

1 STATE OF GEORGIA

2 CITY OF LITHONIA

3 ORDINANCE NO. 2021-02-05

4 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF LITHONIA,  
5 GEORGIA, BY ADDING SECTION 1 (POST STORMWATER MANAGEMENT); TO PROVIDE  
6 FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE AN ADOPTION  
7 AND EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

8 WHEREAS, the duly elected governing authority of the City of Lithonia, Georgia (the  
9 “City”) is the Mayor and Council thereof; and

10 WHEREAS, the City of Lithonia is authorized by O.C.G.A. §36-35-3 to adopt ordinances  
11 relating to its property, affairs, and local government; and

12 WHEREAS, the City’s Code of Ordinances should be amended and updated in order to  
13 provide for the proper regulation of land and water management, in order to comply with current  
14 Georgia law, and

15 WHEREAS, the Mayor and City Council have determined that it is appropriate to amend  
16 said sections of the Code of Ordinances of the City of Lithonia to be consistent with state law and to  
17 further protect the public health, safety, and welfare of the citizens of the City.

18 NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR  
19 AND COUNCIL OF THE CITY OF LITHONIA, GEORGIA and by the authority thereof:

20 Section 1. The City of Lithonia, Georgia’s Code of Ordinances is amended by adding Sec. 4  
21 (Post Stormwater Management), to read as follows:

22  
23 **Section 1. Post-Construction Stormwater Management for New Development**  
24 **And Redevelopment**  
25

26 **Section 1.1 Purpose and Intent.** The purpose of this article is to protect, maintain and enhance  
27 the public health, safety, environment and general welfare by establishing minimum requirements

28 and procedures to control the adverse effects of increased post-construction stormwater runoff and  
29 nonpoint source pollution associated with new development and redevelopment. Proper  
30 management of post- construction stormwater runoff will minimize damage to public and private  
31 property and infrastructure, safeguard the public health, safety, environment and general welfare  
32 of the public, and protect water and aquatic resources. Additionally, the [local jurisdiction] is  
33 required to comply with several State and Federal laws, regulations and permits and the  
34 requirements of the Metropolitan North Georgia Water Planning District’s regional water plan  
35 related to managing the water quantity, velocity, and quality of post- construction stormwater  
36 runoff.

37  
38 **Section 1.2. Definitions.** For this Article, the terms below shall have the following meanings:  
39

40 “administrator” means the person appointed to administer and implement this Article on  
41 Post-Construction Stormwater Management for New Development and Redevelopment in  
42 accordance with Section 1.4.

43 “applicant” means a person submitting a land development application for approval.

44 “BMP” or “best management practice” means both structural devices to store or treat  
45 stormwater runoff and non-structural programs or practices which are designed to prevent or  
46 reduce the pollution of the waters of the State of Georgia.

47  
48 “BMP landscaping plan” means a design for vegetation and landscaping that is critical to  
49 the performance and function of the BMP including how the BMP will be stabilized and established  
50 with vegetation. It shall include a layout of plants and plant names (local and scientific).

51  
52 “channel” means a natural or artificial watercourse with a definite bed and banks that  
53 conveys continuously or periodically flowing water.

54  
55 “detention” means the temporary storage of stormwater runoff in a stormwater detention  
56 facility for the purpose of controlling the peak discharge.

57  
58 “detention facility” means a structure designed for the storage and gradual release of  
59 stormwater runoff at controlled rates.

60  
61 “development” means new development or redevelopment.

62 “extended detention” means the storage of stormwater runoff for an extended period of  
63 time.

64  
65 “extreme flood protection” means measures taken to prevent adverse impacts from large  
66 low-frequency storm events with a return frequency of 100 years or more.

67  
68 “flooding” means a volume of surface water that exceeds the banks or walls of a BMP, or  
69 channel; and overflows onto adjacent lands.

70  
71 “GSMM” means the latest edition of the Georgia Stormwater Management Manual,  
72 Volume 2: Technical Handbook, and its Appendices.

73  
74 “hotspot” means a land use or activity on a site that has the potential to produce higher than  
75 normally found levels of pollutants in stormwater runoff. As defined by the administrator, hotspot  
76 land use may include gasoline stations, vehicle service and maintenance areas, industrial facilities  
77 (both permitted under the Industrial Stormwater General Permit and others), material storage sites,  
78 garbage transfer facilities, and commercial parking lots with high-intensity use.

79  
80 “impervious surface” means a surface composed of any material that significantly impedes  
81 or prevents the natural infiltration of water into the soil.

82  
83 “Industrial Stormwater General Permit” means the National Pollutant Discharge  
84 Elimination System (NPDES) permit issued by Georgia Environmental Protection Division to an  
85 industry for stormwater discharges associated with industrial activity. The permit regulates  
86 pollutant levels associated with industrial stormwater discharges or specifies on-site pollution  
87 control strategies based on Standard Industrial Classification (SIC) Code.

88 “infiltration” means the process of percolating stormwater runoff into the subsoil.

89 “inspection and maintenance agreement” means a written agreement providing for the  
90 long-term inspection, operation, and maintenance of the stormwater management system and its  
91 components on a site.

92  
93 “land development application” means the application for a land development permit on a  
94 form provided by **[local jurisdiction]** along with the supporting documentation required in Section  
95 [Y]-10(a).

96  
97 “land development permit” means the authorization necessary to begin construction-  
98 related, land-disturbing activity

99  
100 “land disturbing activity” means any activity which may result in soil erosion from water  
101 or wind and the movement of sediments into state water or onto lands within the state, including  
102 but not limited to clearing, dredging, grading, excavating, and filling of land. Land disturbing  
103 activity does not include agricultural practices as described O.C.G.A. 12-7-17(5) or silvicultural  
104 land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these  
105 activities.

106

107 “linear feasibility program” means a feasibility program developed by **[local jurisdiction]**  
108 and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria  
109 for determining when implementation of stormwater management standards for linear  
110 transportation projects being constructed by **[local jurisdiction]** is infeasible.

111

112 “linear transportation projects” means construction projects on traveled ways including but  
113 not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

114

115 “MS4 Permit” means the NPDES permit issued by Georgia Environmental Protection  
116 Division for discharges from the **[local jurisdiction’s]** municipal separate storm sewer system.

117

118 “new development” means land disturbing activities, structural development (construction,  
119 installation or expansion of a building or other structure), and/or creation of impervious surfaces  
120 on a previously undeveloped site.

121

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

129

130 “overbank flood protection” means measures taken to prevent an increase in the frequency  
131 and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel  
132 and enter the floodplain).

133

134 “owner” means the legal or beneficial owner of a site, including but not limited to, a  
135 mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or  
136 corporation in control of the site.

137

138 “person” means any individual, partnership, firm, association, joint venture, public or  
139 private corporation, trust, estate, commission, board, public or private institution, utility,  
140 cooperative, city, county or other political subdivision of the State, any interstate body or any other  
141 legal entity.

142

143 “post-construction stormwater management” means stormwater best management  
144 practices that are used on a permanent basis to control and treat runoff once construction has been  
145 completed in accordance with a stormwater management plan.

146

147 “post-development” means the conditions anticipated to exist on site immediately after  
148 completion of the proposed development.

149

150 “practicability policy” means the latest edition of the Metropolitan North Georgia Water  
151 Planning District’s Policy on Practicability Analysis for Runoff Reduction.

152

153 “pre-development” means the conditions that exist on a site immediately before the  
154 implementation of the proposed development. Where phased development or plan approval occurs  
155 (preliminary grading, roads and utilities, etc.), the existing conditions at the time before the first  
156 item being approved or permitted shall establish pre-development conditions.

157

158 “pre-development hydrology” means (a) for new development, the runoff curve number  
159 determined using natural conditions hydrologic analysis based on the natural, undisturbed  
160 condition of the site immediately before implementation of the proposed development; and (b) for  
161 redevelopment, the existing conditions hydrograph may take into account the existing  
162 development when defining the runoff curve number and calculating existing runoff, unless the  
163 existing development causes a negative impact on downstream property.

164

165 “previously developed site” means a site that has been altered by paving, construction,  
166 and/or land disturbing activity.

167

168 “redevelopment” means structural development (construction, installation, or expansion of  
169 a building or other structure), creation or addition of impervious surfaces, replacement of  
170 impervious surfaces not as part of routine maintenance, and land disturbing activities associated  
171 with structural or impervious development on a previously developed site. Redevelopment does  
172 not include such activities as exterior remodeling.

173

174 “routine maintenance” means activities to keep an impervious surface as near as possible  
175 to its constructed condition. This includes ordinary maintenance activities, resurfacing paved  
176 areas, and exterior building changes or improvements which do not materially increase or  
177 concentrate stormwater runoff, or cause additional nonpoint source pollution.

178

179 “runoff” means stormwater runoff.

180

181 “site” means an area of land where development is planned, which may include all or  
182 portions of one or more parcels of land. For subdivisions and other common plans of development,  
183 the site includes all areas of land covered under an applicable land development permit.

184

185 “stormwater concept plan” means an initial plan for post-construction stormwater  
186 management at the site that provides the groundwork for the stormwater management plan  
187 including the natural resources inventory, site layout concept, initial runoff characterization, and  
188 first round stormwater management system design.

189

190 “stormwater management plan” means a plan for post-construction stormwater  
191 management at the site that meets the requirements of Section [Y]-8(d) and is included as part of  
192 the land development application.

193

“stormwater management standards” means those standards set forth in Section [Y]-7.

194

195 “stormwater management system” means the entire set of non-structural site design  
features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and

196 disposal of stormwater runoff in a manner designed to prevent increased flood damage, streambank  
197 channel erosion, habitat degradation and water quality degradation, and to enhance and promote  
198 the public health, safety and general welfare.

199 “stormwater runoff” means flow on the surface of the ground, resulting from precipitation.

200 “subdivision” means the division of a tract or parcel of land resulting in one or more new  
201 lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer  
202 of ownership or land development, and includes divisions of land resulting from or made in  
203 connection with the layout or development of a new street or roadway or a change in an existing  
204 street or roadway.

205  
206 Other terms used but not defined in this Article shall be interpreted based on how such terms are  
207 defined and used in the GSMM and the City’s MS4 permit.

208  
209 **Section 1.3. Adoption and Implementation of the GSMM; Conflicts and Inconsistencies.**  
210

211 (a) In implementing this Article, the City of Lithonia shall use and require compliance  
212 with all relevant design standards, calculations, formulas, methods, and other guidance  
213 from the GSMM as well as all related appendices.

214  
215 (b) This Article is not intended to modify or repeal any other Article, ordinance, rule,  
216 regulation or other provision of law, including but not limited to any applicable stream  
217 buffers under state and local laws, and the Georgia Safe Dams Act and Rules for Dam  
218 Safety. In the event of any conflict or inconsistency between any provision in the **City of  
219 Lithonia** MS4 permit and this Article, the provision from the MS4 permit shall control. In  
220 the event of any conflict or inconsistency between any provision of this Article and the  
221 GSMM, the provision from this Article shall control. In the event of any other conflict or  
222 inconsistency between any provision of this Article and any other ordinance, rule,  
223 regulation or other provision of law, the provision that is more restrictive or imposes higher  
224 protective standards for human health or the environment shall control.

225  
226 (c) If any provision of this Article is invalidated by a court of competent jurisdiction,  
227 such judgment shall not affect or invalidate the remainder of this Article.

228  
229 **Section 1.4 Designation of Administrator.** The [INSERT AS APPROPRIATE - county  
230 administrator / county chief executive officer / mayor / city manager] may from time to time  
231 appoint someone to administer and implement this Article.

232  
233 **Section 1.5. Applicability Criteria for Stormwater Management Standards.** This Article  
234 applies to the following activities:

235  
236 (a) New development that creates or adds 5,000 square feet or greater of new  
237 impervious surface area or that involves land disturbing activity of 1 acre of land or greater;

238 (b) Redevelopment (excluding routine maintenance and exterior remodeling) that  
239 creates, adds, or replaces 5,000 square feet or greater of new impervious surface area or  
240 that involves land disturbing activity of 1 acre or more;

241  
242 (c) New development and redevelopment if

243 (i) such new development or redevelopment is part of a subdivision or other  
244 common plan of development, and

245  
246 (ii) the sum of all associated impervious surface area or land disturbing activities  
247 that are being developed as part of such subdivision or other common plan of  
248 development meets or exceeds the threshold in (a) and (b) above;

249  
250  
251 (d) Any commercial or industrial new development or redevelopment, regardless of  
252 size, that is a hotspot land use as defined in this Article; and

253  
254 (e) Linear transportation projects that exceed the threshold in (a) or (b) above.  
255

256 **Section 1.6. Exemptions from Stormwater Management Standards.** This Article does not  
257 apply to the following activities:

258  
259 (a) Land disturbing activity conducted by local, state, authority, or federal agencies,  
260 solely to respond to an emergency need to protect life, limb, or property or conduct  
261 emergency repairs;

262  
263 (b) Land disturbing activity that consists solely of cutting a trench for utility work and  
264 related pavement replacement;

265  
266 (c) Land disturbing activity conducted by local, state, authority, or federal agencies,  
267 whose sole purpose is to implement stormwater management or environmental restoration;

268  
269 (d) Repairs to any stormwater management system deemed necessary by the  
270 administrator;

271  
272 (e) Agricultural practices as described O.C.G.A. 12-7-17(5) within areas zoned for  
273 these activities with the exception of buildings or permanent structures that exceed the  
274 threshold in [Y]-5 (a) or (b);

275  
276 (f) Silvicultural land management activities as described O.C.G.A. 12-7-17(6) within  
277 areas zoned for these activities with the exception of buildings or permanent structures that  
278 exceed the threshold in [Y]-5 (a) or (b);

279  
280 (g) Installations or modifications to existing structures solely to implement Americans  
281 with Disabilities Act (ADA) requirements, including but not limited to elevator shafts,  
282 handicapped access ramps and parking, and enlarged entrances or exits; and

283 (h) Linear transportation projects being constructed by City to the extent the  
284 administrator determines that the stormwater management standards may be infeasible to  
285 apply, all or in part, for any portion of the linear transportation project. For this exemption  
286 to apply, an infeasibility report that is compliant with the City linear feasibility program  
287 shall first be submitted to the administrator that contains adequate documentation to  
288 support the evaluation for the applicable portion(s) and any resulting infeasibility  
289 determination, if any, by the administrator.

290  
291 **Section 1.7 Stormwater Management Standards.** Subject to the applicability criteria in Section  
292 1.5 and exemptions in Section 1.6, the following stormwater management standards apply.  
293 Additional details for each standard can be found in the GSMM Section 2.2.2.2:  
294

295 (a) Design of Stormwater Management System: The design of the stormwater  
296 management system shall be in accordance with the applicable sections of the GSMM as  
297 directed by the administrator. Any design which proposes a dam shall comply with the  
298 Georgia Safe Dams Act and Rules for Dam Safety as applicable.  
299

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

- 304 (i) Topography (minimum of 2-foot contours) and Steep Slopes (i.e., Areas with  
305 Slopes Greater Than 15%),
- 306 (ii) Natural Drainage Divides and Patterns,
- 307 (iii) Natural Drainage Features (e.g., swales, basins, depressional areas),
- 308 (iv) Natural feature protection and conservation areas such as wetlands, lakes,  
309 ponds, floodplains, stream buffers, drinking water wellhead protection areas  
310 and river corridors,
- 311 (v) Predominant soils (including erodible soils and karst areas), and
- 312 (vi) Existing predominant vegetation including trees, high quality habitat and other  
313 existing vegetation.

314  
315 (c) Better Site Design Practices for Stormwater Management: Stormwater  
316 management plans shall preserve the natural drainage and natural treatment systems and  
317 reduce the generation of additional stormwater runoff and pollutants to the maximum  
318 extent practicable. Additional details can be found in the GSMM Section 2.3.  
319

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

322  
323 (i) For development with a stormwater management plan submitted before  
324 **[insert applicable date]**, the applicant may choose either (A) Runoff Reduction or  
325 (B) Water Quality.

326  
327 (ii) For development with a stormwater management plan submitted on or after  
328 **[insert applicable date]**, the applicant shall choose (A) Runoff Reduction and  
329 additional water quality shall not be required. To the extent (A) Runoff Reduction



330 has been determined to be infeasible for all or a portion of the site using the  
331 Practicability Policy, then (B) Water Quality shall apply for the remaining runoff  
332 from a 1.2 inch rainfall event and must be treated to remove at least 80% of the  
333 calculated average annual post-development total suspended solids (TSS) load or  
334 equivalent as defined in the GSMM.  
335

336 (A) Runoff Reduction - The stormwater management system shall be  
337 designed to retain the first 1.0 inch of rainfall on the site using runoff  
338 reduction methods, to the maximum extent practicable.  
339

340 (B) Water Quality – The stormwater management system shall be designed  
341 to remove at least 80% of the calculated average annual post-development  
342 total suspended solids (TSS) load or equivalent as defined in the GSMM for  
343 runoff from a 1.2 inch rainfall event.  
344

345 (iii) If a site is determined to be a hotspot as detailed in Section 1.5, the City may  
346 require the use of specific or additional components for the stormwater  
347 management system to address pollutants of concern generated by that site.  
348

349 (e) Stream Channel Protection: Stream channel protection shall be provided by using  
350 all of the following three approaches:  
351

352 (i) 24-hour extended detention storage of the 1-year, 24-hour return frequency  
353 storm event;  
354

355 (ii) Erosion prevention measures, such as energy dissipation and velocity control;  
356 and  
357

358 (iii) Preservation of any applicable stream buffer.  
359

360 (f) Overbank Flood Protection: Downstream overbank flood protection shall be  
361 provided by controlling the post-development peak discharge rate to the pre-development  
362 rate for the 25-year, 24-hour storm event.  
363

364 (g) Extreme Flood Protection: Extreme flood protection shall be provided by  
365 controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.  
366

367 (h) Downstream Analysis: Due to peak flow timing and runoff volume effects, some  
368 structural components of the stormwater management system fail to reduce discharge peaks  
369 to pre-development levels downstream from the site. A downstream peak flow analysis  
370 shall be provided to the point in the watershed downstream of the site or the stormwater  
371 management system where the area of the site comprises 10% of the total drainage area in  
372 accordance with Section 3.1.9 of the GSMM. This is to help ensure that there are minimal  
373 downstream impacts from development on the site. The downstream analysis may result in  
374 the need to resize structural components of the stormwater management system.  
375

376 (i) Stormwater Management System Inspection and Maintenance: The components of  
377 the stormwater management system that will not be dedicated to and accepted by the City,

378 including all drainage facilities, best management practices, credited conservation spaces,  
379 and conveyance systems, shall have an inspection and maintenance agreement to ensure  
380 that they continue to function as designed. All new development and redevelopment sites  
381 are to prepare a comprehensive inspection and maintenance agreement for the on-site  
382 stormwater management system. This plan shall be written in accordance with the  
383 requirements in Section 1.16.  
384

385  
386 **Section 1.8 Pre-Submittal Meeting, Stormwater Concept Plan, and Stormwater**  
387 **Management Plan Requirements.**  
388

389 (a) Before a land development permit application is submitted, an applicant may  
390 request a pre-submittal meeting with the City. The pre-submittal meeting should take place  
391 based on an early step in the development process such as before site analysis and inventory  
392 (GSMM Section 2.4.2.4) or the stormwater concept plan (GSMM Section 2.4.2.5). The  
393 purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for  
394 the stormwater management system before formal site design engineering. To the extent  
395 applicable, local and regional watershed plans, greenspace plans, trails and greenway plans,  
396 and other resource protection plans should be consulted in the pre-submittal meeting.  
397 Applicants must request a pre-submittal meeting with the City when applying for a  
398 Determination of Infeasibility through the Practicability Policy.  
399

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

401 (i) Develop the site layout using better site design techniques, as applicable  
402 (GSMM Section 2.3).  
403

404 (ii) Calculate preliminary estimates of the unified stormwater sizing criteria  
405 requirements for stormwater runoff quality/reduction, channel protection, overbank  
406 flooding protection and extreme flood protection (GSMM Section 2.2).  
407

408 (iii) Perform screening and preliminary selection of appropriate best  
409 management practices and identification of potential siting locations (GSMM  
410 Section 4.1).  
411

412  
413 (c) The stormwater concept plan shall contain:

414 (i) Common address and legal description of the site,  
415

416 (ii) Vicinity map, and  
417

418 (iii) Existing conditions and proposed site layout mapping and plans  
419 (recommended scale of 1" = 50'), which illustrate at a minimum:

420 (A) Existing and proposed topography (minimum of 2-foot contours),  
421

422 (B) Perennial and intermittent streams,  
423  
424

- 425 (C) Mapping of predominant soils from USDA soil surveys,  
426  
427 (D) Boundaries of existing predominant vegetation and proposed limits of  
428 clearing and grading,  
429  
430 (E) Location and boundaries of other natural feature protection and  
431 conservation areas such as wetlands, lakes, ponds, floodplains, stream  
432 buffers and other setbacks (e.g., drinking water well setbacks, septic  
433 setbacks, etc.),  
434  
435 (F) Location of existing and proposed roads, buildings, parking areas and  
436 other impervious surfaces,  
437  
438 (G) Existing and proposed utilities (e.g., water, sewer, gas, electric) and  
439 easements,  
440  
441 (H) Preliminary estimates of unified stormwater sizing criteria  
442 requirements,  
443  
444 (I) Preliminary selection and location, size, and limits of disturbance of  
445 proposed BMPs,  
446  
447 (J) Location of existing and proposed conveyance systems such as grass  
448 channels, swales, and storm drains,  
449  
450 (K) Flow paths,  
451  
452 (L) Location of the boundaries of the base flood floodplain, future-  
453 conditions floodplain, and the floodway (as applicable) and relationship of  
454 site to upstream and downstream properties and drainage, and  
455  
456 (M) Preliminary location and dimensions of proposed channel  
457 modifications, such as bridge or culvert crossings.  
458

459 (d) The stormwater management plan shall contain the items listed in this part and be  
460 prepared under the direct supervisory control of either a registered Professional Engineer  
461 or a registered Landscape Architect licensed in the state of Georgia. Items (iii), (iv), (v),  
462 and (vi) shall be sealed and signed by a registered Professional Engineer licensed  
463 In the state of Georgia. The overall site plan must be stamped by a design professional  
464 licensed in the State of Georgia for such purpose. (GSMM Section 2.4.2.7)  
465

- 466 (i) Natural Resources Inventory  
467 (ii) Stormwater Concept Plan  
468 (iii) Existing Conditions Hydrologic Analysis  
469 (iv) Post-Development Hydrologic Analysis

- 470 (v) Stormwater Management System
- 471 (vi) Downstream Analysis
- 472 (vii) Erosion and Sedimentation Control Plan
- 473 (viii) BMP Landscaping Plan
- 474 (ix) Inspection and Maintenance Agreement
- 475 (x) Evidence of Acquisition of Applicable Local and Non-Local Permits
- 476 (xi) Determination of Infeasibility (if applicable)

477 (e) For redevelopment and to the extent existing stormwater management structures are  
478 being used to meet stormwater management standards the following must also be included  
479 in the stormwater management plan for existing stormwater management structures  
480

- 481 (i) As-built Drawings
- 482 (ii) Hydrology Reports
- 483 (iii) Current inspection of existing stormwater management structures with  
484 deficiencies noted
- 485 (iv) BMP Landscaping Plans
- 486

487 **Section 1.9 Application Fee.** The fee for review of any land development application shall be  
488 based on the fee structure established by the City, and payment shall be made before the issuance of  
489 any land disturbance permit or building permit for the development.  
490

491 **Section 1.10 Application Procedures.** Land development applications are handled as part of the  
492 process to obtain the land disturbance permit pursuant to **[insert local ordinance reference]** or  
493 building permit **[insert local ordinance reference]**, as applicable. Before any person begins  
494 development on a site, the owner of the site shall first obtain approval in accordance with the  
495 following procedure:  
496

- 497 (a) File a land development application with the **City** on the **City's** form of application  
498 with the following supporting materials:

- 499
- 500 (i) the stormwater management plan prepared in accordance with Section [Y]-8
- 501 (d),
- 502 (ii) a certification that the development will be performed in accordance with the
- 503 stormwater management plan once approved,
- 504 (iii) a **[Preliminary Determination of Infeasibility, as applicable, prepared in**
- 505 **accordance with the practicability policy]**, and
- 506 (iv) an acknowledgement that applicant has reviewed the City's form of
- 507 inspection and maintenance agreement and that applicant agrees to sign and
- 508 record such inspection and maintenance agreement before the final inspection.
- 509

510 (b) The administrator shall inform the applicant whether the application and supporting

511 materials are approved or disapproved.

512

513 (c) If the application or supporting materials are disapproved, the administrator shall

514 notify the applicant of such fact in writing. The applicant may then revise any item not

515 meeting the requirements hereof and resubmit the same for the administrator to again

516 consider and either approve or disapprove.

517

518 (d) If the application and supporting materials are approved, the City may issue the

519 associated land disturbance permit or building permit, provided all other legal requirements

520 for the issuance of such permits have been met. The stormwater management plan included

521 in such applications becomes the approved stormwater management plan.

522

523 **Section 1.11 Compliance with the Approved Stormwater Management Plan.** All development

524 shall be:

525

526 (a) consistent with the approved stormwater management plan and all applicable land

527 disturbance and building permits, and

528

529 (b) conducted only within the area specified in the approved stormwater management

530 plan.

531

532 No changes may be made to an approved stormwater management plan without review and

533 advanced written approval by the administrator.

534

535 **Section 1.12 Inspections to Ensure Plan Compliance During Construction.** Periodic inspections

536 of the stormwater management system during construction shall be conducted by the staff of the

537 City or conducted and certified by a professional engineer who has been approved by the City.

538 Inspections shall use the approved stormwater management plan for

539 establishing compliance. All inspections shall be documented with written reports that contain the  
540 following information:

- 541
- 542 (a) The date and location of the inspection;
- 543
- 544 (b) Whether the stormwater management system is in compliance with the approved  
545 stormwater management plan;
- 546
- 547 (c) Variations from the approved stormwater management plan; and
- 548
- 549 (d) Any other variations or violations of the conditions of the approved stormwater  
550 management plan.

551  
552 **Section 1.13 Final Inspection; As-Built Drawings; Delivery of Inspection and Maintenance**  
553 **Agreement.** Upon completion of the development, the applicant is responsible for:

- 554
- 555 (a) Certifying that the stormwater management system is functioning properly and was  
556 constructed in conformance with the approved stormwater management plan and  
557 associated hydrologic analysis,
- 558
- 559 (b) Submitting as-built drawings showing the final design specifications for all  
560 components of the stormwater management system as certified by a professional engineer,  
561
- 562 (c) Certifying that the landscaping is established and installed in conformance with the  
563 BMP landscaping plan, and
- 564
- 565 (d) Delivering to City a signed inspection and maintenance agreement that has been  
566 recorded by the owner in the property record for all parcel(s) that make up the site.

567  
568 The required certification under part (a) shall include a certification of volume, or other  
569 performance test applicable to the type of stormwater management system component, to ensure  
570 each component is functioning as designed and built according to the design specifications in the  
571 approved stormwater management plan. This certification and the required performance tests shall  
572 be performed by a qualified person and submitted to the [local jurisdiction] with the request for  
573 a final inspection. The [local jurisdiction] shall perform a final inspection with applicant to  
574 confirm applicant has fulfilled these responsibilities.

575  
576 **Section 1.14. Violations and Enforcement.** Any violation of the approved stormwater  
577 management plan during construction, failure to submit as-built drawings, failure to submit a final  
578 BMP landscaping plan, or failure of the final inspection shall constitute and be addressed as  
579 violations of, or failures to comply with, the underlying land disturbance permit pursuant to [insert  
580 local ordinance reference] or the underlying building permit pursuant to [insert local ordinance  
581 reference]. To address a violation of this Article, the City shall have all the powers and remedies  
582 that are available to it for other violations of building and land disturbance permits,

583 including without limitation the right to issue notices and orders to ensure compliance, stop work  
584 orders, and penalties as set forth in the applicable ordinances for such permits.  
585

586 **Section 1.15 Maintenance by Owner of Stormwater Management Systems Predating Current**  
587 **GSMM.** For any stormwater management systems approved and built based on requirements  
588 predating the current GSMM and that is not otherwise subject to an inspection and maintenance  
589 agreement, such stormwater management systems shall be maintained by the owner so that the  
590 stormwater management systems perform as they were originally designed.  
591

592 **Section 1.16 Inspection and Maintenance Agreements.**  
593

594 (a) The owner shall execute an inspection and maintenance agreement with the **City**  
595 obligating the owner to inspect, clean, maintain, and repair the stormwater management  
596 system; including vegetation in the final BMP landscaping plan. The form of the inspection  
597 and maintenance agreement shall be the form provided by the **City**. After the inspection  
598 and maintenance agreement has been signed by the owner and the **City**, the owner shall  
599 promptly record such agreement at the owner's cost in the property record for all parcel(s)  
600 that make up the site.  
601

602 (b) The inspection and maintenance agreement shall identify by name or official title  
603 the person(s) serving as the point of contact for carrying out the owner's obligations under  
604 the inspection and maintenance agreement. The owner shall update the point of contact  
605 from time to time as needed and upon request by the **City**. Upon any sale or transfer of the  
606 site, the new owner shall notify the **City** in writing within 30 days of the name or official  
607 title of new person(s) serving as the point of contact for the new owner. Any failure of an  
608 owner to keep the point of contact up to date shall, following 30 days' notice, constitute a  
609 failure to maintain the stormwater management system.  
610

611 (c) The inspection and maintenance agreement shall run with the land and bind all  
612 future successors-in-title of the site. If there is a future sale or transfer of only a portion of  
613 the site, then:  
614

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

620 (ii) In the absence of a recorded assignment agreement, all owners of the site  
621 shall be jointly and severally liable for all obligations under the inspection and  
622 maintenance agreement regardless of what portion of the site they own.  
623

624 **Section 1.17 Right of Entry for Maintenance Inspections.** The terms of the inspection and  
625 maintenance agreement shall provide for the **City's** right of entry for maintenance inspections and  
626 other specified purposes. If a site was developed before the requirement to have

627 an inspection and maintenance agreement or an inspection and maintenance agreement was for  
628 any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient,  
629 then the City shall have the right to enter and make inspections pursuant to the City's general  
630 provisions for property maintenance inspections pursuant to **[insert reference to existing local**  
631 **ordinance providing for right of entry and inspections for general property maintenance**  
632 **obligations, whether under the local administration procedures for the Georgia Statewide**  
633 **Minimum Construction Codes or other local property maintenance ordinance]**.

634  
635 **Section 1.18 Owner's Failure to Maintain the Stormwater Management System.** The terms  
636 of the inspection and maintenance agreement shall provide for what constitutes a failure to  
637 maintain a stormwater management system and the enforcement options available to **[local**  
638 **jurisdiction]**. If a site was developed before the requirement to have an inspection and  
639 maintenance agreement or an inspection and maintenance agreement was for any reason not  
640 entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

641  
642 (a) An owner's failure to maintain the stormwater management system so that it  
643 performs as it was originally designed shall constitute and be addressed as a violation  
644 of, or failure to comply with, owner's property maintenance obligations pursuant to  
645 **[insert reference to existing local ordinance on violations of general property**  
646 **maintenance obligations, whether under the local administration procedures for**  
647 **the Georgia Statewide Minimum Construction Codes or other local property**  
648 **maintenance ordinance]** and

649  
650 (b) To address such a failure to maintain the stormwater management system, the City  
651 shall have all the powers and remedies that are available to it for other violations of an  
652 owner's property maintenance obligations, including without limitation prosecution,  
653 penalties, abatement, and emergency measures.

654  
655 **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby  
656 incorporated by reference as if fully set out herein.

657 **Section 3.** (a) It is hereby declared to be the intent of the Mayor and Council that all  
658 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their  
659 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

660 (b) It is hereby declared to be the intent of the Mayor and Council that, to the greatest extent  
661 allowed by law, each and every section, paragraph, sentence, clause, or phrase of this Ordinance  
662 is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It



663 is hereby further declared to be the intent of the Mayor and Council that, to the greatest extent  
664 allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually  
665 dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

666 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance  
667 shall, for any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable  
668 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of  
669 the Mayor and Council that such invalidity, unconstitutionality, or unenforceability shall, to the  
670 greatest extent allowed by law, not render invalid, unconstitutional, or otherwise unenforceable  
671 any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinance and that,  
672 to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and  
673 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and  
674 effect.

675 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly  
676 repealed.

677 **Section 5.** The effective date of this Ordinance shall be the date of adoption unless  
678 otherwise specified herein.

679 SO ORDAINED this 15<sup>th</sup> day of February, 2021.  
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681

682  
683 CITY OF LITHONIA, GEORGIA

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689 Shameka Reynolds, Mayor  
690  
691  
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693 ATTEST:

694

695

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698   
Robinette Blount, City Clerk

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700


701 APPROVED AS TO FORM BY:

702

703

704

705

706   
City Attorney

