility or practice hereunder and for which Fayette County requires ongoing maintenance must execute a Stormwater Management Inspection and Maintenance Agreement, as defined in this article (Appendix A) and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site or any portion thereof.***

The ***Stormwater Management*** Inspection and Maintenance Agreement shall require approval by the ~~**Engineering**~~ ***Stormwater Management*** Department prior to final plat approval or issuance of a Certificate-of-Occupancy. A covenant running with the land will describe said agreement and the obligation of all present and future holders of any interest in the development or any portion thereof. Said covenant shall be recorded on the deed of every

parcel of property and/or lot that is derived in any way from the land-development activity. Thereafter, each deed shall be recorded in the county deed records by the applicant.

The Stormwater Management Inspection and Maintenance Agreement shall identify by name and official title, if applicable, the person(s) bound by said agreement to cause said inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice shall remain that of the party which executed the stormwater management Inspection and Maintenance Agreement unless and until such time as the duties hereunder are properly assumed by a Homeowners Association which is created as specified in this article. Evidence of the assumption of such duties shall be in a writing executed by the party assigning said duties and the Homeowners Association and agreed to by Fayette County.

The duties created under the Inspection and Maintenance Agreement shall transfer to each and every subsequent owner/applicant, or Homeowners Association (where one is established and duties are assigned thereto, in accordance with this Article), or similar holders of interest in the development or any portion thereof. Upon transfer, each owner/applicant, Homeowners Association, or similar interest holder shall cause the deed of transfer to be marked upon its face with notice of obligations of the ***Stormwater Management*** Inspection and Maintenance Agreement through use of a restrictive covenant, as previously described. Each successor in title shall be bound by the ***Stormwater Management*** Inspection and Maintenance Agreement to all the duties of his predecessor thereunder. The ***Stormwater Management*** Inspection and Maintenance Agreement shall incorporate by reference the project's Operation and Maintenance Plan and account for all the work requirements specified in the plan.

In addition to enforcing the terms of the Inspection and Maintenance Agreement, the **~~Engineering~~** ***Stormwater Management*** Department may also enforce all of the provisions for ongoing inspection and maintenance in Section ~~6~~ ***8-457*** of this ordinance.

Residential Subdivisions – Prior to final plat approval, the developer of a subdivision, which is subject to the provisions of this article, shall create a Homeowners Association for the residential subdivision(s) for which the developer is requesting approval. All property owners within the subdivision shall be members of the Homeowners Association. The Homeowners Association shall be the legal entity to which all correspondence and notice, required under or related to this ordinance is given by Fayette County and from which Fayette County will accept the same.

(d) ***Stormwater ~~Tax~~ Assessment Area. Prior to final plat approval, the developer of any common development subject to the provisions of this ordinance shall establish a Stormwater ~~Tax~~ Assessment Area that shall thereafter encompass the development, each subdivision thereof, and any other property that is alleged to be covered/served by the Stormwater Management Plan. The Stormwater ~~Tax~~ Assessment Area shall***

be established through covenant running with each parcel of land in the ~~tax~~ assessment area, as evidenced through a recording in county deed records. The recording shall cause notice of the existence of the Stormwater ~~Tax~~ Assessment Area to transfer from one interest holder to the next with each sale of any parcel in the stormwater ~~tax~~ assessment area, until the Stormwater Management Plan is replaced with a new plan or said plan is found to be inapplicable by the ~~Engineering~~ Stormwater Management Department.

Property owners within a Stormwater ~~Tax~~ Assessment Area ~~will~~ ***may*** be billed annually ~~through their regular ad valorem County tax bill~~ for the cost to the county ~~of County~~ ***to*** perform~~ance of~~ maintenance and repair activities on privately-owned stormwater management ~~facilities and practices~~ ***systems*** ~~since January 1st of the applicable tax year~~. The rate for Stormwater ~~Tax~~ Assessment Areas shall be determined based on the total cost incurred by the county in repairing and maintaining these ~~facilities~~ ***systems*** ~~in the applicable tax year~~ divided by the number of non-exempt parcels ~~which~~ **that** exist in ~~all~~ ***the applicable*** Stormwater ~~Tax~~ Assessment Area~~s~~ ~~in existence in the County in the applicable tax year~~.

~~A parcel that exists in a Stormwater Tax Assessment Area shall be exempt from the stormwater tax assessment if all requirements set forth in the Inspection and Maintenance Agreement have been met and all necessary documentation thereof has been submitted to and approved by the Engineering Department. The determination of applicability of exemption shall be made on a yearly basis by the Engineering Department. For residential subdivisions, all property owners shall be considered exempt or non-exempt based on the work performed by the Homeowners Association for that subdivision.~~

(e) ***Other Submittals:***

1. **Landscaping ~~and Open Space~~ Plan**. A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to any stormwater management ~~facilities and/or practices~~ ***system***. This plan may be included with the land-development Landscaping Plan required in Article V, Fayette County Development Regulations. The landscaping plan shall include:

a. The arrangement of planted areas around the stormwater management ~~facilities and practices~~ *systems*;

b. Information necessary to construct the landscaping elements shown on the plan drawings;

c. Descriptions and standards for the methods, materials and vegetation that are to be used in the ~~construction~~ *landscaping*;

d. Density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and

e. A description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility system and what practices will be employed to ensure that adequate vegetative cover is preserved.

2. **Maintenance Bonds** ***The applicant shall provided the appropriate maintenance bond as specified in Article XIV of the Fayette County Development Regulations.***

~~Prior to final plat approval of all subdivision development projects, the developer shall submit to the Engineering Department a bond or irrevocable letter of credit for the purpose of guaranteeing the materials and workmanship of all stormwater control measures associated with the development for a period of two years. The bond amount shall be calculated by the Engineering Department and provided to the developer upon completion of field activities and submittal of the final plat to Fayette County Zoning Department.~~

~~If, during the two-year period, the need for repairs to any of the stormwater control measures becomes evident then the developer will be notified in writing by the County Engineer and informed of the measures to be taken to repair the facilities. If the developer has not taken significant action, as determined by the County Engineering Department, within 30 days of said notification, the County Engineer shall take such steps as are necessary to claim an amount of the funds from the bond or letter of credit which, as estimated by the County Engineer, will cover all costs and expenses the County will incur in causing the repairs to be made.~~

3. ***"As-builts" Upon completion of the construction activities, the applicant shall submit "as-built" plans for all stormwater management systems. The plan must show the final design specifications for all stormwater management systems must be certified by a Professional Engineer registered in the State of Georgia. The as-built plan shall also include stage/storage data for all detention or retention structures. These data shall be provided and certified by a registered land surveyor. A final inspection by the Stormwater Management Department is required before the release of any performance securities can occur.***

4. **Evidence of Acquisition of Applicable Local and Non-local ~~Environmental~~ Permits.** The applicant shall certify and provide documentation to the Fayette County ~~Engineering~~ **Stormwater Management** Department that all other applicable ~~environmental~~ permits have been acquired for the site prior to approval of the stormwater management plan.

(f) ***Application Review Fees. The fee for review of any stormwater management application shall be based on the fee structure established by the Fayette County***

Board of Commissioners and shall be made prior to the issuance of any building permit for the development.

Section 8-94. ~~Maintenance Access Easements~~

(h) Application Procedure

1. Two copies of the Stormwater Management Plan, ~~and~~ the Inspection and Maintenance Agreement, ***and all applicable documents (conservation easements, etc.)*** shall be submitted to the ~~Engineering~~ ***Stormwater Management*** Department with the project's construction drawings or commercial site plan.

2. The ~~Engineering~~ ***Stormwater Management*** Department shall inform the applicant whether the submittals are approved or disapproved.

3. If the deliverables required by this ordinance are ~~dis~~***not*** approved, the ~~Engineering~~ ***Stormwater Management*** Department shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event subparagraph ***two (2)*** above and this subparagraph shall apply to such resubmittal.

4. A Land-disturbance Permit for a project shall not be issued by the ~~Engineering~~ ***Stormwater Management*** Department until all applicable sections of this ordinance are satisfied and approved by the ~~Engineering~~ ***Stormwater Management*** Department.

5. **Developments Requiring a Final Plat.** All remaining submittal requirements (e.g., creation of a stormwater ~~tax~~ assessment area ~~and posting of maintenance bonds~~) shall be submitted to the ~~Engineering~~ ***Stormwater Management*** Department with or prior to the project's Final Plat. The ~~Engineering~~ ***Stormwater Management*** Department shall inform the applicant whether the submittals are approved or disapproved. If any deliverable submittal is disapproved, the ~~Engineering~~ ***Stormwater Management*** Department shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event this subparagraph shall apply to such resubmittal. The Final Plat shall not be ~~signed~~ **approved** by the ~~Engineering~~ ***Stormwater Management*** Department until all submittal requirements are satisfied.

6. **Developments Not Requiring a Final Plat.** All remaining submittal requirements ~~(e.g., posting of maintenance bonds)~~ shall be submitted to the ~~Engineering~~ ***Stormwater Management*** Department prior to issuance of a Certificate-of-Occupancy by the Fayette County Permits and Inspections Department. The ~~Engineering~~ ***Stormwater Management*** Department shall inform the applicant whether the submittals are approved or disapproved.

If any deliverable is disapproved, the ~~Engineering~~ ***Stormwater Management*** Department shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event this subparagraph shall apply to such resubmittal. The Fayette County Permits and Inspections Department shall not issue the Certificate of Occupancy until all submittal requirements are satisfied.

(b) ***Notwithstanding the issuance of a Land-disturbance Permit, in conducting the land-development project, the applicant or other responsible person shall be subject to the following requirements:***

1. The applicant shall comply with all applicable requirements of the approved plan and this ordinance and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;

2. The land-development project shall be conducted only within the area specified in the approved plan;

3. The ~~**Engineering**~~ ***Stormwater Management*** Department shall be allowed to conduct periodic inspections of the project;

4. No changes may be made to an approved plan without review and written approval by the ~~**Engineering**~~ ***Stormwater Management*** Department; and,

5. ~~Upon completion of the project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans required by Section 5~~.

~~The **Engineering** Department shall verify that these criteria are satisfied.~~

Section 8-95. Construction Inspections of Post-development Stormwater Management System

(a) ***Inspections to Ensure Plan Compliance During Construction.***

1. Storm Sewer Installation Report – A third-party pipe installation inspection report shall be required for all pipes placed in the ground and shall include the following information:

   a. Description of subgrade and bedding used in installation;

   b. Pipe material certifications;

   c. Description of backfill methods used;

d. A summary of all field inspections, including the name and affiliation of the inspector, date and time of visit(s), and summary of activities observed; and

e. Certification from a Registered Professional Engineer that the pipe was installed in accordance to the Approved Construction Plans and any applicable Georgia DOT, AASHTO or American Concrete Pipe Association Standards.

(b) ***Periodic inspections of the stormwater management system construction shall be conducted and certified by a Professional Engineer registered in the State of Georgia. Construction inspections shall utilize the approved stormwater management plan for establishing compliance. The minimum number and schedule of ~~the~~ inspections shall be based on the proposed design and established by the ~~Engineering~~ Stormwater Management Department during the project's preconstruction meeting.***

1. All inspections shall be documented with written reports that contain the following information:

a. The name of the inspector, the date and location of the inspection, and a summary of the activities observed;

b. A determination if the construction activities are in compliance with the approved stormwater management plan;

c. Variations from the approved construction specifications; and,

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

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

Section 8-96. Ongoing Inspection and Maintenance of Stormwater Facilities and Practices~~*Management Systems*~~

(a) ***Long-Term Maintenance ~~&~~ And Inspection of Stormwater ~~Facilities and Practices~~.Management Systems Stormwater management ~~facilities and practices~~ systems identified in a stormwater management plan that are subject to an Inspection and Maintenance Agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this ordinance.***

The responsible person, as designated in the approved Inspection and Maintenance Agreement, shall inspect the stormwater management ~~facilities or practices~~ ***system*** on a periodic basis. In the event that the stormwater management ~~facility~~ ***system*** has not been maintained and/or becomes a danger to public safety or public health, the ~~**Engineering**~~ ***Stormwater Management***

Department shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the Inspection and Maintenance Agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the Inspection and Maintenance Agreement, the ~~**Engineering**~~ ***Stormwater Management*** Department may correct the violation as provided in ~~Subs~~**S**ection ~~6.4~~ ***8.459*** hereof.

Inspection programs by the ~~**Engineering**~~ ***Stormwater Management*** Department may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

(b) ***Right-of-Entry for Inspection.*** ***The terms of the Inspection and Maintenance Agreement shall provide for the ~~Engineering~~*** Stormwater Management ***Department to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.***

(c) ***Records of Maintenance Activities.*** ***Parties responsible for the operation and maintenance of a stormwater management ~~facility~~*** system ***shall provide records of all maintenance and repairs to the ~~Engineering~~*** Stormwater Management ***Department on an annual basis.***

(d) ***Failure to Maintain.*** ***If a responsible person fails or refuses to meet the requirements of the Inspection and Maintenance Agreement, the ~~Engineering~~ Stormwater Management Department, after ~~thirty (~~30~~)~~ days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. Recovery of costs associated with the performance of said work shall be through the Stormwater ~~Tax~~ Assessment Area established in Section ~~3.4~~. 8-454/(h). Alternatively, the ~~Engineering~~ Stormwater Management Department may issue citations to help force compliance with the Inspection and Maintenance Agreement.***

Section 8-97. Violations, Enforcement and Penalties

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved stormwater management ~~plan or permit~~***, application*** may be subject to the enforcement actions outlined in this Section. Any such action or inaction, which is continuous with respect to time, is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

(a) ***Notice-of-Violation.*** *If the ~~Engineering~~* ***Stormwater Management*** *Department* ***determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured a permit, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.***

The notice-of-violation shall contain:

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

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

3. A statement specifying the nature of the violation;

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

5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed.

(b) ***Penalties. In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the ~~Engineering~~*** Stormwater Management ***Department shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten (10) days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the ~~Engineering~~*** Stormwater Management ***Department may take any one or more of the following actions or impose any one or more of the following penalties.***

1. *Stop Work Order* – The ~~Engineering~~ ***Stormwater Management*** Department may issue a stop work order that shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.

2. *Withhold Certificate-of-Occupancy* – The ~~Engineering~~ ***Stormwater Management*** Department may recommend that the Fayette County Permits and Inspection Department refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

3. *Suspension, Revocation or Modification of Permit* – The ~~Engineering~~ ***Stormwater Management*** Department may suspend, revoke or modify the permit authorizing the land-development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated [upon such conditions as the ~~Engineering~~ ***Stormwater Management*** Department may deem necessary] to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

4. *Citations* – For intentional and flagrant violations of this ordinance, or in the event the applicant or other responsible person fails to take the remedial measures set forth in previously issued notice-of-violation(s) or otherwise fails to cure the violations within ten days, the ~~Engineering~~ ***Stormwater Management*** Department may issue a citation to the

applicant or other responsible person, requiring such person to appear in State Court of Fayette County to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed $1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Sections 8-458 through 8-470 Reserved.