

STATE OF GEORGIA

First Reading: September 24, 2012

Second Reading: October 8, 2012

FULTON COUNTY

**ORDINANCE TO AMEND CHAPTER 7, LAND DEVELOPMENT &
ENVIRONMENTAL PROTECTION, ARTICLE 7.2 POST-DEVELOPMENT
STORMWATER MANAGEMENT, OF THE CITY OF ROSWELL
CODE OF ORDINANCES**

WHEREAS, the Mayor and Council is the governing authority of the City of Roswell, Georgia; and

WHEREAS, the City of Roswell desires to amend its Code of Ordinances pursuant to guidance by the Georgia Environmental Protection Division (EPD) regarding the City Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit, specifically to address the requirements to fully implement our stormwater management program and ordinance; and

WHEREAS, the City of Roswell desires to amend its Code of Ordinances pursuant to the requirement to evaluate the ordinance to ensure that it does not prohibit or impede low impact development (LID) and the implementation of green infrastructure practices, where feasible; and

WHEREAS, the Ordinance amendments will encourage LID techniques to integrate stormwater management with development layout and planning while addressing large lot and small lot redevelopment in order to allow additional site specific requirements and to address water quality using LID techniques for new development and redevelopment; and

WHEREAS, it is recommended by the Director of the Public Works Department that changes be made in order to accurately reflect the ordinance implementation by such department; and

WHEREAS, Mayor and Council have reviewed the proposed changes to **Chapter 7, Article 7.2**, listed above and detailed below:

NOW, THEREFORE, to accomplish the foregoing the Mayor and Council pursuant to their authority, adopt the following ordinance:

1.

Chapter 7 of the Code of Ordinances of the City of Roswell, Article 7.2 Post-Development Stormwater Management, Section 7.2.1 General Provisions, subsection 7.2.1.1 Purpose and Intent is amended by adding thereto a new **subsection (3)** to read as follows:

(3) Allow in appropriate situations the use of existing conditions curve numbers for redevelopment sites if it can be shown through rigorous and Detailed Downstream Engineering Analysis that no existing downstream drainage problems exist or are anticipated as a result of the redevelopment;

Section 7.2.1 is further amended by adding new language to **subsection 7.2.1.2 Applicability** so that the first paragraph shall read as follows:

(1) This ordinance shall be applicable to all land development, including but not limited to site plan applications, subdivision applications and grading applications, unless exempt pursuant to subsection (2) below. These standards apply to any new development or redevelopment site that meets one (1) or more of the following criteria unless requirements are waived by the Public Works / Environmental Director or designee:

Subsection 7.2.1.2 is further amended by adding thereto new **subsections 7.2.1.2 (e) and 7.2.1.2 (f)** to read as follows:

e. New development that involves the creation or replacement of between 1,000 square feet and 5,000 square feet of impervious cover for non-residential property shall provide water quality protection only using approved low impact development methods; or

f. Redevelopment that involves the creation or replacement of between 1,000 square feet and 5,000 square feet of impervious cover for non-residential property shall provide water quality protection only using approved low impact development methods.

2.

Article 7.2 is further amended by deleting **subsection 7.2.1.3 Designation of Ordinance Administrator** in its entirety and replacing with a new **subsection 7.2.1.3** to read as follows:

7.2.1.3 Designation of Ordinance Administrator. The Public Works / Environmental Director or his designee is hereby appointed to administer and implement the provisions of this article of this ordinance.

Article 7.2 is further amended by deleting **subsection 7.2.1.4 Stormwater Design Manual** in its entirety and substitution therefor a new **subsection** to read as follows:

7.2.1.4 Stormwater Design Manual. The City of Roswell will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the Georgia Stormwater Management Manual and any relevant local regulations or procedures adopted by the Public Works / Environmental Department for the proper implementation of the requirements of this ordinance. The manual may be updated and

expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience.

3.

Article 7.2 is further amended at Sections **7.2.2 Definitions** by adding thereto a new definition to read as follows:

Detailed Downstream Engineering Analysis means that a rigorous and detailed downstream analysis can be conducted by an engineer in order to show that additional detention is unnecessary for a redevelopment site.

Section 7.2.2 is further amended by adding thereto the definition for ***Inspection and maintenance agreement*** to read as follows:

Inspection and maintenance agreement means a written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

Section 7.2.2 is further amended by adding thereto the definition for ***Low Impact Development Methods*** to read as follows:

Low Impact Development Methods means a stormwater management approach to manage rainfall in a way which more closely mimics the natural hydrologic system at the site prior to any development. Techniques include those which infiltrate, store, filter, evaporate and detain stormwater close to the location where the rain fell.

4.

Section 7.2.3.2 of Article 7.2 is amended by deleting the first paragraph in its entirety and adding thereto a new first paragraph to read as follows:

7.2.3.2 Stormwater Concept Plan and Consultation Meeting. Before any development permit application is submitted, the land owner or developer shall meet with the City of Roswell Public Works / Environmental Director or designee for a consultation meeting on a concept plan for the post-development stormwater management system to be utilized in the proposed land development project. This consultation meeting shall take place at the time of the preliminary plan of subdivision or other early step in the development process. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential ideas for stormwater management designs before the formal site design engineering is commenced. To accomplish this goal the following information should be included in the concept plan which shall be submitted in advance of the meeting:

5.

Article 7.2 Post-Development Stormwater Management, Section 7.2.4 Post-Development Stormwater Management Performance Criteria is amended by adding thereto a new subsection **7.2.4.9 Detailed Downstream Analysis Guidelines** to read as follows:

7.2.4.9 Detailed Downstream Analysis Guidelines For a redevelopment site subject to the Post Development Stormwater Ordinance, flexibility in determining curve numbers to quantify hydraulic values can be considered. In some basins and for some sites it may be possible to show through a rigorous and detailed engineering analysis that detention or additional detention should not be required for a particular site. The criteria that must be evaluated and submitted to the Public Works / Environmental Department includes:

- (a) analysis and review of habitable and non-habitable built structures downstream of the subject property for riverine flooding;
- (b) analysis of the infrastructure for conveyance and current condition; and
- (c) completion of a field investigation of the downstream receiving waters to evaluate scouring and stream bank and stream bed stability.

The Public Works / Environmental Department will evaluate the engineering submittal to decide if additional detention and/or channel protection will be required. Water quality treatment utilizing Low Impact Development methods will be required regardless of outcome of decision regarding additional detention and/or channel protection.

The detailed downstream analysis shall be conducted from the downstream point on the subject property to the ten-percent analysis point or to a point where the drainage basin downstream equals 10 times the subject site drainage basin or to a point where receiving waters are met which have a minimum 640 acres of drainage area.

6.

Article 7.2 Post-Development Stormwater Management, Section 7.2.5 Construction Inspections of Post-Development Stormwater Management System is amended by deleting subsection **7.2.5.2** in its entirety and adding thereto a new subsection **7.2.5.2 Final Inspection and As Built Plans** to read as follows:

7.2.5.2 Final Inspection and As Built Plans. Upon completion of a project and before a certificate of occupancy shall be granted the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual "as built" plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a professional engineer. As built plans must be approved by the Public Works / Environmental Director or designee. A final inspection by the City of Roswell is required before the release of any performance securities can occur.

7.

Severability. Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

8.

Repeal of Conflicting Provisions. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

9.

Renumbering. It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Roswell, Georgia and the sections of this ordinance may be renumbered to accomplish such intention.

10.

This Ordinance shall take effect and be in force from and after the date of its adoption the public welfare demanding it.

The above Ordinance was read and approved by the Mayor and Council of the City of Roswell, Georgia on the 8th day of October, 2012.

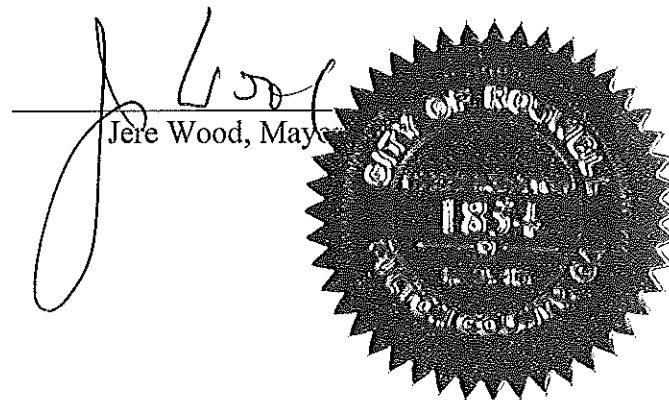
Attest:

Marlee Press
Marlee Press, City Clerk
(Seal)

Jerry Orleans
Councilmember Jerry Orleans

Betty Price
Councilmember Betty Price

Kent Igleheart
Councilmember Kent Igleheart



Rebecca Wynn
Councilmember Rebecca Wynn

Richard Dippolito
Councilmember Richard Dippolito

Nancy Diamond
Councilmember Nancy Diamond