

ORDINANCE NO. 04-12-092

TO AMEND TITLE 17, CHAPTER 17.04 OF THE CITY OF LOCUST GROVE CODE OF ORDINANCES WHICH PROVIDES FOR ZONING; TO AMEND SECTION 17.04.040 ENTITLED "WATERSHED DISTRICTS"; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS

SECTION 1. Chapter 17.04, Section 17.04.040, paragraph G. of the Code of Ordinances of the City of Locust Grove, Georgia, is hereby amended by striking subparagraph (1)(c) and inserting in lieu thereof the following:

c. The city reserves the right, on a case by case basis, to increase the twenty-five percent impervious surface limitation for industrial, commercial, office, institutional, and public developments provided the following structural stormwater controls are taken and the area is no more than six hundred feet (600') deep as measured from the public right-of-way of a major arterial road, minor arterial road or collector road as designated on the Henry County Functional Road Classification Map. However, the city shall not increase the impervious surface limitations to more than seventy-five percent (75%).

- i. Stormwater Management Plan Detailing the Stormwater Control Structures Proposed for the Development shall be Required. Said plan shall be in conformity with the requirements of the City Stormwater Management Ordinance as amended from time to time. The preferred structure control is wet detention pond which shall be located on site, or, as part of a regional pond where available. The design standards for detention ponds intended for watershed protection shall be found in the Henry County Construction Standards Manual, as amended from time to time. The construction of all stormwater controls designed for watershed protection shall be completed and have received final inspection approval from the Henry County building department prior to issuance of a certificate of occupancy for buildings or final plat approval if developed as an individual, business or office park.
- ii. Channelization of perennial streams shall be prohibited, except for road crossings, erosion and sedimentation control, or stormwater management

- control devices.
- iii. All permanent stormwater control structures and easements for maintenance and access shall be recorded in the final plat of the property in accordance with the City Subdivision Ordinance and Stormwater Management Ordinance. The developer shall submit a detailed, long-term schedule for inspection and maintenance of stormwater control structures. The schedule shall include a legal agreement for maintenance responsibility between the local government and property owner. No final plat approval or building occupancy permit shall be issued until a fully executed maintenance agreement has been executed and accepted by the city. Inspections can include, but are not limited to:
 - (A) Initial review of stormwater management plan which must occur prior to issuance of development permit or building permit.
 - (B) Inspection prior to burial of any underground drainage structure.
 - (C) Erosion and sedimentation control inspections, as required on the approved project soil erosion and sedimentation control plan, and, the City Soil Erosion and Sedimentation Control Ordinance.
 - (D) A final inspection when all work, including installation of drainage facilities, has been completed.
 - (E) Inspection prior to final subdivision plat approval for acceptance of public improvements (streets, stormwater management and drainage facilities).
 - (F) Subsequent inspections, measurement, and enforcement actions as necessary to insure continued functioning of the facilities for stormwater management and watershed protection.
 - iv. A development may participate in a regional wet detention pond program which has been established by one or more public or private entities subject to the following:
 - (A) Runoff from the development drains into a regional stormwater management control facility approved by the county.
 - (B) An agreement between the city and the landowner has been executed which guarantees participation in the regional stormwater arrangement of the property and the detention pond.

- (C) Construction of a regional detention pond meets or exceeds the design requirements of the City Stormwater Management Ordinance.
- v. A development may provide an alternative method for stormwater control other than a wet detention pond provided that it is in compliance with the City Stormwater Management Ordinance, and design criteria for pollutant removal equivalent to those associated with wet detention ponds included in the Henry County Construction Standards Manual, as amended.

SECTION 2. This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

SECTION 3.

A. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

B. It is hereby declared to be the intention of the City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other Section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining Sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall

remain valid, constitutional, enforceable, and of full force and effect.

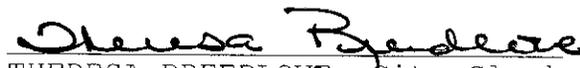
SECTION 4. Repeal of Conflicting Provision. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Locust Grove.

SO ORDAINED this 6th day of December, 2004.


LORENE LINDSEY, Mayor

ATTEST:


THERESA BREEDLOVE, City Clerk

(Seal)

FIRST READING/
ADOPTION: 12-6-04

Version 6