

ORDINANCE NO. 03-03-03 D

TO AMEND TITLE 17 OF THE CITY OF LOCUST GROVE CODE OF ORDINANCES WHICH PROVIDES FOR ZONING; TO AMEND SECTION 17.04 ENTITLED "ZONING CODE ADOPTED"; 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 of the Code of Ordinances of the City of Locust Grove, Georgia, is hereby amended by striking Section 17.04.040 in its entirety and substituting in lieu thereof the following:

**Section 17.04.040 Watershed Districts.**

1. Findings and purpose.
  - 1.1 Findings of fact. In order to provide for the health, safety, and welfare of the public and a healthy economic climate within the City of Locust Grove, Georgia (hereinafter referred to as "City") and surrounding communities, it is essential that the quality of public drinking water be assured. The ability of natural systems to filter stormwater runoff can be threatened by unrestricted urban and suburban development. Land-disturbing activities associated with development can increase erosion and sedimentation that threatens the storage capacity of reservoirs. In addition, stormwater runoff, particularly from impervious surfaces, can introduce toxicants, nutrients, and sediment into drinking water supplies, making water treatment more complicated and expensive and rendering water resources unusable for recreation. Industrial land uses that involve the manufacture, use, transport and storage of hazardous or toxic waste materials result in the potential risk of contamination of nearby public drinking water supplies.
  - 1.2 Purpose. The purpose of this section is to establish measures to protect the quality and quantity of the present and future water supply of the City; to minimize the transport of pollutants and sediment to the water supply; and to maintain the yield of the water supply watershed. This section shall apply to the portions of the following watersheds, which occur within the jurisdiction of the City and are hereinafter identified as water supply watersheds.

2. Definitions. Except as specifically described herein, all words in this section shall have their usual and customary meanings. The use of the singular includes the plural and the plural the singular; the present tense includes the future; the use of shall means the action is mandatory, the use of may or should means the action is optional.

Authority: The use of the word "authority" shall mean the Henry County Water and Sewerage Authority.

Best management practices plan (BMP plan): A plan consisting of a wide range of management procedures, activities, and prohibitions or practices which control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use.

Buffer: A natural or enhanced vegetated area located adjacent to reservoirs or perennial streams within a water supply watershed.

City: The use of the word "City" shall mean the City of Locust Grove, Georgia.

Confined animal feeding operation: A building or fenced enclosure designed and used for holding or fattening of animals in preparation for market. It does not include the pasturing of animals at densities recommended by the best management practices of the Georgia Department of Agriculture as follows: horses--one per forty-three thousand five hundred sixty square feet (43,560 sq. ft.) (one acre); cows--one per forty-three thousand five hundred sixty square feet (43,560 sq. ft.); sheep or goats--one per twenty thousand square feet (20,000 sq. ft.); fowl--twenty (20) per forty-three thousand five hundred sixty square feet (43,560 sq. ft.).

Corridor: All land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed.

County: The use of the word "County" shall mean the Board of Commissioners of Henry County.

Department: The use of the word "Department" shall mean the Henry County Planning and Zoning Department and any subsequent name they become known as.

Development or single development: Any project or group of related projects constructed or planned for construction on a single parcel or on contiguous parcels under single ownership.

Enforcer: The enforcer is defined as the City or its designee.

Hazardous material: Any substance defined as "hazardous waste" by the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-8-60 et seq. as hereafter amended.

Hazardous waste: Any solid waste which has been defined as "hazardous waste" in regulations promulgated by the Administrator of the United States Environmental Protection Agency pursuant to the Federal Act which are in force and effect on February 1, 1991, codified as 40 C.F.R. Section 261.3 as hereafter amended and any designated hazardous waste. Also any substance defined as "hazardous waste" by the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-8-60 et seq. as hereafter amended.

Impervious surface: A manmade structure or surface that prevents the infiltration of stormwater into the ground below the structure or surface. Examples include, but are not limited to, buildings, roads, driveways, parking lots, decks, swimming pools or patios.

Large quantity generator of hazardous waste: Any person, corporation, partnership, association or other legal entity that is defined as a "large quantity generator" by the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-8-60 et seq. as hereafter amended and that is regulated by the State of Georgia under that section.

Natural vegetated area: An undeveloped area largely free from human disturbance where naturally occurring vegetation is allowed to remain undisturbed or is enhanced and maintained by human intervention. Activities specifically allowed in such an area include, but are not limited to:

Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife.

Outdoor recreational activities, including hunting, fishing, trapping, bird watching, hiking, boating, horseback riding, swimming, canoeing, skeet and trap shooting.

Education, scientific research and nature trails.

Maintenance or repair of lawfully located roads, structures and utilities used in the service of the public, provided that the work is conducted using best management practices to ensure that negative effects on the previous nature of the land shall be minimized.

Limited excavating, filling and land disturbance necessary for the repair and maintenance of structures necessary to the uses permissible in the area as above.

Net acreage: The total acreage of any parcel or combined parcels of land to be developed as a single project, less the sum of the following: total number of acres contained in the 100-year flood hazard area, total number of acres contained in rights-of-ways, and the total number of acres contained in detention or retention ponds to be constructed.

Net density: The total number of dwelling units divided by the net acreage within the boundaries of any parcel or combined parcels of land to be developed as a single project.

Nonconforming use: A land use activity, building or structure legally established prior to adoption of this ordinance, or subsequent amendment to it, that would not otherwise be permissible under the provisions of this section.

Open space: For purposes of this ordinance, "open space" shall be defined as undisturbed lands or otherwise properties set aside for recreational uses, buffers, common areas, landscape areas, as well as other uses defined under the "open space categories" described below. Buffers and wetlands, if located on lots to be conveyed to private property owners, shall not be considered as "open space." Land contained within the 100-year flood zone shall not be considered as "open space" if located on lots that are to be conveyed to private property owners. Land designated as

"open space" is divided into five (5) categories (the "open space categories" or, singularly, an "open space category"):

- \* Category A - wetland stream buffers; 100-year flood hazard areas, undisturbed buffers between various land uses, roadside buffers, wildlife sanctuaries, and other forms of buffers, if owned by the developer or a property owners association;
- \* Category B - improved and revegetated areas utilized for active recreation, such as ball fields, parks and golf courses;
- \* Category C - improved, active recreation areas, such as swimming pools, tennis courts and playgrounds;
- \* Category D - state waters, including wetlands, ponds, lakes, if owned by a developer or a property owners association; and
- \* Category E - land donated to a governmental entity for public use, provided such land is not located in a wetland or 100-year flood zone.

In order to calculate the total "open space," the total acreage contained within each open space category is multiplied by its respective factor, as set forth below:

- \* Category A factor = 1.0
- \* Category B factor = 0.7
- \* Category C factor = 0.2
- \* Category D factor = 0.5
- \* Category E factor = 2.0.

Overlay district: A district that applies supplementary regulations to land previously classified as belonging to a specific zoning district or land-use category.

Perennial stream: A stream which flows throughout the year, as indicated by a solid blue line on United States Geological Survey (USGS) 7-minute topographic series maps (scale of 1/24,000).

Reservoir boundary: The edge of a reservoir, defined by its normal pool level (elevation above mean sea level).

Utility: Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems and railroads.

Water quality critical area: The water quality critical area is defined as follows: (a) All land that lies adjacent to the normal pool level of a reservoir and extending either to the ridge line boundary of the watershed or five hundred feet (500') whichever is shorter; and (b) All land extending a distance of three (3) miles upstream from the normal pool level of the reservoir that is adjacent to each perennial stream upstream from the reservoir and extending either to the ridge line boundary of the watershed on each side of the perennial stream or five hundred feet (500'), whichever is shorter.

Water supply watershed: The drainage area (watershed) of lands upstream of a governmentally owned public drinking water intake or water supply reservoir or a proposed public drinking water intake or water supply reservoir.

3. Establishment of watershed districts, descriptions, maps, critical areas and limited development areas.
- 3.1 Designation of water supply watershed districts. The following watershed district is hereby established and designated.

- (a) Towaliga River
- (b) Indian Creek
- (c) Tussahaw Creek

- 3.2 Description of the water supply watershed district.

(a) Towaliga River. The Towaliga River Watershed District is defined as follows: All land that lies on each side of the Towaliga River and each perennial stream that flows into the Towaliga River to the ridge line from Steel Mills Dam located just north of Locust Grove-Griffin Road to the beginning points of the Towaliga River and each perennial stream that drains into the Towaliga River in said area.

(b) Indian Creek. The Indian Creek Watershed District is defined as follows: All land that lies on each side of Indian Creek and each perennial stream that flows into

Indian Creek to the ridge line from the S.H. Gardner Reservoir Dam located on Indian Creek just north of Indian Creek Road to the beginning points of Indian Creek and each perennial stream that drains into Indian Creek within said area. Indian Creek is a tributary to the Towaliga River and is contained within the Towaliga River Watershed District.

(c) Tussahaw Creek. The Tussahaw Creek Watershed District is defined as follows: All land that lies on each side of Tussahaw Creek and each perennial stream that flows into Tussahaw Creek to the ridge line from the west right of way line of Finchersville Road located in Butts County, Georgia, to the beginning points of Tussahaw Creek and each perennial stream that drains into Tussahaw Creek in said area. The main perennial streams that flow into the Tussahaw Creek at the location of the proposed reservoir site are Peeksville Creek and its tributaries, Wolf Creek and its tributaries, Malholms Creek and its tributaries. All of said creeks are located in the Tussahaw Watershed District.

3.3 Watershed district map. A map of the water supply watershed district will be maintained by the County and the authority. The County's district map will overlie the official City Zoning Map and each of said maps are hereby incorporated herein and made a part of this section by reference.

3.4 Water quality critical area.

3.4.1 Water quality critical area for the above-stated watershed districts is: (a) All land that lies adjacent to the normal pool level of a reservoir and extending either to the ridge line boundary of the watershed or five hundred feet (500') whichever is shorter; and (b) All land extending a distance of three (3) miles upstream from the normal pool level of the reservoir that is adjacent to each perennial stream upstream from the reservoir and extending either to the ridge line boundary of the watershed on each side of the perennial stream or five hundred feet (500'), whichever is shorter.

3.4.2 The normal pool level elevation of the existing reservoirs of the Authority are as follows:

- (a) Lower Towaliga River Reservoir contour line E. 658.0;
- (b) Upper Towaliga River Reservoir contour line El. 720.0;

- (c) Indian Creek Reservoir contour line El. 728.0; and
- (d) Tussahaw Creek Reservoir contour line El. 600.0.

\* Elevations are based on U.S. Geological Survey Datum.

- 3.5 Limited development area. A limited development area is established for the remaining part of the watershed district that is located outside of the water quality critical area to the ridge line of each watershed district.
- 4. Permit required.
  - 4.1 Permit requirements. Within the water supply watershed district, no land-disturbing activity, construction or other development, other than certain exempted activities identified within, may be conducted without a permit from the County and must be in full compliance with the terms of this ordinance and Chapter, and other applicable regulations, including but not limited to, the City Zoning Ordinance, Subdivision Ordinance, Soil Erosion and Sedimentation Control Ordinance, Flood Damage Prevention Ordinance and Stormwater Runoff Ordinance. All activities that are not permissible as of right or as conditional use shall be prohibited.
  - 4.2 Exemptions. The following land-use activities are exempted from the development review and permit requirements of this section:
    - 4.2.1 Agriculture and forestry. Normal agricultural and forestry activities involving planting and harvesting of crops are exempted if they conform to best management practices established by the Georgia Department of Agriculture. Silvicultural activities must conform to best management practices by the Georgia Forestry Commission.
    - 4.2.2 Mining activities. All mining activities that are permitted by the Georgia Department of Natural Resources under the Georgia Surface Mining Act, as amended, are exempted.
- 4.3 Enforcement. The City and County, their agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this ordinance and may take or cause to be made such examinations, surveys, or sampling as the County deems necessary. Enforcement procedures shall be as provided in

section 3-7-252 (Enforcement) of the Henry County Zoning Ordinance, under Article XIII (Administration and Enforcement).

- 4.3.1 The Henry County Planning and Zoning Department is hereby designated as the administrator and enforcement authority of this section.
- 4.3.2 All applications for building permits shall be first submitted to the building department. When there is a need of interpretation and enforcement of specific sections of this section, the building department shall submit applications for review by the Planning and Zoning Department when there is a need of interpretation and enforcement of specific sections of this section.
- 4.3.3 Agents and employees of the City and County and the authority and law enforcement officials of the County and other law enforcement officials having police powers shall have authority to assist the enforcer in enforcement of this section.
- 4.3.4 Any person who commits, takes part in, or assists in any violation of any provision of this section shall be fined not more than one thousand dollars (\$1,000.00) for each offense. Each violation of this act shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.
- 4.3.5 The enforcer shall have the authority to enforce this section; to authorize issuance of permits thereunder; to address violations and to refer violations to the code enforcement department of the County; to issue citations for violation of this section; to issue administrative orders; and to commence civil and criminal actions.
- 4.3.6 The enforcer or his designee shall have the authority to issue cease and desist orders in the event of any violation of this section. Cease and desist orders may be appealed under section 11 hereof.
- 4.3.7 When a building or other structure has been constructed in violation of this section, the violator shall be required to remove the structure.

- 4.3.8 When removal of vegetative cover, excavation or fill has taken place in violation of this section, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, in compliance with the City Soil Erosion and Sedimentation Control Ordinance.
- 4.3.9 All costs, attorney's fees, expert witness fees and other expenses incurred by the City and County in connection with the enforcement of this section shall be recovered from the violator.
5. Permit review. Applications for a development permit within the above-stated watershed districts shall include the following:
- 5.1 Existing ordinances. Each application shall comply with all existing ordinances, amendments thereto and subsequent amendments. Said ordinances include but are not limited to the City Zoning Ordinance, Subdivision Ordinance, Soil Erosion and Sedimentation Control Ordinance, Flood Prevention Ordinance, and the Stormwater Runoff Ordinance.
- 5.2 Additional requirements for development of property located in the watershed districts. In addition to the requirements of each of the above referenced ordinances, site plans or construction improvements plans for development of property shall contain the following additional information:
- 5.2.1 The total square feet and acres of property to be developed.
- 5.2.2 Location, dimensions, and area (in square feet) of all impervious surfaces, both existing and proposed, on the site.
- 5.2.3 The distance of each impervious structure and surface to the nearest bank of an affected perennial stream and reservoir.
- 5.2.4 The location of each perennial stream that crosses or abuts the site.
- 5.2.5 The location of each public reservoir that abuts the site.

- 5.2.6 The location, elevation and orientation of the 100-year floodplain on the site.
- 5.2.7 The site plan submitted shall contain a certification issued by a registered land surveyor or registered engineer verifying the location of the site as being located either within the water quality critical area, the limited development area or outside of the both areas.
- 5.2.8 Location and detailed design of any spill and leak collection systems designed for the purposes of containing accidentally released hazardous or toxic materials.
- 5.3 Additional requirements for building permits. In addition to the requirements of each of the above referenced ordinances, the following information shall accompany each building permit requested:
- 5.3.1 The total square feet and acres of property to be developed.
- 5.3.2 Location, dimensions, and area (in square feet) of all impervious surfaces, both existing and proposed, on the site.
- 5.3.3 The site plan shall contain a certification issued by a registered land surveyor, landscape architect, or registered engineer verifying the impervious surface calculations of the proposed development.
- 5.3.4 The distance of each impervious structure and surface to the nearest bank of an affected perennial stream and reservoir.
- 5.3.5 The location of each perennial stream that crosses or abuts the site.
- 5.3.6 The location of each public reservoir that abuts the site.
- 5.3.7 The location and orientation of the 100-year floodplain on the site.
- 5.3.8 The site plan submitted shall contain a certification issued by a registered land surveyor or registered engineer verifying the location of the site as being located either

within the water quality critical area, the limited development or outside of both areas.

- 5.3.9 Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
- 5.4 Activities to comply with site development plan. All development activities or site work conducted after approval of the site plan shall conform with the specifications of said approved plans. Significant changes to the site plan, that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of vegetation during construction, or otherwise result in an alteration of the overall appearance of the development as proposed, can be amended only with the approval of the Henry County Planning and Zoning Department. Any such amendments shall also comply with all other applicable ordinances and laws.
- 5.5 Exemptions from site development plan requirements.
  - 5.5.1 Repairs to a facility that is part of a previously approved and permitted development.
  - 5.5.2 Accessory structures such as barns, sheds, or additions to single-family dwellings.
- 5.6 Duration of permit validity.
  - 5.6.1 If construction described in the development permit has not commenced within twelve (12) months from the date of issuance, the permit shall expire.
  - 5.6.2 If construction described in the development permit is suspended after work has commenced, the permit shall expire twelve (12) months after the date the work ceased. In cases of permit expiration due to abandonment or suspension of work, the landowner shall be required to restore topography to its original contours and restore vegetation as far as practicable.
- 6. Land use restrictions. The following limitations on permissible uses together with the limitations on land use

prescribed under the ordinances of the City, the laws of the State of Georgia, the regulations of the regulatory agencies of the State of Georgia, laws of the United States of America and the regulations of the regulatory agencies of the United States of America shall apply.

- 6.1 Within the water quality critical area. The following limitations on permissible uses shall apply to the water quality critical area:
  - 6.1.1 Agricultural land use. No confined animal feeding operations may be conducted within the water quality critical area.
  - 6.1.2 Commercial establishments. No commercial activity may be conducted within the water quality critical area.
  - 6.1.3 Fuel and chemical storage tanks. No above ground or underground fuel or chemical storage tanks shall be allowed in the water quality critical area.
  - 6.1.4 Industries. No industrial activity may be conducted within the water quality critical area.
  - 6.1.5 Landfills and waste disposal. No landfills or wastewater disposal facilities of any kind (except for septic tanks approved by the Henry County Health Department and wastewater disposal facilities owned and operated by the authority) shall be allowed within the water quality critical area.
  - 6.1.6 Office. Offices are not permissible within the water quality critical area, except for a home occupation office.
  - 6.1.7 Residential land use. Single-family residential lots are permissible if acreage requirements hereinafter set forth are met. Residential lots having no less than two (2) acres when served by a septic tank system and no less than one and one-half (1.5) acres when served by a public sewer system. The minimum lot width permissible for development with septic tank systems when using a public water system is one hundred fifty feet (150').
  - 6.1.8 Toxic and hazardous materials. No facility that stores or disposes of underground fuel or chemical storage tanks shall be allowed in the water quality critical area. No

industry or business that generates hazardous waste may be located within the water quality critical area.

6.2 Within the limited development area. The following limitations on permissible uses shall apply to the limited development area.

6.2.1 Agriculture. There are no additional limitations on the type of agricultural land use permissible within the limited development area.

6.2.2 Commercial establishments. Commercial establishments shall only be permissible on land parcels of no less than one and one-half (1.5) acres if served by a septic tank system and no less than one (1) acre if served by a public sewer system.

6.2.3 Fuel and chemical storage tanks. Underground fuel and chemical storage tanks will be allowed if they meet all of the requirements set forth by the Georgia Department of Natural Resources Environmental Protection Division.

6.2.4 Industries. No industry that manufactures toxic or hazardous materials may be located in the limited development area. Only those industries that are not large quantity generators of hazardous waste may be located within the limited development area. Permitted industries must be located on land parcels of no less than ten (10) acres if served by a septic tank system and no less than four (4) acres if served by a public sewer system. Within the watershed protection district, industrial developments shall not exceed twenty-five (25) acres in an area unless a variance is granted by the City after taking into consideration the size, shape, topography, geology and location of the land sought to be developed.

6.2.5 Landfills and waste disposal. No landfills shall be allowed within said area. Septic tanks approved by the County health department and sewage disposal facilities owned and operated by the a public entity will be allowed in this area.

6.2.6 Office. Offices shall be permissible on land parcels of no less than one and one-half (1.5) acres if served by a septic tank system and no less than one (1) acre if served by a public sewer system, except for home occupation office.

6.2.7 Residential. Single-family residential lots are permissible if acreage requirements hereinafter set forth are met. Residential lots served by a septic tank system shall be a minimum of one (1) acre. Residential lots served by public sewer system will have the density authorized under the zoning provision for which the property is zoned, however, the total impervious area of all residential developments shall not exceed twenty-five percent (25%) of the total development. All residential developments shall maintain at least twenty percent (20%) of the development as open space.

6.2.8 Toxic and hazardous materials. No facilities that dispose of toxic or hazardous waste may be located within the limited development area. No facility that manufactures, stores or disposes of toxic or hazardous waste may be located within the limited development area.

6.3 Property abutting perennial streams and perennial streams crossing property located in limited development area. If a perennial stream abuts or crosses any property upon which an industrial facility, office facility, commercial facility, service facility or residential building is located, the following minimal lot sizes will be required:

(a) If served by a septic tank system:

- (1) Industrial lots: Ten (10) acres.
- (2) Office lots: Two (2) acres.
- (3) Commercial establishments: Two (2) acres.
- (4) Residential: One and one-half (1 1/2) acres.

(b) If served by public sewer system:

- (1) Industrial lots: Two (2) acres.
- (2) Office lots: One and one-half (1.5) acres.
- (3) Commercial establishments: One and one-half (1.5) acres.
- (4) Residential: The density will be that as set forth in each of the zoned residential districts; provided, however, no lot abutting said stream shall have any more than twenty percent (20%) impervious structures located thereon.

7. Impervious surface limitations.

7.1 Percentage allowed. The percentage of impervious area allowed in the water quality critical area and the limited development area are set forth below. The percentages set forth below shall be determined by the addition of all land areas to be covered by impervious structures during the development of the property (i.e., roads, streets, driveways, houses, buildings, parking areas). Compliance with the impervious area percentages set forth below shall be certified by a licensed surveyor, engineer, landscape architect, or any other professional authorized to render similar services under state law.

7.1.1 Water quality critical area. No more than twenty (20) percent of the total land area of any parcel on which a new development is placed may be covered by impervious surface within the water quality critical area.

7.1.2 Limited development area. No more than twenty-five (25) percent of the total land area of any parcel on which a new development is placed may be covered by impervious surface within the limited development area.

7.1.3 The City reserves the right, on a case by case basis, to increase the twenty-five percent (25%) impervious surface limitation for industrial, commercial, office, institutional, and public developments provided the following structural stormwater controls are taken. However, the City shall not increase the impervious surface limitations to more than thirty-five percent (35%).

(a) 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 protections 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 industrial, business, or office park.

(b) Channelization of perennial streams shall be prohibited, except for road crossings, erosion and sedimentation control, or stormwater management control devices.

(c) 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:

(1) Initial review of stormwater management plan which must occur prior to issuance of development permit or building permit.

(2) Inspection prior to burial of any underground drainage structure.

(3) 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.

(4) A final inspection when all work, including installation of drainage facilities, has been completed.

(5) Inspection prior to final subdivision plat approval for acceptance of public improvements (streets, stormwater management and drainage facilities).

(6) Subsequent inspections, measurement, and enforcement actions as necessary to insure continued functioning of the facilities for stormwater management and watershed protection.

(d) A development may participate in a regional wet detention pond program which has been established by one (1) or more public or private entities subject to the following conditions:

(1) Runoff from the development drains into a regional stormwater management control facility approved by the County.

(2) 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.

(3) Construction of a regional detention pond meets or exceeds the design requirements of the City Stormwater Management Ordinance.

(e) 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.

7.1.4 Additional requirements for rezoning request applications. In addition to the requirements of each of the above-referenced ordinance, the following information shall accompany each rezoning application:

1. Location, dimensions, and area (in square feet) of all impervious surfaces, both existing and proposed, on the site.

2. The site plan submitted shall contain a certification issued by a registered land surveyor, landscape architect, or registered engineer verifying the impervious surface calculations of the proposed development.)

7.2 Impervious surface setbacks.

7.2.1 Water quality critical area. No impervious structure shall be constructed within two hundred feet (200') of the normal pool level of the reservoir or of any perennial stream located in the water quality critical area.

7.2.2 Limited development area. No impervious surface shall be constructed within a one hundred fifty feet (150') setback area on both sides of a perennial stream as

measured from the stream banks in the limited development area.

### 7.3 Vegetative setbacks/buffers

7.3.1 Stream buffers within water quality critical area. A natural or enhanced vegetative buffer shall be maintained for a distance of one hundred fifty feet (150') from the normal pool level of a reservoir and one hundred feet (100') on both sides of a perennial stream as measured from the banks.

7.3.2 Stream buffers within the limited development area. A natural or enhanced vegetative buffer shall be maintained for a distance of one hundred feet (100') on both sides of a perennial stream as measured from the stream's banks.

7.3.3 Silvicultural BMPs. Notwithstanding any other provisions of this section, forestry practices, in accordance with a forest management plan that incorporates best management practices (BMPs) approved by the Georgia Forestry Commission, shall be permissible in the buffer areas. However, no trees or vegetation shall be removed any closer than twenty-five feet (25') on each side of any perennial stream.

7.3.4 Agricultural BMPs. Notwithstanding any other provisions of this section, the continued cultivation of agricultural crops and the occasional pasturing of livestock shall be permissible within the buffer area, provided that the best management practices of the Georgia Department of Agriculture are followed.

7.4 Septic tank drainfield restrictions. Septic tanks and septic tank drainfields are prohibited in the setback areas established in subsections 7.2. and 7.3.

7.5 Hazardous materials handling. New facilities located within the water supply watershed district that handle hazardous materials of a type and amounts requiring a permit from the Department of Natural Resources or that require disposal by a hazardous materials handler permitted or licensed by the Department of Natural Resources at a hazardous materials facility, shall perform their operations on impermeable surfaces having spill and leak collection systems. Such spill and leak collections systems shall be shown on the

site plan in detail and must be approved, as part of the site plan, by the enforcer.

- 7.6 Soil erosion and sedimentation control. All developments and land disturbing activity within the Watershed Districts shall comply fully with the City Soil Erosion and Sedimentation Control Ordinance.
8. Nonconforming uses.
  - 8.1 Previous uses preserved generally. The lawful use of any building, structure, or land use existing at the time of the enactment of this section may be continued, even though such use does not conform with the provisions of this section except that the nonconforming structures of use shall not be:
    - 8.1.1 Changed to another nonconforming use;
    - 8.1.2 Reestablished after discontinuance for one (1) year;
    - 8.1.3 Extended except in conformity with this section; or
    - 8.1.4 Structurally altered, except for repairs necessary for the continuation of the existing use.
  - 8.2 Replacement of nonconforming uses. The replacement of nonconforming uses shall be in compliance with Article 7 of the City Zoning Ordinance as hereinafter amended.
  - 8.3 Application to projects partially complete. For any development which has received, before the effective date of this ordinance, either preliminary plat approval, site plan approval, building permit or other relevant permits provided by the County and for which substantial work has been completed or substantial investment made in reliance upon such a permit, any future work included in said plat or plan may be completed without being subject to the additional regulations imposed in this section. Any significant additions, expansions, or phases that deviate significantly from said plat or plan or that have not yet received a permit shall be subject to the provisions of this section.
9. Preexisting conditions. All parcels of land within the Watershed Districts that do not conform to the space requirements or come within the permitted uses or the

minimum standards hereinafter set out shall be governed by the City Zoning Ordinance as it relates to nonconforming use activities. No property owner within said district or area, nor successors in title, who is engaged in a use which is rendered nonconforming by this section, shall be required to limit, restrict, amortize, or discontinue such use within the boundaries of his property. Nothing in this section shall require any change in development or proposed use of properties which are presently under development or preliminary plat has been submitted and approved as of the effective date of this section. All parcels of tracts of land within said district or area shall be subject to the rules and regulations of the Henry County Health Department.

10. Variances.

10.1 When issued. The City may authorize upon appeal in individual cases, such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this section will, in an individual case, result in unnecessary hardship, so that the spirit of this ordinance shall be observed. Such variance may be granted in such individual cases of practical difficulty or hardship only upon a finding by the City that a majority of the following conditions apply:

10.1.1 There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

10.1.2 The application of this section to this particular piece of property would create an unnecessary hardship;

10.1.3 Relief, if granted, would not cause substantial detriment to the water quality of the Watershed District or impair the purposes and intent of this section;

10.1.4 The special circumstances surrounding the request for a variance are not the result of acts by the applicant;

10.1.5 The variance is not a request to permit a use of land, buildings or structures which is not permissible in the district involved; and,

10.1.6 The variance will not result in an increase of the impervious surface of the development beyond that prescribed according to section 7.

10.2 Conditions. The City may, as a condition of variances to certain provisions of this ordinance, require alternative measures to be taken by the applicant such that the purpose of this ordinance may be achieved through alternative means.

10.3. Stormwater treatment. To the extent any project or development receives a variance under the requirements of this ordinance, the preparation of a stormwater best management practices plan (BMP plan) and treatment of stormwater may be required.

If it is determined by the City that the proposed variance or the development may result in the degradation of water quality, a stormwater best management practices (BMP's) plan will be required. The BMP plan shall be prepared by a professional engineer and shall be designed to provide water quality treatment for the first inch of water runoff from all proposed impervious areas disturbed by the proposed project. This plan must be approved by the City, and the Henry County Water and Sewerage Authority prior to approval of the request for variance. The BMP plan shall be included in and made a part of the stormwater management report (SWMR) that is required under all other applicable ordinances of this City.

Elements of the BMP plan may include but are not limited to:

- \* Check dams. Dams constructed across a drainage swale or ditch to minimize erosion by reducing stormwater velocity.
- \* Energy dissipation devices. Paved or riprapped channel sections placed below storm drain outlets to reduce flow velocity.
- \* Water quality inlets. Specially constructed stormwater inlets designed to remove sediment, debris, oils, and greases from stormwater.

- \* Such other water treatment facilities that are deemed necessary to treat the runoff water before said water enters the streams of the drainage district.
- \* Buffer zones. Strips of undisturbed, original land or vegetation surrounding the land-disturbed site to reduce stormwater velocities and filter pollutants.
- \* Grass swales and filter strips. Vegetative drainage conveyances, used in lieu of storm drains, designed to reduce flow rates and provide filtering/infiltration of stormwater.
- \* Dry detention ponds. Dry surface storage areas designed to collect and store stormwater runoff and to provide settling of pollutants.
- \* Wet detention ponds. Wet storage ponds designed to collect and store stormwater runoff and to provide settling of pollutants.
- \* Wetland plantings. Areas designed to collect, store, and treat stormwater runoff using appropriate wetland vegetation.

The SWMR and the BMP plan shall be submitted to the City and Henry County Water and Sewerage Authority ("authority") for its review. The authority's report shall determine whether or not the SWMR and the BMP plan meet the requirements of this ordinance. No development or building permit shall be issued until the SWMR and the BMP plan has been approved by the City. If, during the course of the development the City finds that the developer is in violation of the SWMR or the BMP plan, the City issue a stop work order. Upon the issuance of the stop work order, all development and construction on the project shall immediately cease until the developer is in full compliance with the terms of this ordinance.

11. Appeals. Decisions made by the enforcer may be appealed to the City Council. Notice of the appeal must be filed with the City within ten (10) days of the decision rendered by the enforcer. The notice of appeal shall contain a written statement specifying the errors made by the enforcer and the specific relief requested by the party appealing. A public hearing will be conducted by the Mayor and City Council at either a regular or special called meeting of

the Mayor and City Council. Written notice of the time and place of the hearing shall be given to the party appealing at least three (3) days prior to the date of the hearing.

12. Amendments. These regulations and the watershed district map may from time to time be amended in accordance with procedures and requirements in the general statutes.
13. Assessment relief. Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of land.
14. Separability and abrogation. All sections and subsections of this ordinance are considered separate and distinct. Should any section, subsection, paragraph or part of this section be declared by a court of jurisdiction to be invalid for any reason, it shall not invalidate any other section, subsection, paragraph or part of this section.

**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 Board of Commissioners 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.

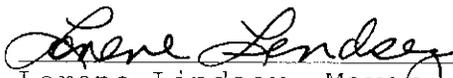
C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express

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.

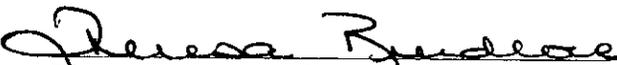
**SECTION 4.** Repeal of Conflicting Provision. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**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 3<sup>rd</sup> day of March, 2003.

  
Lorene Lindsey, Mayor

ATTEST:

  
Theresa Breedlove, City Clerk

(Seal)

FIRST READING/

ADOPTION: 3.3-03