



41 Perimeter Center East, Suite 250
Dunwoody, Georgia 30346
P (678) 382-6700
dunwoodyga.gov

MEMORANDUM

To: City Council

From: Rich Edinger, PE 
City Engineer

Date: February 23, 2017

Subject: Updates to the City's Erosion and Sedimentation Control Ordinance

Periodically, the state legislature makes changes to the Georgia Erosion and Sedimentation Control Act. When this happens, the Georgia Environmental Protection Division is charged with ensuring that all local issuing authorities (Dunwoody is one) adopt the latest changes. The attached ordinance reflects the changes and its adoption will bring the City's ordinance into conformance with the state law. Conformance is required for the city to maintain its Local Issuing Authority (LIA) status, which allows the city to enforce its erosion and sedimentation control ordinance on land development projects within the city.

Other changes include adding several definitions, revising several definitions to conform to the corresponding definition in the state law, and making the control of jobsite construction and demolition waste part of a site's erosion and sedimentation control plan.

**AN ORDINANCE AMENDING CHAPTER 16 OF THE CITY OF DUNWOODY
CODE OF ORDINANCES RELATED TO EROSION AND SEDEMENT CONTROL**

WHEREAS, the City of Dunwoody is charged with protecting the health, safety and welfare of the citizens of the City; and

WHEREAS, the City of Dunwoody currently enforces Land Development regulations as set forth in Chapter 16; and

WHEREAS, the Mayor and City Council find that from time to time it is necessary to amend sections of the Land Development regulations to correct, clarify, and update the provisions of the Ordinance; and

WHEREAS, the Georgia Soil and Water Conservation Commission (GSWACC) has updated the Georgia Manual for Erosion and Sediment Control (the "Green Book") with a new 2016 edition; and

WHEREAS, the City as a Local Issuing Authority (LIA) must comply with the GSWCC Erosion and Sediment Control current standards; and

WHEREAS, the Mayor and City Council have determined that the City should adopt revisions to the Land Development regulations to prevent any inconsistencies and discrepancies between the City's enforcement rules and the newly adopted rules, and so that the City can maintain its status as an LIA.

NOW, THEREFORE, to accomplish the foregoing, the Mayor and City Council of the City of Dunwoody hereby ordain as follows:

Section 1: Chapter 16 (Land Development), Division III (Soil Erosion, Sedimentation and Pollution Control) is hereby revised by deleting every reference to a "local issuing authority" and replacing it with "**Local issuing authority**" in order to be consistent with the defined term "Local issuing authority" set forth in Sec. 16-301 (Terms Defined).

Section 2: Chapter 16 (Land Development) of the City of Dunwoody Code is hereby revised as follows:

Sec. 16-59. - Regulations.

. . .

(d) *Plans.*

. . .

- (2) Site plans must be submitted, which include all of the information required by the applicable, current erosion, sedimentation and pollution control plan review checklist established by the soil and water conservation commission. The site plan must also include the following minimum data.

. . .

I. Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, or sanitary waste at the construction site that may cause adverse water quality impacts.

. . .

Sec. 16-62. – Enforcement and Penalties

. . .

(a) *Enforcement*

. . .

(6) The Georgia Board of Natural Resources may promulgate rules and regulations setting forth the requirements and standards for certification and the procedures for decertification of a ~~local-issuing authority~~ **Local issuing authority**. The EPD may periodically review the actions of the city which has been certified as a ~~local-issuing authority~~ **Local issuing authority** pursuant to O.C.G.A. § 12-7-8(a). Such review may include review of the administration and enforcement of the city's ordinances. If such review indicates that the city has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the EPD must notify the city governing authority in writing. Upon receipt of the notification, the governing authority has ~~30~~ **90** days to take the necessary corrective action to retain certification as a ~~local-issuing authority~~ **Local issuing authority**. If the city does not take necessary action within ~~30~~ **90** days after notification by the EPD, the EPD may revoke the certification of the city as a ~~local-issuing authority~~ **Local issuing authority**.

Sec. 16-301. - Terms defined.

. . .

(b) *Terms beginning with "B."*

. . .

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2017-XX-XX

Best management practices (BMPs) include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted. ~~means a collection of structural practices and vegetative measures that, when properly designed, installed and maintained, will provide effective erosion, sedimentation and pollution control. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the Manual for Erosion and Sediment Control in Georgia specified in O.C.G.A. §12-7-6(b).~~

(c) *Terms beginning with "C."*

...

Commission means the Georgia Soil and Water Conservation Commission (GSWCC).

...

CPESC means Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc. which is also referred to as CPESC or CPESC, Inc.

...

(d) *Terms beginning with "D."*

...

Design Professional means a professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

...

District means the DeKalb Soil and Water Conservation District.

Division means the Environmental Protection Division (EPD) of the Department of Natural Resources.

(e) *Terms beginning with "E."*

. . .

Erosion, sedimentation and pollution control plan means a plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protection at least as stringent as the State General Permit, best management practices, and requirements in section IV.C. of this ordinance.
~~means a plan for the control of soil erosion, sedimentation and pollution resulting from a land-disturbing activity and that conforms to the requirements of the Manual for Soil Erosion and Sedimentation Control in Georgia.~~

. . .

(f) *Terms beginning with "F."*

. . .

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

Final stabilization means all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). ~~or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation must consist of planted trees, shrubs or grasses.~~ Final stabilization applies to each phase of construction.

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. . .

(s) *Terms beginning with "S."*

. . .

Soil and Water Conservation District Approved Plan means an erosion, sedimentation and pollution control plan approved in writing by the DeKalb Soil and Water Conservation District.

. . .

Section 3: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this ____ day of _____, 2017.

Approved:

Denis L. Shortal, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk (Seal)

City Attorney

DIVISION 3. - SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL

Sec. 16-56. - Purpose.

The soil erosion, sedimentation and pollution control regulations of this division are primarily intended to:

- (1) Minimize the removal of vegetation;
- (2) Minimize the exposure of bare earth to precipitation by encouraging the scheduling of land development in increments of workable size which can be completed within a single construction season or within a time period compatible with the type and size of the project;
- (3) Provide for the reestablishment of vegetation within a reasonable period following completion of final grading and utility installation;
- (4) Give priority to the installation of streets, parking lots and other areas within a reasonable time following completion of final grading; and
- (5) Encourage the use of erosion control and sedimentation techniques found in the Manual for Erosion and Sedimentation Control in Georgia, as published by the state soil and water conservation commission.

Sec. 16-57. - Compliance with state law.

Any land-disturbing activity permitted under this division must be carried out in accordance with the Georgia Erosion and Sedimentation Act of 1975, O.C.G.A., § 12-7-1 et seq., all applicable city regulations and any conditions attached to the land-disturbance permit issued under section 16-60.

Sec. 16-58. - Applicability and exemptions.

The soil erosion, sedimentation and pollution control regulations of this division apply to any land-disturbing activity undertaken by any person on any land except for the following:

- (1) Surface mining, as defined in O.C.G.A. § 12-4-72, Georgia Surface Mining Act of 1968;
- (2) Granite quarrying and land clearing for granite quarrying;
- (3) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in only minor soil erosion;
- (4) The construction of a single-family residence when that construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this section, provided however, that construction of a single-family residence must comply with the minimum requirements of section 16-59;
- (5) Agricultural operations, as defined in O.C.G.A. § 1-3-3, to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including, but not limited to, chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
- (6) Forestry land management practices, including harvesting; providing, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in section 16-59, no other land-disturbing activities except for normal forest management practices are allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;

- (7) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the U.S. Department of Agriculture;
- (8) Any project involving less than one acre of disturbed area, provided however, that this exemption does not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of one acre or more or within 200 feet of the bank of any state waters, excluding channels and drainageways that have water in them only during and immediately after rainfall events and intermittent streams that do not have water in them year-round, provided however, that any person responsible for a project that involves less than one acre that involves land-disturbing activity and that is within 200 feet of any such excluded channel or drainageway must prevent sediment from moving beyond the boundaries of the property on which the project is located and provided further, that these provisions do not preclude the city from regulating any project that is not expressly exempted by subsections (1)—(7) or by subsection (9) or subsection (10);
- (9) Construction or maintenance projects undertaken or financed in whole or in part by the state department of transportation, the state highway authority, or the state tollway authority; or any road construction or maintenance project undertaken by any county or municipality, provided however, that construction or maintenance projects of department of transportation or state tollway authority that disturb one or more contiguous acres of land are subject to the provisions of O.C.G.A. § 12-7-7.1, except where the department of transportation, the state highway authority, or the state road and tollway authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit must be submitted to the Local Issuing authority, and the ~~local-issuing authority~~ Local issuing authority must enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations are subject to the same penalties as violations by permit holders;
- (10) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the ~~local-issuing authority~~ Local issuing authority must enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations are subject to the same penalties as violations by permit holders; and
- (11) Any public water system reservoir.

Sec. 16-59. - Regulations.

- (a) *Erosion, sedimentation and pollution control measures and practices.* Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities that are not expressly exempted by this division must contain provisions for soil erosion, sedimentation and pollution control measures and practices. These provisions must be incorporated into the erosion, sedimentation and pollution control plans. Erosion, sedimentation and pollution control measures and practices must be applied to all features of the site, including street and utility installations, stormwater management facilities, drainage facilities and other temporary and permanent improvements. Measures must be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity. The community development director may require that land-disturbing activities be phased. Soil erosion, sedimentation and pollution control

plans must address appropriate measures to effectively control soil erosion during successive phases of construction.

(b) *Best management practices.*

- (1) The best management practices set forth of this section (subsection (b)) and the minimum protections established in subsection (c) are required for all land-disturbing activities. Proper design by phases, installation and maintenance of best management practices constitutes a complete defense to any action by the director of the environmental protection division or to any other allegation of noncompliance with subsection (b)(2) or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to O.C.G.A. § 12-5-30(f), the Georgia Water Quality Control Act. As used in this section, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the Manual for Erosion and Sediment Control in Georgia specified in O.C.G.A. § 12-7-6(b).
- (2) A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained constitutes a separate violation of any land-disturbing permit issued by a ~~local issuing authority~~ Local issuing authority or of any state general permit issued by the environmental protection division of the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-5-30(f), the Georgia Water Quality Control Act, for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters must be measured in accordance with guidelines to be issued by the director of the environmental protection division. This section does not apply to any land-disturbance associated with the construction of single-family homes that are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.
- (3) Failure to properly design, install, or maintain best management practices constitutes a violation of any land-disturbing permit issued by a ~~local issuing authority~~ Local issuing authority or of any state general permit issued by the environmental protection division pursuant to O.C.G.A. § 12-5-30(f), the Georgia Water Quality Control Act, for each day on which such failure occurs.
- (4) The director of the environmental protection division may require, in accordance with regulations adopted by the Georgia Board of Natural Resources, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.

(c) *Protections.* The rules and regulations, ordinances, or resolutions adopted pursuant to this chapter for the purpose of governing land-disturbing activities require, at a minimum, protections at least as stringent as the state general permit; and best management practices, including conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the state soil and water conservation commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

- (1) Stripping of vegetation, grading and other development activities must be conducted in a manner so as to minimize erosion.
- (2) Cut-fill operations must be kept to a minimum.
- (3) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential.
- (4) Whenever feasible, natural vegetation must be retained, protected and supplemented as provided in article II, division 6.
- (5) The disturbed area and the duration of exposure to erosive elements must be kept to a practicable minimum.

- (6) Disturbed soil must be stabilized as quickly as practicable.
- (7) Temporary vegetation or mulching must be employed to protect exposed critical areas during development.
- (8) Permanent vegetation and structural erosion control practices must be installed as soon as practicable.
- (9) To the extent necessary, sediment in runoff must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this section, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et seq.
- (10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills.
- (11) Cuts and fills may not endanger adjoining property.
- (12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners.
- (13) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum.
- (14) Land-disturbing activity plans for erosion, sedimentation and pollution control must include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediment on-site or preclude sedimentation of adjacent waters beyond the levels specified in subsection (b)(2).
- (15) Except as provided in subsection (c)(16) there is established a 25-foot state buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the director of the environmental protection division approves a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director of the environmental protection division pursuant to O.C.G.A. § 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this section, the term "ephemeral stream" means a stream that, under normal circumstances, has water flowing only during and for a short duration after precipitation events; that has the channel located above the groundwater table year-round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow. Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to O.C.G.A. § 12-5-440 et seq., of the Georgia Water Quality Control Act, must remain in force unless a variance is granted by the director of the environmental protection division, as provided in this section. The following requirements apply to any such buffer:
 - a. No land-disturbing activities may be conducted within a buffer and a buffer must remain in its natural undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - b. The buffer does not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and

adequate erosion control measures are incorporated into the project plans and specifications and are implemented at:

1. Stream crossings for water lines; or
2. Stream crossings for sewer lines;

(16) There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to O.C.G.A. § 12-5-20 et seq., the Georgia Water Quality Control Act, except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less must have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Georgia Board of Natural Resources, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The director of the environmental protection division may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements apply to such buffer:

- a. No land-disturbing activities may be conducted within a buffer and a buffer must remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
- b. The buffer does not apply to stream crossings for water lines or stream crossings for sewer lines, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented at stream crossings for the sewer or water lines.

(d) *Injury to other property.* The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another does not constitute proof of nor create a presumption of a violation of the standards provided for in this section or the terms of the permit.

Sec. 16-60. - Land-disturbance permits.

- (a) *Required.* No person may conduct any land-disturbing activity within the city without first obtaining a land-disturbance permit from the community development director to perform such activity and providing a copy of the notice of intent to the environmental protection division, if applicable.
- (b) *Review of plans and ordinances.* The property owner, developer and designated planners and engineers must review the general development plans and detailed plans of the ~~local issuing authority~~ **Local issuing authority** that affect the tract to be developed and the area surrounding it. They must review the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this chapter, and other ordinances which regulate the development of land within the jurisdictional boundaries of the ~~local issuing authority~~ **Local issuing authority**. However, the owner is the only party who may obtain a permit.
- (c) *Applications.*

- (1) The application for a permit must be submitted to the community development director and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. The plans must include, at a minimum, the data specified in subsection (d). Soil erosion, sedimentation and pollution control plans must conform to the provisions of section 16-59. Applications for a permit will not be accepted unless accompanied by eight copies of the applicant's soil erosion, sedimentation and pollution control plans. All applications must contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with rules and regulations established by the Georgia Board of Natural Resources.
 - (2) A permitting fee, as determined by the city council must be charged for each acre or fraction thereof in the project area.
 - (3) In addition to the local permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), provided that such fees may not exceed \$80.00 per acre of land-disturbing activity, and these fees must be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees must be paid prior to issuance of the land-disturbance permit. In a jurisdiction that is certified pursuant to O.C.G.A. § 12-7-8(a) half of such fees levied must be submitted to the EPD; except that any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) or (10) must be submitted in full to the EPD, regardless of the existence of a ~~local issuing authority~~ **Local issuing authority** in the jurisdiction.
 - (4) Immediately upon receipt of an application and plan for a permit, the Local issuing authority must refer the application and plan to the soil and water conservation district for its review and approval concerning the adequacy of the erosion, sedimentation and pollution control plan. The soil and water conservation district must approve or disapprove a plan within 35 days of receipt. Failure of the soil and water conservation district to act within 35 days will be construed as an approval of the pending plan. The results of the soil and water conservation district review must be forwarded to the Local issuing authority. No permit may be issued unless the plan has been approved by the soil and water conservation district, all required fees have been paid and any variances required by section 16-59 and any financial guarantees required in accordance with subsection (c)(6) have been obtained. Such a review will not be required if the Local issuing authority and the soil and water conservation district have entered into an agreement which allows the Local issuing authority to conduct such review and approval of the plan without referring the application and plan to the soil and water conservation district. The Local issuing authority must approve or disapprove a revised plan submittal within 35 days of receipt of a complete application. Failure of the Local issuing authority to take action within this required 35-day period means that the revised plan has been deemed approved by the issuing authority.
 - (5) If a permit applicant has had two or more violations of previous permits, this chapter, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the community development director may deny the permit application.
 - (6) The community development director may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the community development director may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.
- (d) *Plans.*
- (1) Applications and plans must be prepared to meet the minimum requirements of subsections (c) and (d). Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the Manual for Erosion and Sediment Control in Georgia, published by the state soil and water conservation commission as a guide; or through the use of more

stringent alternate design criteria which conform to conservation and engineering practices including, but not limited to, design criteria published by the city or the city's approved stormwater management policy. The Manual for Erosion and Sediment Control in Georgia is incorporated by reference into this chapter as if fully set forth herein. The plan for the land-disturbing activity must consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and state laws.

- (2) Site plans must be submitted, which include all of the information required by the applicable, current erosion, sedimentation and pollution control plan review checklist established by the soil and water conservation commission. The site plan must also include the following minimum data:
 - a. Narrative or notes, and other information; notes or narrative are to be located on the site plan in general notes or in erosion and sediment control notes;
 - b. A description of existing land use at project site and description of proposed project;
 - c. Name, address, and phone number of the property owner;
 - d. Name and phone number of 24-hour local contact who is responsible for erosion, sedimentation and pollution controls;
 - e. Size of project, or phase under construction, in acres;
 - f. Activity schedule showing anticipated starting and completion dates for the project. The following statement must be on the site plan in bold letters: "The installation of erosion, sedimentation and pollution control measures and practices must occur prior to or concurrent with land-disturbing activities";
 - g. Stormwater and sedimentation management systems-storage capacity, hydrologic study, and calculations, including off-site drainage areas;
 - h. Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. The vegetative plan should show options for year-round seeding;
 - i. Detailed drawings for all structural practices. Specifications may follow guidelines set forth in the Manual for Erosion and Sediment Control in Georgia, but must be site specific;
 - j. Maintenance statement: "Erosion, sedimentation and pollution control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion and sediment control, additional erosion and sediment control measures must be implemented to control or treat the sediment source."; and
 - k. Other information pertinent to requirements of this chapter as required by the community development director.

I. Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, or sanitary waste at the construction site that may cause adverse water quality impacts.
- (3) Maps, drawing, and supportive computations must bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion, sedimentation and pollution control. After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity must meet the education and training certification requirements as developed by the soil and water conservation commission pursuant to O.C.G.A. § 12-7-20. The certified plans must contain:
 - a. Graphic scale and north point or arrow indicating magnetic north;
 - b. Vicinity maps showing location of project and existing streets;

- c. Boundary line survey;
- d. Delineation of disturbed areas within project boundary;
- e. Existing and planned contours, with an interval in accordance with the following:

Map Scale	Ground Slope (%)	Contour Interval (feet)
1 inch = 100 ft. or larger scale	Flat 0—2	0.5 or 1
	Rolling 2—8	1 or 2
	Step 8 +	2, 5, or 10

- f. Adjacent areas and feature areas such as streams, lakes, residential areas, etc., which might be affected should be indicated on the plan;
 - g. The names of property owners and current zoning of all abutting property;
 - h. Proposed structures or additions to existing structures and paved areas;
 - i. The delineated stream buffers as required by article II, division 4, adjacent to state waters identified by the city;
 - j. The location of erosion, sedimentation and pollution control measures and practices using coding symbols from the Manual for Erosion and Sediment Control in Georgia, "Chapter (6)"
- (4) Maintenance of all soil erosion, sedimentation and pollution control practices, whether temporary or permanent, are at all times the responsibility of the property owner.
- (e) *Permits.*
- (1) Permits must be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the community development director and soil and water conservation district of a completed application, provided variances and bonding are obtained, where necessary.
 - (2) No permit may be issued by the community development director unless the erosion, sedimentation and pollution control plan has been approved and the community development director has affirmatively determined that the plan is in compliance with this chapter, any variances required by section 16-59 are obtained, any financial guarantees required in accordance with subsection (c)(6) are provided and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the city are met. If the permit is denied, the reason for denial must be furnished to the applicant.
 - (3) Any land-disturbing activities by a ~~local issuing authority~~ **Local issuing authority** are subject to the requirements of this division and to any other regulations relating to land development, as are applied to private persons and the soil and water conservation district will enforce such requirements upon the ~~local issuing authority~~ **Local issuing authority**.
 - (4) If the tract is to be developed in phases, then a separate permit is required for each phase.
 - (5) The permit may be suspended, revoked, or modified by the city, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in

compliance with the approved erosion, sedimentation and pollution control plan or that the holder or his successor in title is in violation of this chapter. A holder of a permit must notify any successor in title of all conditions contained in the permit.

- (6) No permit may be issued until the applicant files documents with the community development director demonstrating compliance with all applicable local, state and federal requirements.

Sec. 16-61. - Appeals.

The suspension, revocation, modification or grant with condition of a permit by the city upon finding that the holder is not in compliance with the approved erosion and sediment control plan or that the holder is in violation of permit conditions entitles the person submitting the plan or holding the permit to appeal the decision to the zoning board of appeals in accordance with section 16-33.

Sec. 16-62. - Enforcement and penalties.

(a) *Enforcement.*

- (1) The community development department will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion, sedimentation and pollution.
- (2) The city must regulate both primary and secondary permittees as such terms are defined in the state general permit. Primary permittees are responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary and tertiary permittees are responsible for installation and maintenance of best management practices where the permittees are conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this division, a written notice to comply must be served upon that person by the community development director. The notice must set forth the measures necessary to achieve compliance and must state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, that person will be deemed in violation of this division.
- (3) The community development director has the power to conduct any investigations necessary to carry out duties as prescribed in this division, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- (4) No person may refuse entry or access to any authorized representative or agent of the city, the soil and water conservation commission, or the soil and water conservation district who requests entry for the purposes of inspection, and who presents appropriate credentials, nor may any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- (5) The soil and water conservation district or the soil and water conservation commission or both may periodically review the actions of the city. The soil and water conservation district or the soil and water conservation commission or both may provide technical assistance to the city for the purpose of improving the effectiveness of the city's erosion, sedimentation and pollution control program. The soil and water conservation district or the soil and water conservation commission must notify the EPD and request investigation by the EPD if the city's program is found to be deficient or ineffective.
- (6) The Georgia Board of Natural Resources may promulgate rules and regulations setting forth the requirements and standards for certification and the procedures for decertification of a ~~local issuing authority~~ **Local issuing authority**. The EPD may periodically review the actions of the city which has been certified as a ~~local issuing authority~~ **Local issuing authority** pursuant to O.C.G.A.

§ 12-7-8(a). Such review may include review of the administration and enforcement of the city's ordinances. If such review indicates that the city has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the EPD must notify the city governing authority in writing. Upon receipt of the notification, the governing authority has ~~30~~ 90 days to take the necessary corrective action to retain certification as a ~~local-issuing authority~~ Local issuing authority. If the city does not take necessary action within ~~30~~ 90 days after notification by the EPD, the EPD may revoke the certification of the city as a ~~local-issuing authority~~ Local issuing authority.

(b) *Penalties.*

- (1) *Failure to obtain a permit for land-disturbing activity.* If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this chapter without first obtaining the permit, the person is subject to revocation of their business license, work permit or other authorization for the conduct of a business and associated work activities within the city.
- (2) *Stop-work orders.* Upon notice from the community development director or other city authorized representative, work on any project that is being done contrary to the provisions of this chapter or in a dangerous or unsafe manner, must be immediately stopped. Such notice must be in writing and must be given to the owner of the property, his authorized agent or the person in charge of the activity on the property, and must state the conditions under which work may be resumed. Where an emergency exists, no written notice is required.
 - a. For the first and second violations of the provisions of this division on a site, the community development director must issue a written notice of violation. The violator has five days to correct the violation. If the violation is not corrected within five days, the EPD or the ~~local-issuing authority~~ Local issuing authority must issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided that if the violation presents an imminent threat to public health or waters of the state or if land-disturbing activities are conducted without obtaining the necessary permit, the EPD or the ~~local-issuing authority~~ Local issuing authority must issue an immediate stop-work order in lieu of a warning.
 - b. For a third and each subsequent violation on a site, the EPD or the Local issuing authority must issue an immediate stop-work order. All stop-work orders are effective immediately upon issuance and remain in effect until the necessary corrective action or mitigation has occurred.
 - c. When a violation in the form of land-disturbance without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the ~~local-issuing authority~~ Local issuing authority or by the EPD director or his designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop-work order must be issued by the ~~local-issuing authority~~ Local issuing authority or by the EPD director or his designee. All such stop-work orders are effective immediately upon issuance and remain in effect until the necessary corrective action or mitigation has occurred. Stop-work orders apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.
- (3) *Bond forfeiture.* If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply must be served by the community development director upon that person. The notice must set forth the measures necessary to achieve compliance with the plan and must state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, they will be deemed in violation of this chapter and, in addition to other penalties, will be deemed to have forfeited his performance bond, if required to post one under the provisions of section 16-60. The community development director may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

- (4) *Monetary penalties.* Any person who violates any provisions of this division, or any permit condition or limitation established pursuant to this division, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the community development director issued as provided in this division, is liable for a civil penalty not to exceed \$2,500.00 per day. Notwithstanding any limitation of law as to penalties which can be assessed for violations of city ordinances, the municipal court or any other court of competent jurisdiction trying cases brought under city ordinances approved under this division is authorized to impose penalties for such violations, not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues constitutes a separate violation.

Sec. 16-63. - Liability.

- (1) The approval of a plan under the provisions of this division or the compliance with provisions of this division does not relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the city, its officers or employees for damage to any person or property.
- (2) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another does not constitute proof of nor create a presumption of a violation of the standards provided for in this division or the terms of the permit.
- (3) No provision of this division permits any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved under the Act or pollute any waters of the state.

Sec. 16-64. - Education and certification.

All persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity must meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the state soil and water conservation commission in consultation with the environmental protection division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

Secs. 16.65—16-75. - Reserved.

DIVISION 2. - DEFINITIONS

Sec. 16-301. - Terms defined.

The words and terms expressly defined in this division have the specific meanings assigned, unless the context clearly indicates another meaning. Words that are not expressly defined have the meaning given in the latest edition of Merriam-Webster's Unabridged Dictionary.

(a) *Terms beginning with "A."*

Accessory structure means a structure, the use of which is customarily incidental and subordinate to that of the principal building of the same lot, such as a detached garage, toolshed or gazebo.

Accessory use means a use customarily incidental and subordinate to the principal use of the principal building or to the principal use of the premises.

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

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

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

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

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

Area of shallow flooding means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard. See "special flood hazard area."

Arterial (street) means a street, road or highway shown as an arterial in the City of Dunwoody Comprehensive Transportation Plan.

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

(b) *Terms beginning with "B."*

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

Base flood means a flood that has a 1 percent chance of being equaled or exceeded in any given year (also called the 100-year flood).

Base flood elevation means the highest water surface elevation anticipated at any given point during the base flood.

Basement means any area of a building having its floor below ground level on three or more sides.

Best management practices (BMPs) include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted. ~~means a collection of structural practices and vegetative measures that, when properly designed, installed and maintained, will provide effective erosion, sedimentation and pollution control. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the Manual for Erosion and Sediment Control in Georgia specified in O.C.G.A. §12-7-6(b).~~

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

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

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

Buffer area means that portion of a lot set aside for open space and/or visual screening purposes, pursuant to the applicable provisions of this Code and all conditions of zoning, to separate different use

districts or to separate uses on one property from uses on another property of the same use district or a different use district.

Buffer, stream, means the portion of a lot and/or area of land immediately adjacent to the banks of streams as regulated by the land development regulations of this Code.

Buffer zone, state, means the area of land immediately adjacent to the banks of state waters in its natural state of vegetation that facilitates the protection of water quality and aquatic habitat.

Buildable area means the area of a lot remaining after all applicable zoning and land development regulations have been met (i.e., that portion of a lot where a building may be located).

Builder means a person who constructs a structure or dwelling for residential occupancy by humans.

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

Building, elevated. See "elevated building."

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

Building setback line means the minimum horizontal distance required between the public right-of-way or the utility easement abutting a private street and the principal building or structure on a lot or any projection thereof, except projections that are authorized exceptions to building setback line requirements in the city zoning ordinance and any zoning conditions approved by the city council pursuant thereto. The size of the utility easement for a private street is equal to the required size of the public right-of-way and may not be any smaller in width or length than what would be required for a public right-of-way.

(c) *Terms beginning with "C."*

Caliper means the diameter of a tree trunk, taken six inches above the ground for up to and including four-inch caliper size, and 12 inches above the ground for larger sizes.

Certified arborist means an individual who has been certified as an arborist by the International Society of Arboriculture and maintains the certification in good standing. *Channel* means a natural or artificial watercourse with a definite bed and banks that conduct continuously or periodically flowing water.

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

City arborist means the community development director or the community development director's designee having primary administration and enforcement responsibilities for landscaping and tree regulations.

City manager means the city manager of the City of Dunwoody.

City of Dunwoody Stormwater Management Manual means the Georgia Stormwater Management Manual.

Collector street means a street or road designated as a collector street in the City of Dunwoody Comprehensive Transportation Plan.

Commission means the Georgia Soil and Water Conservation Commission (GSWCC).

Comprehensive plan means the comprehensive plan adopted by the city council, as it may be amended from time to time, that divides the city into land use categories and that constitutes the official policy of the city regarding long-term planning and use of land.

Conservation easement means a restriction or limitation on the use of real property that is expressly recited in any deed or other instrument of grant or conveyance executed by or on behalf of the owner of the land described therein and whose purpose is to preserve land or water areas predominantly in their natural

scenic landscape or open condition or in an agricultural farming, forest or open space use and includes conservation easements authorized by state law.

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

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

CPESC means Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc. which is also referred to as CPESC or CPESC, Inc.

Critical root zone means a circular region measured outward from a tree trunk representing the essential area of roots that must be maintained or protected for the tree's survival. The critical root zone encompasses one foot of radial distance for every one inch of the tree's DBH, with a minimum radius of eight feet.

Crosswalk means a right-of-way within a block dedicated to public use, ten feet or more in width, intended exclusively for pedestrians and nonmotorized transportation and that is designed to improve or provide access to adjacent roads or lots.

Crown reduction pruning means a method of pruning to reduce the height or spread of a tree by performing appropriate pruning cuts.

Cut means a portion of land surface or area from which earth has been removed or will be removed by excavation or the depth below original ground surface to excavated surface. Also known as "excavation."

(d) *Terms beginning with "D."*

DBH (diameter at breast height) means the diameter of a tree trunk measured in inches at a height of four and one-half feet above the ground. If a tree splits into multiple trunks below four and one-half feet, then the trunk is measured at its most narrow point beneath the split.

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

Design Professional means a professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

Detached means being separated from a principal structure by a minimum of three feet.

Detention means the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge of the stormwater, as that term is defined by state law, the City of Dunwoody Stormwater Management Manual or this chapter.

Detention facility means a facility that provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

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

Development means all activities associated with the conversion of land or the expansion or replacement of an existing use to any new use intended for human operation, occupancy or habitation, other than for agricultural purposes devoted strictly to the cultivation of land, dairying or animal husbandry. Such activities include, but are not limited to, land-disturbance (clearing and grubbing the land of vegetation and stumps and grading) and the construction of improvements such as, but not limited to, streets, driveways or parking area, water sewer mains, stormwater drainage facilities, sidewalks or other structures

permanently placed in or on the property. Where appropriate to the context, development also may be used to denote a specific subdivision or project that is a single entity or intended to be constructed as interrelated whole, whether simultaneously or in phases. For the purposes of interpreting and administering the flood damage prevention regulations of article II, division 8, "development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving or any other installation of impervious cover, excavating or drilling operations or storage of equipment or materials.

Development permit means a permit issued by the City of Dunwoody that authorizes the commencement of development on a specific parcel of land.

District means the DeKalb Soil and Water Conservation District.

Division means the Environmental Protection Division (EPD) of the Department of Natural Resources

DNR means the Georgia Department of Natural Resources.

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

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

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

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

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

(e) *Terms beginning with "E."*

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

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain that may impede or alter the flow capacity of a floodplain.

EPD means the Environmental Protection Division of the Georgia Department of Natural Resources.

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

Erosion, sedimentation and pollution control plan means a plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protection at least as stringent as the State General Permit, best management practices, and requirements in section IV.C. of this ordinance.
~~means a plan for the control of soil erosion, sedimentation and pollution resulting from a land-disturbing activity and that conforms to the requirements of the Manual for Soil Erosion and Sedimentation Control in Georgia.~~

Existing construction means any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by a community as a basis for that community's participation in the National Flood Insurance Program.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by a community as a basis for that community's participation in the National Flood Insurance Program.

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

Extended detention means the 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.

(f) *Terms beginning with "F."*

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

Final stabilization means all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). ~~or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation must consist of planted trees, shrubs or grasses.~~ Final stabilization applies to each phase of construction.

Finished grade means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

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

- (1) The overflow of inland waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the special flood hazard areas as Zone A.

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

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

Floodplain means any land area susceptible to flooding.

Floodplain coordinator means the individual appointed to administer and enforce the flood protection regulations of article II, division 8.

Floodproofing means any combination of structural and nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent areas of the floodplain that is necessary to contain and discharge the base flood flow without cumulatively increasing the base flood elevation more than one foot; sometimes referred to as the "regulatory floodway."

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

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

Functionally dependent use means a use that cannot perform its intended purposes unless it is located or carried out in close proximity to water.

Future-conditions flood means the flood having a one-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 means the 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 means any land area susceptible to flooding by the future-conditions flood.

Future-conditions hydrology means 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.

(g) *Terms beginning with "G."*

Grading means altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and includes the land in its cut or filled condition.

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

(h) *Terms beginning with "H."*

Hardwood tree means a tree that does not bear either needles or cones. The term hardwood is based on the colloquialism and does not reflect any true qualities of the tree.

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

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) 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 of the Interior to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs. Hydrologic soil group (HSG) means 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 runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

(i) *Terms beginning with "I."*

Impervious surface or *impervious cover* means any surface that is highly resistant to infiltration by water, including, but not limited to, surfaces such as concrete or asphalt as well as most conventionally surfaced streets, roofs, sidewalks, driveways, parking lots and other similar structures.

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

Inspection and maintenance agreement means a written agreement executed by an owner in a form approved by the community development director that will provide the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project that, 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.

(j) *Terms beginning with "J."*

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.

(k) *Terms beginning with "K."*

RESERVED

(l) *Terms beginning with "L."*

Land-disturbing activity means any activity that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of land, but not including agricultural practices as described in section 16-58.

Landscape plan means a plan that identifies areas of tree preservation and methods of tree protection within the protected zone, as well as all areas or replanting. Within replanting areas, the common and botanical names of the proposed species, the number of plants of each species, the size of all plants, the proposed location of all plants and any unique features of the plants.

Larger common plan of development or sale means a contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this definition, the term "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request or computer design; or physical demarcation such as boundary signs, lot stakes or surveyor markings indicating that construction activities may occur on a specific plot.

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

Local issuing authority means the governing authority of the city that is certified pursuant to O.C.G.A. §12-7-8(a).

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

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

Lot, corner, means a lot abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

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

Lot, flag, means a lot that sits behind lots which face directly onto a street with access provided to the bulk of the lot by means of a narrow corridor, whether providing the minimum amount of street frontage and width or not.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking or vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of these land development regulations.

(m) *Terms beginning with "M."*

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

Manufactured home means a structure, transportable in one or more sections, built on a permanent chassis and is designed for use 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.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value means (1) the appraised value of the structure 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 that have incurred "substantial damage" regardless of the actual amount of repair work performed.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. It is used as a reference for establishing various elevations within the floodplain. For purposes of these regulations, the term is synonymous with National Geodetic Vertical Datum (NGVD) and/or the North American Vertical Datum (NAVD) of 1988.

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

Multi-use trail means a recreation corridor intended for the use of nonmotorized forms of transportation such as, but not limited to, walking, wheelchairs, running, bicycles and inline skates, as identified in the Parks, Recreation and Greenspace Master Plan, the Comprehensive Transportation Plan or other plan adopted by the city council.

(n) *Terms beginning with "N."*

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

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

Nephelometric turbidity units (NTUs) means numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.

New construction means any structure for which the permitted date of construction commenced after adoption of this chapter. For the purposes of interpreting and administering the flood damage prevention regulations of article II, division 8, "new construction" means structures for which the start of construction

commenced on or after the effective date of floodplain management regulations adopted by this community as a basis for community participation in the NFIP.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

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 byproduct of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nonstructural stormwater management practice or nonstructural practice means any natural or planted vegetation or other nonstructural component and practice of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits and includes, but is not limited to, riparian buffers, open and green space areas, overland flow filtration areas, vegetated channels and natural depressions.

North American Vertical Datum (NAVD), as corrected in 1988, means a vertical datum used as a reference for establishing varying elevations within the floodplain.

(o) *Terms beginning with "O."*

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

100-year floodplain means land in the floodplain subject to a one-percent or greater statistical occurrence probability of flooding in any given year.

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

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

Operator means the party that has:

- (1) Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or
- (2) Day-to-day operational control of those activities that are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or to comply with other permit conditions.

Ornamental trees means small growing trees, attaining a mature height of less than 40 feet, grown primarily for aesthetic purposes, i.e., flowers, fruit, etc.

Overbank flood protection means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e., flow events that exceed the capacity of the channel and enter the floodplain) and that are intended to protect downstream properties from flooding for the two-year through 25-year frequency storm events.

Overstory tree means those trees that compose the top layer or canopy of vegetation and will generally reach a mature height of greater than 40 feet.

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

(p) *Terms beginning with "P."*

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

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

Planning commission means the planning commission of the city.

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

Potential purchaser means a person purchasing property in a residential subdivision or a multiphase residential development from a developer and/or builder for occupancy as a residence or as a residence to be rented or leased to others.

Pre-development refers to conditions of a site before any development activity occurred or before a development permit was issued.

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

Protected zone means all areas of a parcel required to remain in open space, including all areas required as yard or setback areas, buffer areas, stream buffers, state buffer zones or landscaped areas in accordance with provisions of the city zoning ordinance or by conditions of zoning or variance approval.

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

(q) *Terms beginning with "Q."*

RESERVED

(r) *Terms beginning with "R."*

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

Reasonable access means a 15-foot wide access easement from the public right-of-way to the stormwater management facility and a drainage and maintenance easement encompassing the stormwater management facility and extending ten feet outside the pond's 100-year water ponding elevation.

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

Recreational vehicle means a vehicle that is:

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

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 that do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollution.

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

Residential has the same meaning as given in the city zoning ordinance except that it does not include apartments.

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

Roadway drainage structure means a device such as a bridge, culvert or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas and carrying water to a release point on the other side.

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

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

Runoff coefficient means the ratio of runoff to rainfall.

(s) *Terms beginning with "S."*

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

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

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

Soil and Water Conservation District Approved Plan means an erosion, sedimentation and pollution control plan approved in writing by the DeKalb Soil and Water Conservation District.

Seller means a builder or developer.

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

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

Softwood tree means any coniferous (cone-bearing) tree.

Special flood hazard area (SFHA) means an area in the floodplain subject to a one-percent or greater chance of flooding in any given year. This includes areas shown on an FHBM or FIRM as zone A, AO, A1-A30, AE, A99, AE, AO, AH or AR; all floodplain and floodprone areas at or below the future-conditions flood elevation; and all other floodprone areas as referenced in section 16-136. All streams with a drainage area of 100 acres or greater must have the special flood hazard area delineated.

Special tree means any tree that qualifies for special consideration for preservation due to its size, type, and condition.

Specimen tree means any tree that has been determined by the city arborist to be of high value because of its type, size, age, and/or of historical significance, or other professional criteria, and has been so designated in administrative standards established by the city. This is usually a plant with desirable form, foliage, fruit or flower that can be emphasized although isolated.

Spite strip means a piece of land used to separate a street or road rights-of-way from adjoining property and whose primary purpose is to preclude access to such rights-of-way.

Stabilization means the process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent cover for the purpose of reducing to a minimum the erosion process and the resulting transport of sediment by wind, water, ice or gravity.

Standards and specifications means construction and technical requirements that govern construction and installation of streets and other public improvements in the City of Dunwoody.

Start of construction means the initial disturbance of soils associated with clearing, grading or excavating activities or other construction activities. The term "construction activities" means the disturbance of soils associated with clearing, grading, excavating, filling of land or other similar activities that may result in soil erosion. For the purposes of interpreting and administering the flood damage prevention regulations of article II, division 8, "start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab for footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation of accessory buildings or structures appurtenant to the principal structure, such as garages or sheds not occupied as dwelling units or not part of the main structure. 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.

State general permit means the national pollution discharge elimination system general permit for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the federal Water Pollution Control Act, as amended, 33 USC 1251 et seq. and O.C.G.A. § 12-5-30(f).

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

Stormwater better site design means a nonstructural site design approach and technique that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. The term "stormwater better site design" includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

Stormwater hotspot means an area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. Examples of stormwater hotspots include, but are not limited to, gas/fueling stations, vehicle maintenance areas, vehicle washing/steam cleaning facilities, auto recycling facilities, outdoor material storage areas, loading and transfer areas, landfills, construction sites, industrial sites and industrial rooftops.

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 health, safety and general welfare.

Stormwater management facilities means those structures and facilities that are designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system.

Stormwater management manual means the Georgia Stormwater Management Manual.

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 chapter.

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

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

Stream means natural, running water flowing continuously or intermittently in a channel on or below the surface of the ground. Field verification must be performed to make a final determination as to the existence of a stream where a dispute exists. Such field verification must be performed under the direction of the community development director.

Streambank means a sloping land that contains a stream channel in the normal flows of the stream.

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

Stream, ephemeral (stormwater), means a feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is defined always above the water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological and physical characteristics commonly associated with the continuous or intermittent conveyance of water.

Stream, intermittent, means a well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the seasonally high water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the conveyance of water.

Stream, perennial, means a well-defined channel that contains water year round during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological and physical characteristics commonly associated with the continuous conveyance of water.

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

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

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

Structural erosion, sedimentation and pollution control measures means measures for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading. Such measures can be found in the Manual for Erosion and Sediment Control in Georgia.

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

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

Subdivision means any division or redivision of a lot, tract or parcel, regardless of its existing and future use, into two or more lots, tracts or parcels. Where appropriate to context, subdivision may also be used to reference the aggregate of all lots held in common ownership at the time of division.

Substantial building permit means a nonresidential building permit issued by the city with a total value in excess of 50 percent of the county tax assessor's 100 percent assessed value of the existing improvements only. The aggregate value of all building permits issued to the property over the previous 12 months must be included in this calculation (see appendix E).

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

Substantial improvement means any combination of repairs, reconstruction, alteration or improvements to a building, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. For the purposes of this definition, "substantial improvement" is deemed to occur when the first alteration of any wall, ceiling, floor 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 code enforcement officials, and not solely triggered by an improvement or repair project.

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

(t) *Terms beginning with "T."*

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

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

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

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

Tree topping means the removal of tree limbs, branches, or stems by cutting at the internodes and resulting in the failure of the tree to assume apical dominance.

(u) *Terms beginning with "U."*

Understory tree means those trees that grow beneath the overstory trees and will generally reach a mature height of less than 40 feet.

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

(v) *Terms beginning with "V."*

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

Vegetative erosion, sedimentation and pollution control practices means practices for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, sprigging or planting, producing long-term vegetative cover;
- (2) Temporary seeding, producing short-term vegetative cover; or

- (3) Sodding, covering areas with a turf of perennial sod-forming grass.

Such practices can be found in the Manual for Erosion and Sediment Control in Georgia published by the state soil and water conservation commission.

- (w) *Terms beginning with "W."*

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

Watercourse means any natural or artificial waterway, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and that has a definite channel, bed and banks and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Width, lot, means the distance between the side lot lines, measured along a line drawn parallel to the front lot line at a distance from the front lot line equal to the minimum street yard setback. For lots with curvilinear frontage and setback lines (e.g.: cul-de-sac lots), the width shall be measured as a straight line through the points that intersect the side lot lines at a distance from the front lot line equal to the minimum street yard setback.

- (x) *Terms beginning with "X."*

RESERVED

- (y) *Terms beginning with "Y."*

RESERVED

- (z) *Terms beginning with "Z."*

RESERVED