

ROCKDALE COUNTY ORDINANCE NO. 0-2020-17
CONYERS, GEORGIA

AN ORDINANCE TO AMEND THE CODE OF ROCKDALE COUNTY, GEORGIA, AS AMENDED, SO AS TO AMEND CHAPTER 310 STORMWATER MANAGEMENT; SO AS TO IMPROVE POST-DEVELOPMENT STORMWATER MANAGEMENT PRACTICES; AND FOR OTHER PURPOSES

Whereas, Rockdale County is authorized by the State Constitution, including, without limitation, Article IX, Section II, Paragraphs I(a) and III(a)(6) thereof and state law to provide stormwater management services throughout Rockdale County; and

Whereas, the Metropolitan North Georgia Water Planning District (District) adopted the 2019 Model Ordinance for Post-Construction Stormwater Management for New Development and Redevelopment (Model Ordinance) on December 4, 2019; and

Whereas, the Georgia Department of Natural Resources, Environmental Protection Division, requires Rockdale County to adopt ordinances consistent with, and no less stringent than, the Model Ordinance and the County's Municipal Separate Storm Sewer System (MS4) Permit;

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of Rockdale County, Georgia, and it is hereby ordained by the authority of same as follows:

Section 1

That Section 310-1 of Rockdale County Code of Ordinances, entitled "**Definitions**", is hereby amended by deleting said section in its entirety and inserting the following section in lieu thereof:

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

Accidental discharge: A discharge prohibited by ordinance, which occurs by chance, and without planning or thought prior to occurrence.

Applicant: A person submitting a land development application for approval.

Best Management Practice (BMP): Both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

BMP Landscaping Plan: A design for vegetation and landscaping that is critical to the performance and function of the BMP, including how the BMP will be stabilized and established with vegetation. It shall include a layout of plants and plant names (local and scientific).

Buffer: With respect to a stream, a natural or enhanced vegetated area lying adjacent to the stream.

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

Clean Water Act (CWA): The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and any subsequent amendments thereto.

Common Plan of Development (or Larger Common Plan of Development): A contiguous area where multiple separate and distinct construction activities will be taking place at different times on different schedules under one plan of development for sale.

Construction Sequencing Plan: A document noting the sequence of construction and identification of infiltration zones for protection during staged installation of permanent post-construction BMPs to ensure suitable site conditions such as avoiding soil compaction by heavy equipment in areas designated for infiltration BMPs.

Detention: The temporary storage of stormwater runoff in a stormwater detention facility for the purpose of controlling the peak discharge.

Detention Facility: A structure designed for the storage and gradual release of stormwater runoff at controlled rates.

Development: New development or redevelopment.

Environmental Protection Agency (EPA): Federal Agency charged with oversight and protection of human health and the environment.

Environmental Protection Division (EPD): A state agency, being a division within the Georgia Department of Natural Resources, charged with protecting Georgia's air, land, and water resources through the authority of state and federal environmental statutes.

Erosion Sediment and Pollution Control Plan: A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes as a minimum, protections at least as stringent as the State General Permit, best management practices, and requirements in Section 306-4(c).

Extended Detention: The storage of stormwater runoff for an extended period of time.

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

Final Stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or landscaped according to the plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Floodplain: A floodplain or flood plain or is an area of land adjacent to a stream or river which stretches from the banks of its channel to the base of the enclosing valley walls, and which experiences flooding during periods of high discharge. The soils usually consist of clays, silts, and sands deposited during flood

Flooding: A volume of surface water that exceeds the banks or walls of a BMP, or channel; and overflows onto adjacent lands.

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

Green Infrastructure: An interconnected natural system and/or engineered system that strengthens and mimics natural hydrologic functions and processes through the use of plants and soil to slow, filter, evapotranspire and infiltrate runoff close to its source; or the capture and reuse of runoff.

GSMM: The latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook, and its Appendices.

Hotspot: A land use or activity on a site that has the potential to produce higher than normally found levels of pollutants in stormwater runoff. As defined by the stormwater director, hotspot land use may include gasoline stations, vehicle service and maintenance areas, industrial facilities (both permitted under the Industrial Stormwater General Permit and others), material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

Hydrology: The scientific study of the properties, distribution, and effects of water as a liquid, solid, or gas on the Earth's surface, in the soil and underlying rocks, and in the atmosphere.

Illegal connection: Either of the following:

- (a) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the county's separate storm sewer system including but not limited to any conveyances which allow any non-stormwater discharge

including sewage, process wastewater, and wash water to enter the county's separate storm sewer system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or

(b) Any pipe, open channel, drain or conveyance connected to the county's separate storm sewer system, which has not been documented in, plans, maps, or equivalent records and approved by an authorized enforcement agency.

Illicit discharge: Any direct or indirect non-stormwater discharge to the county's separate storm sewer system, except as exempted in Section 310-14(a).

Impervious Surface: A surface composed of any material that significantly impedes or prevents the natural infiltration of water into the soil.

Industrial Stormwater General Permit: The National Pollutant Discharge Elimination System (NPDES) permit issued by Georgia Environmental Protection Division to an industry for stormwater discharges associated with industrial activity. The permit regulates pollutant levels associated with industrial stormwater discharges or specifies onsite pollution control strategies based on Standard Industrial Classification (SIC) Code.

Infiltration: The process of percolating stormwater runoff into the subsoil.

Inspection and Maintenance Agreement: A written agreement providing for the long-term inspection, operation, and maintenance of the stormwater management system and its components on a site; or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction or covenant on the title to a site or other land involved in a land development project.

Land Development Application: The application for a land development permit on a form provided by Rockdale County along with the supporting documentation required in Section 310-39.

Land Development Permit: The authorization necessary to begin construction-related, land-disturbing activity.

Land Disturbing Activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including but not limited to clearing, dredging, grading, excavating, and filling of land. Land disturbing activity does not include agricultural practices as described O.C.G.A. §12-7-17(5) or silvicultural activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities.

Linear Feasibility Program: A feasibility program developed by Rockdale County and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria for determining when it would be infeasible to implement stormwater management standards for linear

transportation projects being constructed by Rockdale County, other local governments, or State agencies.

Linear Transportation Projects: Construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

Local Issuing Authority: The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. § 12-7-8.

Municipal Separate Storm Sewer System (MS4): A conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains, owned or operated by Rockdale County, designed or used for collecting or conveying runoff and is not a combined sewer or part of a publicly owned treatment works.

MS4 Permit: authorize public entities, such as cities, counties, transportation agencies, and military bases, to discharge pollutants from public stormwater systems to waters of the United.

National Pollutant Discharge Elimination System - he NPDES permit program addresses water pollution by regulating point sources that discharge pollutants to waters of the United States.

New Development: Land disturbing activities, structural development (construction, installation or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

Notice of Intent (NOI): A notice of intent form provided by EPD for coverage under the state general permit.

Notice of Termination (NOT): A notice of termination form provided by EPD to terminate coverage under the state general permit.

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

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

Offsite facility: A stormwater management facility located outside the boundaries of the site that it serves.

Onsite facility: A stormwater management facility located within the boundaries of the site that it serves.

Open space: Permanently protected areas of the site that are preserved in a natural state.

Overbank Flood Protection: Measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain).

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

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

Phased Construction: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire site.

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

Pollution: The contamination or other alteration of the physical, chemical or biological properties of air or water by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color turbidity, or odor, or the discharge of any liquid, gaseous, solid, radioactive, or other substance as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Post-Construction Stormwater Management: Stormwater best management practices that are used on a permanent basis to control and treat runoff once construction has been completed in accordance with a stormwater management plan.

Post-development: The conditions anticipated to exist on site immediately after completion of the proposed development.

Practicability Policy: The policy developed by Rockdale County in accordance with the latest edition of the Metropolitan North Georgia Water Planning District's Policy on Practicability Analysis for Runoff Reduction.

Pre-Development: The conditions that exist on a site immediately before the implementation of the proposed development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time before the first item being approved or permitted shall establish pre-development conditions.

Pre-Development Hydrology: The runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site.

Previously Developed Site: A site that has been altered by paving, construction, and/or land disturbing activity.

Professional Engineer (PE): A person who possesses a current certificate of registration as a professional engineer issued by the Georgia State Board of Registration for Professional Engineers and Land Surveyors.

Redevelopment: Structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surfaces not as part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

Regional stormwater management facility (Regional facility): Stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for onsite controls is either eliminated or reduced.

Registered Land Surveyor (RLS): A person who possesses a current license issued by the Georgia State Board of Registration for Professional Engineers and Land Surveyors.

Registered Landscape Architect (RLA): A person who possesses a current license issued by the Georgia Board of Landscape Architects.

Regulatory floodplain: Any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan.

Rockdale County separate storm sewer system: Any facility designed or used for collecting, treating and/or conveying stormwater located in the unincorporated areas of Rockdale County, including but not limited to highways, county streets, curbs, gutters, inlets, catch basins, piped

storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures; and which is: 1) not a combined sewer, and 2) not part of a publicly-owned treatment works.

Routine Maintenance: Activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Runoff: The flow of surface water resulting from precipitation.

Runoff Reduction: The interception, evapotranspiration, infiltration, or capture and reuse of runoff.

Single Family Residence: A building constructed as a stand-alone structure, with its own lot (parcel), intended for one family.

Site: An area of land where development is planned, which may include all or portions of one or more parcels of land. For subdivisions and other common plans of development, the site includes all areas of land covered under an applicable land development permit.

State General Permit: The National Pollution Discharge Elimination System (NPDES) general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act (Clean Water Act), as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.

State Waters (Waters of the State): Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Stormwater better site design practices: Non-structural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for non-structural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

Stormwater Concept Plan: An initial plan for post-construction stormwater management at the site that provides the groundwork for the stormwater management plan including the natural resources inventory, site layout concept, initial runoff characterization, and first round stormwater management system design. Stormwater Director: The person appointed by the board of commissioners to administer, implement, and enforce the provisions of Chapter 310 of the Rockdale County Code of Ordinances.

Stormwater Director (Director): The person appointed by the board of commissioners to administer, implement, and enforce the provisions of Chapter 310 of the Rockdale County Code of Ordinances.

Stormwater management measure: Any stormwater management facility or structural or non-structural stormwater practice.

Stormwater Management Plan: A plan for post-construction stormwater management at the site that meets the requirements of Section 310-37(d) and is included as part of the land development application.

Stormwater Management Standards: Those standards set forth in Section 310-36.*Stormwater Management System:* The entire set of non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner designed to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater manager: A person designated by the stormwater director to assist with administrative, implementation, and enforcement duties.

Stormwater Runoff: Flow along the surface of the ground, resulting from precipitation.

Stream protection area or protection area: With respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

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

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

Vegetated Green Infrastructure: Green Infrastructure that uses trees, shrubs, grasses, or other vegetation along with amended or engineered soils to intercept, retain, infiltrate, and evapotranspire runoff.

Watershed: The land area that drains into a particular stream.

Other terms used but not defined in this Article shall be interpreted based on how such terms are defined and used in the GSMM and Rockdale County's MS4 Permit.

Section 2

That Article III of Chapter 310 (i.e. Section 310-31 through Section 310-100) of the Rockdale County Code of Ordinances, entitled "Post-Development Stormwater Management", is hereby amended by deleting said article in its entirety and inserting the following Article in lieu thereof:

Section 310-31. Purpose and Intent.

The purpose of this article is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-construction stormwater runoff and nonpoint source pollution associated with new development and redevelopment. Proper management of post- construction stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. Additionally, Rockdale County is required to comply with several State and Federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quantity, velocity, and quality of post-construction stormwater runoff.

Section 310-32. Adoption and Implementation of the GSMM; Conflicts and Inconsistencies.

- (a) In implementing this Article, Rockdale County shall use and require compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the GSMM as well as all related appendices.

- (b) This Article is not intended to modify or repeal any other Article, ordinance, rule, regulation or other provision of law, including but not limited to any applicable stream buffers under state and local laws, and the Georgia Safe Dams Act and Rules for Dam Safety. In the event of any conflict or inconsistency between any provision in Rockdale County's MS4 permit and this Article, the provision from the MS4 permit shall control. In the event of any conflict or inconsistency between any provision of this Article and the GSMM, the provision from this Article shall control. In the event of any other conflict or inconsistency between any provision of this Article and any other ordinance, rule, regulation or other provision of law, the provision that is more restrictive or imposes higher protective standards for human health or the environment shall control.

- (c) If any provision of this Article is invalidated by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Article.

Section 310-33. Designation of Stormwater Director.

The Rockdale County Board of Commissioners may from time to time appoint a stormwater director to administer, implement, and enforce this Article.

Section 310-34. Applicability Criteria for Stormwater Management Standards.

This Article applies to the following activities:

- (a) New development that creates or adds 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of 1 acre of land or greater;
- (b) Redevelopment (excluding routine maintenance and exterior remodeling) that creates, adds, or replaces 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of 1 acre or more;
- (c) New development and redevelopment if:
 - (i) such new development or redevelopment is part of a subdivision or other common plan of development, and
 - (ii) the sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the thresholds in Section 310-34(a) or Section 310-34(b);
- (d) Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot land use as defined in this Article; and
- (e) Linear transportation projects that exceed the thresholds in Section 310-34(a) or Section 310-34(b);

Section 310-35. Exemptions from Stormwater Management Standards.

This Article does not apply to the following activities:

- (a) Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs;
- (b) Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;
- (c) Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;
- (d) Repairs to any stormwater management system deemed necessary by the stormwater director;
- (e) Agricultural practices as described O.C.G.A. 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the thresholds in Section 310-34(a) or Section 310-34(b);

(f) Silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the thresholds in Section 310-34(a) or Section 310-34(b);

(g) Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and

(h) Linear transportation projects being constructed by Rockdale County, other local governments, or State agencies to the extent the stormwater director determines that the stormwater management standards may be infeasible to apply, all or in part, for any portion of the linear transportation project. For this exemption to apply, an infeasibility report that is compliant with Rockdale County's linear feasibility program shall first be submitted to the stormwater director that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the stormwater director.

Section 310-36. Stormwater Management Standards.

Subject to the applicability criteria in Section 310-34 and exemptions in Section 310-35, the following stormwater management standards apply. Additional details for each standard can be found in the GSMM 2.2.2.2:

(a) Design of Stormwater Management System: The design of the stormwater management system shall be in accordance with the applicable sections of the GSMM as administered by the stormwater director. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

(b) Natural Resources Inventory: Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the Stormwater Management Plan, shall include, at a minimum (as applicable):

(i) Topography (minimum of 2-foot contours) and Steep Slopes (i.e., areas with slopes greater than 15%),

(ii) Natural drainage divides and patterns,

(iii) Natural drainage features (e.g., swales, basins, depressional areas),

(iv) Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas and river corridors,

(v) Predominant soils (including erodible soils and karst areas), and

(vi) Existing predominant vegetation including trees, high quality habitat and other existing vegetation.

(c) Better Site Design Practices for Stormwater Management: Stormwater management plans shall preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable. Additional details can be found in the GSMM 2.3.

(d) Stormwater Runoff Reduction / Water Quality: Stormwater Runoff Reduction / Water Quality shall be provided by using the following:

(i) For development with a stormwater management plan submitted before December 1, 2020, the applicant may choose either: (A) Runoff Reduction or (B) Water Quality.

(ii) For development with a stormwater management plan submitted on or after December 1, 2020, the applicant shall choose (A) Runoff Reduction and additional water quality shall not be required. To the extent (A) Runoff Reduction has been determined to be infeasible for all or a portion of the site using the Practicability Policy, then (B) Water Quality shall apply for the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.

(A) Runoff Reduction -The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.

(B) Water Quality – The stormwater management system shall be designed to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2 inch rainfall event.

(iii) If a site is determined to be a hotspot as detailed in Section 310-34, Rockdale County may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.

(e) Stream Channel Protection: Stream channel protection shall be provided by using all of the following three approaches:

(i) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;

(ii) Erosion prevention measures, such as energy dissipation and velocity control; and

(iii) Preservation of any applicable stream buffer.

(f) Overbank Flood Protection: Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour storm event.

(g) Extreme Flood Protection: Extreme flood protection shall be provided by controlling and/or safely conveying the 100-year, 24-hour storm event such that flooding and other damage are not exacerbated.

(h) Downstream Analysis: Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises 10% of the total drainage area in accordance with GSMM 3.1.9. This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system.

(i) Fencing: Permanent fencing shall be provided around all stormwater management measures and systems which:

(i) have a water depth greater than 4.0 feet during the 100-year, 24-hour storm event;

(ii) have an inboard (i.e. near the water) slope steeper than 3:1;

(iii) have an outboard (i.e. away from the water) slope steeper than 2:1; or

(iv) may otherwise pose a threat to public safety, infrastructure, or the environment.

The location, type, and configuration of such fencing shall be approved by the stormwater director, and the stormwater director shall have the right to modify or waive these conditions as deemed appropriate.

(j) Easements: Permanent easements shall be provided to allow access from public right-of-way to all stormwater management measures and systems, and shall be sufficiently configured and maintained to facilitate future inspection, maintenance, and construction activities. The proposed location, boundary, condition, and ownership of and maintenance responsibility for such easements shall be approved by the stormwater director prior to recording of any associated plat, deed, or agreement.

(k) Offsite and Regional Facilities: In general accordance with GSMM 4.1.5, an offsite facility or regional facility may be utilized for stormwater management when authorized by the stormwater director. Once authorized:

(i) Such facility shall be sufficiently designed, constructed, and maintained to satisfy the stormwater management standards of Section 310-36 for the proposed site and any other contributing drainage areas;

(ii) All areas upstream and downstream of such facility shall not be adversely affected, and shall be protected with additional measures as appropriate;

(iii) Appropriate legal documentation (e.g. easements, deeds, contracts) shall be established to allow the site's runoff to be properly conveyed to such facility and managed by such facility in perpetuity;

The stormwater director may rescind or modify authorization to use offsite or regional facilities, and may require additional measures, if at any time these provisions or their supporting documents are violated or invalidated.

(l) Stormwater Management System Inspection and Maintenance: The components of the stormwater management system that will not be dedicated to and accepted by Rockdale County, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement for the onsite stormwater management system. This plan shall be written in accordance with the requirements in Section 310-45.

Section 310-37. Pre-Submittal Meeting, Stormwater Concept Plan, and Stormwater Management Plan Requirements.

(a) Before a land development permit application is submitted, an applicant may request a pre-submittal meeting with Rockdale County. The pre-submittal meeting should take place based on an early step in the development process such as before site analysis and inventory (GSMM 2.4.2.4) or the stormwater concept plan (GSMM 2.4.2.5). The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. To the extent applicable, local and regional watershed plans, greenspace plans, trails and greenway plans, and other resource protection plans should be consulted in the pre-submittal meeting. Applicants must request a pre-submittal meeting with Rockdale County when applying for a Determination of Infeasibility through the Practicability Policy.

(b) The stormwater concept plan shall be prepared using the minimum following steps:

(i) Develop the site layout using better site design techniques, as applicable (GSMM 2.3).

(ii) Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff reduction / water quality, channel protection, overbank flooding protection and extreme flood protection (GSMM 2.2).

(iii) Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations (GSMM 4.1).

(c) The stormwater concept plan shall contain:

- (i) Common address and legal description of the site,
- (ii) Vicinity map, and
- (iii) Existing conditions and proposed site layout mapping and plans (recommended scale of 1" = 50'), which illustrate at a minimum:
 - (A) Existing and proposed topography (minimum of 2-foot contours),
 - (B) Perennial and intermittent streams,
 - (C) Mapping of predominant soils from USDA soil surveys,
 - (D) Boundaries of existing predominant vegetation and proposed limits of clearing and grading,
 - (E) Location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.),
 - (F) Location of existing and proposed roads, buildings, parking areas and other impervious surfaces,
 - (G) Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements,
 - (H) Preliminary estimates of unified stormwater sizing criteria requirements,
 - (I) Preliminary selection and location, size, and limits of disturbance of proposed BMPs,
 - (J) Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains,
 - (K) Flow paths,
 - (L) Location of the boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as applicable) and relationship of site to upstream and downstream properties and drainage, and
 - (M) Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings.

(d) The stormwater management plan shall contain the items listed in this part and be prepared under the direct supervisory control of either a registered Professional Engineer or a registered Landscape Architect licensed in the state of Georgia. Items (iii), (iv), (v), and (vi) shall be sealed and signed by a registered Professional Engineer licensed in the state of Georgia. The overall site plan must be stamped by a design professional licensed in the State of Georgia for such purpose (GSMM 2.4.2.7).

- (i) Natural Resources Inventory
- (ii) Stormwater Concept Plan
- (iii) Existing Conditions Hydrologic Analysis
- (iv) Post-Development Hydrologic Analysis
- (v) Stormwater Management System
- (vi) Downstream Analysis
- (vii) Erosion and Sedimentation Control Plan
- (viii) BMP Landscaping Plan
- (ix) Inspection and Maintenance Agreement
- (x) Evidence of Acquisition of Applicable Local and Non-Local Permits
- (xi) Determination of Infeasibility (if applicable)
- (xii) Construction Sequencing Plan

(e) For redevelopment, and to the extent existing stormwater management structures are being used to meet stormwater management standards, the following must also be included in the stormwater management plan for existing stormwater management structures:

- (i) As-Built Drawings
- (ii) Hydrology Reports
- (iii) Current inspection of existing stormwater management structures with deficiencies noted
- (iv) BMP Landscaping Plans

Section 310-38. Application Fee.

The fee for review of any land development application shall be based on the fee structure established by Rockdale County, and payment shall be made before the issuance of any land disturbance permit or building permit for the development.

Section 310-39. Application Procedures.

Land development applications are handled as part of the process to obtain the land disturbance permit pursuant to Section 302-45 or building permit Section 302-49, as applicable. Before any person begins development on a site, the owner of the site shall first obtain approval in accordance with the following procedure:

- (a) File a land development application with Rockdale County with the following supporting materials:
 - (i) the stormwater management plan prepared in accordance with Section 310-37(d),
 - (ii) a certification that the development will be performed in accordance with the stormwater management plan once approved,
 - (iii) a Preliminary Determination of Infeasibility, as applicable, prepared in accordance with the Practicability Policy, and
 - (iv) an acknowledgement that applicant has reviewed Rockdale County's form of inspection and maintenance agreement and that applicant agrees to sign and record such inspection and maintenance agreement before the final inspection.
- (b) The stormwater director shall inform the applicant whether the application and supporting materials are approved or disapproved.
- (c) If the application or supporting materials are disapproved, the stormwater director shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same for the stormwater director to again consider and either approve or disapprove.
- (d) If the application and supporting materials are approved, Rockdale County may issue the associated land disturbance permit or building permit, provided all other legal requirements for the issuance of such permits have been met. The stormwater management plan included in such applications becomes the approved stormwater management plan.

Section 310-40. Compliance with the Approved Stormwater Management Plan.

All development shall be:

- (a) consistent with the approved stormwater management plan and all applicable land disturbance and building permits, and
- (b) conducted only within the area specified in the approved stormwater management plan.

No changes may be made to an approved stormwater management plan without review and advanced written approval by the stormwater director.

Section 310-41. Inspections to Ensure Plan Compliance During Construction.

Periodic inspections of the stormwater management system during construction shall be conducted by the staff of Rockdale County or conducted and certified by a professional engineer who has been approved by Rockdale County. Inspections shall use the approved stormwater management plan and the construction sequencing plan for establishing compliance. All inspections shall be documented with written reports that contain the following information:

- (a) The date and location of the inspection;
- (b) Whether the stormwater management system is in compliance with the approved stormwater management plan;
- (c) Variations from the approved stormwater management plan; and
- (d) Any other variations or violations of the conditions of the approved stormwater management plan.

Section 310-42. Final Inspection; As-Built Drawings; Delivery of Inspection and Maintenance Agreement.

Upon completion of the development, the applicant is responsible for:

- (a) Certifying that the stormwater management system is functioning properly and was constructed in conformance with the approved stormwater management plan and associated hydrologic analysis,
- (b) Submitting as-built drawings showing the final design specifications for all components of the stormwater management system as certified by a professional engineer,
- (c) Certifying that the landscaping is established and installed in conformance with the BMP landscaping plan, and

(d) Delivering to Rockdale County a signed inspection and maintenance agreement that has been recorded by the owner in the property record for all parcel(s) that make up the site.

The required certification under part (a) shall include a certification of volume, or other performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and built according to the design specifications in the approved stormwater management plan. This certification and the required performance tests shall be performed by a qualified person and submitted to Rockdale County with the request for a final inspection. Rockdale County shall perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities.

Section 310-43. Violations and Enforcement.

Any violation of the approved stormwater management plan during construction, failure to submit as-built drawings, failure to submit a final BMP landscaping plan, or failure of the final inspection shall constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit pursuant to Section 302-45 or the underlying building permit pursuant to Section 302-49. To address a violation of this Article, Rockdale County shall have all the powers and remedies that are available to it for other violations of building and land disturbance permits, including without limitation the right to issue notices and orders to ensure compliance, stop work orders, and penalties as set forth in the applicable ordinances for such permits.

Section 310-44. Maintenance by Owner of Stormwater Management Systems Predating Current GSMM.

For any stormwater management systems approved and built based on requirements predating the current GSMM and that is not otherwise subject to an inspection and maintenance agreement, such stormwater management systems shall be maintained by the owner so that the stormwater management systems perform as they were originally designed.

Section 310-45. Inspection and Maintenance Agreements.

(a) The owner shall execute an inspection and maintenance agreement with Rockdale County obligating the owner to inspect, clean, maintain, and repair the stormwater management system; including vegetation in the final BMP landscaping plan. The form of the inspection and maintenance agreement shall be the form provided by Rockdale County. After the inspection and maintenance agreement has been signed by the owner and Rockdale County, the owner shall promptly record such agreement at the owner's cost in the property record for all parcel(s) that make up the site.

(b) The inspection and maintenance agreement shall identify by name or official title the person(s) serving as the point of contact for carrying out the owner's obligations under the inspection and maintenance agreement. The owner shall update the point of contact from time to time as needed and upon request by Rockdale County. Upon any sale or transfer of the site, the new owner shall notify Rockdale County in writing within 30 days of the name or official title of new person(s) serving as the point of contact for the new owner. Any failure of an owner to keep the point of contact up to date shall, following 30 days' notice, constitute a failure to maintain the stormwater management system.

(c) The inspection and maintenance agreement shall run with the land and bind all future successors-in-title of the site. If there is a future sale or transfer of only a portion of the site, then:

(i) The parties to such sale or transfer may enter into and record an assignment agreement designating the owner responsible for each portion of the site and associated obligations under the inspection and maintenance agreement. The parties shall record and provide written notice and a copy of such assignment agreement to Rockdale County.

(ii) In the absence of a recorded assignment agreement, all owners of the site shall be jointly and severally liable for all obligations under the inspection and maintenance agreement regardless of what portion of the site they own.

Section 310-46. Right-of-Entry for Maintenance Inspections.

The terms of the inspection and maintenance agreement shall provide for Rockdale County's right-of-entry for maintenance inspections and other specified purposes. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then Rockdale County shall have the right to enter and make inspections pursuant to Section 110-2, Section 110-3, and Section 310-140(c).

Section 310-47. Owner's Failure to Maintain the Stormwater Management System.

The terms of the inspection and maintenance agreement shall provide for what constitutes a failure to maintain a stormwater management system and the enforcement options available to Rockdale County. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

(a) An owner's failure to maintain the stormwater management system so that it performs as it was originally designed shall constitute and be addressed as a violation of, or failure to comply with, owner's property maintenance obligations pursuant to Chapter 78, Section 306-4(b)(3), and Section 310-140(a); and

(b) To address such a failure to maintain the stormwater management system, Rockdale County have all the powers and remedies that are available to it for other violations of an owner's property maintenance obligations, including without limitation prosecution, penalties, abatement, and emergency measures.

Section 310-48 through Section 310-100. Reserved.

Section 3

That all ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed.

Section 4

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


[SIGNATURE PAGE TO FOLLOW]


Section 5


That this ordinance shall become effective upon adoption.

This 10th day of November, 2020.

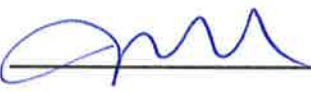
**ROCKDALE COUNTY, GEORGIA
BOARD OF COMMISSIONERS**

By: 
Osborn Nesbitt, Sr., Chairman

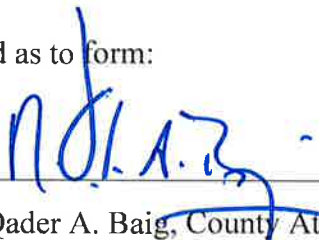
By: 
Sherri L. Washington, Esq., Commissioner Post I

By: 
Dr. Doreen Williams, Commissioner Post II

Attest:

By: 
Jennifer O. Rutledge, County Clerk

Approved as to form:

By: 
M. Qader A. Baig, County Attorney

1st reading 09/21/2020

2nd reading 11/10/2020