



CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1 Council Member Rob Turner - District 2

Council Member Jazzmin Cobble – District 3 Council Member George Turner - District 4

Council Member Tammy Grimes – District 5

CITY COUNCIL VIRTUAL WORK SESSION - *AGENDA*

Monday September 13, 2021, at 6:00 P.M.

Citizen Access: [Stonecrest YouTube Live Channel](#)

I. CALL TO ORDER: George Turner, Mayor Pro Tem

II. ROLL CALL: Sonya Isom, Deputy City Clerk

III. AGENDA DISCUSSION ITEMS:

- a. **Discussion** – FY22 Budget Calendar – *Gia Scruggs*
- b. **Discussion** – Parks and Recreation Phase 3 Reopening – *Brandon Riley*
- c. **Update** – DMO Activities from Discover Dekalb – *Jonathan Bartlett & James Tsismanakis*
- d. **Discussion** – Dekalb Municipal Association, Membership Dues – *Gia Scruggs & Bill Floyd*
- e. **Discussion** – Tree Protection Ordinance Amendment – *Gia Scruggs*
- f. **Discussion** – Vehicle for Multi-department Use – *Mayor Jason Lary*
- g. **Discussion** – Appointment of Municipal Court Judges – *Mayor Pro Tem George Turner, Winston Denmark, City Attorney*
- h. **Discussion** - Charter Review Committee – *Mayor Pro Tem George Turner*
- i. **Update** – ARP Planning and Administering – *Jonathan Bartlett*

IV. EXECUTIVE SESSION:

(When an executive session is required, one will be called for the following issues: 1) Personnel, 2) Litigation, 3) Real Estate)

V. ADJOURNMENT

Americans with Disabilities Act

The City of Stonecrest does not discriminate on the basis of disability in its programs, services, activities and employment practices.

If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or reasonable modification to programs, services or activities contact the ADA Coordinator, Sonya Isom, as soon as possible, preferably 2 days before the activity or event.



CITY COUNCIL AGENDA ITEM

SUBJECT: FY22 Budget Calendar

AGENDA SECTION: *(check all that apply)*

PRESENTATION **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Presentation

ACTION REQUESTED: **DECISION** **DISCUSSION ONLY**

Date Submitted: Thursday, July 29, 2021

Current Work Session: Monday, September 13, 2021

Current Council Meeting: Click or tap to enter a date.

Previously Heard Date(s): Click or tap to enter a date. - Click or tap to enter a date.

SUBMITTED BY: Gia Scruggs

PRESENTER: Gia Scruggs

PURPOSE: Discussion of the 2022 Budget Calendar

FACTS: The Finance Director and City Manager worked together to put together an annual budget process calendar. This calendar is designed to be a guide for the steps involved in moving the budget from proposal to adoption by the City Council. The current Charter states that the City Manager shall submit to Council a proposed operating and capital budget for the ensuing fiscal year by November 1. The calendar presented ensures that responsibility will be upheld.

OPTIONS: Choose an item. Click or tap here to enter text.

RECOMMENDED ACTION: Discussion only

ATTACHMENTS:

(1) Attachment 1 - FY22 Budget Calendar



FY22 Budget Calendar

August 2021

- August 9 Mid - year Budget Review
- August 16 Distribution of Budget Instructions, worksheets, and Revenue projections to department heads
- August 16 5 year CIP Planning Process begins

September 2021

- September 13 Council Discussion of Fiscal Year 2022 priorities
- September 14-17 Departmental Meetings with Finance Team
- September 21 Preliminary Budget Draft sent to City Manager
- September 22-24 Department Directors present budget recommendations to Finance Committee
- September 27-30 Final Department Review and Revisions

October 2021

- October 8 Advertise Budget Public Hearing for November 8, 2021
- October 11 Proposed budget presented to Council w/ Finance Committee recommendations
- October 25 City Manager presents official proposed budget presentation to Council
- October 26-29 Any adjustments made based on Council and Special Hearing results

November 2021

- November 8 Special Budget Public Hearing
- November 22 Council approves FY22 Budget

January 2022

- January 1 Fiscal Year 2022 begins



CITY COUNCIL AGENDA ITEM

SUBJECT: Parks and Recreation Phase 3 Reopening Re-evaluation

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: [Click or tap here to enter text.](#)
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: **Discussion**
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): 05/10/21 & [Click or tap to enter a date.](#)

Current Work Session: Monday, September 13, 2021

Current Council Meeting: Monday, September 27, 2021

SUBMITTED BY: Brandon Riley, Parks and Recreation Director

PRESENTER: Brandon Riley, Parks and Recreation Director

PURPOSE: The Parks and Recreation Department is seeking feedback from the Mayor Pro Tem and Council regarding re-evaluating the 3rd phase reopening plan that would increase the number of participants indoors from 50 to 100 people and allow open gym in the Browns Mill Recreation Center after the Labor Day weekend.

FACTS: Currently the protocol to hold events in the Browns Mill Recreation Center must be under 50 people to prevent any super spreader events from occurring within close quarters. At the time of planning and presenting the phase reopening plan, COVID numbers were on a decline which provided the department a clear direction on how to proceed managing the traffic throughout the building. Since our reopening in June, we have remained vigilant by constantly disinfecting surfaces, reducing the number of people inside the building, and encouraging social distancing as much as possible. Having open gym at this time, serves as an issue due to the mandatory mask requirement in all City of Stonecrest facilities. Therefore, holding off this particular phase until the new year would be highly recommended.



CITY COUNCIL AGENDA ITEM

SUBJECT: Update on DMO Activities from Discover Dekalb

AGENDA SECTION: *(check all that apply)*

PRESENTATION **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Click or tap here to enter text.

ACTION REQUESTED: **DECISION** **DISCUSSION**, **REVIEW**, or **UPDATE ONLY**

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Monday, September 13, 2021

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Jonathan Bartlett, Economic Development Director

PRESENTER: James Tsismanakis, Executive Director, Discover Dekalb

PURPOSE: To update Council on hotel market conditions in the City, and to share recently completed and planned activities of the DMO.

FACTS: Discover Dekalb has been contracted to serve as DMO through the end of 2021.

OPTIONS: Discussion only Click or tap here to enter text.

RECOMMENDED ACTION: NA

ATTACHMENTS:



CITY COUNCIL AGENDA ITEM

SUBJECT: DeKalb Municipal Association Presentation

AGENDA SECTION: *(check all that apply)*

PRESENTATION **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Click or tap here to enter text.

ACTION REQUESTED: **DECISION** **DISCUSSION**, **REVIEW**, or **UPDATE ONLY**

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Monday, September 13, 2021

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Gia Scruggs

PRESENTER: Bill Floyd

PURPOSE: The DeKalb Municipal Association (DMA) allows cities within DeKalb county to pay membership dues for the DMA. The purpose of the Association is to foster better understanding between government authorities of all levels of government and to effect ways and means of providing maximum efficiency and economy of government to citizens of the municipalities located in DeKalb County. The Association also promotes vibrant downtown and healthy communities, according to the website.

FACTS: The Finance Department received an invoice for 2021 DMA dues in the amount of \$38,432.10. This dues were calculated based on a Per Capita fee: 54,903@ \$.70 In the Finance Director's discussion with the City Manager, it was determined that a presentation of the DeKalb Municipal Association was appropriate to give Council the ability to see the potential services and networking that could be provided to the City of Stonecrest.

OPTIONS: Discussion only Click or tap here to enter text.



CITY COUNCIL AGENDA ITEM

RECOMMENDED ACTION: Consensus of direction for Finance Director to proceed with Membership Dues



CITY COUNCIL AGENDA ITEM

SUBJECT: Tree Protection Ordinance Amendment

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: Click or tap here to enter text.
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: Click or tap here to enter text.
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): 06/10/19 & Click or tap to enter a date.

Current Work Session: Monday, September 13, 2021

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Gia Scruggs

PRESENTER: Gia Scruggs

PURPOSE: The City of Stonecrest has a tree protection ordinance that was developed to protect

FACTS: The Finance Department is requesting that the Tree Protection ordinance be amended to include Tree Protection Administration to allow the Finance Director to establish an account to track revenue. In addition the tree protection donations and fees will be used for the sole purpose of maintenance, education and planting of trees on public property within the city consistent with the Tree Protection ordinance. The Finance Director or designee shall record amounts collected, amounts spent and the type and location of the trees planted. Reports will be submitted to the City Manager upon request. The fee schedule shall be developed and made available to the public.

OPTIONS: Discussion only Click or tap here to enter text.

RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:



CITY COUNCIL AGENDA ITEM

(1) Attachment 1 - Tree Protection Ordinance

1 **AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, ADOPTING**
2 **CHAPTER 14 – LAND DEVELOPMENT, IN ITS ENTIRETY**

3 **WHEREAS**, the City of Stonecrest, Georgia Mayor and City Council are authorized by
4 the City Charter to regulate land development; and

5 **WHEREAS**, the City of Stonecrest has advertised and held public hearings in front of
6 the Planning Commission and in front of the Mayor and City Council; and

7
8 **WHEREAS**, the City of Stonecrest has been vested with substantial powers, rights, and
9 functions to generally regulate the use of real property for the purposes of maintaining
10 health, morals, safety, security, peace, and the general welfare of the City; and

11
12 **WHEREAS**, the health, safety, welfare, aesthetics and morals of the citizens of the City
13 of Stonecrest, Georgia shall be improved and protected by adoption and implementation
14 of this Ordinance.

15
16 **THEREFORE**, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as
17 follows:

18 **Section 1:** **The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt**
19 **an ordinance designated as “Chapter 14, Land Development” to read and to be codified as**
20 **follows:**

21 **ARTICLE I. - IN GENERAL**

22 **Sec. 14-1. - Definitions.**

23 For the purposes of this Chapter, certain terms and words are hereby defined. Where words
24 are not herein defined, but are defined in Chapter 1, those words shall have the meaning as
25 defined therein. The following words, terms and phrases, when used in this chapter, shall have
26 the meaning ascribed to them in this section, except where the context clearly indicates a
27 different meaning:

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

32 *Aggrieved person(s)* means a person(s) whose property is the subject of the action appealed
33 from or a person's who has a substantial interest in the action appealed from that is in danger of
34 suffering special damage or injury not common to all property owners similarly situated.

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

78 *Building* means any structure having a roof supported by columns or walls and intended for
79 the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or
80 materials of any kind.

81 *Building permit* means required written permission issued by the development director for
82 the construction, repair, alteration, or addition to a structure.

83 *Building setback line.* Building setback line means the minimum horizontal distance
84 required between the public right-of-way or the utility easement abutting a private street and the
85 principal building or structure on a lot or any projection thereof except projections that are
86 authorized exceptions to building set back line requirements in chapter 27 of the Code of the City
87 of Stonecrest and any zoning conditions approved thereto. The size of the utility easement(s) for
88 a private street shall be equal to the required size of the public right of way and shall not be any
89 smaller in width or length than what would be required for a public right of way.

90 *CPESC* means a certified professional in erosion and sediment control with current
91 certification by Certified Profession in Erosion and Sediment Control Inc., a corporation
92 registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

93 *Caliper* means the diameter of a tree trunk, applied only to new or replacement plantings,
94 that is taken six (6) inches above the ground for up to and including four-inch caliper size, and
95 twelve (12) inches above the ground for larger sizes.

96 *Certified personnel* means a person who has successfully completed the appropriate
97 certification course approved by the Georgia Soil and Water Conservation Commission.

98 *Channel* means a natural or artificial watercourse with a definite bed and banks that conduct
99 continuously or periodically flowing water.

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

104 *City* means the City of Stonecrest, Georgia, a political subdivision of the State of Georgia.
105 When appropriate to the context, the term "city" also includes authorized officers, employees and
106 agents thereof.

107 *Director of Community Development* means the city official having the primary
108 responsibilities of administration and enforcement of the tree protection ordinance. *Director of*
109 *Community Development* may also be referred to as the development director, planning director,
110 or the director.

111 *City Manager* means the City Manager of City of Stonecrest or designee.

112 *City zoning ordinance* or *zoning ordinance* means the zoning ordinance of the City of
113 Stonecrest, Georgia.

114 *Clean concrete* means concrete that is free of added paints, insulators, reinforcing materials,
115 sealers, asphalt, clay balls, soils, epoxy expansion material, or any other deleterious material that
116 could potentially contaminate groundwater.

155 *Density factor* means a unit of measurement used to prescribe the calculated required tree
156 coverage on a site.

157 *Department* means the community development department or its designee.

158 *Design professional* means a professional licensed by the State of Georgia in the field of:
159 engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a
160 person that is a certified professional in erosion and sediment control (CPESC) with a current
161 certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies
162 with applicable Georgia law governing professional licensure.

163 *Detention* means the temporary storage of stormwater runoff in a stormwater management
164 facility for the purpose of controlling the peak discharge of the stormwater, as that term is
165 defined by state law or this Chapter.

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

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

171 *Development* means all activities associated with the conversion of land or the expansion of
172 replacement of an existing use to any new use intended for human operation, occupancy, or
173 habitation, other than for agricultural purposes devoted strictly to the cultivation of land, dairying
174 or animal husbandry. Such activities include, but are not limited to, land disturbance (clearing
175 and grubbing the land of vegetation and stumps, and grading) and the construction of
176 improvements such as, but not limited to, streets, driveways or parking area, water sewer mains,
177 storm water drainage facilities, sidewalks or other structures permanently placed in or on the
178 property. Where appropriate to the context, development also may be used to denote a specific
179 subdivision or project which is a single entity or intended to be constructed as in interrelated
180 whole, whether simultaneously or in phases.

181 *Development director, Planning Director, or Director*, means the director of the community
182 development department of the City of Stonecrest or designee.

183 *Development permit* means any permit that authorizes land disturbance for the use,
184 construction thereon or alteration of any real property within the incorporated limits of the city.

185 *Director, EPD* means the director of the Environmental Protection Division of the
186 Department of Natural Resources.

187 *District* means the DeKalb County Soil and Water Conservation District.

188 *Division* means the Environmental Protection Division of the Department of Natural
189 Resources.

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

230 *Final stabilization* means that all soil-disturbing activities at the site have been completed,
231 and that for unpaved areas and areas not covered by permanent structures and areas located
232 outside the waste disposal limits of a landfill cell that has been certified by EPD for waste
233 disposal, one hundred (100%) percent of the soil surface is uniformly covered in permanent
234 vegetation with a density of seventy (70%) percent or greater, or landscaped according to the
235 Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent
236 permanent stabilization measures as defined in the Manual (excluding a crop of annual
237 vegetation and seeding of target crop perennials appropriate for the region). Final stabilization
238 applies to each phase of construction.

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

241 *Flood* or *flooding* means a general and temporary condition of partial or complete
242 inundation of normally dry land areas from the usual and rapid accumulation or runoff of surface
243 waters from any source.

244 *Flood hazard boundary map (FHBM)* means an official map of a community, issued by the
245 Federal Emergency Management Agency, where the boundaries of the areas of special flood
246 hazard have been defined as zone A.

247 *Flood hazard map* means the current Federal Emergency Management Agency hazard map
248 designating the elevation and boundaries of flooding and associated floodways under base flood
249 conditions, any subsequent official flood hazard map adopted by the City, the United States
250 Corps of Engineers or other reputable reports accepted by the Director, and based upon
251 competent engineering studies prepared by a currently state-registered professional engineer, or
252 the city.

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

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

259 *Floodplain* means any land area susceptible to flooding, which would have at least a one (1)
260 percent probability of a flooding occurrence in any calendar year based on the basin being fully
261 developed as shown on the current land use plan; i.e., the regulatory flood.

262 *Floodway* means the channel of a river or other watercourse and the adjacent land areas that
263 must be reserved in order to discharge the base flood without cumulatively increasing the water
264 surface elevation more than one (1) foot.

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

268 *Footpath* means any unpaved, narrow and pervious trail in a stream buffer allowing for
269 pedestrian travel.

308 but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land, but
309 not including agricultural practices.

310 *Larger common plan of development or sale* means a contiguous area where multiple
311 separate and distinct construction activities are occurring under one (1) plan of development or
312 sale. For the purposes of this paragraph, "plan" means an announcement, piece of documentation
313 such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application,
314 zoning request, or computer design, or physical demarcation such as boundary signs, lot stakes,
315 or surveyor markings indicating that construction activities may occur on a specific plot.

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

318 *Local issuing authority (LIA)* means the governing authority of the City of Stonecrest.

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

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

323 *Lot, corner* means a lot abutting upon two (2) or more streets at their intersection or upon
324 two (2) parts of the same street forming an interior angle of less than one hundred thirty-five
325 (135) degrees.

326 *Lot, double-frontage* means a lot that abuts two (2) parallel streets or that abuts two (2)
327 streets that do not intersect at the boundaries of the lot. A double-frontage lot may also be
328 referred to as a through lot.

329 *Lowest floor* means the lowest floor of the lowest enclosed area, including basement. An
330 unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or
331 storage in an area other than a basement area is not considered a building's lowest floor;
332 provided, that such enclosure is not built so as to render the structure in violation of the
333 applicable nonelevation design requirements of 44 CFR 60.3.

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

338 *Major thoroughfare/major arterial* means a street, road or highway shown as a major
339 thoroughfare in the thoroughfare plan.

340 *Manufactured home* means a new or used structure, transportable in one (1) or more
341 sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body
342 feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet
343 and which is built on a permanent chassis and designed to be used as a dwelling with or without
344 a permanent foundation when connected to the required utilities and includes the plumbing,
345 heating, air-conditioning, and electrical systems contained therein; except that such term shall
346 include any structure which meets all the requirements of this paragraph except the size
347 requirements and with respect to which the manufacturer voluntarily files a certification required

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

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

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

397 *One hundred-year floodplain* means land in the floodplain subject to a one (1) percent or
398 greater statistical occurrence probability of flooding in any given year.

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

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

406 *Operator* means the party or parties that have: (a) operational control of construction project
407 plans and specifications, including the ability to make modifications to those plans and
408 specifications; or (b) day-to-day operational control of those activities that are necessary to
409 ensure compliance with an erosion, sedimentation and pollution control plan for the site or other
410 permit conditions, such as a person authorized to direct workers at a site to carry out activities
411 required by the erosion, sedimentation and pollution control plan or to comply with other permit
412 conditions.

413 *Outfall* means the location where stormwater in a discernible, confined and discrete
414 conveyance, leaves a facility or site or, if there is receiving water on site, becomes a point source
415 discharging into that receiving water.

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

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

423 *Parcel* means any plot, lot or acreage shown as a unit on the latest county tax assessment
424 records.

425 *Permit* means the authorization necessary to conduct a land-disturbing activity under the
426 provisions of this ordinance.

466 (2) Four hundred (400) square feet or less when measured at the largest horizontal
467 projection;

468 (3) Designed to be self-propelled or permanently towable by a light duty truck; and

469 (4) Designed primarily not for use as a permanent dwelling but as temporary living
470 quarters for recreational, camping, travel, or seasonal use.

471 *Recycled concrete aggregate* means clean concrete made up of previously used concrete
472 construction material that has been cleaned and crushed for use in future construction projects.

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

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

481 *Residential* shall have the same meaning as given in Chapter 27 except that it shall not
482 include apartments.

483 *Riparian* means belonging or related to the bank of a river, stream, lake, pond or
484 impoundment.

485 *Roadway drainage structure* means a device such as a bridge, culvert, or ditch, composed of
486 a virtually nonerodible material such as concrete, steel, plastic or other such material that
487 conveys water under a roadway by intercepting the flow on one (1) side of a traveled roadway
488 consisting of one (1) or more defined lanes, with or without shoulder areas, and carrying water to
489 a release point on the other side.

490 *Rock outcropping* means a single, contiguous piece of exposed rock that has a horizontal
491 surface area equal to or greater than two hundred (200) square feet.

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

493 *Runoff coefficient* means the ratio of runoff to rainfall.

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

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

499 *Sedimentation facility* means a detention facility specifically developed for the purpose of
500 allowing the deposit of sediment resulting from the land development process which may be
501 constructed as part of or separately from a detention facility.

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

544 management. Stormwater better site design includes conserving and protecting natural areas and
545 greenspace, reducing impervious cover and using natural features for stormwater management.

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

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

555 *Stormwater management manual* means the Georgia Stormwater Management Manual.

556 *Stormwater management measure* means any stormwater management facility or
557 nonstructural stormwater practice.

558 *Stormwater quality site development review tool* is an Excel spreadsheet tool available from
559 the Georgia Stormwater Management Manual or website for use by both local government
560 review staff and the development community to quickly evaluate the water quality performance
561 of stormwater management plans for development sites. All new development and
562 redevelopments in the City of Stonecrest use the stormwater quality site development review
563 tool to facilitate the evaluation of the project in accordance with recommendations of this chapter
564 and the Georgia Stormwater Management Manual.

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

568 *Streambank* means as measured horizontally from that point where vegetation has been
569 wrested by normal stream flow or wave action.

570 *Street, private* means an access way similar to and having the same function as a public
571 street, providing access to more than one (1) property but held in private ownership. Private
572 streets, when authorized, shall be developed in accordance with the specifications for public
573 streets established in Division 3, Part B of this chapter.

574 *Street, public* means any right-of-way set aside for public travel deeded to the city and any
575 right-of-way that has been accepted for maintenance as a street by the city. Public streets shall
576 also include any right-of-way deed to DeKalb County that are part of the municipal street system
577 and were located within the incorporated limits of the City prior to the incorporation of the City
578 of Stonecrest.

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

581 *Structure* means anything constructed or erected with a fixed location on the ground, or
582 attached to something having a fixed location on or in the ground. This does not include
583 telephone poles and utility boxes.

626 DeKalb County and the Map 1 DeKalb County Recommended Functional Classification, or any
627 subsequent thoroughfare plan adopted by the City

628 *Tree* means any living, self-supporting, woody perennial plant which has a trunk caliper of
629 two (2) inches or more measured at a point six (6) inches above the ground and which normally
630 attains a height of at least ten (10) feet at maturity usually with one (1) main stem or trunk and
631 many branches.

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

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

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

640 *Trout streams* means all streams or portions of streams within the watershed as designated
641 by the Wildlife Resources Division of the Georgia Department of Natural Resources under the
642 provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq., in the rules
643 and regulations for Water Quality Control, Chapter 391-3-6 at www.epd.georgia.gov.

644 *Trout waters, first order* means streams into which no other streams flow except springs.

645 *Trout waters, primary* means streams or waters supporting a self-sustaining population of
646 rainbow, brown or brook trout.

647 *Trout waters, secondary* means streams or waters in which there is no evidence of natural
648 trout reproduction, but are capable of supporting trout throughout the year.

649 *Used for* includes the phrases "arranged for," "designed for," "intended for," "maintained
650 for" and "occupied for."

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

652 *Vegetative Erosion and Sedimentation Control Measures* means measures for the
653 stabilization of erodible or sediment-producing areas by covering the soil with: permanent
654 seeding, sprigging or planting, producing long-term vegetative cover; temporary seeding,
655 producing short-term vegetative cover; or sodding, covering areas with a turf of perennial sod-
656 forming grass. Such measures can be found in the publication "Manual for Erosion and Sediment
657 Control in Georgia."

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

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

664 *Watershed* means the land area that drains into a particular stream.

- 701 (6) Assuring the continuous and efficient operation of the drainage system.
- 702 (7) Protecting the water quality within intermittent and perennial streams throughout the
703 City.
- 704 (b) It is the Mayor and Council's intent that land development be accomplished in conformity
705 with the public policy statements. To that end, the plans required under applicable
706 provisions of this Chapter shall be reviewed by the City to enable a full exchange of
707 information between the City and the applicant as to the City's public policies for land
708 development. However, these policies shall not be used as a control or regulatory
709 mechanism nor be construed as land development standards enforceable under applicable
710 provisions of this Chapter.
- 711 (c) The Mayor and Council further declares its intent that these public policies be evaluated
712 periodically so as to reflect the community's interests in protection of the natural
713 environment and to give direction to city actions in matters affecting the natural
714 environment and land development.

715 **Sec. 14-29. - Scope and applicability.**

- 716 (a) The provisions of this Chapter shall apply to applicable development activity within the
717 City.
- 718 (b) Before filing a land development application on a project for review and approval, the
719 applicant shall meet with the Department to discuss the procedure for approval of a land
720 development permit and the requirements as to the general layout of streets, parking, open
721 space/lot coverage, street improvements, drainage, sewage, fire protection and similar
722 matters, as well as the availability of existing services, including schools. The Department
723 and the applicant shall review the applicant's stormwater management plans, inspection and
724 maintenance requirements and water quality control requirements. The Department may
725 advise the applicant, when appropriate, to discuss the proposed project with those officials
726 who must eventually approve those aspects of the project coming within their jurisdiction.
727 This meeting will also allow City officials to discuss with the applicant the necessary
728 regulations that will properly accomplish the project.

729

730 **Sec. 14-30. -Reserved.**

731 **Sec. 14-31. - Administration and enforcement generally.**

732 The City shall administer and enforce the provisions of this Chapter as follows:

- 733 (a) The Director is designated to administer and enforce the grading, vegetation, erosion
734 control, sedimentation control, drainage and water quality provisions of this article for
735 all development and construction projects with the following duties and responsibilities:
- 736 (1) Review all development permits to assure that the permit requirements of this
737 Chapter have been satisfied;

- 776 (C) The warrant indicates the conditions, objects, activities, or circumstances which the
777 inspection is intended to check or reveal; and
- 778 (D) The warrant refers, in general terms, to the ordinance provisions sought to be
779 enforced.

780 **Sec. 14-33. - Emergency maintenance operations.**

- 781 (a) The Director or designee may conduct emergency maintenance operations on private land
782 where emergency conditions exist. Emergency maintenance shall constitute the removal of
783 trees and other debris, which in the judgment of Director create a condition potentially
784 injurious to life, property and the public road system.
- 785 (b) The provisions of Article VI of this Chapter shall not apply in the case of tree trimming,
786 removal or cutting necessitated by emergencies such as floods, windstorms, ice storms or
787 other disasters.
- 788 (c) Emergency maintenance conducted on any drainage system shall not be construed as
789 constituting a continuing maintenance obligation on the part of the City.

790 **Sec. 14-34. - Issuance of notice of violation; specification of time period for correction.**

- 791
- 792 (a) *Notice of violation.* Whenever the Director determines that development activity or
793 inactivity on a property does not comply with the approved development and construction
794 plans, that approved and required erosion, sedimentation and pollution control facilities or
795 devices have been altered, damaged or destroyed, or that any other activities violate the
796 provisions of this Chapter, the Director shall issue a notice of violation. Whenever the
797 Director determines that the drainage system has been unlawfully altered, causing
798 inadequate drainage, the Director shall issue a notice of violation. The provisions of this
799 section 14-34(a) shall be in addition to any other penalty or notice provisions applicable to
800 this Chapter and shall not prevent the City from exercising any other notice or penalty
801 provision. The Director may issue a court summons in lieu of a notice of violation. The
802 notice of violation of the provisions of this Chapter or of any rule or regulation adopted
803 pursuant hereto shall be addressed to the owner of the property or the owner's agent and to
804 the person, tenant, firm, corporation, property owner or property owner's agent found to be
805 violating the provisions of this Chapter and shall:
- 806 (1) Be in writing;
- 807 (2) Include a description of the property sufficient for identification of where the violation
808 has occurred;
- 809 (3) List the specific provisions of this Chapter which have been violated;
- 810 (4) State that, if these repairs, construction or alterations are not completed within a
811 reasonable time period specified by the inspector, summons shall be issued for the
812 person, firm, corporation, owner, or owner's agent to appear in Municipal Court.
813 However, the Director may issue a court summons in lieu of a notice of violation.
- 814 (b) *Penalty.* It shall be unlawful for any person, firm or corporation to do anything prohibited or
815 fail to do anything required by the provisions of this Chapter, as they now exist or as they

- 858 (ii) Trapping of sediment in surface runoff;
859 (iii) Removal of nutrients, heavy metals, pesticides and other pollutants from
860 surface runoff;
861 (iv) Terrestrial habitat, food chain, and migration corridor;
862 (v) Buffering of flood flows;
863 (vi) Infiltration of surface runoff;
864 (vii) Noise and visual buffers;
865 (viii) Downstream water quality; and
866 (ix) Impact on threatened and endangered species, as those species are designated
867 by law or federal or state regulation.
- 868 (2) By reason of exceptional topographic or other relevant physical conditions of the
869 subject property that were not created by the owner or applicant, there is no
870 opportunity for any development under any design configuration unless a variance
871 is granted.
- 872 (3) The request does not go beyond the minimum necessary to afford relief and does not
873 constitute a grant of special privileges inconsistent with the limitations upon other
874 properties that are similarly situated.
- 875 (4) The grant of the variance will not be materially detrimental to the public welfare or
876 injurious to the property or improvements in the area in which the property is
877 located.
- 878 (5) The literal interpretation and strict application of the applicable provisions or
879 requirements of this Chapter would cause an extreme hardship, provided the
880 hardship was not created by the owner.
- 881 (d) *Time and notice of hearing.* The Zoning Board of Appeals shall conduct a hearing in
882 accordance with the procedures in Article 7 of Chapter 27.
- 883 (e) All appeals of final decisions of the Zoning Board of Appeals on variances shall be as
884 follows:
- 885 (1) Any party aggrieved by a final decision of the Zoning Board of Appeals may seek
886 review of such decision by petitioning the Superior Court of DeKalb County for a
887 writ of certiorari, in accordance with State law.
- 888 (2) In any such petition filed, the Zoning Board of Appeals shall be designated the
889 respondent in certiorari and the City of Stonecrest shall be designated the defendant
890 in certiorari. Service upon the City as defendant shall be as otherwise provided by
891 law.

892

893 **Sec. 14-36. Appeals from Administrative Officials**

894

- 935 (d) Grading, erosion control, sedimentation control, water quality control and drainage plans
936 shall be prepared under the supervision of a currently state-registered professional engineer,
937 forester or landscape architect, or combination as may be appropriate for project planning
938 and design. Tree protection plans may be prepared by and implemented under the
939 supervision of a currently state-registered professional architect, forester, landscape architect
940 or engineer as may be appropriate for project planning and design. When the hydrologic
941 engineering analysis includes applications of the principles for flood routing, super critical
942 flow, high energy dissipation or conversion, backwater curves, floodplain studies or other
943 advanced hydrologic engineering techniques, the analysis shall be made by a currently state-
944 registered professional engineer proficient in hydrology.
- 945 (e) Site plans and supporting documentation to show conformance with this Chapter shall be
946 submitted in accordance with the applicable provisions of Chapter 27 and all conditions of
947 zoning and shall include the following:
- 948 (1) Evidence of conformance with the requirements of this Chapter for grading, vegetation
949 alteration, erosion control, sedimentation control, water quality control and drainage
950 system alteration or development. Grading plans shall illustrate existing and proposed
951 contours to the two-foot interval at a minimum; golf courses and other open space areas
952 shall be exempt from this requirement but general grading plans for golf courses and
953 other open space areas shall be submitted. Water quality plans shall include the
954 identification of existing wetland areas within the development site and shall
955 demonstrate use of the stormwater quality site development review tool. Related plans
956 shall show locations of structures, roads, surface drainage, existing and proposed
957 drainage conduits, buffer areas, stream buffers, state buffer zones, and proposed
958 alterations to the existing site;
- 959 (2) A hydrologic engineering analysis of stormwater runoff under pre-developed and post-
960 developed site conditions and a detailed evaluation of the projected effects on upstream
961 and downstream properties within the affected drainage basin. In determining
962 downstream effects from stormwater management structures, BMPs, and the
963 development, hydrologic-hydraulic engineering studies shall extend downstream to a
964 point where the proposed development represents less than ten (10) percent of the total
965 watershed. This analysis shall include a determination of the culvert, floodplain and
966 channel cross-section area required to carry the affected runoff. The requirement for a
967 complete hydrologic study may be waived in writing by the Director for any
968 development where the site plan submitted illustrates predeveloped or proposed
969 improvements sufficient to ensure compliance with applicable provisions of this
970 Chapter;
- 971 (3) Delineation of the boundaries, contour elevations and floodways of the special flood
972 hazard areas for streams draining in excess of one hundred (100) acres. Unless shown
973 on the flood hazard map, the special flood hazard areas shall be established by
974 engineering field control surveys and then be added to the flood hazard map upon
975 approval of the Director and be clearly designated on each site plan, subdivision plat
976 and construction plan. The actual building site in relation to special flood hazard area
977 boundaries shall be shown; the same information shall be indicated by the seller to the

- 1016 (5) Prohibit grading and filling in floodplains, except for the construction and maintenance
1017 of perpendicular crossings of public utilities, drainage conveyances, roadways,
1018 sidewalks, and multi-purpose trails constructed in accordance with City of Stonecrest
1019 design standards and specifications. Any variance from the requirements of this section
1020 shall be in accordance with the requirements of section 14-35 and with the following
1021 requirements:
- 1022 a. If the required hydrologic studies reveal that a request for filling or grading within
1023 the intermediate regional floodplain would overload the capacity of the channel
1024 downstream or increase flood stages upstream, the development permit shall be
1025 denied unless equivalent flow and storage capacity is replaced and maintained by
1026 the owner within the special flood hazard area. Altered sections of the special flood
1027 hazard area shall have a positive slope so as to provide positive drainage back to
1028 the stream flow line and this section must be maintained by the owners in
1029 perpetuity so as to prevent or remove silt buildup.
- 1030 b. Excavation within floodplain areas shall not be permitted unless the excavation can
1031 be accomplished in such a manner that the existing low level drainage pattern
1032 through the floodplain shall be maintained. The area of compensation within the
1033 floodplain shall be considered as ineffective flow area for the purpose of
1034 calculating floodplain elevations to meet no-rise certification requirements. The
1035 amount of compensation shall be limited to three hundred (300) cubic yards per
1036 acre of floodplain area.
- 1037 (6) The burying, piling, or concealing in any way of construction waste is prohibited,
1038 except where permitted within an M-2 (Industrial) District, as defined in Chapter 27 of
1039 this Code, and by a permit issued by the Georgia Department of Natural Resources,
1040 Environmental Protection Division. No certificate of occupancy shall be issued by the
1041 City under Chapter 7 of this Code until the applicant provides a written certification to
1042 the Director, accompanied by a landfill receipt, that proves that all construction waste
1043 has been removed from the property.
- 1044 (7) Grading must be performed to avoid the restrictions of drainage through drainageways
1045 and drainage easements. Grading must be performed to provide positive drainage to
1046 storm drainage inlets, swales, channels, ditches or gutters.
- 1047 (8) Fills must be placed in uniform layers not to exceed a compacted thickness of six inches
1048 per layer. In all areas where structures, parking lots and drives, streets, dams and
1049 utilities are to be places, fills must be compacted to a density of at least 95 percent of
1050 the maximum laboratory dry weight per cubic foot, as determined by ASTM D 698. All
1051 other fills must be compacted to at least 85 percent, except for the upper one foot of
1052 roadways, which must be compacted to 98 percent.
- 1053 (9) Fill dirt, permitted through the issuance of a separate land disturbance permit on any
1054 residentially-zoned property shall be limited to:
- 1055 a. A cumulative maximum of 1000 cubic yards per property; and
1056 b. No more than 20 trips per day, including trips to and from the permitted property.

1089 provisions and standards contained in building and housing codes, zoning ordinances,
1090 the comprehensive plan, and official map and land use plan.

1091 (b) These regulations are adopted for the following purposes:

1092 (1) To protect and provide for the public health, safety, and general welfare of City of
1093 Stonecrest.

1094 (2) To guide the future growth and development of the city in accordance with the
1095 comprehensive plan.

1096 (3) To protect and conserve the value of land and the economic stability of all communities
1097 in the city and to encourage the orderly and beneficial development of the city through
1098 appropriate growth management techniques, including consideration of the timing and
1099 sequencing of development, consideration of infill development in existing
1100 neighborhoods and nonresidential areas with adequate public facilities.

1101 (4) To guide public policy and both public and private actions in order to provide adequate
1102 and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation,
1103 and public services and support facilities.

1104 (5) To provide for the safe and efficient circulation of traffic throughout the city, having
1105 particular regard to avoidance of congestion in the streets and highways and the
1106 pedestrians and bicycle traffic movements appropriate to the various uses of lands and
1107 buildings, and to provide for the proper location and width of streets and building lines.

1108 (6) To assure the adequate provision of safe and convenient traffic access and circulation,
1109 both vehicular and pedestrian, in new land developments.

1110 (7) To establish reasonable standards of design and procedures for subdivisions and
1111 resubdivisions to further the orderly layout and use of land, and to ensure proper legal
1112 descriptions and monumenting of subdivided land.

1113 (8) To ensure to the extent legally possible that public facilities and services are available
1114 concurrent with development and will have a sufficient capacity to serve the proposed
1115 subdivision.

1116 (9) To protect and restore the highest quality of the city's air and water resources; to assure
1117 the adequacy of drainage facilities; to safeguard the water table, and to encourage the
1118 wise use and management of natural resources throughout the city in order to preserve
1119 the integrity, stability, and beauty of the city and the value of the land.

1120 (10) To preserve the natural beauty, environment, and topography of the city and to ensure
1121 appropriate development with regard to these natural features.

1122 **Sec. 14-58. - Public purpose.**

1123 Regulation of the subdivision of land and the attachment of reasonable regulations to land
1124 subdivision is an exercise of valid police power delegated by the state to this city. A developer of
1125 land has the duty of compliance with the regulations set forth herein for design, dedication,
1126 improvement, and restrictive use of the land to conform to the physical and economic

1162 (a) The Board of Zoning Appeals shall hear and decide applications for variances from the strict
1163 application of this Article where strict application of any regulation enacted in Division 3 of
1164 Article III would result in exceptional and undue hardship to the owner of such property.
1165 These regulations provide the minimum necessary requirements for subdivisions in City of
1166 Stonecrest; thus, variances from the requirements of Division 3 of Article III shall be
1167 authorized only upon consideration of all of the following findings:

1168 (1) By reason of the shape or topographical conditions of a parcel of property which were
1169 not created by the owner or applicant, the strict application of Division 3 of Article III
1170 would deprive the property owner of rights and privileges enjoyed by other similarly
1171 situated property owners in the same zoning district;

1172 (2) By reason of the shape or topographical conditions of a parcel of property which were
1173 not created by the owner or applicant, there is no opportunity for development under
1174 any design configuration allowed by these subdivision regulations unless a variance is
1175 granted;

1176 (3) The requested variance does not go beyond the minimum necessary to afford relief, and
1177 does not constitute the grant of a special privilege inconsistent with the limitations upon
1178 other property owners in the zoning district in which the subject property is located;

1179 (4) The requested variance will not be materially detrimental to the public welfare or
1180 injurious to the property or improvements in the zoning district in which the subject
1181 property is located; and

1182 (5) The requested variance will not in any manner vary the provisions of Chapter 27, the
1183 City of Stonecrest Comprehensive Plan or the zoning map of City of Stonecrest.

1184 (b) No variance shall be granted to:

1185 (1) Allow any variance which conflicts with or changes any requirement enacted as a
1186 condition of zoning or of a special land use permit by the mayor and city council;

1187 (2) Increase the density allowed on the property; or

1188 (3) Vary the requirements set forth in sections 14-256 through 14-260.

1189

1190 **Sec. 14-65. - Enforcement, violations, and penalties.**

1191 (a) *General.* It shall be the duty of the Director to enforce this chapter.

1192 (b) *Violations and penalties.* Any person, firm or corporation violating any of the provisions of
1193 these regulations shall be deemed guilty of an offense and upon conviction in Municipal
1194 Court shall be punished as is provided in Chapter 1 of the Code of City of Stonecrest. Each
1195 violation of these regulations shall be considered a separate offense. The owner of any
1196 structures, buildings, lots or parcels or parts thereof, where anything in violation of these
1197 regulations exists, and any architect, builder, contractor or any other agent of the owner, or
1198 any tenant, who commits or assists in the commission of any violation, shall be guilty of a
1199 separate offense.

1236 commission shall then submit said plats pursuant to O.C.G.A. § 32-6-151 and other applicable
1237 state law.

1238

1239 **Part B. – Major Plats**

1240 **Sec. 14-86.- Major Plats**

1241 (1). A major plat shall consist of the combination or division of three (3) or more lots.

1242 (2). A major plat may be either a major combination plat (combining three or more lots into
1243 one), or a major subdivision plat (dividing one lot into three or more lots).

1244

1245 **Sec. 14-87.- Major Plat Approval General Procedures**

1246 (1). Applicants for a major plat must submit an application and a preliminary plat for
1247 approval prior to the issuance of a building permit or a land disturbance permit. The minor plat
1248 must meet the requirements for a preliminary plat as defined in Part C below and must be
1249 designed in accordance with the design standards and requirements of this Chapter.

1250 (2). The Director shall review the preliminary plat within ninety (90) days of a complete
1251 application and preliminary plat. The preliminary plat shall not be forwarded to the mayor and
1252 council until such time that the Director of Community Development certifies that preliminary
1253 plat complies with all city zoning, environmental, and subdivision ordinances and regulations
1254 and all applicable state and federal laws. Appeals from Director's certification or refusal to
1255 certify the preliminary plat shall be to the Board of Zoning Appeals pursuant to appeals for
1256 administrative officials. The City Council shall vote to approve, deny, or defer the preliminary
1257 plat based on its compliance with this Chapter.

1258 (3). After approval of a preliminary plat, the applicant must prepare and submit a final plat
1259 for final approval and certification prior to recording. The final plat must meet the requirements
1260 for a final plat as defined in Part D below and must be designed in accordance with the design
1261 standards and requirements of this Chapter. The final plat shall not be forwarded to the mayor
1262 and council until such time that the Director of Community Development certifies that the final
1263 plat conforms to the approved preliminary plat and complies with all city zoning, environmental,
1264 and subdivision ordinances and regulations and all applicable state and federal laws. The
1265 Director shall review the final plat within ninety (90) days of a complete application and final
1266 plat. Appeals from Director's certification or refusal to certify the final plat shall be to the Board
1267 of Zoning Appeals pursuant to appeals for administrative officials.

1268 (4). The City Council shall vote to approve, deny, or defer the final plat based on its
1269 compliance with this Chapter.

1270 (5). A major subdivision plat which includes or abuts any part of the state highway system
1271 or requires access to the state highway system shall be submitted pursuant to O.C.G.A. § 32-6-
1272 151 and other applicable state law after approval by the Planning Commission.

1273 **Part C.- Preliminary Plat**

- 1309 (2) *Streets on or adjacent to tract.* Name, right-of-way width, and location of streets on and
1310 adjacent to the tract, and any existing railroad, sidewalk, trail, or bike lane;
- 1311 (3) *Contour data.* Topographic contour data at no more than two-foot elevation intervals.
1312 The source of this data shall be written on the plat;
- 1313 (4) *Tree survey.* A tree survey in compliance with this Chapter or tree sample calculations
1314 where allowed by the Director which may be submitted as a separate plan;
- 1315 (5) *Historic resources.* Any building, structure, site or district identified as historic by the
1316 Historic Preservation Commission, the DeKalb County Historic Resources Survey, the
1317 comprehensive plan, by listing on the Georgia or National Register of Historic Places,
1318 or by listing as a National Historic Landmark.
- 1319 (6) *Natural features on tract.* Other conditions on the tract such as stream buffers, state
1320 waters, cemeteries, wetlands, existing structures, intermediate regional floodplain
1321 boundary (where available), rock outcroppings, and archeological resources;
- 1322 (7) *Soils.* Location of soils as shown on the National Resources Conservation Service Soil
1323 Map, by the United States Department of Agriculture's soil map, or any map designated
1324 by the Director;
- 1325 (8) *Geographical data.* Numerical and graphic scales, north arrow, land lot and district
1326 numbers and lines, city and city names and limit lines;
- 1327 (9) *Prior subdivisions.* Name and reference of any formerly recorded subdivision crossing
1328 any of the land shown on the plat;
- 1329 (10) *Zoning district.* Show zoning district, case number and conditions of zoning;
- 1330 (11) *Permits.* Show any special administrative permit number, special land use permit
1331 number, or board of appeals case number and conditions;
- 1332 (12) *Variances.* Show any variance approvals;
- 1333 (13) *Septic tanks.* Show existing septic tank and drain field location or note absence;
- 1334 (14) *Sewers.* Show size and location of sanitary sewer main(s) available;
- 1335 (15) *Sewer easements.* Show a sanitary sewer easement with a minimum width of fifteen
1336 (15) feet of for all county maintained lines not within county or city right-of-way, or as
1337 required by DeKalb County;
- 1338 (16) *Water mains.* Show size and location of water main(s) and fire hydrants;
- 1339 (17) *Water main easements.* Show a water main easement with a minimum width of fifteen
1340 (15) feet for all county maintained lines not within right-of-way, or as required by
1341 DeKalb County;
- 1342 (18) *IRF.* Show on plan whether FEMA or city benchmark used to establish IRF also
1343 identify location of Benchmark;
- 1344 (19) *Wetlands.* Provide wetlands determination from U.S. Army corps of engineers;
- 1345 (20) *Receiving waters.* Provide distance to and name of receiving waters;

1383 (c) The following additional information shall be shown on the preliminary plat:

1384 (1) *Seal*. All sheets of plats must be sealed by a professional engineer, surveyor, or
1385 landscape architect currently registered in the state of Georgia;

1386 (2) Space for Comments and Certification in accordance with this article; and

1387 (3) Surveyor's Acknowledgement and Owner's Acknowledgement in accordance with this
1388 article.

1389 **Sec. 14-90. - Space for Comments, Certifications.**

1390 A blank space of fifty (50) square inches shall be provided on the plat to allow room for any
1391 stamps, notes, approval or denials as required to be placed thereon by county and city agencies
1392 and for certification.

1393

1394 **Sec. 14-91. - Scale.**

1395 Preliminary plats shall be prepared at an appropriate scale of not more than one hundred
1396 (100) feet to one (1) inch. Maximum sheet size shall be twenty-four (24) inches by thirty-six (36)
1397 inches.

1398 **Secs. 14-92.—14-120. - Reserved.**

1399 **Part D. - Final Plat**

1400 **Sec. 14-121. - Preparation.**

1401 The applicant shall have a registered surveyor prepare the final plat of the subdivision,
1402 including the space required under Sec. 14-90. An application for final plat approval may be
1403 made when a preliminary plat of the proposed subdivision has been approved and construction of
1404 all required infrastructure is complete, or a surety is provided as approved by the Director of
1405 Community Development, to ascertain its location as built.

1406

1407 **Sec. 14-121.1 - Surveyor's and Owner's Acknowledgments.**

1408 The following wording for the engineer's [surveyor's] and owner's acknowledgments shall
1409 be shown and certified on the plat:

1410 (1) *Surveyor's Acknowledgment.*

1411 In my opinion, this plat, drawn by me or under my supervision, was made from an
1412 actual survey, and is a correct representation of the land platted and has been prepared
1413 in conformity with the minimum standards and requirements of law.

1414 _____ R.L.S. No. _____

1415 (2) *Owner's Acknowledgment.*

1453 **Sec. 14-123. - Review, Certification by City Departments.**

- 1454 (a) Upon receipt of the final plat, the Director of Community Development shall forward copies
1455 of the final plat to any department or entity the Director of Community Development deems
1456 appropriate for certification that the improvements are complete and in conformity with the
1457 preliminary plat.
- 1458 (b) The applicant shall obtain the approval of the DeKalb County Health Department and the
1459 DeKalb County Department for Watershed Management.
- 1460 (c) Any department to which the final plat is submitted shall note on the plat whether the
1461 development meets or fails to meet the requirements of this Code and of that department,
1462 specifically, whether all improvements were properly completed and whether the
1463 improvements are in conformity with the preliminary plat. If the improvements are
1464 incomplete or if the improvements are not in conformity with the preliminary plat, the
1465 department shall note on the plat the manner in which the plat fails to meet these
1466 requirements. Minor changes shall be permitted as defined in Section 14-146. (c).
- 1467 (d) Upon receipt of the annotated copies from all of the departments which received the final
1468 plat for notation, the Director of Community Development shall independently review the
1469 final plat and determine whether it complies with all city zoning, environmental, and
1470 subdivision ordinances and regulations and all applicable state and federal laws. The
1471 Director of Community Development shall certify in writing on the final plat their finding of
1472 whether the final plat complies with all city zoning, environmental, and subdivision
1473 ordinances and regulations and all applicable state and federal laws and forward it to the
1474 City Council for review.
- 1475 (e) The final plat shall conform to the approved preliminary plat on file with the city and shall
1476 comply with the city zoning ordinance including conditions of zoning. Minor changes from
1477 the preliminary plat shall be permitted as defined in Section 14-146. (c).
- 1478 (f) The final plat shall not be forwarded to the mayor and council until such time that the
1479 Director of Community Development certifies that the final plat conforms to the approved
1480 preliminary plat and complies with all city zoning, environmental, and subdivision
1481 ordinances and regulations and all applicable state and federal laws.

1482

1483 **Sec. 14-124. - Referral to the Mayor and Council.**

- 1484 (b) The mayor and council as the designec for the governing authority of the city shall approve
1485 or disapprove the final plat. If the final plat is approved, the mayor and council shall place
1486 the following wording on the original as follows:

1487 This plat has been submitted to and accepted by the mayor and council of City of Stonecrest,
1488 Georgia, and has been approved as required by state law and city codes as meeting all
1489 conditions precedent to recording in the superior court of this circuit.

- 1523 (1) Sufficient data to determine readily and reproduce on the ground the location, bearings
1524 and lengths of every right-of-way, street line, lot line, boundary line and building line,
1525 whether curved or straight;
- 1526 (2) Tract boundary lines, land lot and district lines, city and county limit lines, right-of-way
1527 lines of streets, easements and other rights-of-way and property lines of residential lots
1528 and other sites;
- 1529 (3) All dimensions shall be accurate to the nearest one hundredth of a foot and all angles
1530 accurate to the nearest second;
- 1531 (4) Name and right-of-way width of each street including necessary right-of-way required
1532 for present or future widening of major, minor, collector, residential or other streets as
1533 shown on the thoroughfare plan;
- 1534 (5) Sidewalk and bike path locations and width;
- 1535 (6) House numbers: numbers will be assigned by the geographic information system
1536 department and placed on the final plat by the community development department;
- 1537 (7) Title, north arrow, date, scale, land lot numbers and district numbers;
- 1538 (8) Location, dimensions and purpose of easements and areas to be dedicated to public use,
1539 common areas or sites for other than residential use with notices stating their purpose
1540 and limitations;
- 1541 (9) Intermediate regional floodplain contour line and setback line required by this chapter,
1542 state waters/state streams, wetlands, and required stream buffers;
- 1543 (10) Water and sewer utility locations, and the location and type of permanent stormwater
1544 management facilities and water quality facilities;
- 1545 (11) Lots numbered in numerical order and blocks lettered alphabetically; all lot and block
1546 numerals shall be kept in a uniform sequence on all plats and units of the subdivision;
- 1547 (12) Accurate location, material and description of monuments and markers; within each
1548 subdivision set one (1) monument on two (2) front corners of the property adjacent to
1549 existing rights-of-way on interior streets, or as otherwise approved by the development
1550 director; each monument shall be a minimum four-inch diameter disk by twenty-four-
1551 inch high concrete monument with brass caps set flush with finished grade;
- 1552 (13) Lots which shall not be built upon until detailed plans for grading and drainage have
1553 been approved by the development director; and
- 1554 (14) All required data and certifications under O.C.G.A. § 15-6-67.

1555
1556 **Sec. 14-134. - Protective Covenants to Meet Minimum Zoning Requirements.**

1557 The final plat shall not contain protective covenants stipulating lower standards than the
1558 minimum restrictions required by the city zoning ordinance.

1559

- 1597 (2) A statement of the average size of homes to be constructed in the future phases of the
1598 development, any specified type of architecture, landscaping, the type of construction
1599 materials to be used (i.e. brick, stone, stucco, pressboard, etc), and the average size of
1600 lots;
- 1601 (3) A statement of any community amenities to be built within the development currently
1602 or in the future, including but not limited to a clubhouse, tennis courts or swimming
1603 pools the applicant is committed to constructing in future phases; and
- 1604 (4) A statement of the general terms and conditions at which the applicant proposes to
1605 dispose of the lots and/or homes in the future phases of the development.
- 1606 (d) If the applicant intends to make no representations or commitments to potential purchasers
1607 concerning each of the representations set forth in subsection (b) and (c), the applicant shall
1608 note the same in the disclosure statement filed with the Director of Community
1609 Development which statement shall be made available by the Director of Community
1610 Development to the public.
- 1611 (e) After the required disclosure statement has been submitted, the Director of Community
1612 Development shall examine the information provided and determine whether the
1613 information submitted is consistent with the final plat and if the information is consistent,
1614 the Director of Community Development shall approve the disclosure statement in writing
1615 within thirty-five (35) days of submission of the statement.
- 1616 (f) If it appears to the Director of Community Development that a disclosure statement is
1617 incomplete or fraudulent, the Director of Community Development shall disapprove the
1618 disclosure statement and notify the applicant for the final plat in writing within fourteen (14)
1619 days after the initial submission of the statement. Such notification shall serve to suspend the
1620 review of the final plat by any city employee or official until the applicant files such
1621 additional information, as the Director of Community Development shall require. No final
1622 plat may be certified by the Director of Community Development until such time as the
1623 Director of Community Development approves the applicant's disclosure statement.
- 1624 (g) If at any time after approval of the disclosure statement the Director of Community
1625 Development becomes aware that the disclosure statement contains false or misleading
1626 information, or that the applicant is developing in a manner inconsistent with the approved
1627 disclosure statement, the Director of Community Development shall disapprove the
1628 disclosure statement and notify the applicant in writing that the disclosure statement has
1629 been disapproved.
- 1630 (h) Subsequent to the recording of the final plat for a residential subdivision and for each phase
1631 of a multi-phase residential development, the approved disclosure statement on file with the
1632 city shall be provided by any seller to potential purchasers at the execution of the purchase
1633 and sales contract or if no such contract is executed, ten (10) days prior to the real estate
1634 closing on any property governed by this section.

1635 **Sec. 14-136. - Violations.**

1636 It shall be unlawful for any person to sell property in a residential subdivision or a multi-
1637 phase residential development without providing a potential purchaser with a copy of an

1675 Revisions and a notation explaining the revisions shall be shown in black ink on the revised
1676 plat.

1677 **Sec. 14-149. - Space for Certifications.**

1678 A blank space consisting of not less than fifty (50) square inches shall be provided on the
1679 revised plat to accommodate required certifications.

1680 **Sec. 14-150. - Scale.**

1681 Revised plats shall be prepared at a scale of not less than fifty (50) feet to one (1) inch.

1682 **Sec. 14-151. - Compliance with Zoning Ordinance.**

1683 The revised plat shall comply with the regulations of the city zoning ordinance, including all
1684 conditions of zoning, which are to be shown in the upper right hand corner of the revised plat.

1685

1686 **Sec. 14-152. - Inclusion of Required Wording.**

1687 The revised plat shall show the following wording in black ink:

1688 This revised plat has been submitted to the mayor and council of City of Stonecrest,
1689 Georgia, and has been approved as required by state law and city codes as meeting all
1690 conditions precedent to recording in the superior court of this circuit. This plat is hereby
1691 approved subject to any protective covenants shown hereon.

1692 Dated this _____ day of _____ / _____ / _____

1693

1694

1695 _____
1696 Mayor
City of Stonecrest, Georgia

1697 **Sec. 14-153. - Original Protective Covenants not to be Changed.**

1698 All revisions to original plats shall be bound by the protective covenants on the original final
1699 plat and a statement to that effect shall be noted in black ink on the revised plat unless noted
1700 otherwise.

1701 **Sec. 14-154. - City May Require Additional Data.**

1702 Other data which may be required in support of a revised final plat are: a final engineering
1703 design report on proposed revisions and such other certificates, affidavits, endorsements, or
1704 dedications as may be required by city officials in the enforcement of this chapter.

1705

1706 **Secs. 14-155—14-165. - Reserved.**

- 1744 (1) Wetlands; and
1745 (2) The intermediate regional floodplain;
1746 (b) Subdivisions shall be also laid out to:
1747 (1) Avoid adversely affecting watercourses, ground water, and aquifer recharge;
1748 (2) Minimize cut and fill;
1749 (3) Minimize impervious cover and the environmental impacts of roads and access points;
1750 (4) Minimize flooding; and
1751 (5) Minimize adverse effects of noise, odor, traffic, drainage, and utilities on neighboring
1752 properties.
1753 (c) The Director of Community Development shall not recommend approval for a preliminary
1754 plat or parts thereof if the director determines that:
1755 (1) The areas listed in subsection (a) above have not been set aside and protected from
1756 development;
1757 (2) The proposed subdivision does not comply with the requirements of subsection (b)
1758 above; or
1759 (3) If the proposed subdivision is not in the best interest of the public health, safety, and
1760 general welfare of the city.

1761 **Secs. 14-168—14-180. - Reserved.**

1762 **Part B. - Streets**

1763 **Sec. 14-181. - Generally.**

- 1764 (a) The provisions of this part apply to streets in subdivisions and in other projects requiring a
1765 development or land disturbance permit from City of Stonecrest.
1766 (b) The arrangement, character, extent, width, grade and location of all subdivision streets shall
1767 conform to the provisions of this chapter and to the thoroughfare plan. New streets shall be
1768 designed and located with consideration of their relation to existing and planned streets, to
1769 topographical conditions, to public convenience and safety in their appropriate relation to
1770 the proposed uses of the land to be served by the streets.

1771 **Sec. 14-182. - Arrangement where not shown on thoroughfare plan.**

1772 Where not shown in a thoroughfare plan adopted by the City, the arrangement of streets in a
1773 subdivision shall either:

- 1774 (1) Provide for the continuation or appropriate projection of existing streets in surrounding
1775 areas; or
1776 (2) Conform to a plan for a neighborhood approved or adopted by the mayor and city
1777 council to meet a particular situation where topographical or other conditions make
1778 continuance or conformance to existing streets impracticable.

1814 **Sec. 14-188. - Intersections—Right angles.**

1815 Street intersections in subdivisions shall be as nearly at right angles as practicable. No
1816 interior angle shall be less than seventy-five (75) degrees. Intersections or more than two (2)
1817 streets shall be designed according to the specific types illustrated in the Standards for
1818 Construction and Design.

1819 **Sec. 14-189. - Same—Property line to be mitered.**

1820 At each street intersection in a subdivision the property line at each block corner shall either
1821 be mitered. A mitered property line shall be located on the interior chord of a convex curve or
1822 located fifteen (15) feet inside the tangent of a concave curve.

1823

1824

1825 **Sec. 14-189.1. - Traffic improvements, street improvements, curb cuts, visibility**
1826 **requirements, and private street construction standards.**

1827 (a) Each building shall be located on a lot or parcel that abuts a public street or private street.
1828 Private streets shall only be allowed if the development seeking to have a private street(s) is
1829 ten (10) acres or larger in size. The Director shall have the authority to waive this minimum
1830 acreage requirement if all real property owners that abut the proposed private street agree to
1831 such waiver.

1832 (b) Where this chapter measures minimum building setback lines and frontages, or imposes
1833 development standards in connection with, or with reference to public streets, such
1834 measurements or standards set forth in the district regulations and supplemental regulations
1835 of chapter 27, in this chapter or elsewhere in the Code of City of Stonecrest shall apply
1836 similarly for property abutting a private street where such private street has been approved
1837 by the planning commission. Nothing in this article is intended to authorize any kind of
1838 development on a private street that would not be authorized where there was public right of
1839 way.

1840 (c) Private streets within any zoning district shall not be used to satisfy the off-street parking
1841 requirements of the Code. Private streets within any district shall be assigned names and
1842 locations. The names of these streets shall be shown on plans required for the issuance of
1843 building and development permits as provided in this chapter and chapters 7 and 27 of the
1844 Code of City of Stonecrest.

1845 (d) Lots may front on a public street or private street constructed to the standards found in this
1846 chapter.

1847 (e) Where sewer lines are constructed underneath a private street, the developer is required to
1848 grant an easement to the county for installation, maintenance and repair of such sewer lines
1849 if required by DeKalb County.

1850 (f) Private streets shall not be eligible for participation in the city's traffic calming program as
1851 provided for in chapter 17 of this Code.

1892 chapter 27 of this Code. An access easement and a utility easement shall entirely overlay the
1893 rights-of-way and shall be dedicated to City of Stonecrest for public use. All applicable
1894 setbacks, lot widths and lot areas shall be measured from the homeowner's association right
1895 of way.

1896 **Sec. 14-189.3 - Legal mechanism for maintenance of private streets, resurfacing fund.**

1897 (a) *Maintenance of private streets.*

1898 (1) Each developer that chooses to include private streets within a condominium, as that
1899 term is defined by state law, or any other residential, commercial, institutional,
1900 industrial or office development shall organize and establish a property owners'
1901 association prior to recording of the final plat. Membership in the property owners'
1902 association shall be mandatory for each original and successive purchaser of a lot,
1903 building or unit within the development. The property owners' association shall be
1904 organized so that it has clear legal authority to maintain and exercise control over the
1905 private street(s) and required improvements associated with private streets, including,
1906 but not limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings,
1907 associated landscaping and lighting, entry signs, monuments, perimeter walls and
1908 fences, entry gates and gatehouses. The declaration of covenants creating the property
1909 owners' association shall be recorded with the clerk of the Superior Court of DeKalb
1910 County and the recorded declaration of covenants and articles of incorporation creating
1911 the property owners' association shall provide that all private streets and associated
1912 improvements are owned by the property owners' association or are held in common by
1913 the property owners within the development. Said streets shall be properly maintained
1914 and insured with no liability or maintenance responsibilities accruing to the city. The
1915 recorded declaration of covenants and articles of association shall specifically require
1916 the property owners' association to repair and maintain each private street in the same
1917 manner as similar public streets are maintained by the city and such maintenance and
1918 repair shall be performed in compliance with all city standards and all applicable
1919 provisions of law.

1920 (2) Prior to any final plat approval, the developer shall submit articles of incorporation,
1921 declaration of covenants and bylaws for the property owners' association to the
1922 community development department. Those documents must thereafter be reviewed and
1923 approved by the city attorney.

1924 (b) *Maintenance fund.* The declaration of covenants and articles of association shall provide for
1925 a street maintenance fund the proceeds of which shall be used solely for the purpose of
1926 regular maintenance of the street(s), whether for resurfacing or a similar purpose. For the
1927 purposes of further providing further assurance that city funds shall not be used for
1928 maintenance of private streets, the developer shall submit proof of deposit of fifty (50)
1929 percent of the current estimate of resurfacing costs, as determined by the community
1930 development and development director or designee, in an interest bearing account on behalf
1931 of the property owners' association.

1932 (c) *Maintenance bond* A developer must provide a maintenance bond renewable annually to
1933 cover the cost of maintenance and repair for any private streets within a subdivision. The

- 1974 (b) A property owner(s) may petition the governing authority to abandon an existing public
1975 street that abuts the owner(s)' property. The petition must include documents that comply
1976 with all of the following requirements set forth in this section.
- 1977 (c) The petition shall contain evidence that each abutting landowner to the public street seeks to
1978 have the street abandoned.
- 1979 (d) The petition shall contain evidence that once abandoned pursuant to the requirements of
1980 state law, all property owners that abut the street agree that ownership of the street shall be
1981 placed in a property owners' association. The petition shall include evidence that one
1982 hundred (100) percent of all property owners in the property owners' association have agreed
1983 that the street at issue may become private and have agreed to maintain and exercise control
1984 over the private street as required by this ordinance.
- 1985 (e) The petition shall contain evidence that the property owners' association has the financial
1986 ability to maintain the street and associated improvements in perpetuity.
- 1987 (f) The petition shall include evidence that the declaration of covenants and articles of
1988 association or other legal instrument(s) creating the property owners' association provide or
1989 have been amended to provide that membership in the property owners' association shall be
1990 mandatory for each original and successive purchaser of a lot, building or unit on the street.
- 1991 (g) The petition shall include evidence that the property owners' association shall be organized
1992 so that it has absolute legal authority to maintain and exercise control over the private
1993 street(s) and required improvements associated with private streets, including, but not
1994 limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated
1995 landscaping and lighting, entry signs, monuments, perimeter walls and fences, entry gates
1996 and gatehouses.
- 1997 (h) The petition shall include evidence that the declaration of covenants creating the property
1998 owners' association shall be recorded with the clerk of the Superior Court of DeKalb County
1999 and the recorded declaration of covenants and articles of incorporation creating the property
2000 owners' association shall provide that all private streets and associated improvements are
2001 owned by the property owners' association or are held in common by the property owners
2002 within the development. Said streets shall be properly maintained and insured with no
2003 liability or maintenance responsibilities accruing to the city.
- 2004 (i) The petition shall include evidence that the declaration of covenants and articles of
2005 association shall provide for a maintenance fund, the proceeds of which shall be used solely
2006 for the purpose of regular maintenance of the street(s), whether for resurfacing or similar
2007 purpose. For the purposes of further providing further assurances that city funds shall not be
2008 used for maintenance of private streets, the property owners' association shall submit proof
2009 of a maintenance fund equal to fifty (50) percent of the current estimate of resurfacing costs,
2010 as determined by the Director of Community Development or designee, in an interest
2011 bearing account on behalf of the property owners' association.
- 2012 (j) The petition shall include evidence that the property owners have a maintenance bond
2013 renewable annually in an amount equal to fifty (50) percent of the current estimate of
2014 resurfacing costs, as determined by the Director of Community Development or designee.

- 2040 (a) Sidewalk is required along the frontage of any property abutting a public or private street
2041 in which a City of Stonecrest land disturbance permit is required pursuant to the
2042 requirements of Chapter 27.
2043 (b) Where a property or development abuts both sides of an existing or future street,
2044 sidewalk will be required on both sides of the street.
2045

2046 **Sec. 14-191. - Improvements, right-of-way dedication.**

- 2047 (a) All proposed new streets shall be designed and built according to one of the standards listed
2048 in section 14-190 and as shown in the Standards for Construction and Design adopted by the
2049 Director.
- 2050 (b) Where a proposed subdivision or project requiring a land development permit has frontage
2051 on an existing public street, right-of-way shall be dedicated along that frontage so as to meet
2052 the standards of that street's classification in the city thoroughfare plan. The right-of-way
2053 shall be improved wherever required as further provided in this section. For existing streets
2054 on which a proposed subdivision or project requiring a land development permit has
2055 frontage, the applicant shall:
- 2056 (1) Dedicate a minimum of fifty (50) percent of the required right-of-way width as
2057 measured from the centerline of the existing street right-of-way;
- 2058 (2) Install all required sidewalks, street trees, streetlights, and place utilities according to
2059 the standards in section 14-190; and
- 2060 (3) Provide a minimum of fifty (50) percent of the roadway pavement required in section
2061 14-190 and install it to the right-of-way centerline.
- 2062 (c) Land reserved for any road purposes may not be counted in satisfying yard or area
2063 requirements on the City of Stonecrest Zoning Ordinance where the land is to be dedicated
2064 to the public in fee simple or an easement associated with the road is granted to City of
2065 Stonecrest.
- 2066 (d) Right-of-way dedication and road widening shall extend for the full length of road frontage
2067 of the property under development and shall conform the standards in these regulations.
2068 Flares at pavement ends may be required to extend beyond property under development.
- 2069 (e) The Director of Community Development, or his/her designee, after considering all related
2070 factors, may authorize deviations from this section as follows:
- 2071 (1) Right-of-way dedication may be waived or modified if:
- 2072 a. Existing use of property is not to be substantially changed as a result of proposed
2073 development or construction;
- 2074 b. Existing government construction plans for the roadway indicate lesser right-of-
2075 way would be required for dedication; or
- 2076 c. The adjoining frontage is developed and the predominate existing right-of-way
2077 meets city standards.

2114 (b) The minimum outside radius of a cul-de-sac on a public street shall be forty (40) feet,
 2115 measured to the inside face of the outside curb. Each cul-de-sac shall provide a landscaped
 2116 island at the center, and the clear width of the paved roadway measured from the outside of
 2117 the landscaped island to the inside face of the outside curb shall not be less than twenty-four
 2118 (24) feet. The radius of the right of way for the cul-de-sac shall not be less than fifty (50)
 2119 feet.

2120 **Sec. 14-195. - Alleys.**

2121 (a) Alleys shall be required wherever topography or the presence of arterial roads or other
 2122 features makes vehicular access from the front of the lot impractical or unsafe. Where the
 2123 alley serves as the primary means of vehicular access to the lot, it shall be dedicated as a
 2124 public right-of-way and built to the standards required in these regulations/this chapter.

2125 (b) Alleys may be permitted as private streets providing secondary or service access and where
 2126 the principal buildings have adequate access for emergency vehicles from a public street on
 2127 their frontage. Private alleys may end in a turn-around. All alleys dedicated to the public
 2128 shall provide a continuous connection between one (1) or more public streets. Alleys shall
 2129 be paved and constructed to the same standards as the connecting public streets except that:

- 2130 (1) The paved width of an alley shall be not less than twelve (12) feet;
- 2131 (2) Alleys shall be constructed with flush curbs;
- 2132 (3) Buildings shall be set back at least ten (10) feet from the back of curb of an alley.

2133 **Sec. 14-196. - Street grades.**

2134 (a) Subdivision street grades shall not exceed the following, with due allowance for reasonable
 2135 vertical curves:

Type	Percent Grade
Major arterial	8
Minor arterial	10
Residential arterial and alley	12
Collector street	12
Local residential	12
Alleys	12

2157 If, due to other restrictions, this minimum sight distance cannot be maintained, the applicant
2158 shall, at the applicant's expense, provide adequate traffic-control devices or other physical
2159 improvements subject to the approval and installation by the city.

2160

2161 **Sec. 14-200. - Access management.**

2162 The following standards shall apply to all subdivisions and all projects requiring a land
2163 development permit where the primary access is from a state or federal highway or an arterial
2164 classified as a major, minor or residential arterial or collector street in thoroughfare plan. These
2165 standards shall apply unless a more restrictive standard is required by the Georgia Department of
2166 Transportation:

2167 (1) Commercial or office properties may be required, based on site conditions as
2168 determined by the development director, to provide a cross access drive and pedestrian
2169 access to allow circulation between sites. Cross access is not required between non-
2170 residential uses and single-family uses.

2171 (2) Joint driveways, cross access easements and pedestrian access shall be established
2172 wherever feasible along a major or minor arterial or collector street. The building site
2173 shall incorporate the following:

2174 a. Continuous service drive or cross access corridor extending the entire length of
2175 each block served to provide for driveway separation of at least 1,000 feet of linear
2176 frontage along the thoroughfare.

2177 b. A design speed of ten (10) mph and a two-way travel aisle width of twenty-four
2178 (24) feet to accommodate automobiles, service vehicles, and loading vehicles.

2179 c. Stub-outs and other design features to indicate that abutting properties may be
2180 connected to provide cross access via a service drive.

2181 (3) *Reserved.*

2182 (4) The Director of Community Development may reduce the required separation distance
2183 of access points where they prove impractical, provided all of the following
2184 requirements are met:

2185 a. Joint access driveways and cross access easements are provided in accordance with
2186 this section.

2187 b. The site plan incorporates a unified vehicular and pedestrian access and circulation
2188 system in accordance with this section.

2189 c. The property owner shall enter a written agreement with City of Stonecrest,
2190 recorded with the deed, that pre-existing connections on the site that do not meet
2191 the requirements of section 14-200 will be closed and eliminated after construction
2192 of each side of the joint use driveway.

2193 (5) All developments shall have access to a public right-of-way. The number of access
2194 points shall be as follows:

- 2200
- 2201 a. The distance between access points shall be measured from the centerline of the
 2202 proposed driveway or public street to the centerline of the nearest existing adjacent
 2203 driveway or public street.
- 2204 b. Driveway spacing at intersections and corners shall provide adequate sight
 2205 distance, response time, and permit adequate queuing space.
- 2206 c. No driveway, except residential access, shall be allowed within one hundred (100)
 2207 feet of the centerline of an intersecting arterial or collector street.
- 2208 d. No non-residential access except right in/right out channelized access shall be
 2209 allowed within one hundred (100) feet of the centerline of any other major or minor
 2210 arterial.
- 2211 e. The requirements of this section are not intended to eliminate all access to a parcel
 2212 of land that was legally subdivided prior to the enactment of this section.
- 2213 (7) Where major or minor arterials or collector streets include medians, directional median
 2214 openings shall be separated by a minimum of three hundred thirty (330) feet and full
 2215 median openings shall be separated by a minimum of six hundred sixty (660) feet.
- 2216 (8) All street design and other development activities, including landscaping, shall be
 2217 arranged on site so as to provide safe and convenient access for emergency vehicles.
- 2218 (9) Along major or minor arterials, residential arterials, or collector streets, a deceleration
 2219 lane, a turn lane, larger or reduced turning radius, traffic islands or other devices or
 2220 designs, including traffic calming devices and designs, may be required to avoid
 2221 specific traffic hazards which would otherwise be created by the proposed driveway
 2222 location.
- 2223 .a. Deceleration lane. A deceleration lane shall be required at each project driveway or
 2224 subdivision street entrance, as applicable, that meets either the average daily traffic
 2225 (ADT) or right turning volumes shown in the following table.
- 2226

	2 Lanes on Main Road		>2 Lanes on Main Road	
	35-40 MPH	>40 MPH	35-40 MPH	>40 MPH
Main roadway ADT	8,000	4,000	12,000	10,000
Daily right turning volume	150	75	150	75
Peak hour right turning volume	15	7	15	7

turning volume				
Peak hour left turning volume	30	20	30	20

2241

2242 **Sec. 14-201. - Planting strips.**

2243 The Director of Community Development shall maintain a list of trees that are appropriate
 2244 for the planting strips, and no trees other than those on the list shall be placed in the planting
 2245 strips. The Director of Community Development shall also maintain specifications regarding
 2246 spacing trees, and the appropriate time for planting. The trees may not count toward the
 2247 fulfillment of the requirement to plant front yard trees but may fulfill any remaining density tree
 2248 requirements under the tree protection ordinance, provided the requirements for tree type for
 2249 planting strips are met.

2250 **Sec. 14-202. - Access management areas; purpose and intent.**

2251 The purpose and intent in enacting these regulations is as follows:

- 2252 (a) To promote policies for the uniform improvement of safe and efficient movement of
 2253 traffic, both vehicular and pedestrian, throughout City of Stonecrest;
- 2254 (b) To maximize the benefit of transportation investments by maintaining a high level of
 2255 functionality along major roadways;
- 2256 (c) To encourage efficient development plans that enable individuals to fulfill their daily
 2257 activities through minimal use of single-occupancy vehicles, and through increased use
 2258 of alternative transportation modes such as public transit, walking, and bicycling;
- 2259 (d) To provide for uniform control of the location, spacing, design, and operation of
 2260 driveways, median openings, interchanges, and street connections to a roadway
 2261 throughout City of Stonecrest;
- 2262 (e) To support the goals stated in the transportation plan, including improved multimodal
 2263 transportation, increased accessibility, and improved travel safety and efficiency; and
- 2264 (f) To provide a transportation system that results in less congestion and increased use of
 2265 alternative modes of travel.

2266 **Sec. 14-202.1. - Scope and applicability of regulations.**

2267 These regulations apply to each application for the development, use, alteration, parking,
 2268 open space, building or modification of any structure where the subject property is, in whole or
 2269 in part, contained within the boundaries of an access management area. The procedures,
 2270 standards, and criteria herein apply only to that portion of the subject property within the
 2271 boundaries of the access management area. Access management area regulations are
 2272 supplemental to the underlying zoning district regulations. No development or building permit
 2273 shall be issued to any applicant for permits for property or portions of property within an access
 2274 management area until such time as the application complies with all applicable access

2313 (3) For parcels which have frontage along an adjacent public roadway with a lower
 2314 functional classification, the maximum number of driveways will be unchanged,
 2315 but the first driveway shall be located on the adjacent public roadway.

2316 (e) All driveways serving a single parcel must be at least one hundred (100) feet (measured
 2317 from the centerline) from the property line that is perpendicular to the property frontage,
 2318 and all deceleration lanes must be contained entirely within the property frontage. For
 2319 parcels with insufficient frontage to accommodate these requirements, exceptions will
 2320 be allowed, but driveway locations must be approved by the mayor or his or her
 2321 designee. Access to a public right-of-way may be obtained through a shared driveway,
 2322 which provides access to more than one (1) parcel. Shared driveways are exempt from
 2323 the requirement regarding distance of the driveway from the property line.

2324 (f) There shall be a minimum driveway throat length of fifty (50) feet. Throat length is the
 2325 distance needed into a site to transition vehicles to the internal circulation system of the
 2326 site.

2327 (g) Driveway Width Dimensions

2328 Nonresidential Driveway Width

Entrance Configuration	Minimum Width (Ft)	Maximum Width (Ft)
One way	15 ⁽¹⁾	18 ⁽¹⁾
Two way	24	36 ⁽²⁾

2329

2330 Notes:

2331 (1) Where no other access is provided a minimum width of 20 feet shall be required.

2332 (2) Additional width may be approved by the Director of Community Development based on
 2333 an approved engineering design.

2334

2335 (h) Driveway Radii

2336 The minimum driveway radii for the intersection of local and non-residential driveways and
 2337 local streets is 25 feet. For all other roadway classifications the minimum driveway radii is 50
 2338 feet.

2339

2340 **Sec. 14-202.4. - Interparcel access.**

2341 To the maximum extent possible, sidewalks and parking lots serving adjacent lots shall be
 2342 interconnected to provide continuous driveway connections and pedestrian connections between

2375 The lengths, widths and shapes of blocks in subdivisions shall be determined with due
2376 regard to:

- 2377 (1) Provision of building sites suitable to the special needs of the type of use contemplated
2378 or for the conservation of open space or existing historic features;
- 2379 (2) Zoning requirements as to lot sizes and dimensions;
- 2380 (3) Needs for convenient access by pedestrians and bicyclists to public transit, nearby
2381 schools, or commercial districts, vehicular circulation at safe speeds and adequate
2382 access for emergency vehicles; and
- 2383 (4) Limitations and opportunities of topography to minimize land disturbance and erosion.

2384 **Sec. 14-237. - Desirable maximum and minimum lengths.**

2385 The dimensions of blocks shall be designed to accommodate and promote vehicular
2386 circulation at safe speeds. The desirable maximum block length in a subdivision is one thousand
2387 two hundred (1,200) feet and the desirable minimum length is three hundred (300) feet.

2388 **Sec. 14-238. - Mid-block easements and pedestrian paths.**

2389 In blocks of eight hundred (800) feet or more, the Director of Community Development may
2390 require the reservation of a ten-foot (10') easement and the paving of a five-foot (5') wide path
2391 through the block to accommodate utilities, drainage-facilities, or pedestrian traffic. Such paths
2392 shall be constructed according to the specifications set forth in the Standards of Construction and
2393 Design Drawings.

2394 **Secs. 14-239—14-255. - Reserved.**

2395 **Part E. - Lots**

2396 **Sec. 14-256. - Generally.**

2397 The lot size, width, depth, shape and orientation and the minimum building, setback, side
2398 yard, and rear yard lines in subdivisions shall be in accordance with requirements of the city
2399 zoning ordinance.

2400 **Sec. 14-257. - Corner lots.**

2401 Corner lots for residential use in a subdivision shall have an extra width of not less than
2402 fifteen (15) feet more than required for interior lots by the zoning ordinance for the zoning
2403 district within which they are located in order to provide appropriate front building setback from
2404 and orientation to both streets.

2405 **Sec. 14-258. - Frontage.**

2406 Each subdivision lot shall front upon a publicly maintained street, unless otherwise approved
2407 under this Chapter.

2408 **Sec. 14-259. - Through lots and reverse frontage lots prohibited.**

2445 **Sec. 14-277. - Dedication of parks, open space, recreation areas and conservation**
2446 **easements.**

2447 Parks, open space, multi-use trails, recreation areas and conservation easements may be
2448 offered for dedication to the city by the property owner.

2449 **Secs. 14-278—14-285. - Reserved.**

2450 **Part G. - Sites for Civic Uses**

2451 **Sec. 14-286. - Reservation of sites for civic uses.**

2452 A developer may reserve and offer property within a subdivision as a site for a civic use,
2453 including but not limited to public schools, fire stations, police stations, or recreation centers.
2454 The developer shall allow a minimum period of one (1) year from the date of submittal of
2455 submittal of the preliminary plat during which time the proper authorities may authorize
2456 acquisition of the property for its intended civic purposes. If the reserved site has not been
2457 authorized for acquisition by the proper authorities within one (1) year, the reservation shall
2458 terminate unless extended by the developer. If not extended, development of the formerly
2459 reserved site must follow the standard plat approval process. An amended final plat for the entire
2460 subdivision shall then be processed in the required manner when submitted by the developer.

2461 **Secs. 14-287—14-295. - Reserved.**

2462 **DIVISION 4. - REQUIRED IMPROVEMENTS**

2463 **Part A. - General Provisions**

2464 **Sec. 14-296. - Scope.**

2465 This division applies to required improvements for or in subdivisions.

2466 **Sec. 14-297. - Location of required utilities in public rights of way.**

2467 All required utilities within county or city rights of way shall be located as shown in the
2468 Standards of Drawings and Specifications maintained by the development department and as
2469 otherwise provided herein.

2470 **Secs. 14-298—14-311. - Reserved.**

2471 **Part B. - Water**

2472 **Sec. 14-312. -Reserved.**

2473 **Sec. 14-313. - Design, Construction and Acceptance.**

2474 The design and construction of all water main and appurtenances shall conform to the
2475 specifications and requirements of the DeKalb County Department of Watershed Management
2476 prior to the approval of a development permit by the community development department.

2511 determined by AASHO, section T-99. Where unsatisfactory material is encountered (namely
 2512 any material that will not compact properly, including solid rock) an additional twelve (12)
 2513 inches shall be excavated below the subgrade elevation and backfilled with a select material.
 2514 Where unstable material is used in fills, the fill shall be left twelve (12) inches below the
 2515 subgrade elevation. This twelve-inch fill section shall be filled with select material. Streets
 2516 shall be graded to width of not less than forty-two (42) feet in the center of the right-of-way
 2517 to provide eight-foot shoulders in accordance with city's standard plan.

2518 (c) *Curbing*. Header curbing shall be required on all streets and shall be furnished and installed
 2519 by the applicant unless grassed swales are used for water quality control and approved by
 2520 the development director. The minimum classes and types of curbing permitted will be as
 2521 follows:

- 2522 (1) Granite curbing, class D or better.
- 2523 (2) Other than approved by the Director of Community Development, all curbing shall be
 2524 placed in firm well-compacted subgrade, and curbing displaced prior to acceptance for
 2525 maintenance by the city shall be reset or replaced. Specifications for the granite curbing
 2526 are available from the City of Stonecrest Community Development Department.
- 2527 (3) The use of rollback curb as approved by the Director of Community Development.

2528 (d) *Base and paving*. All roadways shall be paved according to the table below.

2529 **Minimum Construction Standards**

Street Classification	Base	Binder	Topping 9.5 mm-Type II or 12.5 mm
Principal and minor arterials	12" GAB	6" (2)	1½"
Collectors	12" GAB	6" (2)	1½"
Nonresidential local	8" GAB	3" 19mm	1½"
Residential local and alleys	8" GAB	2" 19 mm	1"

2530 Notes:

- 2531 1. Unless otherwise specified by the community development department or GDOT.
- 2532 2. Binder course shall consist of four inches 25 mm Superpave base and two inches of 19 mm
 2533 Superpave binder.

2534 (e) As-built drawings for all new streets shall be submitted to the community development
 2535 department depicting a street profile based on the centerline and fifty (50) foot stations.

2536 **Sec. 14-377. - Street signs.**

2574 (b) Installation, backfilling and compaction shall be in accordance with state transportation
2575 department specifications, sections 106 and 520. All pipes shall have a minimum cover of
2576 one (1) foot and headwalls or inlet basins constructed at the end of each pipe.

2577 (c) The design of drainage structures shall be based on recognized hydrological formulas as
2578 outlined in the Georgia Stormwater Management Manual.

2579 (d) A contour map with an interval of two (2) feet shall be submitted as part of preliminary
2580 plats; where available, the city two-foot topographic map shall be used. As determined by
2581 the Director of Community Development, any lots within the subdivision which are
2582 undesirable for building due to bad drainage conditions shall be excluded, and no building
2583 shall be permitted thereon until these conditions have been corrected as specified by the
2584 department.

2585 **Sec. 14-380. - Reserved.**

2586 **Sec. 14-381. - Bonds or escrow required.**

2587 (a) If, at the time the final plat is submitted for approval, the construction of the street
2588 improvements has not been accomplished, then the final plat shall be disapproved. No
2589 performance bonds shall be allowed or authorized except the mayor shall require a
2590 performance bond to be filed with the city to ensure that all final road improvements
2591 required by this Code are made by the owner or applicant. The city shall accept no road until
2592 such time as all road improvements required by the city are made. Any acceptance of a road
2593 or approval of a final plat where the road improvements were not made prior to acceptance
2594 or approval shall be considered ultra vires and void.

2595 (b) After the work has been completed according to the city specifications and duly inspected
2596 by the city, then a maintenance bond shall be required equal to ten (10) percent of the
2597 estimated construction cost. The proposed maintenance bond shall be reviewed and
2598 approved as to form by the city attorney prior to acceptance by the city. The maintenance
2599 bond shall cover the street improvements, drainage system, water system and sewer system.
2600 Funds may be placed in escrow with the city in lieu of maintenance bonds.

2601 (c) The applicant shall be required to sign a maintenance agreement with the city, by which the
2602 applicant shall agree to maintain the streets, drainage, water quality BMPs, water and sewer
2603 systems, and rights-of-way.

2604 (d) In case of emergency repairs, which must be made immediately, or required corrections,
2605 which are not made within thirty (30) days of notice, the city shall have the authority to
2606 make these corrections and recover costs from the applicant. In cases where funds are being
2607 held in escrow by the city, the cost of making these corrections shall be deducted from these
2608 funds, and the applicant charged with any costs above the amount of escrow funds.

2609

2610 **Sec. 14-382. - Standard plans and specifications available.**

2611 Standard city plans and specifications referred to in this part are on file and may be obtained
2612 from the development department. The plans are cross sections and construction drawings for a

- 2652 (h) All sidewalk construction and repairs shall provide for wheelchair ramps to and from
2653 sidewalks at the intersection of each street corner and crosswalk. Access ramps shall be
2654 constructed pursuant to standards approved by the department.
- 2655 (i) No person shall construct a sidewalk on any street in the city without first having obtained a
2656 permit to do so from the department. Any person constructing a sidewalk on a street, without
2657 first obtaining a permit, shall be in violation of this Code, and the department shall be
2658 authorized to condemn the sidewalk and have it removed and replaced at no cost to the city.
- 2659 (j) Bicycle lanes shall be required on new or substantially improved major or minor arterials,
2660 parkways, or collector streets where the posted speed limit is thirty-five (35) miles per hour
2661 or greater. Bicycle lanes may also be required by the Director of Community Development
2662 where necessary to provide connections to bikeways in concert with the city bikeway master
2663 plan. Bicycle lanes shall be constructed as follows:
- 2664 (1) Bicycle lanes, where required, shall be at least four (4) feet wide and placed in the
2665 outside lane of a roadway, adjacent to the curb or shoulder. When on-street parking is
2666 permitted, the bicycle lane shall be at least five (5) feet wide and located between the
2667 parking lane and the outer lane of moving vehicles. Bicycle pavement widths shall be in
2668 addition to the minimum pavement width required for the road. See also section 14-190.
- 2669 (2) Bicycle lanes shall be delineated with signs and striping consistent with the latest
2670 edition of the manual for uniform traffic control devices, and approved by the
2671 development director.
- 2672 (3) Bikeways and bicycle lanes shall be constructed according to the most recent
2673 specifications set forth in American Association of State Highway and Transportation
2674 Officials (AASHTO) guidelines.
- 2675 (4) The design, striping and sign system for bicycle lanes shall be coordinated with that of
2676 the vehicular road system to provide a safe and continuous route for bicycles.
2677 Deceleration lanes shall be striped so that bicycles can safely remain in a lane marked
2678 between the deceleration lane and the through traffic lane.
- 2679 (k) No wall, fence, sign or other structure shall obstruct passage along a sidewalk or bicycle
2680 lane.

2681 **Sec. 14-384. - Reserved.**

2682

2683 **Sec. 14-385. - Underground utilities.**

2684 All utilities are required to be placed underground in all new subdivisions of two (2) or more
2685 lots except where no utility improvements are required by this chapter, or where the development
2686 director determines underground utilities are infeasible due to shallow rock, high water table, or
2687 other similar geologic or hydrologic conditions.

2688 **Sec. 14-386. - Streetlights.**

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

- 2721 (f) Help maintain a stable tax base by providing for the sound use and development of
2722 areas of special flood hazard so as to minimize future blighted areas caused by flood
2723 damage;
- 2724 (g) Ensure that potential buyers are notified that property is in an area of special flood
2725 hazard;
- 2726 (h) Ensure that those who occupy the areas of special flood hazard assume responsibility
2727 for their actions; and
- 2728 (i) Improve the stormwater management, water quality, stream bank protection, stream
2729 corridor protection, wetland preservation and ecological functions of natural floodplain
2730 areas.

2731 **Sec. 14-409. - Methods of reducing flood losses.**

2732 In order to accomplish its purposes, this Article includes methods and provisions that:

- 2733 (a) Restrict or prohibit uses which are dangerous to health, safety, and property due to
2734 water or erosion hazards, or result in damaging increases in erosion or flood heights or
2735 velocities;
- 2736 (b) Require that uses vulnerable to floods, including facilities which serve such uses, be
2737 protected against flood damage at the time of initial construction;
- 2738 (c) Control the alteration of natural floodplains, stream channels, and natural protective
2739 barriers, which help accommodate or channel flood waters;
- 2740 (d) Control filling, grading, dredging, and other development which may increase flood
2741 damage;
- 2742 (e) Prevent or regulate the construction of flood barriers, which will unnaturally divert
2743 flood waters or which may increase flood hazards in other areas; and
- 2744 (f) Limit the alteration of natural floodplains, stream channels and natural protective
2745 barriers which are involved in the accommodation of flood waters.

2746

2747 **DIVISION 2. - DEFINITIONS**

2748 **Sec. 14-410. - Specific definitions.**

2749 Unless specifically defined below, words or phrases used in this Article shall be interpreted
2750 so as to give them the meaning they have in common usage and to give this Article its most
2751 reasonable application.

2752 *Accessory use* means a use which is incidental and subordinate to the principal use of the
2753 parcel of land on which it is located.

2754 *Addition (to an existing building)* means any walled and roofed expansion to the perimeter
2755 of a building in which the addition is connected by a common load-bearing wall other than a

2793 *Existing manufactured home park or subdivision* means a manufactured home park or
2794 subdivision for which the construction of facilities for servicing the lots on which the
2795 manufactured homes are to be affixed (including, at a minimum, the instillation of utilities, the
2796 construction of streets, and either final site grading or the pouring of concrete pads) is completed
2797 before June 6, 1974.

2798 *Expansion to an existing manufactured home park or subdivision* means the preparation of
2799 additional sites by the construction of facilities for servicing the lots on which the manufactured
2800 homes are to be affixed (including the installation of utilities, the construction of streets, and
2801 either final site grading or the pouring of concrete pads).

2802 *FEMA* means the Federal Emergency Management Agency.

2803 *Flood, flooding, or flood water* means:

2804 (1) A general and temporary condition of partial or complete inundation of normally dry
2805 land areas from the overflow of inland waters; the unusual and rapid accumulation or
2806 runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

2807 (2) The condition resulting from flood-related erosion.

2808 *Flood hazard boundary map (FHBM)* means the official map on which the Federal
2809 Emergency Management Agency or the Federal Insurance Administration has delineated the
2810 special flood hazard areas as Zone A.

2811 *Flood insurance rate map (FIRM)* means the official map on which the Federal Emergency
2812 Management Agency or Federal Insurance Administration has delineated both the areas of
2813 special flood hazards and the risk premium zones applicable to the community.

2814 *Flood insurance study (FIS)* means the official report provided by the Federal Emergency
2815 Management Agency that includes flood profiles, the flood insurance rate map, the flood
2816 boundary and floodway map and the water surface elevation of the base flood.

2817 *Floodplain or flood-prone area* means any land area susceptible to being inundated by water
2818 from any source. See "Flooding."

2819 *Floodplain coordinator* is the individual appointed to administer and enforce the floodplain
2820 management regulations, and shall mean the Director of Community Development or his or her
2821 designee.

2822 *Floodplain management* means the operation of an overall program of corrective and
2823 preventive measures for reducing flood damage and preserving and enhancing, where possible,
2824 natural resources in the floodplain, including but not limited to emergency preparedness plans,
2825 flood control works, floodplain management regulations, and open space plans.

2826 *Floodproofing* means any combination of structural and nonstructural additions, changes, or
2827 adjustments to structures which reduce or eliminate flood damage to real estate or improved real
2828 property, water and sanitary facilities, structures, and their contents.

2829 *Floodway* means the channel of river or other watercourse and the adjacent land areas of the
2830 floodplain that is necessary to contain and discharge the based flood flow without cumulatively

2872 *Highest adjacent grade* means the highest natural elevation of the ground surface prior to
2873 construction next to the proposed foundation of a building.

2874 *Historic structure* means any structure that is:

- 2875 (1) Listed individually in the National Register of Historic Places (a listing maintained by
2876 the Department of Interior) or preliminarily determined by the Secretary of the Interior
2877 as meeting the requirements for individual listing on the National Register;
- 2878 (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to
2879 the historical significance of a registered historic district or a district preliminarily
2880 determined by the Secretary to qualify as a registered historic district;
- 2881 (3) Individually listed on a state inventory of historic places in states with historic
2882 preservation programs which have been approved by the Secretary of Interior; or
- 2883 (4) Individually listed on a local inventory of historic places in communities with historic
2884 preservation programs that have been certified either by an approved state program as
2885 determined by the Secretary of the Interior or directly by the Secretary of the Interior in
2886 states without approved programs.

2887 *Increased costs of compliance coverage* means the National Flood Insurance Program
2888 coverage used to mitigate repetitive flood loss properties, where the cumulative flood damage
2889 over a ten-year period is such that the cost of repairing the damage is more than half of the
2890 building's fair market value.

2891 *Land development* means any land change, including but not limited to, clearing, digging,
2892 grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and
2893 filling of land, construction, paving, and any other installation of impervious cover.

2894 *Land Development Activities* means those actions or activities that comprise or facilitate a
2895 result in land development.

2896 *Land development project* means a specific land development undertaking.

2897 *Levee* means a man-made structure, usually an earthen embankment, designed and
2898 constructed in accordance with sound engineering practices to contain, control or divert the flow
2899 of water so as to provide protection from temporary flooding.

2900 *Levee system* means a flood protection system which consists of a levee, or levees, and
2901 associated structures, such a closure and drainage devices, which are constructed and operated in
2902 accord with sound engineering practices.

2903 *Lowest floor* means the lowest floor of the lowest enclosed area, including basement (see
2904 "Basement"), which includes the following:

- 2905 (a) An unfinished or flood-resistant enclosure below the lowest floor that is usable solely
2906 for parking or vehicles, building access or storage in an area other than a basement area,
2907 is not considered a building's lowest floor provided that such enclosure is not built so as
2908 to render the structure in violation of other provisions of this Chapter.
- 2909 (b) For residential structures, all subgrade-enclosed areas are considered to be basements,
2910 including below-grade garages and storage areas.

- 2949 (2) Four hundred (400) square feet or less when measured at the largest horizontal
2950 projection;
- 2951 (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- 2952 (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters
2953 for recreational, camping, travel, or seasonal use.

2954 *Remedy a violation* means to bring the structure or other development into compliance with
2955 state or local floodplain management regulations, or, if this is not possible, to reduce the impacts
2956 of its noncompliance. Ways that impacts may be reduced include protecting the structure or other
2957 affected development from flood damages, implementing the enforcement provisions of the
2958 ordinance or otherwise deterring future similar violations, or reducing state or federal financial
2959 exposure with regard to the structure or other development.

2960 *Repetitive loss structure* means a building covered by a contract for flood insurance that has
2961 incurred flood-related damages on two (2) occasions during a ten-year period ending on the date
2962 of the event for which a second claim is made, in which the cost of repairing the flood damage,
2963 on the average, equaled or exceeded twenty-five (25) percent of the market value of the building
2964 at the time of each such flood event.

2965 *Riverine* means relating to, formed by, or resembling a river (including tributaries), streams,
2966 brooks, etc.

2967 *Sheet flow area*. See "Area of shallow flooding."

2968 *Site* means the parcel of land being developed, or the portion thereof on which the land
2969 development project is located.

2970 *Special flood hazard area (SFHA)* means an area in the floodplain subject to a 1 percent or
2971 greater chance of flooding in any given year. It is shown on an FHBM or FIRM as zone A, AO,
2972 A1-A30, AE, A99, AR or AH; all floodplain and floodprone areas at or below the future-
2973 conditions flood elevation; and all other floodprone areas. All streams with a drainage area of
2974 100 acres or greater must have the special flood hazard area delineated.

2975 *Start of construction* includes substantial improvement and other proposed new development
2976 and means the date the building permit was issued, provided the actual start of construction,
2977 repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one
2978 hundred eighty (180) days from the date of the permit. The actual start means either the first
2979 placement of permanent construction of a structure on a site, such as the pouring of slab for
2980 footings, the installation of piles, the construction of columns, or any work beyond the stage of
2981 excavation; or the placement of a manufacture home on a foundation. Permanent construction
2982 does not include land preparation, such as clearing, grading, and filling; nor does it include the
2983 installation of streets and/or walkways; nor does it include excavation for a basement, footings,
2984 piers, or foundations or the erection of temporary forms; nor does it include the installation on
2985 the property of accessory buildings or structures appurtenant to the principal structure, such as
2986 garages or sheds not occupied as dwelling units or not part of the main structure. For a
2987 substantial improvement, the actual start of construction means the first alteration of any wall,
2988 ceiling, floor, or other structural part of a building, whether or not that alteration affects the
2989 external dimensions of the building.

3028 in areas outside the floodplain where runoff poses a risk similar to the special flood hazard areas.
3029 In addition, all streams with a drainage area of one hundred (100) acres or more are assumed to
3030 have an area of special flood hazard.

3031

3032 **Sec. 14-412. - Basis for establishing the areas of special flood hazard.**

3033 (a) The areas of special flood hazard currently identified by the Federal Insurance
3034 Administration of FEMA in the flood insurance study and accompanying flood insurance
3035 rate maps and flood boundary and floodway maps, currently dated May 7, 2001, and all
3036 subsequent amendments and/or revisions, are hereby adopted by reference and declared to
3037 be a part of this Article.

3038 (b) The flood insurance study and attendant mapping is the minimum area of applicability of
3039 this Article and may be supplemented by studies for other areas which allow implementation
3040 of this Article and which are recommended to the governing authority by the floodplain
3041 coordinator. The Flood Insurance Study, Federal Insurance Rate Maps and Flood Boundary
3042 and Floodway Maps are on file with the City of Stonecrest.

3043 (c) For those land areas acquired by city annexation, the flood insurance study and data in effect
3044 at the time of approval of this are hereby adopted by reference.

3045 (d) The areas of special flood hazard may also include those areas known to have flooded
3046 historically or defined through standard engineering analysis by governmental agencies or
3047 private parties but not yet incorporated in a flood insurance study.

3048 (e) Studies which may be relied upon for the establishment of the base flood elevation or
3049 delineation of the one-hundred-year floodplain include, but are not limited to, the following:

3050 (1) Any flood or flood-related study conducted by the United States [Army] Corps of
3051 Engineers or the United States Geological Survey or any other local, state or federal
3052 agency applicable to the City of Stonecrest; or

3053 (2) Any flood study authored by a registered professional engineer in the state which has
3054 been approved by the City of Stonecrest.

3055 (f) Other studies, which may be relied upon for the establishment of the future-conditions flood
3056 elevation or delineation of the future-conditions floodplain, include, but are not limited to,
3057 the following:

3058 (1) Any flood or flood-related study conducted by the United States [Army] Corps of
3059 Engineers or the United States Geological Survey or any other local state or federal
3060 agency applicable to the City of Stonecrest; or

3061 (2) Any regulatory flood study authored by a registered professional engineer in the state
3062 which has been approved by the City of Stonecrest.

3063 **Sec. 14-413. - Compliance.**

3064 No structure or land shall hereafter be constructed, located, extended, converted, or altered
3065 without full compliance with the term of this Article and other applicable regulations. Violation

3102 damages that result from reliance on this Article or any administrative decision lawfully made
3103 hereunder.

3104 **Sec. 14-419. - Severability.**

3105 This Article and the various parts thereof are hereby declared to be severable. Should any
3106 section of this Article be declared by the courts to be unconstitutional or invalid, such decision
3107 shall not affect the validity of the Article as a whole, or any portion thereof other than the section
3108 so declared to be unconstitutional or invalid.

3109 **DIVISION 4. - ADMINISTRATION**

3110 **Sec. 14-420. - Establishment of development permit.**

3111 A development permit shall be obtained before any construction of other development
3112 begins within any area of special flood hazard. Application for a development permit shall be
3113 made on forms promulgated by the Director and may include, but not be limited to, floodplain
3114 management/flood damage prevention plan; plans in duplicate drawn to scale showing the
3115 nature, location, dimensions, and elevation of the area in question; existing or proposed
3116 structures, fill, storage of materials drainage facilities; and location of the foregoing. Specifically,
3117 all of the following information is required before the Director will consider the application for a
3118 development permit:

3119 (a) *Application stage:*

3120 (1) Site plan, including but not limited to:

- 3121 a. For all proposed structures, spot ground elevations at building corners and
3122 twenty-foot or smaller intervals along the foundation footprints, or one-
3123 foot contour elevations throughout the building site; and
- 3124 b. Proposed locations of water supply, sanitary sewer, and utilities; and
- 3125 c. If available, the base flood elevation from the flood insurance study and/or
3126 flood insurance rate map; and
- 3127 d. If applicable, the location of the regulatory floodway; and
- 3128 e. Existing and proposed elevation of the area in question and the nature,
3129 location and dimensions of existing and/or proposed structures, earthen fill
3130 placement, amount and location of excavation material and storage of
3131 materials or equipment; and
- 3132 f. Proposed locations of drainage and stormwater management facilities; and
- 3133 g. Proposed grading plan; and
- 3134 h. Base flood elevations and future-conditions flood elevations; and
- 3135 i. Boundaries of the base flood floodplain and future-conditions floodplain;
3136 and

3176 nonresidential structures, said certification shall be prepared by or under the direct
3177 supervision of a currently state-registered professional engineer or architect and
3178 certified by the same.

3179 (2) Any work undertaken prior to submission of the certifications identified in subsection
3180 14-420(b)(1) shall be at the permit holder's risk. The floodplain coordinator shall review
3181 the above-referenced certification data submitted. Deficiencies detected by such review
3182 shall be corrected by the permit holder immediately and prior to further progressive
3183 work being allowed to proceed. Failure to submit certification or, failure to make said
3184 corrections required herein, shall be cause to issue a stop-work order for the project.

3185 (3) Copies of permits issued for construction in the floodplain shall be forwarded to the
3186 floodplain coordinator.

3187 (c) The approved floodplain management/flood damage prevention plan shall contain
3188 certification by the applicant that all development activities will be done according to the
3189 plan or previously approved regions. Any and all development permits and/or use and
3190 occupancy certificates or permits may be revoked at any time if the construction and
3191 development activities are not in strict accordance with approved plans.

3192 (d) A development permit will not be approved for any construction or other development
3193 activities that do not meet the requirements, restrictions and criteria of this Article.

3194 **Sec. 14-421. - Designation of the floodplain coordinator.**

3195 The Director is hereby appointed as the floodplain coordinator and is authorized to
3196 administer, implement, and enforce this Article by granting or denying permits in accord with its
3197 provisions.

3198 **Sec. 14-422. - Duties and responsibilities of the floodplain coordinator.**

3199 The duties and responsibilities of the floodplain coordinator shall include, but not be limited
3200 to, the following:

3201 (a) Review all development permits to determine that:

- 3202 (1) The permit requirements of this Article have been satisfied;
- 3203 (2) Copies for all necessary permits from any governmental agencies from which
3204 approval is required are on file;
- 3205 (3) All other required state and federal permits have been obtained;
- 3206 (4) The site is reasonably safe from flooding; and
- 3207 (5) The proposed development does not adversely affect the carrying capacity of areas
3208 where base flood elevations have been determined but a floodway has not been
3209 designated.

3210 (b) Review, use and develop base flood data:

- 3211 (1) When base flood elevation data has not been provided in accordance with section
3212 14-412, the floodplain coordinator shall obtain, review, and reasonably utilize any

3250 (1) Maintain a record of all variance actions, including justification for their issuance,
3251 and report such variances issued in its biennial report submitted to the Federal
3252 Insurance Administration and Federal Emergency Management Agency.

3253 (2) Maintain the records of all appeal actions and report any variances to FEMA upon
3254 request.

3255 **Sec. 14-423. - Appeals.**

3256 The Zoning Board of Appeals shall hear and decide appeals when an applicant alleges there
3257 is an error in any requirement, decision, or determination made by the floodplain coordinator
3258 within one thousand (1,000) feet of the property in the enforcement or administration of this
3259 Article.

3260

3261 **DIVISION 5. - PROVISIONS FOR FLOOD HAZARD REDUCTION**

3262 **Sec. 14-424. - Floodplain management planning and public information.**

3263 (a) To comply with requirements of the community rating system, the City adopts the
3264 following:

3265 (1) A floodplain management plan and progress that will be reported in the annual re-
3266 certification process. This plan will be updated for each subsequent two-year period.

3267 (2) Public information shall include, but it is not limited to elevation certificate repository,
3268 map information, outreach projects, hazard disclosure, flood protection, and flood
3269 protection assistance.

3270 **Sec. 14-425. - Stream dumping penalties.**

3271 Any natural growth or human-made debris that reduces the carrying and storage capacity of
3272 the City drainage system may be a violation of this Article. Any person who dumps log, trash,
3273 trees, and similar debris, shall, upon conviction, be subject to a fine and/or imprisonment
3274 according to Chapter 1 of the City of Stonecrest Code.

3275

3276 **Sec. 14-426. - Definitions of floodplain boundaries.**

3277 (a) Studied "A" zones, as identified in the flood insurance study, shall be used to establish base
3278 flood elevations whenever available.

3279 (b) For all streams with a drainage area of one hundred (100) acres or greater, the future-
3280 conditions flood elevations shall be provided by the floodplain coordinator. If future-
3281 conditions elevation data is not available from the floodplain coordinator, then it shall be
3282 determined by a registered professional engineer using a method approved by FEMA and
3283 the floodplain coordinator.

3284

3324 developed and shall be within the immediate vicinity of the location of the
3325 encroachment. Acceptable means of providing required compensation include lowering
3326 of natural ground elevations within the floodplain, or lowering of adjoining land areas
3327 to create additional floodplain storage. In no case shall any required compensation be
3328 provided via bottom storage or by excavating below the elevation of the top of the
3329 natural (predevelopment) stream channel unless such excavation results from the
3330 widening or relocation of the stream channel;

- 3331 (2) Cut areas shall be stabilized and graded to a slope of no less than 2.0 percent;
- 3332 (3) Effective transitions shall be provided such that flow velocities occurring on both
3333 upstream and downstream properties are not increased or decreased;
- 3334 (4) Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow
3335 characteristics shall be provided via a step-backwater analysis meeting the requirements
3336 of section 14-430;
- 3337 (5) Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems,
3338 shall be located and constructed to minimize or eliminate infiltration or contamination
3339 from flood waters; and
- 3340 (6) Any significant physical changes to the base flood floodplain shall be submitted as a
3341 conditional letter of map revision (CLOMR) or conditional letter of map amendment
3342 (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval
3343 by the Director using the community consent forms before forwarding the submittal
3344 package to FEMA for final approval. Forwarding the CLOMR to FEMA and for
3345 obtaining the CLOMR approval shall be the responsibility of the applicant. Within six
3346 months of the completion of construction, the applicant shall submit as-built surveys for
3347 a final letter of map revision (LOMR).

3348 **Sec. 14-429. - Standards of construction within a floodplain.**

- 3349 (a) New construction of principal buildings (residential or nonresidential), including
3350 manufactured homes, shall not be allowed within the limits of the future-conditions
3351 floodplain, unless all of the pertinent requirements of this Article have been met.
- 3352 (b) No structure or land shall hereafter be located, extended, converted or altered without full
3353 compliance with the terms of this Article and other applicable provisions of this Code, state
3354 or federal law. In all areas of flood hazards the following standards are required:
- 3355 (1) *Anchoring.* All new construction and substantial improvements shall be adequately
3356 anchored to prevent flotation, collapse or lateral movement of the structure resulting
3357 from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- 3358 (2) *Construction materials and methods.* All new construction and substantial
3359 improvements shall be constructed:
- 3360 (i) With flood resistant materials as specified in FEMA Technical Bulletin TB 2-93,
3361 and utility equipment resistant to flood damage;
- 3362 (ii) Using methods and practices that minimize flood damage;

3405 that the design and methods of construction are in accordance with accepted
3406 standards of practice for meeting the provisions above, and shall provide such
3407 certification to the floodplain coordinator.

3408 b. *Substantial improvements.* Substantial improvement of any principal non-
3409 residential structure located in A1-30, AE or AH zones, may be authorized by
3410 the floodplain coordinator to be flood-proofed in lieu of elevation. The
3411 structure, together with attendant utility and sanitary facilities, must be
3412 designed to be water tight to one (1) foot above the base flood elevation, or at
3413 least as high as the future-conditions flood elevation, whichever is higher, with
3414 walls substantially impermeable to the passage of water, and structural
3415 components having the capability of resisting hydrostatic and hydrodynamic
3416 loads and the effect of buoyancy. A registered professional engineer or
3417 architect shall certify that the design and methods of construction are in
3418 accordance with accepted standards of practice for meeting the provisions
3419 above, and shall provide such certification to the floodplain coordinator.

3420 (iii) *[Parking.]* All new construction and substantial improvements with fully enclosed
3421 areas below the lowest floor (excluding basements) that are usable solely for
3422 parking of vehicles, building access or storage, and which are subject to flooding,
3423 shall be designed to automatically equalize hydrostatic flood forces on exterior
3424 walls by allowing for the entry and exit of floodwater. Designs for meeting these
3425 requirements shall follow the guidelines in FEMA Technical Bulletins TB 1-93 and
3426 TB-7-93, and must exceed the following minimum criteria:

3427 a. Have a minimum of two (2) openings having a total net area of not less than
3428 one (1) square inch for every square foot of enclosed area subject to flooding.
3429 The bottom of all openings shall be no higher than one (1) foot above grade.
3430 Openings may be equipped with screens, louvers, valves or other coverings or
3431 devices provided that they permit the automatic entry and exit of floodwater;
3432 and

3433 b. The interior portion of such enclosed area shall not be partitioned or finished
3434 into separate rooms; and

3435 c. Be certified by a currently state-registered professional engineer or currently
3436 state-registered architect.

3437 (iv) Any alteration, repair, reconstruction or improvement to a structure, which is not
3438 compliant with the provisions of this Article, shall be undertaken only if the
3439 nonconformity will not be furthered, extended or replaced.

3440 (v) On-site waste disposal system shall be located and constructed to avoid impairment
3441 to them, or contamination from them, during flooding;

3442 (vi) If the proposed development is located in multiple flood zones or multiple base
3443 flood elevation cross the proposed site, the higher or more restrictive future
3444 condition elevation and development standards shall take precedence.

3445 **Sec. 14-430. - Standards for utilities.**

- 3483 (4) In an existing manufactured home park or subdivision on a site upon which a
3484 manufactured home has incurred "substantial damage" as the result of a flood.
- 3485 (b) All manufactured homes to be substantially improved on sites in an existing manufactured
3486 home park or subdivision within zones A1-30, AH and AE on the community's flood
3487 insurance rate map that are not subject to the provisions of subsection (a) will be securely
3488 fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral
3489 movement, and be elevated so that either the:
- 3490 (1) Lowest floor of the manufactured home is three (3) feet above the base flood elevation,
3491 or one (1) foot above the future-conditions flood elevation, whichever is higher, or
- 3492 (2) Manufactured home chassis is supported by reinforced piers or other foundation
3493 elements of at least equivalent strength that are no less than thirty-six (36) inches in
3494 height above grade.
- 3495 (c) Upon the completion of the structure, the elevation of the lowest floor, including basement,
3496 shall be certified by a currently state-registered professional engineer or currently state-
3497 registered land surveyor, and verified by the community building inspector to be properly
3498 elevated. Such certification and verification shall be provided to the floodplain coordinator.
- 3499 (d) New manufactured homes shall not be allowed to be placed within the limits of the future-
3500 conditions floodplain unless all requirements of section 14-431, 14-432, 14-442 have been
3501 met.

3502 **Sec. 14-433. - Standards for recreational vehicles.**

- 3503 All recreational vehicles placed on sites within zones A1-30, AH, and AE on the
3504 community's flood insurance rate map will either:
- 3505 (a) Be on the site for fewer than one hundred eighty (180) consecutive days, and be fully
3506 licensed and ready for highway use. A recreational vehicle is ready for highway use if it
3507 is on its wheels or jacking system, is attached to the site only by quick-disconnect-type
3508 utilities and security devices, and has no permanently attached additions, or
- 3509 (b) Meet the permit requirements of Division 4 of this Article and the elevation and
3510 anchoring requirements for manufactured homes section.

3511 **Sec. 14-434. - Standards for accessory structures and facilities.**

3512 Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking
3513 lots, recreational facilities and other similar structures and facilities) that are permitted to be
3514 located within the limits of the floodplain shall be constructed of flood-resistant materials and
3515 designed to pass all floodwater in accordance with subsection 14-429(c) and be anchored to
3516 prevent flotation, collapse or lateral movement of the structure.

3517 **Sec. 14-435. - Building standards for structures and buildings authorized adjacent to the**
3518 **floodplain.**

- 3519 (a) *Residential buildings.* For new construction or substantial improvement of any principal
3520 residential building or manufactured home, the elevation of the lowest floor, including

3561 designed to be water tight to the specified flood insurance rate map flood level plus one
3562 (1) foot above the highest adjacent grade, with walls substantially impermeable to the
3563 passage of water, and structural components having the capability of resisting
3564 hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered
3565 professional engineer or architect shall certify that the design and methods of
3566 construction are in accordance with accepted standards of practice; and,

3567 (b) Drainage paths shall be provided to guide floodwater around and away from any proposed
3568 structure.

3569 **Sec. 14-438. - Definition of floodway boundaries.**

3570 (a) The width of a floodway shall be determined from the flood insurance study or FEMA-
3571 approved flood study. For all streams with a drainage area of one hundred (100) acres or
3572 greater, the regulatory floodway shall be provided by the floodplain coordinator. If floodway
3573 data is not available from the floodplain coordinator, then it shall be determined by a
3574 registered professional engineer using a method approved by FEMA and the floodplain
3575 coordinator.

3576 (b) Following a pre-design conference with the floodplain coordinator, the boundaries or limits
3577 of the floodway shall be shown on the development or stormwater site plan containing
3578 existing topographic information.

3579 **Sec. 14-439. - Floodway encroachments.**

3580 Located within areas of special flood hazard established in section 14-412 are areas
3581 designated as floodways. Since the floodway is an extremely hazardous area due to the velocity
3582 of floodwaters, which carry debris, potential projectiles, and erosion potential, the following
3583 provisions apply:

3584 (a) All encroachments are prohibited, including earthen fill, new construction, substantial
3585 improvement, and any other new development within the regulatory floodway, except
3586 for activities specifically allowed in [subsection] (b).

3587 (b) Encroachments for bridges, culverts, roadways and utilities within the regulatory
3588 floodway may be permitted provided it is demonstrated through hydrologic and
3589 hydraulic analyses performed in accordance with standard engineering practice that the
3590 encroachment shall not result in any increase to the pre-project base flood elevations,
3591 floodway elevations or floodway widths during the base flood discharge. A registered
3592 professional engineer must provide supporting technical data and certification thereof.

3593 (c) If an applicant proposes to revise the floodway boundaries, no permit authorizing the
3594 encroachment into or an alteration of the floodways shall be issued by the floodplain
3595 coordinator until an affirmative conditional letter of map revision is issued by FEMA
3596 and a no-rise certification is approved by the floodplain coordinator.

3597 **Sec. 14-440. - Maintenance requirements.**

3598 The owner shall be responsible for continuing maintenance as may be needed within an
3599 altered or relocated portion of a floodplain on his property so that the flood-carrying or flood

- 3637 (9) Safety of access to the property in time of flood for ordinary and emergency vehicles;
- 3638 (10) Expected heights, velocity, duration, rate of rise, and sediment transport of the
3639 flood waters expected at the site; and
- 3640 (11) Costs of providing governmental services during and after flood conditions,
3641 including maintenance and repair of public utilities and facilities such as sewer, gas,
3642 electrical, and water systems, and streets and bridges.
- 3643 (b) Any owner to whom a variance is granted shall be given written notice from the Zoning
3644 Board of Appeals that:
- 3645 (1) The issuance of a variance to construct a structure below the base flood level may result
3646 in increased premium rates for flood insurance; and
- 3647 (2) Such construction below the base flood level increases risks to life and property. A copy
3648 of the notice shall be recorded by the floodplain coordinator in the office of the clerk of
3649 Superior Court of DeKalb County in a manner so that it appears in the chain of title of
3650 the affected parcel of land.

3651 **Sec. 14-443. - Conditions for variances.**

- 3652 (a) Variances may be issued for the repair or rehabilitation of historic structures upon a
3653 determination that the proposed repair or rehabilitation will not preclude the structure's
3654 continued designation as an historic structure and the variance is the minimum necessary to
3655 preserve the historic character and design of the structure.
- 3656 (b) Variances may be issued for development necessary for the conduct of a functionally
3657 dependent use, provided the criteria of this Article are met, no reasonable alternative exists,
3658 and the development is protected by methods that minimize flood damage during the base
3659 flood and create no additional threats to public safety.
- 3660 (c) Variances shall not be issued within any designated or mapped regulatory floodway if any
3661 increase in flood levels during the base flood discharge would result.
- 3662 (d) Variances shall only be issued upon a determination that the variance is the minimum
3663 necessary considering the flood hazard, to afford relief.

3664 **Sec. 14-444. - Variance procedure.**

- 3665 (a) The Zoning Board of Appeals, as established by the City, shall hear and decide requests for
3666 appeals or requests for variances from the requirements of this Article.
- 3667 (b) The Zoning Board of Appeals shall hear and decide appeals when it is alleged an error in
3668 any requirement, decision, or determination is made by the floodplain coordinator in the
3669 enforcement or administration of this Article. No action will be taken under the terms of this
3670 Division unless such relief can be granted without substantial detriment to the public good
3671 and without substantial impairment of the intent and purpose of this Chapter.
- 3672 (c) In reviewing such requests, the Zoning Board of Appeals shall consider all technical
3673 evaluations, relevant factors, and all standards specified in this and other sections of this
3674 Article.

3713 Chapter without having first secured a permit thereof, the notice of violation shall be served on
3714 the owner or the responsible person in charge of the activity being conducted on the site.

3715 The notice of violation shall contain:

- 3716 (1) The name and address of the owner or the responsible person;
- 3717 (2) The address or other description of the site upon which the violation is occurring;
- 3718 (3) A statement specifying the nature of the violation;
- 3719 (4) A description of the remedial measures necessary to bring the action or inaction into
3720 compliance with the permit, the stormwater management plan or this ordinance and the
3721 date for the completion of such remedial action;
- 3722 (5) A statement of the penalty or penalties that may be assessed against the person to whom
3723 the notice of violation is directed; and,
- 3724 (6) A statement that the determination of violation may be appealed to the Director by
3725 filing a written notice of appeal within thirty (30) days after the notice of violation.

3726 **Sec. 14-447. - Penalties.**

3727 In the event the remedial measures described in the notice of violation have not been
3728 completed by the date set forth for such completion in the notice of violation, any one (1) or
3729 more of the following actions or penalties may be taken or assessed against the person to whom
3730 the notice of violation was directed. Before taking any of the following actions or imposing any
3731 of the following penalties, the Director shall first notify the owner or other responsible person in
3732 writing of its intended action, and shall provide a reasonable opportunity of not less than ten (10)
3733 days (except, that in the event the violation constitutes an immediate danger to public health or
3734 public safety, twenty-four (24) hours' notice shall be sufficient) to cure such violation. In the
3735 event the owner or other responsible person fails to cure such violation after such notice and cure
3736 period, the Director may take any one or more of the following actions or impose any one or
3737 more of the following penalties:

- 3738 (a) *Stop-work order.* The Director may issue a stop-work order that shall be served on the
3739 owner or other responsible person. The stop-work order shall remain in effect until the
3740 owner or other responsible person has taken the remedial measures set forth in the
3741 notice of violation or has otherwise cured the violation or violations described therein,
3742 provided the stop-work order may be withdrawn or modified to enable the owner or
3743 other responsible person to take the necessary remedial measures to cure such violation
3744 or violations.
- 3745 (b) *Withhold certificate of occupancy.* The Director may refuse to issue a certificate of
3746 occupancy for the building or other improvements constructed or being constructed on
3747 the site until the owner or other responsible person has taken the remedial measures set
3748 forth in the notice of violation or has otherwise cured the violations described therein.
- 3749 (c) *Suspension, revocation or modification of permit.* The Director may suspend, revoke or
3750 modify the permit authorizing the land development project. A suspended, revoked or
3751 modified permit may be reinstated after the owner or other responsible person has taken

- 3796 10. **Design Professional:** A professional licensed by the State of Georgia in the field of:
3797 engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a
3798 person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a
3799 current certification by EnviroCert, Inc. Design Professionals shall practice in a manner
3800 that complies with applicable Georgia law governing professional licensure.
- 3801 11. **Director:** The Director of the Environmental Protection Division or an authorized
3802 representative.
- 3803 12. **District:** The DeKalb County Soil and Water Conservation District.
- 3804 13. **Division:** The Environmental Protection Division (EPD) of the Department of Natural
3805 Resources.
- 3806 14. **Drainage Structure:** A device composed of a virtually nonerodible material such as
3807 concrete, steel, plastic or other such material that conveys water from one place to another
3808 by intercepting the flow and carrying it to a release point for storm water management,
3809 drainage control, or flood control purposes.
- 3810 15. **Erosion:** The process by which land surface is worn away by the action of wind, water,
3811 ice or gravity.
- 3812 16. **Erosion, Sedimentation and Pollution Control Plan:** A plan required by the Erosion
3813 and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections
3814 at least as stringent as the State General Permit, best management practices, and
3815 requirements in Section 14-503 C. of this ordinance.
- 3816 17. **Fill:** A portion of land surface to which soil or other solid material has been added; the
3817 depth above the original ground surface or an excavation.
- 3818 18. **Final Stabilization:** All soil disturbing activities at the site have been completed, and that
3819 for unpaved areas and areas not covered by permanent structures and areas located outside
3820 the waste disposal limits of a landfill cell that has been certified by EPD for waste
3821 disposal; 100% of the soil surface is uniformly covered in permanent vegetation with a
3822 density of 70% or greater, or landscaped according to the Plan (uniformly covered with
3823 landscaping materials in planned landscape areas), or equivalent permanent stabilization
3824 measures as defined in the Manual (excluding a crop of annual vegetation and seeding of
3825 target crop perennials appropriate for the region). Final stabilization applies to each phase
3826 of construction.
- 3827 19. **Finished Grade:** The final elevation and contour of the ground after cutting or filling and
3828 conforming to the proposed design.
- 3829 20. **Grading:** Altering the shape of ground surfaces to a predetermined condition; this
3830 includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and
3831 shall include the land in its cut or filled condition.
- 3832 21. **Ground Elevation:** The original elevation of the ground surface prior to cutting or filling.
- 3833 22. **Land-Disturbing Activity:** Any activity which may result in soil erosion from water or
3834 wind and the movement of sediments into state waters or onto lands within the state,
3835 including, but not limited to, clearing, dredging, grading, excavating, transporting, and
3836 filling of land but not including agricultural practices as described in Section 14-502,
3837 Paragraph 5.
- 3838 23. **Larger Common Plan of Development or Sale:** A contiguous area where multiple
3839 separate and distinct construction activities are occurring under one plan of development
3840 or sale. For the purposes of this paragraph, "plan" means an announcement; piece of

- 3886 37. **Roadway Drainage Structure:** A device such as a bridge, culvert, or ditch, composed of
3887 a virtually nonerodible material such as concrete, steel, plastic, or other such material that
3888 conveys water under a roadway by intercepting the flow on one side of a traveled roadway.
3889 consisting of one or more defined lanes, with or without shoulder areas, and carrying
3890 water to a release point on the other side.
- 3891 38. **Sediment:** Solid material, both organic and inorganic, that is in suspension, is being
3892 transported, or has been moved from its site of origin by wind, water, ice, or gravity as a
3893 product of erosion.
- 3894 39. **Sedimentation:** The process by which eroded material is transported and deposited by the
3895 action of water, wind, ice or gravity.
- 3896 40. **Soil and Water Conservation District Approved Plan:** An erosion, sedimentation and
3897 pollution control plan approved in writing by the DeKalb County Soil and Water
3898 Conservation District.
- 3899 41. **Stabilization:** The process of establishing an enduring soil cover of vegetation by the
3900 installation of temporary or permanent structures for the purpose of reducing to a
3901 minimum the erosion process and the resultant transport of sediment by wind, water, ice
3902 or gravity.
- 3903 42. **State General Permit:** The National Pollution Discharge Elimination System (NPDES)
3904 general permit or permits for storm water runoff from construction activities as is now in
3905 effect or as may be amended or reissued in the future pursuant to the state's authority to
3906 implement the same through federal delegation under the Federal Water Pollution Control
3907 Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-
3908 5-30.
- 3909 43. **State Waters:** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds,
3910 drainage systems, springs, wells, and other bodies of surface or subsurface water, natural
3911 or artificial, lying within or forming a part of the boundaries of Georgia which are not
3912 entirely confined and retained completely upon the property of a single individual,
3913 partnership, or corporation.
- 3914 44. **Structural Erosion, Sedimentation and Pollution Control Practices:** Practices for the
3915 stabilization of erodible or sediment-producing areas by utilizing the mechanical
3916 properties of matter for the purpose of either changing the surface of the land or storing,
3917 regulating or disposing of runoff to prevent excessive sediment loss. Examples of
3918 structural erosion and sediment control practices are riprap, sediment basins, dikes, level
3919 spreaders, waterways or outlets, diversions, grade stabilization structures and sediment
3920 traps, etc. Such practices can be found in the publication *Manual for Erosion and*
3921 *Sediment Control in Georgia*.
- 3922 45. **Trout Streams:** All streams or portions of streams within the watershed as designated by
3923 the Wildlife Resources Division of the Georgia Department of Natural Resources under
3924 the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules
3925 and regulations for Water Quality Control, Chapter 391-3-6 at www.epd.georgia.gov.
3926 Streams designated as primary trout waters are defined as water supporting a self-
3927 sustaining population of rainbow, brown or brook trout. Streams designated as secondary
3928 trout waters are those in which there is no evidence of natural trout reproduction, but are
3929 capable of supporting trout throughout the year. First order trout waters are streams into
3930 which no other streams flow except springs.

- 3976 variance to a smaller buffer shall be granted. The minimum requirements of subsection
3977 (b) of O.C.G.A. 12-7-6 and the buffer zones provided by this paragraph shall be enforced
3978 by the Local Issuing Authority;
- 3979 5. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising,
3980 harvesting or storing of products of the field or orchard; feeding, breeding or managing
3981 livestock or poultry; producing or storing feed for use in the production of livestock,
3982 including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use
3983 in the production of poultry, including but not limited to chickens, hens and turkeys;
3984 producing plants, trees, fowl, or animals; the production of aqua culture, horticultural,
3985 dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
- 3986 6. Forestry land management practices, including harvesting; provided, however, that when
3987 such exempt forestry practices cause or result in land-disturbing or other activities
3988 otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section 14-
3989 503 C. of this ordinance, no other land-disturbing activities, except for normal forest
3990 management practices, shall be allowed on the entire property upon which the forestry
3991 practices were conducted for a period of three (3) years after completion of such forestry
3992 practices;
- 3993 7. Any project carried out under the technical supervision of the Natural Resources
3994 Conservation Service (NRCS) of the United States Department of Agriculture;
- 3995 8. Any project involving less than one (1) acre of disturbed area; provided, however, that this
3996 exemption shall not apply to any land-disturbing activity within a larger common plan of
3997 development or sale with a planned disturbance of equal to or greater than one (1) acre or
3998 within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State
3999 Waters" excludes channels and drainage ways which have water in them only during and
4000 immediately after rainfall events and intermittent streams which do not have water in them
4001 year-round; provided, however, that any person responsible for a project which involves
4002 less than one (1) acre, which involves land-disturbing activity, and which is within 200
4003 feet of any such excluded channel or drainage way, must prevent sediment from moving
4004 beyond the boundaries of the property on which such project is located and provided,
4005 further, that nothing contained herein shall prevent the Local Issuing Authority from
4006 regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5,
4007 6, 7, 9 or 10 of this section;
- 4008 9. Construction or maintenance projects, or both, undertaken or financed in whole or in part,
4009 or both, by the Department of Transportation, the Georgia Highway Authority, or the State
4010 Road and Tollway Authority; or any road construction or maintenance project, or both,
4011 undertaken by any county or municipality; provided, however, that construction or
4012 maintenance projects of the Department of Transportation or the State Road and Tollway
4013 Authority which disturb one or more contiguous acres of land shall be subject to
4014 provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the
4015 Georgia Highway Authority, or the State Road and Tollway Authority is a secondary
4016 permittee for a project located within a larger common plan of development or sale under
4017 the state general permit, in which case a copy of a notice of intent under the state general
4018 permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall
4019 enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a

- 4065 designed” mean designed in accordance with the hydraulic design specifications
4066 contained in the “Manual for Erosion and Sediment Control in Georgia” specified in
4067 O.C.G.A. 12-7-6 subsection (b).
- 4068 2. A discharge of storm water runoff from disturbed areas where best management practices
4069 have not been properly designed, installed, and maintained shall constitute a separate
4070 violation of any land-disturbing permit issued by a local Issuing Authority or of any state
4071 general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the
4072 "Georgia Water Quality Control Act", for each day on which such discharge results in the
4073 turbidity of receiving waters being increased by more than twenty-five (25)
4074 nephelometric turbidity units for waters supporting warm water fisheries or by more than
4075 ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity
4076 of the receiving waters shall be measured in accordance with guidelines to be issued by
4077 the Director. This paragraph shall not apply to any land disturbance associated with the
4078 construction of single family homes which are not part of a larger common plan of
4079 development or sale unless the planned disturbance for such construction is equal to or
4080 greater than five (5) acres.
- 4081 3. Failure to properly design, install, or maintain best management practices shall constitute
4082 a violation of any land-disturbing permit issued by a Local Issuing Authority or of any
4083 state general permit issued by the Division pursuant to subsection (f) of Code Section 12-
4084 5-30, the "Georgia Water Quality Control Act", for each day on which such failure
4085 occurs.
- 4086 4. The Director may require, in accordance with regulations adopted by the Board,
4087 reasonable and prudent monitoring of the turbidity level of receiving waters into which
4088 discharges from land disturbing activities occur.
- 4089 5. The LIA may set more stringent buffer requirements than stated in C.15,16 and 17, in
4090 light of O.C.G.A. § 12-7-6 (c).
- 4091 c. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. 12-7-1
4092 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum,
4093 protections at least as stringent as the state general permit; and best management practices,
4094 including sound conservation and engineering practices to prevent and minimize erosion and
4095 resultant sedimentation, which are consistent with, and no less stringent than, those practices
4096 contained in the *Manual for Erosion and Sediment Control in Georgia* published by the
4097 Georgia Soil and Water Conservation Commission as of January 1 of the year in which the
4098 land-disturbing activity was permitted, as well as the following:
- 4099 1. Stripping of vegetation, regrading and other development activities shall be conducted in
4100 a manner so as to minimize erosion;
- 4101 2. Cut-fill operations must be kept to a minimum;
- 4102 3. Development plans must conform to topography and soil type so as to create the lowest
4103 practicable erosion potential;
- 4104 4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- 4105 5. The disturbed area and the duration of exposure to erosive elements shall be kept to a
4106 practicable minimum;
- 4107 6. Disturbed soil shall be stabilized as quickly as practicable;
- 4108 7. Temporary vegetation or mulching shall be employed to protect exposed critical areas
4109 during development;

- 4155 vegetative cover remains to protect water quality and aquatic habitat and a natural
4156 canopy is left in sufficient quantity to keep shade on the stream bed; and
- 4157 b. The buffer shall not apply to the following land-disturbing activities, provided that
4158 they occur at an angle, as measured from the point of crossing, within 25 degrees of
4159 perpendicular to the stream; cause a width of disturbance of not more than 50 feet
4160 within the buffer; and adequate erosion control measures are incorporated into the
4161 project plans and specifications and are implemented: (i) Stream crossings for water
4162 lines; or (ii) Stream crossings for sewer lines; and
- 4163 16. There is established a 50 foot buffer as measured horizontally from the point where
4164 vegetation has been wrested by normal stream flow or wave action, along the banks of
4165 any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title
4166 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure
4167 must be constructed ; provided, however, that small springs and streams classified as
4168 trout streams which discharge an average annual flow of 25 gallons per minute or less
4169 shall have a 25 foot buffer or they may be piped, at the discretion of the landowner,
4170 pursuant to the terms of a rule providing for a general variance promulgated by the
4171 Board, so long as any such pipe stops short of the downstream landowner's property and
4172 the landowner complies with the buffer requirement for any adjacent trout streams. The
4173 Director may grant a variance from such buffer to allow land-disturbing activity,
4174 provided that adequate erosion control measures are incorporated in the project plans and
4175 specifications and are implemented. The following requirements shall apply to such
4176 buffer:
- 4177 a. No land-disturbing activities shall be conducted within a buffer and a buffer shall
4178 remain in its natural, undisturbed, state of vegetation until all land-disturbing
4179 activities on the construction site are completed. Once the final stabilization of the
4180 site is achieved, a buffer may be thinned or trimmed of vegetation as long as a
4181 protective vegetative cover remains to protect water quality and aquatic habitat and a
4182 natural canopy is left in sufficient quantity to keep shade on the stream bed:
4183 provided, however, that any person constructing a single-family residence, when
4184 such residence is constructed by or under contract with the owner for his or her own
4185 occupancy, may thin or trim vegetation in a buffer at any time as long as protective
4186 vegetative cover remains to protect water quality and aquatic habitat and a natural
4187 canopy is left in sufficient quantity to keep shade on the stream bed; and
- 4188 b. The buffer shall not apply to the following land-disturbing activities, provided that
4189 they occur at an angle, as measured from the point of crossing, within 25 degrees of
4190 perpendicular to the stream; cause a width of disturbance of not more than 50 feet
4191 within the buffer; and adequate erosion control measures are incorporated into the
4192 project plans and specifications and are implemented: (i) Stream crossings for water
4193 lines; or (ii) Stream crossings for sewer lines; and
- 4194 17. There is established a 25 foot buffer along coastal marshlands, as measured
4195 horizontally from the coastal marshland-upland interface, as determined in
4196 accordance with Chapter 5 of Title 12 of this title, the "Coastal Marshlands
4197 Protection Act of 1970." And the rules and regulations promulgated thereunder,
4198 except where the director determines to allow a variance that is at least as protective
4199 of natural resources and the environment, where otherwise allowed by the director

- 4245 the high ground of the platted lot otherwise available for development; provided,
4246 however, that adequate erosion control measures are incorporated into the project
4247 plans and specifications and such measures are fully implemented.
- 4248 d. Activities where the area within the buffer is not more than 500 square feet or that
4249 have a "Minor Buffer Impact" as defined in 391-3-7-.01(r), provided that the total
4250 area of buffer impacts is less than 5,000 square feet are deemed to have an approved
4251 buffer variance by rule. Bank stabilization structures are not eligible for coverage
4252 under the variance by rule and notification shall be made to the Division at least 14
4253 days prior to the commencement of land disturbing activities.
- 4254 D. Nothing contained in O.C.G.A. 12-7-1 et. seq. shall prevent any Local Issuing Authority
4255 from adopting rules and regulations, ordinances, or resolutions which contain stream buffer
4256 requirements that exceed the minimum requirements in Section 14-503 B. & C. of this
4257 ordinance.
- 4258 E. The fact that land-disturbing activity for which a permit has been issued results in injury to
4259 the property of another shall neither constitute proof of nor create a presumption of a
4260 violation of the standards provided for in this ordinance or the terms of the permit.
- 4261
4262

4263 **Sec. 14-504 APPLICATION / PERMIT PROCESS**

- 4264
- 4265 A. GENERAL The property owner, developer and designated planners and engineers shall
4266 design and review before submittal the general development plans. The Local Issuing
4267 Authority shall review the tract to be developed and the area surrounding it. They shall
4268 consult the zoning ordinance, storm water management ordinance, subdivision ordinance,
4269 flood damage prevention ordinance, this ordinance, and any other ordinances, rules,
4270 regulations or permits, which regulate the development of land within the jurisdictional
4271 boundaries of the Local Issuing Authority. However, the owner and/or operator are the only
4272 parties who may obtain a permit.
- 4273
- 4274 B. APPLICATION REQUIREMENTS
- 4275 1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries
4276 of the City of Stonecrest without first obtaining a permit from the Community
4277 Development Department to perform such activity and providing a copy of Notice of
4278 Intent submitted to EPD if applicable.
- 4279 2. The application for a permit shall be submitted to the Community Development Director,
4280 or his or her designee, and must include the applicant's erosion, sedimentation and
4281 pollution control plan with supporting data, as necessary. Said plans shall include, as a
4282 minimum, the data specified in Section 14-504 C. of this ordinance. Erosion,
4283 sedimentation and pollution control plans, together with supporting data, must
4284 demonstrate affirmatively that the land disturbing activity proposed will be carried out in
4285 such a manner that the provisions of Section 14-503 B. & C. of this ordinance will be
4286 met. Applications for a permit will not be accepted unless accompanied by four (4)
4287 copies of the applicant's erosion, sedimentation and pollution control plans. All
4288 applications shall contain a certification stating that the plan preparer or the designee

- 4334 1. Plans must be prepared to meet the minimum requirements as contained in Section 14-
4335 503 B. & C. of this ordinance, or through the use of more stringent, alternate design
4336 criteria which conform to sound conservation and engineering practices. The *Manual for*
4337 *Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this
4338 ordinance. The plan for the land-disturbing activity shall consider the interrelationship of
4339 the soil types, geological and hydrological characteristics, topography, watershed,
4340 vegetation, proposed permanent structures including roadways, constructed waterways,
4341 sediment control and storm water management facilities, local ordinances and State laws.
4342 Maps, drawings and supportive computations shall bear the signature and seal of the
4343 certified design professional. Persons involved in land development design, review,
4344 permitting, construction, monitoring, or inspections or any land disturbing activity shall
4345 meet the education and training certification requirements, dependent on his or her level
4346 of involvement with the process, as developed by the Commission and in consultation
4347 with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-
4348 7-20.
- 4349 2. Data Required for Site Plan shall include all the information required from the
4350 appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist
4351 established by the Commission as of January 1 of the year in which the land-disturbing
4352 activity was permitted.

4353
4354 D. PERMITS

- 4355 1. Permits shall be issued or denied as soon as practicable but in any event not later than
4356 forty-five (45) days after receipt by the Local Issuing Authority of a completed
4357 application, providing variances and bonding are obtained, where necessary and all
4358 applicable fees have been paid prior to permit issuance. The permit shall include
4359 conditions under which the activity may be undertaken.
- 4360 2. No permit shall be issued by the Local Issuing Authority unless the erosion,
4361 sedimentation and pollution control plan has been approved by the District and the Local
4362 Issuing Authority has affirmatively determined that the plan is in compliance with this
4363 ordinance, any variances required by Section 14-503 C. 15, 16 and 17 are obtained,
4364 bonding requirements, if necessary, as per Section 14-504 B. 6. are met and all
4365 ordinances and rules and regulations in effect within the jurisdictional boundaries of the
4366 Local Issuing Authority are met. If the permit is denied, the reason for denial shall be
4367 furnished to the applicant.
- 4368 3. Any land-disturbing activities by a local issuing authority shall be subject to the same
4369 requirements of this ordinance, and any other ordinances relating to land development, as
4370 are applied to private persons and the division shall enforce such requirements upon the
4371 local issuing authority.
- 4372 4. If the tract is to be developed in phases, then a separate permit shall be required for each
4373 phase.
- 4374 5. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to
4375 all or any portion of the land affected by the plan, upon finding that the holder or his
4376 successor in the title is not in compliance with the approved erosion and sedimentation
4377 control plan or that the holder or his successor in title is in violation of this ordinance. A

4422 or the Commission shall notify the Division and request investigation by the Division if any
4423 deficient or ineffective local program is found.
4424 F. The Division may periodically review the actions of counties and municipalities which have
4425 been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review
4426 may include, but shall not be limited to, review of the administration and enforcement of a
4427 governing authority's ordinance and review of conformance with an agreement, if any,
4428 between the district and the governing authority. If such review indicates that the governing
4429 authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not
4430 administered or enforced its ordinances or has not conducted the program in accordance with
4431 any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the
4432 governing authority of the county or municipality in writing. The governing authority of any
4433 county or municipality so notified shall have 90 days within which to take the necessary
4434 corrective action to retain certification as a Local Issuing Authority. If the county or
4435 municipality does not take necessary corrective action within 90 days after notification by the
4436 division, the division shall revoke the certification of the county or municipality as a Local
4437 Issuing Authority.
4438

4439 **Sec. 14-506 PENALTIES AND INCENTIVES**
4440

4441 **A. FAILURE TO OBTAIN A PERMIT FOR LAND-DISTURBING ACTIVITY**

4442 If any person commences any land-disturbing activity requiring a land-disturbing permit as
4443 prescribed in this ordinance without first obtaining said permit, the person shall be subject to
4444 revocation of his business license, work permit or other authorization for the conduct of a
4445 business and associated work activities within the jurisdictional boundaries of the Local
4446 Issuing Authority.

4447 **B. STOP-WORK ORDERS**

- 4448 1. For the first and second violations of the provisions of this ordinance, the Director or the
4449 Local Issuing Authority shall issue a written warning to the violator. The violator shall
4450 have five days to correct the violation. If the violation is not corrected within five days,
4451 the Director or the Local Issuing Authority shall issue a stop-work order requiring that
4452 land-disturbing activities be stopped until necessary corrective action or mitigation has
4453 occurred; provided, however, that, if the violation presents an imminent threat to public
4454 health or waters of the state or if the land-disturbing activities are conducted without
4455 obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an
4456 immediate stop-work order in lieu of a warning;
- 4457 2. For a third and each subsequent violation, the Director or the Local Issuing Authority
4458 shall issue an immediate stop-work order; and;
- 4459 3. All stop-work orders shall be effective immediately upon issuance and shall be in effect
4460 until the necessary corrective action or mitigation has occurred.
- 4461 4. When a violation in the form of taking action without a permit, failure to maintain a
4462 stream buffer, or significant amounts of sediment, as determined by the Local Issuing
4463 Authority or by the Director or his or her Designee, have been or are being discharged
4464 into state waters and where best management practices have not been properly designed,
4465 installed, and maintained, a stop work order shall be issued by the Local Issuing
4466 Authority or by the Director or his or her Designee. All such stop work orders shall be

- 4512 C. Persons or entities involved in projects not requiring a state general permit but otherwise
4513 requiring certified personnel on site may contract with certified persons to meet the
4514 requirements of this ordinance.
4515 D. If a state general permittee who has operational control of land-disturbing activities for a site
4516 has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-
4517 19, then any person or entity involved in land-disturbing activity at that site and operating in
4518 a subcontractor capacity for such permittee shall meet those educational requirements
4519 specified in paragraph (4) of subsection (b) of O.C.G.A 12-7-19 and shall not be required to
4520 meet any educational requirements that exceed those specified in said paragraph.
4521
4522

4523 **Sec. 14-508 ADMINISTRATIVE APPEAL, JUDICIAL REVIEW**
4524

4525 A. ADMINISTRATIVE REMEDIES

4526 The suspension, revocation, modification or grant with condition of a permit by the Local
4527 Issuing Authority upon finding that the holder is not in compliance with the approved
4528 erosion, sediment and pollution control plan; or that the holder is in violation of permit
4529 conditions; or that the holder is in violation of any ordinance; shall entitle the person
4530 submitting the plan or holding the permit to a hearing before the City Council within
4531 fifteen (15) days after receipt by the Local Issuing Authority of written notice of appeal.

4532 B. JUDICIAL REVIEW

4533 Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting
4534 his administrative remedies, shall have the right to appeal de novo to the Superior Court of
4535 DeKalb County.
4536
4537

4538 **Sec. 14-509 EFFECTIVITY, VALIDITY AND LIABILITY**
4539

4540 A. EFFECTIVITY

4541 This ordinance shall become effective on the 16th day of October, 2017.

4542 B. VALIDITY

4543 If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged
4544 invalid or held unconstitutional, such decisions shall not affect the remaining portions of this
4545 ordinance.
4546

4546 C. LIABILITY

- 4547 1. Neither the approval of a plan under the provisions of this ordinance, nor the compliance
4548 with provisions of this ordinance shall relieve any person from the responsibility for
4549 damage to any person or property otherwise imposed by law nor impose any liability
4550 upon the Local Issuing Authority or District for damage to any person or property.
4551 2. The fact that a land-disturbing activity for which a permit has been issued results in
4552 injury to the property of another shall neither constitute proof of nor create a presumption
4553 of a violation of the standards provided for in this ordinance or the terms of the permit.
4554 3. No provision of this ordinance shall permit any persons to violate the Georgia Erosion
4555 and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and

- 4593 (7) Protect trees during construction to enhance the quality of life in the City of
4594 Stonecrest.
- 4595 (8) Protect trees in construction of public facilities and utilities.
- 4596 (b) *General applicability.*
- 4597 (1) The terms and provisions of the tree protection ordinance shall apply to all real
4598 property in the City of Stonecrest except as otherwise provided in this Article.
- 4599 (2) The terms and provisions of the tree protection ordinance shall further apply to any
4600 residential or non-residential development which requires the issuance of a land
4601 disturbance permit, development permit, or building permit, except as otherwise
4602 provided in this Article.
- 4603 (3) The terms and provisions of the tree protection ordinance shall also apply to
4604 development on any city-owned property, including property owned by city agencies,
4605 boards, and authorities, except as otherwise provided in this Article.

4606 **Sec. 14-517. Exemptions.**

- 4607 (a) The following are exempt from this Article:
- 4608 (1) The removal of five (5) or fewer trees, other than specimen trees, on any single-
4609 family residential property, within a single calendar year.
- 4610
- 4611 (2) The removal of more than five (5) trees, other than specimen trees, from an owner-
4612 occupied, single-family lot may be approved by the Director of Community
4613 Development if the owner must remove trees in order to build a newly permitted
4614 structure, or to build an addition to or make improvements to an existing structure,
4615 or to improve the health of other trees in the landscape.
- 4616
- 4617 (3) Zonings conditioned by DeKalb County to a specific site plan prior to adoption of
4618 the tree protection ordinance on February 9, 1999 by DeKalb County, provided that said
4619 zoning contains specific conditions for both tree preservation and tree replacement.
- 4620
- 4621 (4) The removal of trees found to be diseased or insect infested by the county extension
4622 service, the state forestry commission, a certified arborist, the Director of Community
4623 Development or urban forester.
- 4624
- 4625 (5) The removal of trees from horticultural properties, such as farms, nurseries or orchards.
4626 This exemption shall not include tree harvesting.
- 4627
- 4628 (6) The removal of any tree which has become, or threatens to become, a danger to human
4629 life or property.
- 4630
- 4631 (7) Agricultural activities on land zoned RE.
- 4632
- 4633 (8) Approved utility construction within permanent utility easements.
- 4634

- 4673 (vi) Aeration systems;
4674 (vii) Transplanting specifications;
4675 (viii) Staking specifications; and
4676 (ix) Other applicable drawings as determined by the Director.
- 4677 (3) The tree protection plan shall show all utility lines existing and proposed,
4678 including irrigation and electric lighting lines. The applicant shall coordinate the
4679 location of these utility lines with the utility companies in order to prevent root
4680 damage within the critical root zones of protected trees, and to minimize damage to
4681 trees located in protected zones.
- 4682 (4) Procedures and schedules for the implementation, installation, and maintenance of
4683 tree protection measures.
- 4684 (5) Calculations of tree density proposed on site per Section 14-520, tree preservation
4685 and replacement requirements.
- 4686 (6) Tree protection inspection. Following the receipt of a complete application, the
4687 Director of Community Development shall schedule and conduct an inspection of
4688 the proposed development site. The applicant or applicant's designee shall be
4689 advised as to the date and time of the inspection and given an opportunity to
4690 participate.
- 4691 (7) Following inspection said plans shall be reviewed by the Director for conformance
4692 with applicable zoning conditions, the tree protection ordinance, and any applicable
4693 administrative guidelines, and will either be approved or denied. Reasons for denial
4694 shall be noted on the tree protection plan or otherwise stated in writing.
- 4695 (8) No development or building permit shall be issued until the tree protection plan
4696 has been approved by the Director of Community Development.
- 4697 (9) All tree protection measures shall be installed prior to land disturbance.
- 4698 (10) Single lots in platted residential subdivisions on which the applicant intends to
4699 reside may be exempted from the tree protection plan requirements at the discretion
4700 of the Director.
- 4701 (c) Final inspection. No certificate of occupancy shall be issued by the Director with
4702 respect to any permit subject to this Article unless and until the Director of Community
4703 Development shall have inspected the site and confirmed that all existing trees to
4704 remain are in healthy condition and all replacement trees have been planted in
4705 accordance with this Article.
- 4706 (d) Issuance of a building or land development permit shall be conditioned on the approved
4707 tree protection plan and conformance to the provisions of these regulations. Any permit
4708 may be voided if its terms are violated.

4709 **Sec. 14-519. Fees (Reserved).**

4710 **Sec. 14-520. Tree preservation and replacement requirements.**

DBH	Units	DBH	Units	DBH	Units
2 to 3	.8	25	6.8	38	15.8
4 to 6	1.6	26	7.4	39	16.6
7 to 9	2.4	27	8.0	40	17.4
10 to 12	3.2	28	8.6	41	18.4
13 to 15	4.0	29	9.2	42	19.2
16 to 18	4.8	30	9.8	43	20.2
19 to 21	5.4	31	10.4	44	21.2
22 to 24	6.0	32	11.2	45	22.0
		33	11.8	46	23.0
		34	12.6	47	24.0
		35	13.4	48	25.2
		36	14.2	49	26.2
		37	15.0	50	27.2

4749

4750

4751

CHART 2.
 Conversion From Diameter To Density Factor Units For Evergreens And Conifers

DBH	
2 to 9	.2 less unit than deciduous trees
10 to 15	.1 less unit than deciduous trees

Size	Units
7-gallon	.05

4757

4758 The use of one- and three-gallon pines will be permitted only with prior approval. There
 4759 will be no replacement value given for such trees.

4760 (5) Nothing in these regulations shall be construed to allow the removal of any tree or
 4761 vegetation in a required stream buffer, transitional buffer zone or state buffer zone
 4762 except buffer improvements as authorized by the Director.

4763 (6) Tree relocation and credit for existing trees replacement units will be granted to trees
 4764 relocated on site. Tree relocation is subject to approval of the Director of Community
 4765 Development. Existing trees between two (2) caliper inches and seven and nine-tenths
 4766 (7.9) caliper inches may be used for credit on the tree replacement plan.

4767 (7) Understory vegetation. Tree preservation areas shall leave intact the naturally occurring
 4768 groundcover and understory vegetation except where directed otherwise by the Director
 4769 of Community Development in order to allow the removal of undesirable groundcover
 4770 or understory vegetation.

4771 (8) Specimen trees.

4772 (i) Specimen trees shall be identified by the City Arborist, and shall be located on the
 4773 tree protection plan.

4774 (ii) Standards for the identification, preservation, and protection of specimen trees
 4775 shall be as follows: Any tree in fair or better condition which equals or exceeds the
 4776 following diameter sizes:

4777 a. Large hardwoods, i.e. oaks, hickories, yellow poplars, and similar species:
 4778 Thirty (30) inches DBH.

4779 b. Large softwoods, e.g. pines, evergreens, and similar species: Thirty (30) inches
 4780 DBH.

4781 c. Small trees, e.g. dogwoods, redbuds, sourwoods, and similar species: Ten (10)
 4782 inches DBH.

4783 (iii) A tree in fair or better condition should meet the following minimum standards:

4784 a. A life expectancy of greater than fifteen (15) years.

4785 b. A relatively sound and solid trunk with no extensive decay or hollow, and less
 4786 than twenty (20) percent radial trunk dieback.

4787 c. No major insect or pathological problem.

4788 (iv) A lesser-sized tree can be considered a specimen if:

- 4829 (i) Those trees found to be diseased or insect infested by the county extension
4830 service, the Georgia Forestry Commission, a certified arborist, or a certified
4831 forester.
- 4832 (ii) As necessary for construction, repair or maintenance of public roads, utilities or
4833 stormwater management facilities.
- 4834 (iii) As part of an approved wetland mitigation plan.
- 4835 (iv) Trees in the one hundred-year floodplain or required stream buffer may not be cut
4836 nor shall they be counted, except as otherwise provided in this section, tree
4837 preservation and replacement requirements, for C-1, C-2, M, and M-2 zoned
4838 property, to accomplish requirements of the tree protection ordinance.
- 4839 (11) The Director of Community Development shall be responsible for distribution of
4840 appropriate public educational materials concerning the procedures of the tree
4841 protection ordinance, the value of maintaining existing trees, and proper methods of tree
4842 planting, preservation, and care.

4843 **Sec. 14-521. Tree replacement standards.**

- 4844 (a) The tree protection plan shall include planting schedules with proposed tree names
4845 (botanical and common), quantity, size spacing, and any special planting notes. Trees
4846 used for credit on the tree replacement plan must be chosen from the preferred list
4847 attached hereto as Appendix A to this Article. At least fifty (50) percent of replacement
4848 trees must be overstory trees; no more than twenty-five (25) percent may be of any
4849 single species, and no more than twenty-five (25) percent may be of evergreen species.
- 4850 (b) Unless otherwise approved by the Director of Community Development, trees selected
4851 for replanting must meet the minimum standards as provided in the American Standard
4852 for Nursery Stock (ANSI Z60.1, 1980) and must be on the tree species selection list
4853 found in Appendix A to this Article. Trees selected must be free of injury, pests,
4854 disease, nutritional disorders or root defects, and must be in good vigor to assure a
4855 reasonable expectation of survival. Standards for transplanting shall be in keeping with
4856 those established in the International Society of Arboriculture publication Tree and
4857 Shrub Planting Manual or a similar publication.
- 4858 (c) It is desirable that replanted trees be ecologically compatible with the site and
4859 neighboring sites. When practical, the replanted trees shall be of the same or similar
4860 species as those removed.
- 4861 (d) Replacement trees shall be planted in manner that provides adequate space for
4862 nourishment, light, and maturation as recommended by the Director of Community
4863 Development.
- 4864 (e) Planting and staking details are addressed in the administrative guidelines and shall be
4865 specified in the required tree protection plan.

4866 **Sec. 14-522. Buffers.**

- 4867 (a) *Stream buffers.* Stream buffers shall be consistent with the requirements of Article VII.

4908 (d) The maximum variance allowed under this provision shall be four (4) parking spaces,
4909 or ten (10) percent of the total number of parking spaces required by the zoning
4910 ordinance, whichever is greater.

4911 **Sec. 14-524. Street trees.**

4912 Street trees and continuous landscape strips shall be provided, in conformance with the
4913 design requirements specified in Chapter 27 of the City of Stonecrest Code of Ordinances,
4914 along newly constructed streets, and along existing streets which are widened or realigned
4915 subsequent to the adoption of this Chapter, in all office, commercial, and industrial
4916 developments and along newly constructed streets of residential developments with a net
4917 residential density exceeding three (3) dwelling units per acre or as otherwise directed by
4918 conditions of zoning or special land use permits.

4919 **Sec. 14-525. Maintenance.**

4920 Trees which are used to meet the density requirements for this Article, except on single
4921 family residential lots, shall be maintained for two (2) growing seasons after the date of final
4922 inspection. The property owner shall maintain required tree density. The applicant or builder
4923 will be responsible for identifying newly planted trees to the homeowner and to inform the
4924 homeowner as to their proper maintenance.

4925 **Sec. 14-526. Alternative compliance.**

4926 The Director of Community Development must review and approve all requests for
4927 alternative compliance. In no instance shall one hundred (100) percent of the required site
4928 density be met through alternative compliance. Where the Director of Community
4929 Development has determined that special constraints of a site result in an inability to provide
4930 the required tree density, the number of trees will be determined by the Director of
4931 Community Development based on site review. Such site review shall require the developer
4932 to re-landscape each parcel using a density calculated as the maximum number of trees that
4933 can be sustained on the parcel less the impervious area of that parcel. The balance of trees
4934 shall be provided in common areas. If common areas are not sufficient, any remaining
4935 balance of trees may be provided for plantings on public grounds. Tree bank arrangements
4936 can be made through the Director. The minimum size of trees replanted through the tree
4937 bank shall be two (2) caliper inches and shall be planted in accordance with the species list
4938 attached as appendix a hereto and in accordance with the requirements in Section 14-521,
4939 tree replacement standards.

4940 (1) *Common area planting.* If trees are to be planted at another location, the following note
4941 must appear on the approved tree protection plan: "A tree protection plan addendum for
4942 this project shall be submitted to the Director of Community Development at least thirty
4943 (30) days prior to requesting a final inspection. This plan shall include the species, size
4944 and location of trees to be planted off-site to meet the tree density deficit shown.
4945 Issuance of a certificate of occupancy is subject to approval of this plan, as well as
4946 verification of the installation of the trees."

4947 (2) *Tree banking.* If trees cannot be planted on site and there is insufficient common area
4948 for replanting, the balance of trees will be accepted by the director for tree banking

4988 be done according to the National Arborist Association Standards for Pruning of
4989 Shade Trees.

4990 (2) The routing of public and private utility easements shall be subject to review and
4991 comment by the Director of Community Development.

4992 **Sec. 14-529. Enforcement.**

4993 It shall be the duty of the Director to enforce this tree protection ordinance. The Director
4994 shall have the authority to, and the Director of Community Development may recommend
4995 that, the Director revoke, suspend or void any land disturbance permit, development permit
4996 or building permit or suspend all work on a site or portion thereof in order to effect
4997 compliance with this Article.

4998 (1) Violation and penalty. Any person, firm or corporation violating any of the provisions of
4999 this Article, after having been first issued a warning, shall be deemed guilty of an
5000 offense and upon conviction in Municipal Court shall be punished as is provided in
5001 Chapter 1 of the City of Stonecrest Code of Ordinances. Each tree removed or killed in
5002 violation of this Article shall be considered a separate offense. The owner of any
5003 buildings or premises or parts thereof, where anything in violation of this section exists,
5004 and any architect, builder, contractor or any other agent of the owner, or any tenant,
5005 who commits or assists in the commission of any violation, shall be guilty of a separate
5006 offense.

5007 (2) Any trees eight (8) inches (DBH) and over which have been removed in violation of
5008 this Article shall be replaced by the violator with four-inch caliper replacement trees
5009 equal to the unit value of the trees removed. However, any specimen tree removed from
5010 a parcel shall be replaced with four-inch caliper trees one and five-tenths (1.5) times the
5011 equivalent inches (DBH) of replacement trees or existing trees in excess of the
5012 requirements of Section 14-520, tree preservation and replacement requirements, using
5013 species with potentials for comparable size and quality at maturity.

5014 (3) Additional legal remedies. In addition to all other actions and penalties authorized in
5015 this section, the City Attorney is hereby authorized to institute injunctive, abatement or
5016 any other appropriate judicial or administrative actions or proceedings to prevent,
5017 enjoin, abate, or remove any violations of this Article.

5018 (4) Appeals; power and duty of the board to hear appeals of decisions of administrative
5019 officials.

5020 The Zoning Board of Appeals shall have the power and duty to hear and decide appeals
5021 where it is alleged by an aggrieved party that there is error in any final order,
5022 requirement, or decision made by the Director based on or made in the enforcement of
5023 the tree protection ordinance. All such appeals shall be heard and decided following the
5024 notice requirements, criteria and procedural requirements in Chapter 27 of the City of
5025 Stonecrest Code of Ordinances.

5026 (5) Administrative variances. Front, side and rear yard setbacks and parking requirements
5027 may be reduced by an amount not to exceed fifty (50) percent where it is determined by
5028 the Director of Community Development to be necessary in order to preserve existing

<i>Carya glabra</i>	Pignut Hickory	Availability	Deciduous
<i>Carya illinoensis</i>	Pecan		Deciduous
<i>Carya tomentosa</i>	Mockernut Hickory	Availability	Deciduous
<i>Cedrus atlantica</i>	Atlas Cedar		Evergreen
<i>Cedrus libani</i>	Cedar of Lebanon		Evergreen
<i>Cedrus deodara</i>	Deodar Cedar		Evergreen
<i>Cryptomeria japonica</i>	Japanese Cryptomeria		Evergreen
<i>Fagus grandifolia</i>	American Beech		Deciduous
<i>Fraxinus tomentosa</i>	Pumpkin Ash		Deciduous
<i>Ginkgo biloba</i>	Ginkgo	Plant male only. Autumn Bold, Fairmont	Deciduous
<i>Ilex opaca</i>	American Holly		Evergreen
<i>Juniperus virginiana</i>	Red Cedar	Brodie	Evergreen
<i>Liquidambar styraciflua</i>	Sweetgum	Limited Use-Rotundiloba (Avail.)	Deciduous
<i>Liriodendron tulipifera</i>	Tulip Poplar	Limited Use	Deciduous
<i>Magnolia acuminata</i>	Cucumbertree		Deciduous
<i>Magnolia grandiflora</i>	Southern Magnolia	Bracken's Brown Beauty, Greenback	Evergreen
<i>Magnolia virginiana</i>	Sweetbay Magnolia		Deciduous
<i>Metasequoia</i>	Dawn Redwood	Limited Use	Deciduous

Quercus prinus	Chestnut Oak	Availability	Deciduous
Quercus rubra	Northem Red Oak		Deciduous
Quercus shumardii	Shumard Red Oak		Deciduous
Quercus stellata	Post Oak		Deciduous
Quercus velutina	Black Oak		Deciduous
Taxoduim distichum	Bald Cypress	Shawnee Brave	Deciduous
Tilia spp.	Linden		Deciduous
Thuja × 'Green Giant'	Arborvitae	'Green Giant'	Evergreen
Thuja plicata	Giant (Western) Arborvitae		Evergreen
Ulmus americana	merican Elm	Princeton and other resistant varieties	Deciduous
Ulmus parviflora	Lacebark Elm	Allee, Athena, Bosque	Deciduous
Zelkova serrata	Japanese Zelkova	Green Vase	Deciduous

5052

5053 City of Stonecrest Understory and Other Small Trees Acceptable for Replanting Credits

Scientific Name	Common Name	Recommended	Leaf Habit
Acer barbatum	Florida Maple		Deciduous
Acer buergeranum	Trident Maple	Street Wise	Deciduous

Cladrastis kentukea	Yellowwood		Deciduous
Cornus spp.	Dogwood	Florida and Kousa crosses	Deciduous
Cornus florida	Flowering Dogwood	Aurora	Deciduous
Cornus kousa	Kousa Dogwood		Deciduous
Crataegus spp.	Hawthorn	Thornless cultivars	Deciduous
Crataegus phaenopyrum	Washington Hawthorn		Deciduous
Diospyros virginiana	Persimmon		Deciduous
Halesia carolina	Silverbell		Deciduous
Halesia diptera	Two Winged Silverbell		Deciduous
Hamamelis virginiana	Witch-hazel		Deciduous
Ilex spp.	Holly	Burford, Carolina #2, Foster, Neillie R. Stevens, Savannah, Yaupon	Evergreen
Ilex decidua	Possumhaw		Deciduous
Juniperus virginiana	Red Cedar		
Koelreuteria paniculata	Golden Raintree		Deciduous
Lagerstromia indica × faurieri	Crape Myrtle	Tree form cultivars disease resistant and hardy, eg. Choctaw, Natchez	Deciduous
Magnolia grandiflora	Southern Magnolia	Alta, Bracken's Brown Beauty, Greenback, Claudia Wannamaker	Evergreen

Ulmus alata	Winged Elm		Deciduous
Vaccinium arboreurn	Sparkleberry		Evergreen

5054

5055 City of Stonecrest Recommended Trees for Under Powerlines

Seientific Name	Common Name	Recommended
Acer buergeranum	Trident Maple	
Acer palmatum	Japanese Maple	
Cercis candensis	Redbud	
Chionanthus retusus	Chinese Fringetree	
Chionanthus virginicus	White Fringetree	
Cornus spp.	Dogwood	Florida and Koussa crosses
Cornus florida	Flowering Dogwood	Disease resistant varieties, Aurora
Cornus kousa	Kousa Dogwood	
Crataegus phaenopyrum	Washington Hawthorn	
Ilex spp.	Holly	Nellie R. Stevens, tree form Burford, Yaupon
Koelreuteria paniculata	Golden Raintree	
Magnolia x loebneri	Loebner Magnolia	Merrill
Magnolia soulangiana	Saucer Magnolia	
Magnolia stellata	Star Magnolia	Star Man

Quercus nigra	Water Oak	
Quercus nuttalli	Nuttall Oak	
Quercus palustris	Pin Oak	
Quercus phellos	Willow Oak	
Quercus rubra	Northem Red Oak	
Taxoduim distichum	Bald Cypress	Shawnee Brave
Ulmus parvifolia	Lacebark Elm	Athena
Zelkova serrata	Japanese Zelkova	Green Vase

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Sec. 14-530 – Sec. 14-540. Reserved.

5063 **ARTICLE VII. - STREAM BUFFER**

5064 **Sec. 14-541. - Applicability.**

5065 The stream buffer regulations of this Article apply along all perennial and intermittent
 5066 streams throughout the city except as expressly exempted or permitted in accordance with
 5067 section 14-544, in addition to the requirements of Article V.

5068
 5069 **Sec. 14-542. Purpose.**

5070 The purpose of the City's stream buffer regulations is to preserve existing mature riparian
 5071 vegetation that can provide shade, leaf litter, woody debris and erosion protection for streams.

5072 **Sec. 14-543. Minimum stream buffer requirements.**

5073 (a) Stream buffers are established along all perennial and intermittent streams in the City. These
 5074 required stream buffers begin at the stream bank and extend 75 feet away from the stream.
 5075 The buffers must remain undisturbed except as otherwise provided in section 14-544.

5076 (b) Any new stormwater discharge crossing a stream buffer or state buffer zone must be
 5077 designed to ensure that sheet flow is established through the stream buffer and to prevent
 5078 channelized flow through the stream buffer.

- 5119 (8) Within an easement of any utility existing at the time this section takes effect or
5120 approved under the terms of this section, land-disturbance activities and such
5121 impervious cover as is necessary for the operation and maintenance of the utility,
5122 including but not limited to manholes, vents and valve structures;
- 5123 (9) Emergency work necessary to preserve life or property. However, when emergency
5124 work is performed, the person performing it must report such work to the Community
5125 Development Department on the next business day after commencement of the work.
5126 Within ten (10) business days thereafter, the person must apply for a permit and
5127 perform such work within such time period as may be determined by the Director or
5128 designee to be reasonably necessary to correct any impairment such emergency work
5129 may have caused to the water conveyance capacity, stability or water quality of the
5130 protection area;
- 5131 (10) Forestry and silviculture activities on land that is zoned for forestry, silvicultural
5132 or agricultural uses and are not incidental to other land development activity. If such
5133 activity results in land-disturbance in the buffer that would otherwise be prohibited,
5134 then no other land-disturbing activity other than normal forest management practices
5135 will be allowed on the entire property for three years after the end of the activities that
5136 intruded on the buffer;
- 5137 (11) Activities to restore or enhance stream bank stability, riparian vegetation, water
5138 quality or aquatic habitat, so long as native vegetation and bioengineering techniques
5139 are used;
- 5140 (12) The removal of dead, diseased, insect-infested, or hazardous trees (without any
5141 associated land disturbance), provided the property owner provides sufficient
5142 documentation of the condition of the trees before removal, including photographs and
5143 a report by a certified arborist; and
- 5144 (13) Multi-use trails and related improvements that are part of a City Council-
5145 approved plan. Unless otherwise approved by the State, such encroachments must be
5146 located at least 25 feet from the banks of state waters when, after study of alternative
5147 trail alignments, the Director determines that the alignment is the most desirable
5148 alternative and that they are designed to minimize impervious surfaces and incorporate
5149 BMPs and other mitigation practices that minimize the impact of encroachments on
5150 water quality. Trail improvements that are part of a City Council-approved plan are not
5151 counted as part of a site's impervious surface area for purposes of site development-
5152 related calculations and regulations.
- 5153 (b) *Special administrative permits.* The following activities may be approved within the stream
5154 buffers required by section 14-543 by special administrative permit, pursuant to the process
5155 outlined in the Zoning Ordinance:
- 5156 (1) Stream crossings by utility lines, roads, driveways or similar transportation routes,
5157 including trails for nonmotorized transportation;
- 5158 (2) Public water supply intake or public wastewater outfall structures;
- 5159 (3) Land development necessary to provide access to a property;

- 5196 (2) Require that new development and redevelopment maintain the predevelopment
5197 hydrologic response in their post-development state as nearly as practicable in order
5198 to reduce flooding, streambank erosion, nonpoint source pollution and increases in
5199 stream temperature, and maintain the integrity of stream channels and aquatic
5200 habitats;
- 5201 (3) Establish minimum post-development stormwater management standards and design
5202 criteria for the regulation and control of stormwater runoff quantity and quality;
- 5203 (4) Establish design and application criteria for the construction and use of structural
5204 stormwater control facilities that can be used to meet the minimum post-development
5205 stormwater standards;
- 5206 (5) Encourage the use of nonstructural stormwater management and stormwater better
5207 site design practices, such as the preservation of greenspace and other conservation
5208 areas, to the maximum extent practicable;
- 5209 (6) Establish provisions for the long-term responsibility for and maintenance of
5210 structural stormwater control facilities and nonstructural stormwater management
5211 practices to ensure that they continue to function as designed, are maintained, and
5212 pose no threat to public safety; and
- 5213 (7) Establish administrative procedures for the submission, review, approval and
5214 disapproval of stormwater management plans, and for the inspection of approved
5215 active projects, and long-term follow up.
- 5216 (b) Standards.
- 5217 (1) The City of Stonecrest shall require all land development to comply with the criteria,
5218 technical specifications, and standards of the Georgia Stormwater Management Manual,
5219 as may be hereafter amended. The rainfall intensities used in hydrologic and hydraulic
5220 computations shall be those published in the Georgia Stormwater Management Manual.
- 5221 (2) *Applicability.* A combination of storage and controlled release of stormwater runoff
5222 shall be required for all development and construction for the entire site which meets
5223 one (1) or more of the following criteria:
- 5224 (A) Increases the peak rate of runoff from the site by more than one (1) cubic foot per
5225 second for a ten-year frequency storm;
- 5226 (B) Involves the creation, addition or replacement in redevelopment of five thousand
5227 (5,000) square feet or more of impervious cover, or that involves other land
5228 development activity of one (1) acre or more;
- 5229 (C) Any new development or redevelopment, regardless of size, that meets the
5230 definition of a stormwater hotspot as determined by the Director; or
- 5231 (D) Land development activities that are smaller than the minimum applicability
5232 criteria set forth in items (A), (B) and (C) above if such activities are part of a
5233 larger common plan of development, even though multiple, separate and distinct
5234 land development activities may take place at different times on different
5235 schedules.

5275 adverse post-development stormwater runoff impacts from the development. The plan must
5276 consist of maps, narrative and supporting design calculations (hydrologic and hydraulic) for
5277 the proposed stormwater management system. The plan must include all information
5278 required by the stormwater management site plan checklist of the stormwater design manual,
5279 including all of the following:

- 5280 (1) Common address and legal description of site;
- 5281 (2) Vicinity map;
- 5282 (3) Existing Conditions Hydrologic Analysis;
- 5283 (4) Post-Development Hydrologic Analysis;
- 5284 (5) Stormwater management system design;
- 5285 (6) Post-development downstream analysis;
- 5286 (7) Construction phase erosion, sedimentation and pollution control plan;
- 5287 (8) Landscaping and open space plan;
- 5288 (9) Operations and maintenance plan;
- 5289 (10) Maintenance access easements;
- 5290 (11) Inspection and maintenance agreements;
- 5291 (12) Evidence of acquisition of applicable local and non-local permits;
- 5292 (13) Any proposed off-site facilities.

5293 (c) *Existing Conditions Hydrologic Analysis.*

- 5294 (1) The existing conditions hydrologic analysis for stormwater runoff rates, volumes and
5295 velocities must include all of the following:
 - 5296 (i) A topographic map of existing site conditions with the drainage basin boundaries
5297 indicated;
 - 5298 (ii) Acreage, soil types and land cover of areas for each sub-basin affected by the
5299 project;
 - 5300 (iii) All perennial and intermittent streams and other surface water features;
 - 5301 (iv) All existing stormwater conveyances and structural control facilities;
 - 5302 (v) Direction of flow and exists from the site;
 - 5303 (vi) Analysis of runoff provided by off-site areas upstream of the project site; and
 - 5304 (vii) Methodologies, assumptions, site parameters and supporting design calculations
5305 used in analyzing the existing conditions site hydrology.

5306 (2) For redevelopment sites, predevelopment conditions must be modeled using the
5307 established guidelines for the portion of the site undergoing land development activities.

5308 (d) *Post-Development Hydrologic Analysis.* The post-development hydrologic analysis for
5309 stormwater runoff rates, volumes and velocities must include all of the following:

5349 development design flows downstream. The analysis of downstream conditions in the report
5350 shall address each and every point or area along the project site's boundaries at which runoff
5351 will exit the property. The analysis shall focus on the portion of the drainage channel or
5352 watercourse immediately downstream from the project. This area shall extend downstream
5353 from the project to a point in the drainage basin where the project area is ten (10) percent of
5354 the total basin area. In calculating runoff volumes and discharge rates, consideration may
5355 need to be given to any planned future upstream land use changes. The analysis shall be in
5356 accordance with the Georgia Stormwater Management Manual. The capacity of the drainage
5357 systems must be analyzed to the ten percent point.

5358 (g) *Construction-phase erosion, sedimentation and pollution control plan.* An erosion,
5359 sedimentation and pollution control plan in accordance with the Georgia Erosion and
5360 Sedimentation Control Act or NPDES permit for construction activities. The plan must also
5361 including information on the sequence/phasing of construction and temporary stabilization
5362 measures and temporary structures that will be converted into permanent stormwater
5363 controls.

5364 (h) *Landscaping and open space plan.* A detailed landscaping and vegetation plan describing
5365 the woody and herbaceous vegetation that will be used within and adjacent to stormwater
5366 management facilities and practices. The landscaping plan must also include:

5367 (1) The arrangement of planted areas, natural and greenspace areas and other landscaped
5368 features on the site plan;

5369 (2) Information necessary to construct the landscaping elements shown on the plan
5370 drawings;

5371 (3) Descriptions and standards for the methods, materials and vegetation that are to be used
5372 in the construction;

5373 (4) Density of plantings;

5374 (5) Descriptions of the stabilization and management techniques used to establish
5375 vegetation; and

5376 (6) A description of who will be responsible for ongoing maintenance of vegetation for the
5377 stormwater management facility and what practices will be employed to ensure that
5378 adequate vegetative cover is preserved.

5379 (i) *Operations and Maintenance Plan.* This plan must include the detailed description of
5380 ongoing operations and maintenance procedures for stormwater management facilities and
5381 practices to ensure their continued function as designed and constructed or preserved. They
5382 must identify the parts or components of a stormwater management facility or practice that
5383 need to be regularly or periodically inspected and maintained, and the equipment and skills
5384 or training necessary. The plan must include an inspection and maintenance schedule,
5385 maintenance tasks, responsible parties for maintenance, funding, access and safety issues.
5386 Provisions for periodic review and evaluation of the effectiveness of the maintenance
5387 program and the need for revisions or additional maintenance procedures must be included
5388 in the plan.

5389 (j) *Maintenance access easements.*

- 5430 agreement, and/or a conservation easement, if applicable, that is binding on all
5431 subsequent owners of the site. The inspection and maintenance agreement, if
5432 applicable, must be approved by the City prior to plan approval, and recorded in the
5433 deed records upon final plat approval. Approval of a preliminary plat or final plat shall
5434 be acceptance of any stormwater maintenance facility or practice by the City.
- 5435 (2) The inspection and maintenance agreement must identify by name or official title the
5436 persons responsible for carrying out the inspection and maintenance. Responsibility for
5437 the operation and maintenance of the stormwater management facility or practice,
5438 unless assumed by a government agency, will remain with the property owner and will
5439 pass to any successor owner. If portions of the land are sold or otherwise transferred,
5440 legally binding arrangements must be made to pass the inspection and maintenance
5441 responsibility to the appropriate successor in title. These arrangements must designate
5442 for each portion of the site, the person to be permanently responsible for its inspection
5443 and maintenance.
- 5444 (3) As part of the inspection and maintenance agreement, a schedule must be developed for
5445 when and how often routing inspection and maintenance will occur to ensure the proper
5446 function of the stormwater management facility or practice. The agreement must also
5447 include plans for annual inspections to ensure proper performance of the facility
5448 between scheduled maintenance and include remedies for the default thereof.
- 5449 (4) The City, in lieu of an inspection and maintenance agreement, may accept dedication of
5450 any existing or future stormwater management facility for maintenance, provided such
5451 facility meets all the requirements of this Article and includes adequate and perpetual
5452 access and sufficient area, by easement or otherwise, for inspection and regular
5453 maintenance.
- 5454 (l) *Evidence of acquisition of applicable local and non-local permits.* The applicant must
5455 certify and provide documentation to the City that all other applicable environmental
5456 permits have been acquired for the site prior to approval of the stormwater management
5457 plan.
- 5458 (m) *Off-site facilities.*
- 5459 (1) The stormwater management plan for each land development project must provide for
5460 stormwater management measures located on the site of the project, unless provisions
5461 are made to manage stormwater by an off-site or regional facility. The off-site or
5462 regional facility must be located on the property legally dedicated for the purpose, must
5463 be designed and adequately sized to provide a level of stormwater quantity and quality
5464 control that is equal to or greater than that which would be afforded by on-site practices
5465 and there must be a legally-obligated entity responsible for long-term operation and
5466 maintenance of the off-site or regional stormwater facility. In addition, on-site
5467 measures must be implemented, where necessary, to protect upstream and downstream
5468 properties and drainage channels from the site to the off-site facility.
- 5469 (2) A stormwater management plan showing the adequacy of the off-site or regional facility
5470 must be submitted to the Director.

- 5509 (iii) Wetlands.
- 5510 (iv) Stream buffer zones.
- 5511 (v) State buffer zones.
- 5512 (3) Perforated standpipes or a French drain, in accordance with published design standards
5513 available from the Director, or other methods which will achieve equal performance to
5514 prevent standing water and inadequate drainage shall be installed within all the
5515 detention and sedimentation control facilities.
- 5516 (f) *Combined detention.* When the applicant requests and the Director determines that
5517 development and construction projects are too small, or that engineering and economic
5518 factors make combined detention or other stormwater management facilities more practical,
5519 the City may authorize the joint construction of these facilities to serve two (2) or more
5520 properties by two (2) or more applicants. This authorization shall be granted by the Zoning
5521 Board of Appeals upon application for approval being submitted through the Director.
5522 Where joint detention facilities serving two (2) or more properties are approved for
5523 construction, no use of land or occupancy of buildings within the properties served by these
5524 facilities shall be permitted until completion of the detention facility, except upon approval
5525 of the Zoning Board of Appeals.
- 5526 (g) *Fencing.*
- 5527 (1) Permanent fencing at least six (6) feet in height shall be required around all stormwater
5528 and sedimentation control facilities designed for temporary water storage depth of
5529 greater than four (4) feet or those designated by the DeKalb County Board of Health as
5530 constituting a public health hazard.
- 5531 (2) This fencing shall be designed, installed and maintained to allow the free flow of runoff
5532 and sediment into the facility. Fencing shall be established on the outside edge of a
5533 facility. The fence shall include a gate of sufficient size to permit entrance of equipment
5534 necessary to allow periodic maintenance activities. The gate shall be placed in a manner
5535 such that the gate does not obstruct reasonable access or become obstructive. The
5536 Director may waive fencing in nonresidential areas where a pond is more than five
5537 hundred (500) feet from a residential district and in residential districts when detention
5538 is provided in natural areas such as stream channels and fencing in the opinion of the
5539 Director would damage the environment or affect stream flow.
- 5540 (h) *Special flood hazard area elevation contours.* In residential districts, not less than seventy
5541 (70) percent of the minimum lot area, as established by applicable zoning district
5542 development standards, shall be above the special flood hazard area elevation contours with
5543 the exception that lots in the RE district shall conform to requirements of the R-100 district.
- 5544 (i) *Street centerline elevations.* The profile elevation of the centerline of all public streets shall
5545 be constructed a minimum of one (1) foot above the special hazard flood area elevation
5546 contours. The Director may grant exceptions to this provision in cases where construction of
5547 the street elevation is a special flood hazard area and elevation contours would improve
5548 drainage or reduce the effects of flooding.

5549 **Sec. 14-555. Performance Criteria.**

5589 removal rates have not been provided, the effectiveness and pollutant removal of the
5590 structural control must be documented through prior studies, literature reviews or other
5591 means and receive approval from the Director before being included in the design of a
5592 stormwater management system. In addition, if hydrologic or topographic conditions,
5593 or land use activities, warrant greater control than that provided by the minimum control
5594 requirements, the Director may impose additional requirements deemed necessary to
5595 protect upstream and downstream properties and aquatic resources from damage due to
5596 increased volume, frequency and rate of stormwater runoff or increased nonpoint source
5597 pollution loads created on the site in question. Applicants must consult the Georgia
5598 Stormwater Management Manual for guidance on the factors that determine site design
5599 feasibility when selecting and locating a structural stormwater control.

5600 (6) *Stormwater credits for nonstructural measures.* The use of one or more site design
5601 measures by the applicant may allow for a reduction in the water quality treatment
5602 volume required under subsection (1). The applicant may, if approved by the Director,
5603 take credit for the use of stormwater better site design practices and reduce the water
5604 quality volume requirement. For each potential credit, there is a minimum set of criteria
5605 and requirements which identify the conditions or circumstances under which the credit
5606 may be applied. The site design practices that qualify for this credit and the criteria and
5607 procedures for applying and calculating the credits are identified in the Georgia
5608 Stormwater Management Manual.

5609 (7) *Drainage System Guidelines.* Stormwater conveyance facilities, which may include
5610 culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes,
5611 headwalls, gutter, swales, channels, ditches and energy dissipaters must be provided
5612 when necessary for the protection of public right-of-way and private properties
5613 adjoining project sites and/or public rights-of-way. Stormwater conveyance facilities
5614 that are designed to carry runoff from more than one parcel, existing or proposed, must
5615 meet the following requirements:

5616 (i) Methods to calculate stormwater flows must be in accordance with the stormwater
5617 design manual;

5618 (ii) All culverts, pipe systems, and open channel flow systems must be sized in
5619 accordance with the stormwater management plan using the methods included in
5620 the stormwater design manual; and

5621 (iii) Design and construction of stormwater conveyance facilities must be in
5622 accordance with the criteria and specifications found in the stormwater design
5623 manual.

5624 (8) *Dam design guidelines.* Any land disturbing activity that involves a site that proposes
5625 a dam must comply with the Georgia Safe Dams Act and Rules for Dam Safety, as
5626 applicable.

5627 **Sec. 14-556. Inspection and Maintenance**

5628 (a) *Inspections during construction.*

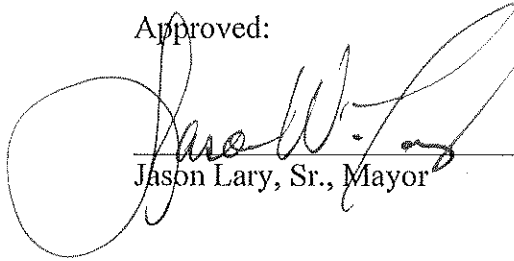
- 5670 surface water, groundwater, and material or water in stormwater management facilities;
5671 and evaluating the condition of stormwater management facilities and practices.
- 5672 (d) *Right of entry for inspections.* The terms of the inspection and maintenance agreement must
5673 provide authority for authorized city or city-contracted officials to enter the property at
5674 reasonable times and in a reasonable manner for the purpose of inspection. This includes
5675 the right to enter a property when the City has a reasonable basis to believe that a violation
5676 is occurring or has occurred and to enter when necessary for abatement of a public nuisance
5677 or correction of a violation.
- 5678 (e) *Maintenance responsibilities.*
- 5679 (1) Except as otherwise provided in this section, the commercial and/or multifamily
5680 residential property owner shall be responsible for the maintenance of the stormwater
5681 management facilities during grading, construction, and following final approval of the
5682 completed project. This maintenance and certification obligation shall be binding on all
5683 future owners, successors and assigns of the property.
- 5684 (2) Stormwater management facilities in single-family residential subdivisions constructed
5685 under permits issued prior to the adoption of the City ordinance assigning maintenance
5686 responsibility will not be accepted for city maintenance unless individually approved by
5687 and at the discretion of the Zoning Board of Appeals and suitable access easements are
5688 provided.
- 5689 (f) *Records.* Parties responsible for the operation and maintenance of a stormwater
5690 management facility must provide records of all maintenance and repair to the Director.
- 5691 (g) *Failure to maintain.* If a responsible person fails or refuses to meet the requirements of the
5692 inspection and maintenance agreement, the Director, after thirty (30) days' written notice
5693 (except that in the event the violation constitutes and immediate danger to public health or
5694 public safety, 24-hour notice is deemed sufficient), may correct a violation of the design
5695 standards or maintenance requirements by performing the necessary work to place the
5696 facility or practice in proper working condition. The City may assess the owners of the
5697 facility for the cost of repair work, which will be a lien on the property, and may be placed
5698 on the ad valorem tax bill for such property and collected in the ordinary manner for such
5699 taxes.
- 5700 (h) *Special drainage system maintenance requirements.*
- 5701 (1) Pursuant to Chapter 22.5 of the City of Stonecrest Code of Ordinances, as amended,
5702 trash, garbage, construction materials, construction by-products or other debris shall not
5703 be deposited in any part of the drainage system.
- 5704 (2) No restriction or barriers, including fences, may be placed in the drainage system or
5705 special flood hazard areas without first obtaining a development permit. When on-site
5706 or off-site debris has accumulated within a special flood hazard area in such a manner
5707 as to interfere with the free flow of water so as to increase the risk of hazardous
5708 inundation of upstream properties adjacent to the special flood hazard areas, the
5709 Director shall require the owner of the property where this debris was generated, if its

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018- 06-03

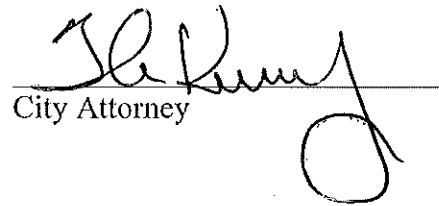
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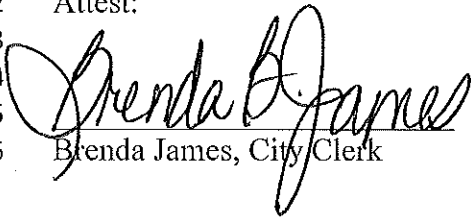
Jason Lary, Sr., Mayor

As to form:



City Attorney

Attest:



Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: Vehicle for Mult-department Use

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: Click or tap here to enter text.
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: Click or tap here to enter text.
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Monday, September 13, 2021

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Janice Allen Jackson

PRESENTER: Mayor Jason Lary

PURPOSE: To get Council's feedback on Mayor Lary's request to purchase a vehicle for use by departments as referenced on the email thread attached.

FACTS: N/A

OPTIONS: Discussion only Click or tap here to enter text.

RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:

(1) Attachment 1 - Email from Mayor dated August 25

Jason Lary

From: Jason Lary <JLary@stonecrestga.gov>

Sent: Wednesday, August 25, 2021 1:04 PM

To: Janice Allen Jackson <jallenjackson@stonecrestga.gov>; Gia Scruggs <gscruggs@stonecrestga.gov>

Subject: Vehicle for Multi-department use

Ms. Scruggs and Ms. Jackson:

I am following up on the conversation regarding the requested vehicle for the various functional departments for 2022. Councilwoman Cobble made the suggestion that the requested vehicle could be used for multiple departments, such as:

1. Economic Development - We have running tours throughout the month for interested businesses relocating to the commercial and industrial park. Oftentimes, we've had to borrow the SUV of certain attorney's and employee personnel to make the tours happen. Very unprofessional and unreliable if the persons were not available.
2. Mayor's Office - Oftentimes, my office is charged with picking dignitaries and important persons up from the airport that are visiting our city. Once again, we had to borrow an employee's SUV (who no longer works at Stonecrest) to accommodate the request.
3. Community and Cultural Affairs - Even if we reinstate or don't reinstate this department, the burden will fall on the Mayor's office as the "ceremonial leader" of the city. This requires my "double duty" as representation for both. Oftentimes I must travel to churches and short destinations to handle the representation of the city.
4. Business Development - Once again, even if we don't reinstate this department, the need for transportation is still there. This is visiting our current businesses for commercial and industrial retention for Stonecrest.
5. Communications - Oftentimes when our communications department covered an event, they needed a vehicle to transport the recording equipment to the event site. This was an often occurrence before the Pandemic. We should now be ramping up to do the same for 2022.

The original budget was for two Chevy Tahoe's to be shared amongst the departments. I'm requesting one Chevy Tahoe (a Surburban would be best, if the price is close) to cover these aforementioned functional areas. These are areas that can share the vehicle for whatever functions are necessary (as Councilwoman Jazzmin Cobble suggested). The Economic Development department and the Mayor's office should easily justify this expenditure (even if you take it from the office of the Mayor's budget). I do not want to climb into a code enforcement vehicle with mud on the floorboards or a parks and recreation vehicle that covered with dog hair. And this has been my real-life experience at Stonecrest when trying to borrow a vehicle for our professional services.

I hope this is enough information to justify why we need a dedicated, executive vehicle. Please feel free to contact me for any further clarity. This is timely as you are ordering the vehicles as we speak and by admission of council, you both have the authority to grant my request.

Mayor



CITY COUNCIL AGENDA ITEM

SUBJECT: Appointment of Municipal Court Judges

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: [Click or tap here to enter text.](#)
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: [Click or tap here to enter text.](#)
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): [Click or tap to enter a date.](#) & [Click or tap to enter a date.](#)

Current Work Session: Monday, September 13, 2021

Current Council Meeting: [Click or tap to enter a date.](#)

SUBMITTED BY: Janice Allen Jackson

PRESENTER: Mayor Pro Tem George Turner; Winston Denmark, City Attorney

PURPOSE: To discuss appointment of Municipal Court Judges

FACTS: We have determined that the current two municipal judges for Stonecrest were appointed to serve for 4 years. That period has expired. We have been offered an opportunity to expand the number of qualified municipal judges for the city with the training and qualifying at the expense of the DeKalb State Court

OPTIONS: Discussion only [Click or tap here to enter text.](#)

RECOMMENDED ACTION: [Click or tap here to enter text.](#)

ATTACHMENTS:



CITY COUNCIL AGENDA ITEM

SUBJECT: Charter Commission

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: Click or tap here to enter text.
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: Click or tap here to enter text.
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Monday, September 13, 2021

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Janice Allen Jackson

PRESENTER: Mayor Pro Tem George Turner

PURPOSE: To discuss formation of a Charter Commission consistent with the provisions of the amended charter

FACTS: 556 "SECTION 6.05. 557 Charter commission. 558 No later than five years after the inception of the City of Stonecrest, the mayor and the city 559 council shall call for a charter commission to review the city's experience and recommend 560 to the General Assembly any changes to the charter. Members of the charter commission 561 shall be appointed as follows: one by the mayor, one by each member of the city council, 562 and one member appointed by a vote of the members of the Georgia House of 563 Representatives and one member voted by the members of the Georgia Senate whose 564 districts lie wholly or partially within the corporate boundaries of the City of Stonecrest. 565 All members of the charter commission shall reside in the City of Stonecrest except those 566 representing the Georgia House of Representative and the Georgia Senate. Neither the city 567 council not the mayor shall appoint themselves to serve as members of the commission. 568 The city attorney may serve as ex officio member of the commission with approval by the 569 city council. The commission shall complete the recommendations within the time frame 570 required by the city council."



CITY COUNCIL AGENDA ITEM

OPTIONS: Discussion only [Click or tap here to enter text.](#)

RECOMMENDED ACTION: N/A

ATTACHMENTS:



CITY COUNCIL AGENDA ITEM

SUBJECT: Update on American Rescue Plan Funds

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: Click or tap here to enter text.
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: Click or tap here to enter text.
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): 06/14/21 & Click or tap to enter a date.

Current Work Session: Monday, September 13, 2021

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Jonathan Bartlett, Economic Development Director

PRESENTER: Jonathan Bartlett

PURPOSE: To update Council on the City's \$9.7M allocation under the American Rescue Plan Act.

FACTS: The City has completed Treasury's verification process and is awaiting receipt of initial funding (50% of the total). Treasury has not yet released a final rule; Georgia Municipal Association (GMA) and the National League of Cities (NLC) have urged a thoughtful, comprehensive approach. To that end, the City has released an RFP for strategic planning support, with responses due on 9/21.

OPTIONS: Discussion only Click or tap here to enter text.

RECOMMENDED ACTION: NA

ATTACHMENTS:

(1) Attachment 1 - ARPA Update 091321v0.ppt.



American Rescue Plan Act (ARPA) Update

September 13, 2021

Contents

- **Program Update**
- **Stonecrest Allocation**
- **Strategic Planning RFP**

ARPA Program Update

\$1.9 Trillion Economic Stimulus Bill

- Includes \$65.1 Billion for cities throughout the U.S.
- Treasury’s Final Rule **has still not been released**
 - Expected “any day now”
 - Spending should not be rushed in absence of final guidance

ARPA Program Update

Use of Funds – *this is not CARES*

- Support public health expenditures
- Address negative economic impacts caused by the public health emergency
- Replace lost public sector revenue
- Provide premium pay for essential workers
- Invest in sewer, water, and broadband

Stonecrest Allocation

Funds released in two tranches

- \$4,865,023 in 2021
- \$4,865,023 in ~May 2022
- All funds obligated by December 31, 2024
- All funds spent by December 31, 2026

Stonecrest Allocation

Director of Finance has applied for funds

- Stonecrest first tranche not yet dispersed
- Treasury Dept validation completed
- Expect money “in the bank” this month

Strategic Planning RFP

City is procuring outside support

- Identify uses that maximize impact
- Maintain transparency
- Ensure compliance with all reporting requirements

Strategic Planning RFP

City is procuring outside support

- Finance/procurement managing process
- Proposals due September 21
- Goal is 90 days from project initiation
- Will include Council and Community input

Questions?