

COMPREHENSIVE
LAND DEVELOPMENT
ORDINANCE
WALNUT GROVE, GEORGIA
Adopted 8/14/2007
AMENDED 9/18/2017

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Article 1

General Regulations

Section 100 Title

This Ordinance shall be known and may be cited as "The Comprehensive Land Development Ordinance of Walnut Grove, Georgia."

Section 101 Purpose

This Ordinance is enacted by the City Council in order to promote the public health, safety, morals, and general welfare of the residents of Walnut Grove, Georgia, and to implement the Comprehensive Land Development Ordinance of Walnut Grove. To these ends, the Ordinance is intended to achieve the following purposes:

- A. To guide and regulate the orderly growth, development, redevelopment, and preservation of Walnut Grove in accordance with a well-considered comprehensive plan and with long-term objectives, principles, and standards deemed beneficial to the interest and welfare of the people;
- B. To protect the established character and the social and economic well being of both private and public property;
- C. To provide for a system for the subdividing of lands and the accurate recording of land titles;
- D. To provide assurance that lots shown on recorded subdivision plats are usable by the purchasers for their intended purposes;
- E. To reduce or prevent congestion in the public streets;
- F. To encourage an aesthetically attractive environment, both built and natural, and to provide for regulations that protect and enhance these aesthetic considerations;
- G. To expedite the provision of adequate police and fire protection, safety from crime, transportation, water, sewage, flood protection, schools, parks, recreational facilities, and other public requirements;
- H. To protect against the destruction of, or encroachment upon, historic areas;
- I. To protect against overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, and loss of life or health from fire, flood or other danger;
- J. To encourage economic development activities that provide desirable employment and enlarge the tax base;
- K. To promote the preservation of the unique natural and physical resources of the City, including forested areas, watersheds, streams, and archaeological sites;

- L. To achieve compliance with all applicable state and federal regulations;
- M. To assure equitable review and approval of all subdivision and site plans providing uniform procedures and standards for the developer.
- N. To establish certain building, land development regulations;
- O. To provide for variances and non-conforming uses;
- P. To provide a method of administration and procedure;
- Q. To provide penalties for a violation and remedies for enforcement hereof;
- R. To provide for protection of the constitutional rights and obligations of all citizens within the City, and for other purposes.

Section 102 Authority

- A. This Ordinance is enacted pursuant to Walnut Grove's authority to enact regulations and exercise powers granted by the Constitution of the State of Georgia, Article 9, Section 2, Paragraphs 1 and 3; by the City's general police powers; and by other powers and authority provided by federal, state, and local laws applicable hereto.
- B. This Ordinance shall take effect and shall be in force from and after the date of its adoption by the City Council of Walnut Grove, Georgia.

Section 103 Jurisdiction

This Ordinance shall pertain to all incorporated areas of Walnut Grove, Georgia.

Section 104 Application of Ordinance

Except as hereinafter provided, as of the date of adoption of this Ordinance:

A. Development Activity

Any "person" proposing to undertake any land disturbance activity, construct or modify a building for occupancy or to develop or subdivide land within unincorporated areas of Walnut Grove, Georgia, shall pay a fee and make application to the Walnut Grove City Council, which shall conform to all regulations set forth in this document.

B. Pending Application For Building Permits and Land Disturbance Permits

Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure or land disturbance for which development or building permits were lawfully applied for or approved, prior to the effective date of this ordinance or amendment thereto, provided:

- Such permit or approval has not by its own terms expired prior to such effective date;
- Actual building construction is commenced prior to the expiration of such permit or approval;
- Actual building construction is carried on pursuant to said permit or approval and limited to and in strict accordance with said permit or approval;
- No renewals or extensions of said permit or approval shall be authorized;
- Construction shall commence within one year of the effective date of this Ordinance.

C. Requirements May be Waived by the City Council

The requirements of this Ordinance may be waived by the City Council for a land disturbance permit for a portion of a larger project for which at least 75 percent (75%) of the land area was previously issued permits authorizing clearing or grading activities prior to the effective date of this Ordinance.

Section 105 Relationship to Existing Ordinances

- A. Whenever the provisions of this Ordinance impose more restrictive standards than are required in or under any other statute, ordinance or resolution, these standards shall prevail, unless otherwise specified in this Ordinance. Whenever the provisions of any other statute, ordinance, or resolution require more restrictive standards than are required herein, the requirements of such regulations shall prevail, unless otherwise specified in this Ordinance.
- B. In those instances where development standards for a specific project have been established as a condition of zoning or conditional use permit approval, the requirements of the conditions shall control, whether more restrictive than the requirements of this Ordinance.
- C. These articles are the Comprehensive Land Development Ordinance of the City, and all other conflicting ordinance or resolutions are hereby repealed, provided that nothing herein shall be construed as repealing the conditions of use, operation, or site development accompanying zoning approval(s) or conditional use(s) or permits issued under previous ordinances or resolutions, provided further that modification or repeal of these past conditions of approval may be accomplished as authorized and provided by this chapter.

Section 106 Project Improvements to Mitigate Impacts

Through the administration of this Ordinance, or as a condition of rezoning approval, developers may be required to contribute land, and make improvements to facilitate the provision of adequate public facilities to serve the future residents and users of land they develop. However, no private developer shall be required to provide such public dedications of land, or property improvements, except in conformity with provisions of O.C.G.A. 36-70-4 (the Georgia Development Impact Fee Act).

Section 107 Fees

Permit and application fees are established by action of the City Council, a copy of which is on file in the office of the City Clerk.

A. Permit Fees

Permit fees shall be submitted as a prerequisite to issuance of the permit. Non-payment as a result of submission of a check having insufficient funds, or for any other reason, shall cause the permit to be voided and re-issuance will be subject to penalty as may be established by the City Council.

B. Application Fees

1. Application fees shall be submitted with the application and upon acceptance of the submission for review and consideration shall be non-refundable. Failure to pay a required application fee shall cause the application to be returned to the applicant without acceptance for review or consideration by the City.
2. Prior to approval of a Final Plat or Certificate of Occupancy, the developer shall provide to the City such recording fees and performance and/or maintenance bonds as shall be required by this Ordinance and established by the City Council.
3. Prior to the processing of a request for City administrative approvals or certification, the applicant shall pay to the City such fees as may be established by the City Council.

Section 108 Severability

If any portion or provision of this Ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect any other portion of this Ordinance.

Article 2 Definitions and Interpretations

Section 200 Definitions

For the purpose of these Regulations, certain words or terms used herein are interpreted as follows:

- A. Words used in the present tense include the future tense. Words used in the singular include the plural; and words in the plural include the singular.
- B. The word "shall" is always mandatory, and the word "may" is permissive.
- C. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- D. The word "lot" includes the words "plot," "parcel" or "tract."
- E. The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."
- F. The word "erected" shall be deemed also to include "constructed," "reconstructed," "altered," "moved" or "placed."
- G. The word "land use" and "use of land" shall be deemed also to include "building use" and "use of building."
- H. The word "adjacent" means contiguous not withstanding road right of way.
- I. The word "map" means the "Official Zoning Districts Map for Walnut Grove, Georgia."

When used in this Ordinance, the following words and phrases shall have the meaning given in this Section. All remaining words used in this Ordinance are intended to have the commonly accepted definitions contained in a recent edition of the Merriam Webster Dictionary.

ADDITION (TO AN EXISTING BUILDING): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered "New Construction."

AGRICULTURE: Raising soil crops, livestock, fish, fowl and/or commercial timber including General Farming, Feedlots, Greenhouses, Nurseries and Floriculture.

AIRPORT: A transportation terminal facility where aircraft take off and land.

AIRSTRIP, PRIVATE: An area designated for the landing of private, non-commercial aircraft with no terminal facilities and no scheduled takeoffs and landings.

AIR TRANSPORTATION: Establishments engaged in transportation by air including airports and flying fields, as well as terminal services.

ALLEY: A public or privately maintained platted service way providing a secondary means of access to abutting properties

ALTERATION: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed."

ANIMAL FEEDING OPERATION (FEEDLOTS): A lot or facility (other than an aquatic animal production facility) permitted under Chapter 391-3-6-.21 for non-swine and 391-3-6-.20 for swine of the rules and regulations for the State of Georgia. A place where livestock have been, are, or will be confined, concentrated, and fed for 45 or more days in any 12-month period. Pasture, crops, or other vegetation are not normally managed or sustained for grazing during the normal growing season and animal waste or manure accumulates. Adjoining animal feeding operations under common ownership are considered to be one animal feeding operation if they use common areas or systems for manure handling.

ANTENNA: Any exterior apparatus designed for wireless telecommunication, radio, or television communications through the sending and/or receiving of electromagnetic waves.

ANTENNA, SATELLITE TELEVISION: A specific device, the surface of which is used to transmit and/or receive radio frequency signals, microwave signals, or other signals transmitted to or from other antennas for commercial purposes.

APPEAL: A request for a review to hear and decide where it was alleged there was an error in any order, requirement, permit, decision, determination, or refusal made by any officer of Walnut Grove in the enforcement of this Ordinance.

APPLICANT: Any person, firm or governmental agency that executes the necessary forms and procedures to procure official approval of a project or a permit to carry out construction of a project.

AQUIFER: Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

AREA OF SHALLOW FLOODING: A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD: The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

AUTOMOBILE: Every motorized vehicle with not more than six (6) wheels, designed for carrying ten (10) passengers or less and used for the transportation of persons.

AWNING: Any non-rigid material, such as fabric or flexible plastic, which extends from the exterior wall of a building and is supported by or attached to a frame.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year also known as the 100-year flood or intermediate regional flood.

BASEMENT: See current edition of the Walnut Grove Building Code.

BEACON: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same site as the light source; also, any light with one or more beams that rotate or move.

BEST MANAGEMENT PRACTICES (BMP's): A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control for all rainfall events up to and including a 25-year, 24-hour rainfall event.

BLOCK: A piece or parcel of land entirely surrounded by public highways or streets, other than alleys.

CITY COUNCIL: The Walnut Grove City Council.

BOARD OF NATURAL RESOURCES: The Georgia Board of Natural Resources.

BOARDING HOUSE: A building, other than a hotel, where, for compensation and/or by pre-arrangement, meals, or lodging and meals are provided for one or more persons but not more than 20 persons.

BUFFER AREA: An area of natural vegetation or man-made construction which is intended to provide a visual and dimensional separation between dissimilar land uses.

BUFFER, NATURAL: A visual screen created by vegetation of such density so as to present an opaque visual separation when viewed from one side to the other throughout the year.

BUFFER, NON-BUILDABLE: Non-buildable buffer areas required by this ordinance shall be established and maintained by the property owner under the following provisions:

- Be maintained as a planted area, using existing vegetation or, when required, additional plantings as provided in this Section.
- Be landscaped with trees, shrubs, flowers, grass, stone, rocks and other landscaping materials.
- Not be used for parking or a structure other than a fence or drainage improvements required by the county. However, a non-buildable buffer area may be used for vehicular access (except as prohibited by Article 9, Section 110) and utility easements (only if these uses are provided approximately perpendicular to the buffer area) and for drainage improvements required by the county based upon competent engineering studies which show these improvements to be necessary.
- Except as otherwise provided, the natural topography of the land shall be preserved and natural growth shall not be disturbed beyond that which is necessary to prevent a nuisance, or to thin this natural growth where too dense for normal growth, or to remove diseased, misshapen or dangerous and decayed timbers. However, a slope easement may be cleared and graded where required to prevent soil erosion upon approval of the county; this easement may cover no more

than ten (10) percent of the required buffer area, and shall be immediately replaced upon completion of easement improvements.

- Where the conditions described in paragraph four (4) of this Section cannot be met by reason of the topography of the land or of the prior removal of or lack of timber and foliage, the owner of the buffer area shall plant evergreen plantings, so designed and developed to provide visual screening between the property described herein. These plantings shall consist of evergreen shrubs no less than six (6) feet in height. The following plants shall be approved for this purpose but shall not be exclusive of other plants which may be suitable, provided that they can form a hardy screen, dense enough and high enough both to interrupt vision and to diffuse the transmission sound:
 - Magnolia grandiflora (Southern Magnolia)
 - Pinus Strobus (White Pine)
 - Prunus caroliniana (Cherry Laurel)
 - Ligustrum lucidum (Glossy Ligustrum)
 - Ilex burfordi (Buford Holly)
 - Elaeagnus pungens (Elaeagnus)

Be designated on each plat and recorded as a permanent easement.

BUFFER, STATE WATERS: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat. 8-5-03

BUFFER, STREAM: An area 25 feet in width along the course of any state waters, that is in addition to the state waters buffer, and is to be maintained in an undisturbed and natural condition.

BUFFER, STRUCTURAL: A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination of fence or wall with an earthen berm, which may be supplemented with vegetation, so as to present an opaque visual separation when viewed from one side to the other throughout the year.

BUFFER, TRANSITIONAL: A natural, undeveloped portion of a lot or parcel of land set aside for open space and visual screening purposes pursuant to applicable provisions of this Ordinance for the purpose of separating different use districts, or to separate dissimilar uses on one property from uses on another property of the same use district.

BUFFER, UNBUILDABLE: See SETBACK.

BUILDING: Any structure built for support, shelter, or enclosure for any occupancy or storage.

BUILDING, ALTERATIONS OF: Any change in the supporting members of a building (such as bearing walls, beams, columns, and girders) except such change as may be required for its safety; any

addition to a building; any change in the location of a use within an existing building or on a developed site.

BUILDING, ELEVATED: A non-basement built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), shear walls or break away walls.

BUILDING HEIGHT: The vertical distance measured from the average finished yard grade at its parallel juncture with the structure, to the highest point of the roof surface if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. Does not include steeples, cupolas, decorative towers, antennas and mechanical equipment when attached to a building, and does not include accessory agricultural structures.

BUILDING INSPECTOR: An employee of or a person and/or firm designated by the City of Walnut Grove to inspect buildings and sites for code compliance.

BUILDING LINE: A line into which no foundation wall or part of the structure of any building projects, with the exception of roof overhang, steps, and the sub-surface projection of footing. Such a line may coincide with the building setback line.

BUILDING PERMIT: A permit issued by the City of Walnut Grove

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a principal building on the lot on which it is situated.

BUILDING WALL: An exterior load-bearing or non-load-bearing vertical structure, that encompasses the area between the final grade elevation and eaves of the building, and used to enclose the space within the building. A porch, balcony or stoop is part of the building structure and may be considered as a building wall.

CALIPER: The diameter of the trunk measured six inches above the ground for trees up to and including four-inch caliper size and twelve inches above the ground for trees of larger size.

CAMBIUM: Tissue within the woody portion of trees and shrubs which gives rise to the woody water and nutrient conducting system, and the energy substrate transport system in trees. Cambium growth activity results in a tree's radial development, i.e., increase in diameter.

CAMBIAL DIEBACK: The irreparable radial or vertical interruption of a tree's cambium, usually caused by mechanical damage, such as "skinning bark"; or from excessive heat.

CAMPGROUND: See RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS.

CANOPY: A roof structure constructed of rigid materials, including but not limited to, metal, wood, concrete, plastic, or glass, which is attached to and supported by a building, or which is free-standing and supported by columns, poles or braces extended to the ground. Unlike a marquee, a

canopy generally has very limited vertical surface area; and unlike an awning, a canopy is generally supported by vertical elements rising from the ground at two or more corners.

CARETAKER DWELLING OR EMPLOYEE RESIDENCE: An accessory one family dwelling unit placed on an occupied tract for use by an employee where the tract is owned by the employer as a part of the same farming operation or business. At least one of the occupants of the caretaker dwelling or employee residence must be employed on the premises or their presence must be necessary and essential for the orderly operation and security of premises.

CEMETERY: Any plot of ground, churchyard, building, mausoleum, or other enclosure used for the burial of deceased persons.

CEMETERY, PET: Property used for the interring of dead domestic animals.

CEMETERY, PRIVATE: Any plot of ground, building, mausoleum, or other enclosure used for the burial of deceased persons of one collateral line of descent.

CITY ENGINEER: A person or person on the City staff, and/or a person, firm or agency contracted to, or otherwise employed by, the City of Walnut Grove to provide guidance and their professional opinion(s) on planning, engineering and architectural matters within the City limits at the direction of the Mayor and Mayor and Council.

CITY OFFICIAL: Any member of the Walnut Grove City Council or city staff designated to enforce or interpret the provisions of the Comprehensive Land Development Ordinance.

CIVIC AND SOCIAL ORGANIZATION: Establishments primarily engaged in promoting the civic and social interests of their members.

CLEAR CUTTING: The clearing or removal of trees from a site in a manner contrary to the Best Management Practices of the Georgia Forestry Commission, except as authorized by a development permit or building permit.

CLEARING: The removal of trees and brush from the land but not including the ordinary mowing of grass.

CLERK: The Clerk serving the City Council of Walnut Grove, Georgia.

CLINIC: A medical establishment where patients, who are not lodged overnight, are admitted for examination and treatment.

CLUB, PRIVATE: A building in which members of a community or association may gather for social, educational, or cultural activities.

COMMUNITY SEPTIC SYSTEM: Community alternative drip system, or any such system as approved by the Environmental Protection Division, Walton County Health Department and City Council.

COMMUNITY WATER SYSTEM: Community water system (CWS) – a public drinking water system permitted by the Georgia Environmental Protection Division per Chapter 391-3-5 that serves at

least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

COMPREHENSIVE PLAN: Any part or element of the overall plan for development adopted by the City Council as provided by O.C.G.A. 50-8-1 and Chapter 110-3-2, Minimum Standards and Procedures for Local Comprehensive Planning.

CONIFEROUS: Belonging to the group of cone-bearing evergreen trees or shrubs.

CONSTRUCTION/DEMOLITION WASTE: Means waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such wastes include, but are not limited to asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other nonputrescible wastes which have a low potential for groundwater contamination.

CONSTRUCTION, EXISTING: Any structure for which "the start of construction" commenced before the effective date of these Regulations, when the new construction lies within a flood plain.

CONSTRUCTION, NEW: Structures for which the "start of construction" commenced on or after the effective date of these Regulations, when the new construction lies within a flood plain.

CONSTRUCTION, START OF: The date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

COUNTY: Walton County, Georgia.

CRITICAL ROOT ZONE: An area of root space that is within a circle circumscribed around the trunk of a healthy tree using a radius of 1 foot per inch Diameter at Breast Height (DBH). See DBH.

CROWN DRIPLINE: A vertical line extending from the outer surface of a tree's branch tips down to the ground.

CUL-DE-SAC: A local street or road with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

CURB CUT: The area of vehicular ingress and egress between property and an abutting public street.

CUT: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.

DAM: Means the following:

1. Any artificial barrier, including appurtenant works, which impounds or diverts water and which the improper operation or failure of such would result in probable loss of human life as determined pursuant to the Act, and which
 - a. Is 25 feet or more in height from the natural bed of the stream or water course measured at the downstream toe or the lowest elevation of the outside limit of the barrier (whichever is lower) to the maximum water storage elevation; or
 - b. Has an impounding capacity at maximum water storage elevation of 100 acre-feet or more.
2. Any artificial barrier, including appurtenant works, constructed in conjunction with the reclamation of surface mined land, and meeting the requirements of Subsection 1 above, and when improper operation or failure would result in probable loss of human life.

DAM, CATEGORY I: The classification where improper operation or dam failure would result in probably loss of human life. Situations constituting "probable loss of life" are those situations involving frequently occupied structures of facilities, including, but not limited to, residences, commercial and manufacturing facilities, schools and churches.

DAM, CATEGORY II: The classification where improper operation or dam failure would not be expected to result in probable loss of human life.

DEAD END: A street that must be exited at the same point as is entered.

DECIDUOUS TREE: A tree that sheds its leaves annually.

DENSITY: The total number of square feet, lots or dwelling units per acre of land unless specifically provided otherwise in this Ordinance.

DETENTION FACILITY: A permanent structure for the temporary storage of storm water runoff and its subsequent gradual discharge.

DEVELOPER: Any person, individual, firm, partnership, association, corporation, estate, trust or any other group or combination acting as a unit who directs the undertaking or proposes to undertake development activities as herein defined, whether the development involves the subdivision of land or land for sale to individual users, the construction of buildings or other improvements on a single land ownership or both.

DEVELOPMENT: Any human-caused change to improved or unimproved real estate that requires a permit or approval from any agency of the county, including but not limited to, buildings or other

structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of materials.

DEVELOPMENT PERMIT: An official authorization issued by the Mayor or his/her designee allowing clearing, grubbing, grading or other alteration of the site that entails land disturbance related to construction activities in compliance with this ordinance.

DEVELOPMENT STANDARDS: The specifications to landowners or developers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements, and lots.

DBH (DIAMETER AT BREAST HEIGHT): A standard measure of the diameter of a tree trunk measured in inches at a height of 4½ feet above the ground. If a tree splits into multiple trunks below 4 ½ feet, then the trunk is measured at its most narrow point beneath the split.

DHR: The Georgia Department of Human Resources.

DNR: The Georgia Department of Natural Resources.

DRAINAGE AREA: That area contributing runoff to a single point; measured in a horizontal plane that is enclosed by a ridgeline.

DRAINAGE STRUCTURE: A device composed of a non-erodable material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control or flood control purposes.

DRI: Development of Regional Impact.

DRIPLINE: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

DRIVEWAY: A vehicular access, other than a private street, which is in private ownership and provides access primarily to one property.

EASEMENT, ACCESS: An easement created for the purpose of providing vehicular or pedestrian access to a property.

EASEMENT, DRAINAGE: Land required for the installation of storm water sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

EASEMENT, UTILITY: A grant by a property owner for the use of real property for the specified purpose of constructing and maintaining utilities; including, but not limited to sanitary sewers, water mains, electric lines, telephone lines, cable lines, storm sewer or storm drainage ways and gas lines.

ELECTRIC, PETROLEUM OR GAS SUBSTATION: Facilities devoted to the distribution of electricity, gas or petroleum

ELEVATED BUILDING: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers or shear walls.

EPD: The Environmental Protection Division of the Georgia Department of Natural Resources. The EPD protects Georgia's air, land and water resources through the authority of state and federal environmental statutes. These laws regulate public and private facilities in the areas of air quality, water quality, hazardous waste, water supply, solid waste, surface mining, underground storage tanks, and others. EPD issues and enforces all state permits in these areas and has full delegation for federal environmental permits except Section 404 (wetland) permits.

EPD DIRECTOR: The Director of the Environmental Protection Division of the Department of Natural Resources.

EROSION: The process by which ground surface is worn away by the action of wind, water, ice or gravity.

EROSION AND SEDIMENTATION CONTROL PLAN: A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity. See Article 6.

EXEMPT SUBDIVISION: A subdivision satisfying the criteria established in Article 3, which is exempt from the procedures and required site improvement provisions of these regulations.

FAÇADE: That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

FAMILY: A group of individuals related by blood, marriage, adoption, or guardianship, or not more than eight persons not so related, living together in a dwelling unit as a single housekeeping unit based on an intentionally structured relationship providing organization and stability.

FEEDER ROOTS: A complex system of small annual roots growing outward and predominantly upward from the system of "transport roots". These roots branch four or more times to form fans or mats of thousands of fine, short, non-woody tips. Many of these small roots and their multiple tips are 0.2 to 1mm or less in diameter, and less than 1 to 2 mm long. These roots constitute the major fraction of a tree's root system surface area, and are the primary sites of absorption of water and nutrients.

FENCE: A structure designed to provide separation and security constructed of materials including chain link, wire, metal, artistic wrought iron, vinyl, plastic and other such materials as may be approved by the Mayor or his/her designee. 12-2-03

FILL: A portion of land surface to which soil or other solid materials has been added; the depth above the original ground.

FINAL PLAT: A finished drawing or map of a subdivision or development, meeting all of the requirements of this ordinance and showing, completely and accurately, all legal design and engineering information, and certified as necessary for recording.

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

FLAG LOT (or PANHANDLE LOT): A prohibited lot not meeting minimum frontage requirements and where access to the lot from a public road is achieved by a narrow strip of land.

FLEA MARKET: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

FLOOD or FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, or
2. The unusual and rapid accumulation or run-off of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: Official report provided by the Federal Emergency Management Agency containing flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

FLOODPLAIN: That area within the intermediate regional flood (100 year or base flood contours) contour elevations subject to periodic flooding as designated. See Article 6.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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

FLOOR AREA: The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings; excluding unusable basement or cellar space, uncovered steps or fire escape, open porches, accessory off-street parking spaces, accessory off-street loading berths, and any space where the floor-to-ceiling height is less than six feet.

FLOOR AREA RATIO: The gross floor area of all heated floor space in all buildings or structures on a lot divided by the total lot area.

FLOOR, LOWEST: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built as to render the structure in violation of the applicable non-elevation design requirements of these Regulations.

FORESTRY: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

FREEWAY: A multiple-lane roadway carrying local, regional, and interstate traffic of relatively high volumes that permits access only at designated interchanges and is so designated in the comprehensive plan.

FRONTAGE, BUILDING: The width in linear feet of each exterior wall of a building that faces a street or public way.

FRONTAGE, ROAD: The distance on which a parcel of land adjoins a public street or street right-of-way or private easement for an approved private drive. (5-2-06)

FUNCTIONALLY DEPENDENT FACILITY: A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

GUEST HOUSE: An attached or detached accessory building that: provides living quarters for guests, may or may not contain a kitchen or cooking facility. Guesthouse shall never be used for rental or lease.

GRADE: A reference plan representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 feet from the building, whichever is closer.

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

GREENHOUSE, NURSERY AND FLORICULTURE PRODUCTION: Establishments primarily engaged in growing crops of any kind under cover and/or growing nursery stock and flowers. See also **NURSERY AND GARDEN CENTER.****GREENSPACE:** As defined by the Governor's Greenspace Program.

GREENWAY, STREAM: An area along the course of any state waters to be maintained in an undisturbed and natural condition for both recreation and conservation, that may contain limited minor land disturbances, such as trails and picnic areas.

GROUND ELEVATION: The original elevation of the ground surface prior to cutting and filling.

GROUNDWATER RECHARGE AREA: Any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer

HARDSHIP: A condition of significant practical difficulty in using a lot because of physical problems relating solely to the size, shape or topography of the lot in question which are not economic difficulties and which are not self-imposed.

HAZARDOUS WASTE: Any solid waste which has been defined as a 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, 1988, codified as 40 C.F.R. Section 261.3.

HEALTH DEPARTMENT: The Walton County Health Department.

HEIGHT: The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. The height limits of this Ordinance shall not apply to structures not intended for human occupancy such as church spires, flag poles, chimneys, monuments, radio or television towers or aerials, water towers or similar structures. The height limits shall apply to signs. See also BUILDING HEIGHT.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

HISTORIC STRUCTURE: Any structure that is:

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

IMPERMEABLE or IMPERVIOUSNESS: Characterized as being something (such as a layer of rock) that water cannot pass through or be absorbed by.

IMPERVIOUS SURFACE: A man-made structure or surface, which prevents the infiltration of storm water into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools or patios.

IMPOUNDMENT: The water or liquid substance that is or will be stored by a dam – commonly referred to as the reservoir.

INDUSTRIAL PARK: A tract of land subdivided and developed according to a comprehensive development plan in a manner which provides a landscaped setting for industrial establishments.

INFILTRATION: The passage or movement of water from the surface into the soil.

INTERIM DEVELOPMENT CONTROL: An ordinance (moratorium) that temporarily imposes developmental regulations when existing regulations do not adequately protect the public's health, safety and welfare in accordance with the standards specified in this chapter.

INTERMODAL TERMINAL FACILITY: An industrial establishment in which freight is transferred in containerized form from truck to railroad cars for transportation.

ISSUING AUTHORITY: The governing authority of any city or municipality which has been certified by the Director of the Environmental Protection Division of the Department of Natural Resources as an Issuing Authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended, or the Division in those instances where an application for a permit is submitted to the Division.

LANDSCAPE STRIP: Land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

LAND-DISTURBING ACTIVITY: Any activity which may result in soil erosion and the movement of sediments into State waters or onto lands within the State, including but not limited to clearing, dredging, grading, excavating, transporting, and filling or land, but not including agricultural practices as described in O.C.G.A. 12-7-17-(5).

LAND USE: A description of how land is occupied or utilized.

LITTER: Sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals, discarded materials of every kind and description or paper products of every kind and description including, but not limited to, advertising materials, newspapers, promotional papers, letters, bills, publications or other writings.

LOADING SPACE: A space within the principal building or on the same lot, providing for the standing, loading or unloading of trucks, and other carriers.

LOT: A portion, plot, or parcel of land separated from other portions, plots, or parcels by description as on a subdivision plat or record or survey map or as described by metes and bounds, and intended for transfer of ownership or for building development. For the purpose of this Ordinance, the term does not include any portion of a right-of-way.

LOT AREA: The total area within the lot lines of a lot.

LOT, CONFORMING: A designated parcel, tract, or area of land which meets the lot area and lot width requirements of this ordinance, which has the amount of frontage on a public street required by this

ordinance, and which has its own independent driveway located entirely within its boundaries and connected to a public street.

LOT, CORNER: A lot abutting upon two or more streets at their intersection.

LOT, DOUBLE FRONTAGE: A lot other than a corner lot abutting two streets.

LOT, INTERIOR: A lot with a single street frontage.

LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Clerk of the Superior Court of Walton County, Georgia, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office. If a portion of a parcel has been conveyed at the time of the adoption of this Ordinance, the remaining portion of said lot or parcel shall be considered a lot of record.

LOT REMNANT: Any portion or portions of a lot not suitable for building upon because of size or topography and remaining after the transfer of other portions of said lot to adjoining lots.

LOT WIDTH: The width of a lot at the required front setback line measured parallel to the street right-of-way or in the case of a curvilinear street, parallel to the chord of the arc between the intersection of the side lot lines and the street right-of-way line.

LOWEST FLOOR: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

MAJOR INTERSECTION: Intersection of an arterial with another arterial or major collector in accordance with the Walnut Grove Major Thoroughfare Classification Plan.

MAJOR THOROUGHFARE: A street, road or highway shown as a thoroughfare in the Walnut Grove Comprehensive Plan.

MAJOR WOODY ROOTS: First order tree roots, originating at the "root collar" and growing horizontally in the soil to a distance of between three and fifteen feet from the tree's trunk. These roots branch and decrease in diameter to give rise to "rope roots". The primary functions of major woody roots include anchorage, structural support, the storage of food reserves, and the transport of minerals and nutrients.

MAXIMUM WATER STORAGE ELEVATION: The elevation of the lowest point of the top of the impoundment structure independent of low points caused by partial

MEAN SEA LEVEL: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of these Regulations, the term is synonymous with National Geodetic Vertical Datum (NGVD).

METROPOLITAN RIVER PROTECTION ACT (MRPA): A state law referenced as O.C.G.A. 12-5-440 et. seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

MINING: The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term mining includes quarrying; ground-water diversion; soil removal; milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the mine site as part of a mining activity.

MUNICIPAL SEWER SYSTEM: Sewer system maintained by a city or the County or other public governmental agency.

MUNICIPAL WATER SYSTEM: Water system maintained by a city or the County or other public governmental agency.

NATIONAL GEODETIC VERTICAL DATUM (NGVD): Vertical control used as a reference for establishing varying elevations within the floodplain (as corrected in 1929).

NATURAL GROUND SURFACE: The ground surface in its original state before any grading, excavation or filling.

NEGRDC: Northeast Georgia Regional Development Center

NEPHELOMETRIC TURBIDITY UNITS (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.

NON-CONFORMING, LEGAL: A lot, structure or use that does not comply with the current requirements of this ordinance, but was lawfully established and authorized prior to the adoption, revision or amendment of this ordinance.

NON-CONFORMING LOT: A lot with an area, dimension or location that fails by reason of the adoption, revision or amendment to conform to the present requirements of the zoning district.

NON-CONFORMING STRUCTURE: Any building that does not meet the limitations on building size and location on a lot, for the district in which such building is located.

NON-CONFORMING USE: A use of land or building structure existing at the time of the enactment of this Ordinance, or at the time of any subsequent amendments and which does not conform with the ordinances of the use district in which it is located.

NORMAL POOL: The reservoir storage volume at normal storage elevation.

OCGA: The Official Code of Georgia Annotated, as amended.

OPEN SPACE: Areas of a development that allow for light, air, wildlife habitat, and for scenic and recreational use. Also included are areas designed to enhance the privacy or general appearance

of a development. Private open space is open space that is owned by a corporation, individual, or homeowners association. Public open space is open space owned by a governmental jurisdiction.

OPEN SPACE CONSERVATION DEVELOPMENT: A planned development subdivision that allows a reduction in minimum lot size in exchange for the conservation of open space.

OUTDOOR RECREATION FACILITIES: This category includes greenways, trails, bikeways, paths, tennis courts, ball fields, playfields, courts, swimming pools, clubhouses, lockers, bicycle facilities, equestrian facilities, beaches, docks, seating areas, amphitheaters, stages, band shells, community buildings, fountains, plazas, patios, decks, lawns, picnic shelters and picnic areas, landscaping and other land containing outdoor recreation structures and facilities.

OUTDOOR RECREATION FACILITIES, COMMERCIAL: Any establishment whose main purpose is to provide the general public with facilities for active, outdoor recreational activities and where tickets are sold or fees are collected for participation in the activity. Outdoor commercial recreation facilities include, but are not limited to: water slides and parks, golf courses and miniature golf courses, driving ranges, baseball batting cages, and tracks for motor sports.

OUTDOOR STORAGE: The keeping, in an unenclosed area, of any goods, material, merchandise, or vehicles in the same place for more than twenty-four hours.

OVERLAY DISTRICT: A zoning district that encompasses one or more underlying zones and that may vary the requirements uses and standards of the underlying zone.

OWNER: Any person, corporation or partnership or any other entity having a financial interest in the income of the business. The term "owner" shall also include any person, corporation or use, building, property or partnership operating a business under a management contract.

OWNERS of RECORD: The owner(s) of property as specified on the deed of the lot of record.

PARKS and PLAYGROUNDS: Public or community land, open spaces, or recreation areas represented on a plat of a subdivision as dedicated, reserved or to be reserved, for recreational purposes.

PARKING LOT: Any area designed for temporary storage of motor vehicles of the motoring public in normal operating condition.

PARKING, OFF-STREET: A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

PARKING STRUCTURE: A covered or sheltered structure of two or more stories designed, constructed and used for the parking of motor vehicles.

PAVED: An area which is covered by asphalt, concrete, or other hardened surface approved by the Mayor or his/her designee.

PEDESTRIAN WAY: Crosswalk or other areas designed and marked specifically for pedestrian traffic.

PERCENTAGE of GRADE: On a street centerline, means the distance vertically (up and down) from the horizontal in feet and tenths of a foot for each one hundred feet of horizontal distance.

PERENNIAL RIVER: A river or section of a river that flows continuously throughout the year as indicated by a blue line on USGS maps.

PERENNIAL STREAM: A stream that flows throughout the whole year as indicated by a blue line on the USGS Quad map.

PERMIT: The authorization necessary to conduct a land disturbing activity under the provisions of these rules and regulations.

PERSON: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.

PLANNED DEVELOPMENT: One or more land uses developed under unified control, to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. May include principal and accessory structures and those uses substantially related to the character and purposes of the planned development

PLANNING COMMISSION: The Walnut Grove Planning and Zoning Commission.

PLAT: A map, plan or layout of a county, city, landlot, lot, tract, parcel or subdivision indicating the location and boundaries of properties.

POLLUTION SUSCEPTIBILITY: When used in relation to groundwater recharge areas, the relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections, and other human activities in the recharge area.

POLLUTION SUSCEPTIBILITY MAPS: Maps of relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. Pollution susceptibility maps categorize the land areas of the State into areas having high, medium, and low groundwater pollution potential.

PRE-APPLICATION CONFERENCE: An initial and informal stage of development review at which the developer may make known concept plan proposals and the City may respond and/or advise the developer concerning the development regulations.

PRELIMINARY PLAT: A tentative plan of a proposed subdivision or development meeting the specified requirements of this Ordinance and showing the layout in sufficient detail to allow an evaluation of the proposed project.

PREMISES: A building lot with the required front, side, and rear yards for a dwelling or commercial establishment.

PRINCIPAL USE: The principal purpose for which a lot or the principal building thereon is designed, arranged or intended, and for which it is or may be used, occupied or maintained.

PRIVATE DRIVE: A non-public, privately owned and maintained access way.

PROFESSIONAL: When used in connection with “use” and “occupancy” of a use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stock brokers and administrative agencies considered professional in character. The term, however, does not include repairs or sales of tangible personal property stored or located within the structure nor any use that would create any loud noise or noxious odors within Walnut Grove.

PROPERTY INTEREST: The ownership of real property, including any percentage of ownership less than total ownership.

PROTECTED RIVER: Any perennial river or watercourse with an average annual flow of 400 cubic feet per second as determined by appropriate U.S. Geological Survey documents. However, those segments of rivers covered by the Metropolitan River Protection Act or the Coastal Marshland Protection Act are specifically excluded from the definition of a protected river. In coastal areas, the seaward limit of any protected river shall be the inland limit of the jurisdiction of the Coastal Marshlands Protection Act.

PROTECTIVE COVENANTS: Contracts made between private parties or conditions recorded with an approved plat and running with the title to the land, specifying the manner in which land may be used, developed, or improved with the intent of protecting and preserving the physical and economic integrity of any given area. Private covenants are not enforced by Walnut Grove Government.

PUBLIC FACILITIES: A use conducted by, or a facility or structure owned or managed by a unit of government, and intended to provide for needs of the public.

PUBLIC HEARING: An official session of any elected or appointed board advertised according to law and called for purposes specified in the public notice.

PUBLIC STREET: Right-of-way dedicated to or owned by the City for the purpose of providing principal access to abutting property.

PUBLIC USES: Buildings, structures and uses of land by a unit of government, including but not restricted to government administration, water treatment facilities, streets, libraries, public schools, parks, playgrounds, recreation centers and fire stations.

PUBLIC WATER: A system that is owned by a public governmental agency and properly designed, inspected and installed for withdrawing, treating and distributing potable drinking water through water mains, fire hydrants, and related appurtenances in accordance with applicable local, state and federal regulations.

QUADRANGLE MAP: The most recently published USGS 7.5 minute topographic map prepared at a scale of 1:24,000.

QUARRY: A mine where rock, ore, stone, and similar materials are excavated for sale or for off-site use. Quarry includes rock crushing, asphalt plants, the production of dimension stone, and similar activities.

REAL PROPERTY: Any tract or parcel of land and, if developed, any buildings or structures located on the land.

REGIONAL STORMWATER MANAGEMENT: shall mean the design, construction and operation of a facility necessary to control storm water runoff from one or more developments.

RESERVE/SPITE STRIP: A strip or parcel of land along, around or between properties, the purpose of which is to restrict access.

RESERVOIR: A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

RESERVOIR BOUNDARY: The edge of a water supply reservoir defined by its normal pool level.

RETAINING WALL: A structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion.

RETENTION FACILITY: A permanent facility that provides for the storage of runoff and is designed to maintain a permanent pool of water referred to as the normal pool.

RIGHT-OF-WAY: A strip of land dedicated to, designated, reserved, or purchased by Walnut Grove for the purpose of pedestrian or vehicular access or utility line installation.

RIGHT-OF-WAY LINE: The dividing line between a lot, tract or parcel of land and a contiguous right-of-way.

RIVER BANK: The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

RIVER CORRIDOR: All land, inclusive of islands, not regulated under the Metropolitan River Protection Act (O.C.G.A. 12-5-440 through 12-5-457), or the Coastal Marshland Protection Act (O.C.G.A. 12-5-280 through 12-5-293), in areas of a protected river and being within 100 feet horizontally on both sides of the river as measured from the river banks. The 100-foot buffer shall be measured horizontally from the uppermost part of the riverbank, usually marked by a break in slope. Although not within the measured 100-foot wide buffer, the area between the top of the bank and the edge of the river shall be treated by local governments in the same manner as the river corridor and shall be included within the River Corridor Protection Plan. Because stream channels move due to natural processes such as meandering, riverbank erosion, and jumping of channels, the river corridor may shift with time. For the purposes of these standards, the river corridor shall be considered to be fixed at its position at the beginning of each review period for local

comprehensive plans. Any shift in the location of the protected river after the start of the review period will require a revision of the boundaries of the river corridor at the time of the next review by the Department of Community Affairs.

ROADWAY DRAINAGE STRUCTURE: A device such as a bridge, culvert, or ditch, composed of a virtually non-erodable material such as concrete, steel, plastic, or other such material that conveys water under a road-way by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

ROOT RESPIRATION: An active process occurring throughout the feeder root system of trees, and involving the consumption of oxygen and sugars with the release of energy and carbon-dioxide. Root respiration facilitates the uptake and transport of minerals and nutrients essential for tree survival.

ROOT COLLAR: The point of attachment of major woody roots to the tree trunk, usually at or near the ground line and associated with a marked swelling of the tree trunk.

ROPE ROOTS: An extensive network of woody second order roots arising from major woody roots, occurring within the surface 12 to 18 inches of local soils, and with an average size ranging from .25 to 1 inch diameter. The primary function of rope roots is the transport of water and nutrients, and the storage of food reserves.

SCREENING: A method of shielding, obscuring or buffering one use or building from another use or building by fencing, walls, densely planted vegetation, natural vegetation, including a transitional buffer or other means; a visual and acoustical barrier which is of such nature and density that provides year-round maximum capacity from the ground to a height of at least six (6) feet.

SEDIMENT: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice or gravity as a product of erosion.

SEDIMENTATION: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

SETBACK: The shortest distance between the right-of-way of a street or an adjacent property line and the nearest wall of the building or structure on a lot. Buildings may not be placed within a required setback.

SOIL AND WATER CONSERVATION DISTRICT APPROVED PLAN: An erosion and sedimentation control plan approved in writing by the Soil and Water Conservation District in which the proposed land disturbing activity will take place.

SOIL COMPACTION: A change in soil physical properties which includes an increase in soil weight per unit volume, and a decrease in soil pore space. Soil compaction is caused by repeated vibrations, frequent traffic and weight.

SPECIMEN TREE: Any deciduous tree that has been determined to be of high value because of its species, size, age or other distinctive criteria. General criteria for the determination of specimen trees or stands are provided in Article 7.

SPILLWAY: The feature of a storage or detention dam which is designed to release surplus water which cannot be contained in the allotted storage space, and at diversion dams is a means to bypass flows exceeding those which are turned into the diversion system.

STABILIZATION: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

STATE WATERS: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation, except as may be defined in O.C.G.A 12-7-17(7).

STORMWATER MANAGEMENT: The collection, conveyance, storage, treatment, and disposal of storm water runoff in a manner to prevent accelerated channel erosion, increased flood frequency, and/or degradation of water quality, and in a manner to enhance and ensure the public health, safety and general welfare.

STORMWATER MANAGEMENT, ON-SITE: The design and construction of a facility or facilities necessary to control stormwater runoff within and for a single development.

STORMWATER MANAGEMENT, REGIONAL: The design and construction of a facility necessary to control storm water runoff; whether within or outside of a development, and serving one or more developments.

STORMWATER MANAGEMENT FACILITY, ON-SITE: Any facility within the project boundary used for the purpose of transporting or managing storm water runoff, including, but not limited to, culverts, detention ponds, storm drains, flumes, and headwater pools.

STORMWATER MANAGEMENT FACILITY, OFF-SITE: Any facility outside the project boundary that is or will be used for transporting and managing of storm water runoff, including, but not limited to, culverts, detention ponds, storm drains, flumes, and headwater pools. Easements for the purpose of transporting and managing of storm water runoff shall be obtained for any off-site facility with prior approval obtained from the County Engineer.

STORY: That portion of a building having a height greater than six feet between the surface of the floor occupied and the ceiling above it, not including cellars, basements, parking or mechanical rooms.

STREAM BANK: The confining cut of a stream channel and is usually identified as the point where the flow has wrested the vegetation.

STREET: A public or private thoroughfare that affords the principal means of access to abutting property.

STREET CLASSIFICATIONS: Streets are classified according to the function that they are to serve, the type, speed and volume of traffic they will carry and the required standards of design. Streets and roads are shown in the Walton County Official Thoroughfares Map according to their classification. Classifications include:

1. Interstate/Freeway: Limited access Interstate highways;
2. Arterial: State and US numbered highways;
3. Collector: Major streets that carry traffic between neighborhoods and arterial streets, serve nonresidential or multi-family areas or developments, and streets within a residential subdivision that collect traffic from 200 dwelling units or more;
4. Local Streets: Streets in subdivisions that primarily provide access to individual lots and are not intended to carry through traffic; and
5. Alleys: Private or publicly maintained ways of narrow width used for secondary access by service vehicles.

STREET, HALF: A street or road adjacent to a subdivision tract boundary where only half the required right-of-way and road improvements are provided within the proposed subdivision and the responsibility for the other half is undecided or is left to the adjacent property owner.

STREET JOG: The incidence where 2 streets or 2 portions of a single street are separated by a relatively short distance, usually at their intersection with another street.

STREET, PRIVATE: An access way similar to and having the same function as a public street, providing access to more than one property but privately owned and maintained.

STREET, STUB: An extension of the right-of-way of a street in a subdivision extending to the property boundary of the tract being developed and intended to provide continuity of the street pattern between subdivisions or between the individual phases of the same subdivision.

STRUCTURAL EROSION and SEDIMENTATION CONTROL PRACTICES: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

STRUCTURE: Anything constructed or erected on the ground or attached to something on the ground, including, but not limited to, walled or roofed buildings.

STRUCTURE, FLOOD-PRONE: A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank. See Article 6.

SUBDIVIDER: Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.

SUBDIVISION: The division of a lot of record at the time of enactment of this Ordinance into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets, and includes re-subdivision, and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided.

SUBDIVISION, PRIVATE DRIVE or PRIVATE DRIVE GATED SUBDIVISION: Any subdivision in which a street providing access to lots in the development is not dedicated to the public but is held in common ownership by the owners of the lots and is not maintained by Walnut Grove.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any combination of repairs, reconstruction, alteration or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement or, in case of damage, the value of the structure prior to the damage occurring. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions or any alterations of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SURFACE WATER: Waters of the state located on the ground surface such as lakes, reservoirs, rivers, streams and creeks.

SWCC/SSWCC: The Georgia Soil and Water Conservation Commission.

TELECOMMUNICATIONS TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers and monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular communications towers, and other similar structures.

TEMPORARY BUILDING: A structure that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

TRANSPORT ROOTS: System or framework of tree roots comprised of major woody roots and rope roots.

TREE: Any self-supporting, woody perennial plant usually having a single trunk diameter of 1-½ inches or more which normally attains a mature height of a minimum of ten feet.

TREE CANOPY: The area directly beneath the crown and within the outermost edges of the branches and leaves of a tree.

TREE DENSITY FACTOR: A unit of measure used to prescribe and calculate required tree coverage on a site. Unit measurements are based upon tree size.

TREE HARVESTING: The felling, loading, and transporting of timber products for gain. The term "tree harvesting" includes forestry, silviculture, selective tree harvesting, and thinning of trees as prescribed by Best Management Practices of the Georgia Forestry Commission.

TREE REPLACEMENT: The replacement of trees and landscape plant materials into the minimum required landscape areas, as determined by Article 7.

TROUT STREAMS: All streams or portions of streams within the watershed as designated by the Environmental Protection Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20 et seq. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

USE: The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

USGS: United States Geological Survey.

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, storm water systems, railroads, similar services and all equipment and structures necessary to provide such services for utilities licensed or authorized to serve Walnut Grove.

VARIANCE: A relaxation of the terms of this Ordinance that will not be contrary to the public interest and where, owing to conditions peculiar to the property (and not the applicant), a literal enforcement of the regulations would result in unnecessary and undue hardship.

VEGETATIVE EROSION and SEDIMENTATION CONTROL MEASURES: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

1. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
2. Temporary seeding, producing short-term vegetative cover; or
3. Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

VEHICLE: A mechanical device with wheels or treads for transporting people and/or loads. Vehicles include automobiles, motorcycles, trucks, cranes, earth moving equipment, trailers, and other similar conveyances.

VEHICLE, COMMERCIAL: A vehicle greater than 20 feet in length with six or more wheels, including the cab portion of a tractor-trailer with or without the trailer, but not including light duty business vehicle or school buses.

VETERINARY SERVICES: Establishments where animals or pets are given medical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

WAIVER: The relinquishment or modification of any specific provision of this ordinance by the City Council or the Mayor or his/her designee for a specific development subject to Article 9 of this Ordinance.

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

WATER SUPPLY RESERVOIR: A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

WATER SUPPLY WATERSHED: The area of land upstream of a governmentally owned public drinking water intake.

WATER SYSTEM, PUBLIC: A water supply or distribution system owned or operated by a unit of government.

WATERSHED: That area contributing runoff to a single surface watercourse or water body.

WCSWCD: The Walton County Soil and Water Conservation District.

WETLANDS: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions as determined by the US Army Corps of Engineers.

YARD: A space between the property line and a required setback line on the same lot with a principal building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except for authorized landscaping, driveways, parking, sidewalks, signs, lighting standards, encroachments and accessory buildings that are expressly permitted.

YARD, FRONT: An open, unoccupied space on the same lot with the principal building or use, extending the full width of the lot and situated between the right-of-way line and the front line of building projected to the side lines of that lot. The depth of the front yard shall be measured between the front line of the building projected to the sidelines of the lot and the right-of-way line. Covered

porches, whether enclosed or unenclosed, shall be considered as part of the principal building and shall not project into a required front yard.

YARD, REAR: An open space on the same lot with the principal building or use, such space being unoccupied except possibly for an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the principal building projected to the side lines of the lot. On all corner lots the rear yard shall be at the opposite side of the lot from the front yard.

YARD, SIDE: An open, unoccupied space on the same lot with a principal building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot.

Article 3 Permits and Final Plat Procedures

Section 300 Subdivision and Development Procedures

Section 300.1 Application

No person shall proceed with any disturbance of the land, including clearing, grubbing, or grading activities on a proposed structure, development or subdivision before obtaining a Development Permit or Building Permit from the City of Walnut Grove, unless it is an agricultural activity in the AG district.

Section 300.2 Pre-Application Conference

- A. Whenever the development of a site or subdivision of a tract of land is proposed, the developer may be asked to schedule an informal pre-application conference with the Mayor and City Engineer. The purpose of the pre-application conference stage is to facilitate the subsequent preparation of Site Development Plans and plats by clarifying matters relating to the proposed development.
- B. During the pre-application conference, the City Engineer shall determine which procedures and approvals are required. The Engineer's determination shall be presumed to be correct. The Engineer may assign the application to procedures appropriate for one of the following:
 - 1. Exempt Subdivision
 - 2. Standard Subdivision
 - 3. Non-Residential or Multi-family Site Development

Section 300.3 Developments of Regional Impact

- A. When an application for a preliminary subdivision plan review includes any of the uses listed in Table 3.1 below and that use exceeds the listed thresholds of intensity, it shall be deemed to be a Development of Regional Impact (DRI). The application for such rezoning, conditional use permit or preliminary subdivision plan review shall include:
 - 1. Three (3) copies of a completed traffic study supplied by the applicant and prepared by a professional engineer registered in the State of Georgia. The traffic study must be prepared in conformity with the Traffic Study Guidelines included in this ordinance as Appendix D;
 - 2. Two (2) copies of completed forms provided by the Mayor or his/her designee for review by the Northeast Georgia Regional Development Center (NEGRDC) and other affected state and local government agencies as they shall deem appropriate; and

3. Two (2) copies of a site development plan that includes the proposed site plan for the subject property, as well as a conceptual plan for all contiguous properties under the same ownership as the property for which DRI documentation is being prepared.
- B. The City Clerk, with the assistance of the Mayor or his/her designee, is responsible for submitting Forms 1 and 2 to the NEGRDC. The applicant shall attend a pre-application conference with NEGRDC, if required by NEGRDC.

Table 3.1: DRI Tiers and Development Thresholds

Type of Development	DRI Intensity Threshold
1) Office	Greater than 400,000 gross sq. ft.
2) Commercial	Greater than 300,000 gross sq. ft.
3) Wholesale & Distribution	Greater than 500,000 gross sq. ft.
4) Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day
5) Housing	Greater than 400 new lots or units
6) Industrial	Greater than 560,000 gross sq. ft.; or employing more than 1,600 workers; or covering more than 400 acres.
7) Hotels	Greater than 400 rooms.
8) Mixed-Use	Total gross sq. ft. greater than 400,000; or covering more than 120 acres.
9) Airports	All new airports, runways, and runway extensions.
10) Attractions & Recreational Facilities	Greater than 1,600 parking spaces or a seating capacity of more than 6,000.
11) Post-Secondary Schools	New school with a capacity of more than 2,400 students, or expansion of this type of school by at least 25% of capacity.
12) Waste Handling Facilities	New facility or expansion of use of an existing facility by 50% or more.
13) Quarries, Asphalt & Cement Plants	New facility or expansion of use of an existing facility by 50% or more; and located within ½ mile of a jurisdictional boundary.
14) Wastewater Treatment Facilities	New facility or expansion of use of an existing facility by 50% or more; and located within ½ mile of a jurisdictional boundary.
15) Petroleum Storage Facilities	Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise, storage capacity greater than 200,000 barrels.
16) Water Supply Intakes/Reservoirs	New Facilities
17) Intermodal Terminals	New Facilities
18) Truck Stops	A new facility with more than 3 diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces
19) Any other development types not identified above (includes parking facilities)	1,000 parking spaces

- C. No action shall occur on such a plat review application by the Walnut Grove City Council until a recommendation is received from the NEGRDC regarding the DRI, provided that such application shall have been complete in every respect and was received by the City Council within 90 days of the date that the completed DRI review application forms were received by the NEGRDC.

Section 300.4 Complete Application

- A. Applications are to be completed and all required fees for review of the preliminary plat, construction plans and final plat are to be paid when the plans are submitted.
- B. The City Engineer may deem the application incomplete if:
 - 1. The application lacks required information;
 - 2. The Engineer, Mayor and/or City Clerk requires any additions or corrections of information necessary to make an informed decision; or
 - 3. Fees are not paid to the City Clerk, not sufficient, or the check was returned by the bank for insufficient funds.
 - 4. The division of land into parcels of five (5) acres or more where no new street is involved.
- C. Failure to provide all information may result in delays and possible requirement of application re-submittal.
- D. Acceptance of plans by Walnut Grove shall not constitute or guarantee any rights unless such plans are prepared in accordance with this ordinance.
- E. It is the responsibility of the applicant to ensure the completeness and accuracy of the plans and to submit payment of any required fees.

Section 300.5 Exempt Subdivisions

- A. For the purpose of this ordinance each of the types of activities described below shall be considered subdivisions but exempt from the procedures and required site improvement provisions of this ordinance:
 - 1. The combination, recombination, or reconfiguration of two or more buildable lots of record, where the total number of lots is not increased. An Exemption Plat shall not be required for aggregations of properties for land assembly purposes where no building permit will be requested prior to issuance of a development permit.
 - 2. The division among heirs or family members of land in the AG Zoning District into lots greater than twenty acres each, or into three or fewer lots having a minimum lot size of five acres provided each lot meet the requirements of this ordinance.

3. An amnesty lot recorded as a buildable lot of record at least ten days prior to the effective date of this ordinance but not reviewed and approved under the provisions of this ordinance, provided that:
 - a. The lot meets all requirements of an exempt subdivision contained in Section 300.4, Paragraph A.
 - b. The Exemption Plat is limited to one individual lot and no property that adjoins the lot is owned, or has been owned, by the applicant in whole or in part.
 4. The division of land into parcels of five (5) acres or more where no new street is involved.
- B. Exempt subdivisions shall be drawn as an Exemption Plat in accordance with the Final Plat standards of this ordinance and four copies shall be submitted with an application and appropriate fees to the City Clerk for review by the City Engineer and approval by the Planning Commission and the City Council. Upon approval, the Mayor shall authorize the recording of the Exemption Plat with the Clerk of Superior Court of Walton County and grant the issuance of building permits pursuant to the codes and ordinances of Walnut Grove.
- C. A Record Survey certified by a Land Surveyor currently registered in the State of Georgia shall be submitted to and approved by the Mayor showing the lot or lots in the exemption subdivision.
- D. The following standards apply to exempt subdivisions:
1. The subdivision or lot meets all requirements of this Ordinance and the applicant demonstrates that approval of the subdivision or lot will not create non-conformity to the requirements of this Ordinance on any other portion of the original property from which the lot was subdivided.
 2. The lot fronts on an existing public street.
 3. No extension of utilities or construction of public streets are required or provided.
 4. The lot shall comply with the requirements of the water provider and Health Department, or sanitary sewer provider, as appropriate. If new utilities are required or existing utilities are being modified, the Health Department or sanitary sewer provider, as appropriate shall certify approval of wastewater treatment service prior to approval of the Exemption Plat by the Mayor.
 5. All slope and utility easements and necessary street right-of-way as determined by the City Engineer on the basis of the Thoroughfare Plan shall be provided at no cost to Walnut Grove.

Section 300.6 Standard Subdivisions

- A. A proposed division of a buildable lot of record into two or more lots, except for those proposed developments which meet the definition of an exempt subdivision shall be subject to the application, review and approval procedures outlined below, including preparation and approval of a preliminary plat, construction plans, and final plat.
- B. Prior to any land disturbance or selling any lots, the developer shall submit for approval a Preliminary Plat of the proposed subdivision. The Preliminary Plat shall be prepared in accordance with this

ordinance and consist of the elements described in Appendix A. The preliminary plat, construction plans and other engineering data shall be prepared and sealed by a Professional Land Surveyor, Engineer or Landscape Architect currently registered in the State of Georgia, in accordance with the provisions of Georgia law. The developer shall also provide copies of the Preliminary Plat to all utility companies serving the area.

- C. The construction plans shall include a Tree Protection Plan and a Soil Erosion and Sedimentation Control Plan prepared in conformance with this ordinance.
- D. The developer shall submit the Preliminary Plat to the City Engineer for review. The developer shall also coordinate review of the Preliminary Plat with the electric provider, water provider, sanitary sewer provider, Georgia Department of Transportation and/or Walton County Public Works (if applicable), Walton County Health Department, Fire Department, and any other entities designated for review.
- E. The City Engineer shall have no more than 15 working days after the official date of submission of the Preliminary Plat to review the plat. The City Engineer shall indicate on a review copy of the drawings or in a memorandum all comments related to compliance of the development plans with this Ordinance, principles of good engineering and design, conditions of zoning approval, and regulations of other City departments and State agencies as appropriate.
- F. If questions arise during the review of the Plat, the City Engineer may consult with the Mayor and/or City Council to determine the applicability of any and all comments of staff, and review agencies under these Regulations or conditions of zoning approval.
- G. If the City Engineer does not issue comments within 15 working days of the official date of submission of the Preliminary Plat, the City Engineer shall be deemed to have had no comments regarding the plat and a certificate to that effect shall be issued at the developer's request, provided the developer does not consent in writing to an extension of time, if requested by the City Engineer for further study of the plat.
- H. When the City Engineer has determined that the Preliminary Plat and other development plans are in compliance with this Ordinance and approval has been received from all affected City/County Departments and State agencies, as may be applicable, the City Engineer shall forward the recommendation for approval to the City Clerk. The City Clerk shall place the plat on the next available agenda for the Planning Commission.
- I. The Planning Commission may not approve any Preliminary Plat on which is shown a lot that would clearly require a variance to be reasonably usable, or that is otherwise "unbuildable" whether due to the presence of a floodplain, configuration, or lack of public utilities.
- J. The developer shall be responsible for compliance with all federal, state and local codes, regulations, and zoning requirements and for the satisfaction of all of the noted and written comments of the City Engineer and Planning Commission, and .
- K. After reviewing the Plat and the recommendation of the City Engineer, the Planning Commission shall entertain a motion to approve the Plat. If approved, the Chairman shall sign and date a reproducible

copy of the plat. Copies of the approved plat and development plans shall be transmitted to the applicant and copies retained by the City Clerk and the City Engineer for its records.

Section 300.7 Effect Of Preliminary Plat Approval

- A. Following approval of the Preliminary Plat and construction plans required for a development permit, a development permit shall be issued at the developer's request after the payment of the appropriate fees.
- B. Approval of the Preliminary Plat shall be deemed an expression of approval of the layout of the subdivision to be used as a guide to the preparation of the Final Plat.
- C. The approval of the Preliminary Plat shall expire if a development permit has not been issued or a final plat submitted for recording within 6 months of the date of approval.

Section 300.8 Final Approval Of Subdivisions

- A. After completion of the construction, or proper arrangements for all or part of the area shown on the approved Preliminary Plat and before selling any lots, a Final Plat together with the required certificates shall be submitted to the City Engineer for approval (See Appendix ___ for specifications of Final Plat documents). The developer shall also provide copies of the Final Plat to all utility companies serving the area.
- B. A Final Plat may be submitted after the Preliminary Plat has been given approval and required improvements have been completed or proper bonding provided.
- C. The developer shall submit to the City Engineer the original drawing and four copies of the Final Plat and other documents, as required. The scale on the plat shall not be less than 100 feet to one (1) inch unless otherwise approved by the City Engineer. The plat shall be prepared, signed, and sealed by a Land Surveyor, Professional Engineer or Landscape Architect currently registered in the State of Georgia, in accordance with the provisions of Georgia law. Concurrently, the developer shall submit copies of the Final Plat to the agencies that reviewed the Preliminary Plat, or other agencies as identified by the City Engineer, for review and comment.
- D. The developer shall be responsible for compliance with all codes, regulations, and zoning requirements and for the satisfaction of all of the comments of the City Engineer or other affected agencies or departments.
- E. All improvements and installations to the subdivision that are required for approval of the Final Plat and that are to be dedicated under the rules and regulations of the City have been completed in accordance with the appropriate specifications unless the developer provides a performance bond for required improvements not yet completed with the Performance and Maintenance Agreement as provided in Section 300.14. The developer shall also prepare appropriate documents and plans as constructed, if required, and request the City and other appropriate authorities to accept dedicated streets, other public spaces, and utilities.

- F. When the City Engineer has determined that the Final Plat and other record drawings are in compliance with this Ordinance and approval has been received from all affected City/County Departments and State agencies, as may be applicable, the City Engineer shall forward the recommendation for approval to the City Clerk. The City Clerk shall place the plat on the next available agenda for the City Council to review.
- G. After reviewing the Plat and the recommendation of the City Engineer, the City Council shall entertain a motion to approve the Plat and accept the deeds for right-of-way and any other public spaces, as appropriate. If approved, the Mayor shall sign and date a reproducible copy of the plat. Copies of the approved plat and development plans shall be transmitted to the applicant and copies retained by the City Clerk and the City Engineer for its records.
- F. The final plat shall not be approved by the City Council until all requirements of these and other applicable regulations have been met, and the City Clerk has received an executed Maintenance Agreement and bond, as provided in Section 300.14, and reviewed by the City Engineer.
- G. The Mayor shall certify by signature on the original of the plat that all of the requirements of this Ordinance, and the conditions of zoning approval have been met, and that all other affected departments have approved the plat.
- H. Once the Final Plat has been approved, the Mayor shall authorize recording with the Clerk of the Superior Court of Walton County. The developer shall provide the City with an appropriate number of copies of the recorded plat, as determined by the City Engineer. The Final Plat shall indicate rights of way and other lands within the subdivision that are required to be dedicated to Walnut Grove

Section 300.9 Structure Location Plan

- A. The City Engineer may require that a Structure Location Plan be approved prior to issuance of a building permit on certain lots when particular care in locating the house or other improvements will be necessary. Such lots include, but are not limited to:
 - 1. A lot which presents particular or unusual difficulties for a builder to meet minimum required building setbacks or tree protection requirements;
 - 2. A lot containing an easement;
 - 3. A lot containing floodplain but upon which no fill or other encroachment into the floodplain is anticipated at the time the Final Plat is filed;
 - 4. A lot upon which is located all or part of a storm water detention facility;
 - 5. A lot upon which is located a buffer which is required by this Ordinance or as a condition of zoning approval;
 - 6. All duplex lots;

7. A lot which is located within, or partially within, a watershed protection district greenway or setback, river corridor greenway, stream buffer zone, wetland, or
 8. A lot containing historical resources.
- B. The Structure Location Plan shall be prepared in accordance with the requirements outlined in Appendix A.

Section 300.10 Non-Residential or Multi-Family Development Plans

Any proposed development of a single parcel of land, other than a one- or two-family dwelling or residential accessory structures, shall be classified as a non-residential or multi-family development and subject to the review procedures established below.

- A. The developer shall submit an application, fee and four sets of site development plans to the City Engineer using an application form as provided by the City Clerk.
- B. A development permit may not be issued until the City has approved a Tree Protection and Landscape Plan in conformance with this ordinance and an Erosion and Sedimentation Control Plan prepared in conformance with the Soil Erosion and Sedimentation Control Ordinance, Article 6, Section 602.
- C. For non-residential and multi-family structures:
 1. Issuance of a building permit for any principal building or associated accessory structures shall first require issuance of a Development Permit for the building site unless otherwise approved by the City Engineer. The building permit shall be consistent with the Development Permit.
 2. Building plans must be reviewed and approved by the City Engineer prior to issuing any permit for any structure. Building plan approval shall expire after one (1) year, after which re-review and approval shall be required prior to issuance of a building permit for the building or additional buildings.
- D. The application shall include the Site Development Plan and site construction drawings. All site construction drawings and other engineering data shall be prepared and sealed by a Professional Engineer or Landscape Architect currently registered in the State of Georgia, in accordance with the provisions of Georgia law.
- E. The City Engineer shall indicate on a review copy of the drawings or in written memorandum all comments related to compliance of the site Development Plans with this ordinance, principles of good design, conditions of zoning, and other applicable City, County, State and Federal regulations. The City Engineer, shall have final staff authority to determine the applicability of any and all comments under this ordinance or conditions of zoning.
- F. Rights of way or lands to be dedicated to Walnut Grove in fee simple shall be indicated in the approved site development plans signed by the City Engineer and shall be processed for ratification by the City Council as provided in Article 3, Section 300.8 of this Ordinance.

- G. The site development plans shall be approved when the Mayor or his/her designee determines that the plans are in compliance with this ordinance. A development permit shall be issued at the developer's request to begin construction activities based on the approved site development plans. A building permit may also be issued on the basis of the approved development permit. A Certificate of Occupancy may not be issued, until construction is completed in accordance with this Ordinance.

Section 300.11 Final Non-Residential and Multi-Family Approval Process

The City Engineer shall further determine that either:

- A. All public improvements and installations to the development that are to be dedicated and are required for approval of the Certificate of Occupancy under this ordinance have been completed in accordance with the appropriate specifications; or
- B. All of the storm water drainage and detention facilities, water and sewer utilities, street base and curbing construction required for approval of the Certificate of Occupancy have been properly installed and completed and, for those required public improvements not yet completed, within areas to be dedicated (grassing, pavement topping, required landscaping, sidewalks, etc.), a performance bond shall have been filed by the developer with the Development Performance and Maintenance Agreement as provided in Section 300.14 of this Ordinance.
- C. Once the affected departments and agencies having jurisdiction have certified compliance, the Building Inspector shall certify by signature on the Certificate of Occupancy that all of the requirements of this Ordinance, and the conditions of zoning have been met. The Certificate of Occupancy shall not be deemed approved until the Building Inspector has signed it. Where use of septic tanks or private wells is proposed, the final approval of the Health Department shall be required prior to the approval of Certification of Occupancy.

Section 300.12 Initiation Of Development Activities

- A. Following the issuance of the development permit:
 - 1. Required erosion control measures must be installed by the developer and inspected and approved by the City Engineer/Building Inspector prior to actual grading or removal of vegetation. All control measures shall be in place as soon after the initiation of activities as possible and in coordination with the progress of the project; and
 - 2. Areas required to be undisturbed by this Ordinance, Tree Protection provisions, conditions of zoning or any other applicable ordinances or regulations shall be designated by temporary fencing, flags or other appropriate markings and shall be inspected and approved prior to commencement of any clearing or grading activities.

Section 300.13 Development Inspections

- A. The Building Inspector and/or Code Enforcement Officer has the power to enter property to make inspections of land, land uses, structures, buildings, signs, and any construction or land disturbance

activity related to the execution of its responsibilities pursuant to this Ordinance to determine if they conform to the requirements of this Ordinance and the Walnut Grove Building Ordinance.

- B. The Developer or Contractor must notify the Building Inspector at least 24 hours prior to commencement of each phase of development activity. The City Engineer shall inspect and approve each phase prior to continuation of further activity or proceeding into new phases:
1. Clearing and grubbing.
 2. Grading. Installation of slope stakes shall be required. Upon completion of roadway grading, the Water Certificate shall be submitted to the water provider certifying that the centerline of the road and the offset centerline of the water line are within 6 inches of that shown on the approved plans or red-lined plan submittal. Inspection and approval shall be required prior to trenching or continuation with sub-base preparation.
 3. Installation of storm drainage pipe, detention or other storm water facilities.
 4. Installation of sanitary sewer and appurtenances. This notification shall be made simultaneously with official notification by the developer or contractor to the sanitary sewer provider and is for informational purposes only to the City Engineer.
 5. Curbing of roadways. Inspection should be requested before the forms have been set (if used). Roadway width will be spot checked by string line between curb stakes.
 6. Sub-base or sub-grade of streets. After compaction, the sub-grade will be string-lined for depth and crown. The sub-grade shall be roll tested and shall pass with no movement to the satisfaction of the City Engineer.
 7. Street base. The base will be string-lined for depth and crown and shall pass with no movement to the satisfaction of the City Engineer.
 8. Paving. A City inspector shall be on site during the paving process to check consistency, depth, and workmanship, as applicable.

Section 300.14 Approval Of Development Conformance

A. Responsibility For Quality And Design

The approval of plans or completion of inspections by City and authorization for work continuation shall not imply nor transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture, or any other profession, from the professional corporation or individual who prepared or supervised and sealed the plans.

B. Approval of Development Conformance

Approval of development conformance shall be a prerequisite to the approval of a Final Plat or issuance of a Certificate of Completion for any part of a project included in a development permit, except for single-family and two-family residential structures. The approval shall reflect certification that

all site work and construction has been accomplished according to the terms of approved plans and permits, except when performance bonds have been authorized, and that all facilities intended for maintenance, supervision and/or dedication to the public are in compliance with appropriate standards, regulations, codes, and ordinances. Such approval shall be revoked in cases of fraud or whenever unauthorized changes are made to the site without the benefit of required permits.

C. Submission Requirements

Upon completion of the project, the owner may request a Certificate of Completion from the City Engineer. The City Engineer may require as-built drawings of storm water detention facilities and systems, and modifications to the limits of the 100-year flood plain. The Certificate of occupancy shall be in a form as provided by the Mayor or his/her designee.

D. Final Inspection And Approval

Following final inspection and approval of all record drawings, the City Engineer shall approve the Certificate of Completion.

Section 300.15 Performance and Maintenance Bonds

A. Application

Performance bonds shall be required for any development involving the division of land into multiple-ownership with lots or units where the actual sale of such lots or units may commence prior to the fulfillment of all requirements of this ordinance and all conditions of approvals and permits.

B. Performance Bond Application

The performance bond shall be conditioned upon the faithful completion and performance by the developer of all work required for completion of all amenities, improvements and installations that are part of a subdivision of land in order to fulfill requirements of this ordinance for an approved portion of the development when such installations are to be completed within a specified period of time. Such delay in installation is subject to the approval by the City Engineer, in consultation with the Mayor because of unusual weather, site conditions, or construction phasing situations where it is in the ultimate interests of Walnut Grove and the purchaser of the subject lots or units that installation and construction be delayed. Performance bonds may be allowed for the following types of improvements:

1. Curb and Gutter Construction

- a. All curb and gutter in place.
- b. All underground utilities in place.
- c. Back-filling against back of curb and gutter, grading of shoulders and grassing.
- d. All storm water and erosion control and detention facilities, including detention ponds, drainage pipes, rip-rap, silt fencing, etc. must be in place, grassed and stabilized.

- e. The street base required under Article 4, Section 406 E shall be in place, as well as the binder course for a two-pass street.
- f. Streets shall be so designed to divert storm water run off into storm drainage systems.

2. Open-Ditch Construction

- a. Ditches to be graded, with check-dams in place.
- b. All underground utilities in place.
- c. Grading of shoulders and grassing.
- d. All storm water and erosion control and detention facilities, including detention ponds, drainage pipes, rip-rap, silt fencing, etc. must be in place, grassed and stabilized.
- e. The street base required under Article 4, Section 406 E shall be in place, as well as the binder course for a two-pass street.

3. Landscaping and Tree Planting

- a. Final landscaping and planting grass, sod, mulch and ground cover in common areas and within rights of way
- b. Planting and irrigation of trees and shrubbery in common areas and within rights of way.

C. Performance Bond Regulations

- 1. The developer shall provide the City Engineer with a certified copy of a properly executed contract covering all of the work to be done to complete all improvements.
- 2. If the developer intends to perform the work personally, the contract must be drawn with the City in an amount acceptable to the City Engineer to adequately cover the cost of the work to be performed.
- 3. The term of the contract shall be no more than 3 months for completion of all improvements, and may provide for one 3-month extension with the approval of the City Engineer in consultation with the Mayor based on good cause.
- 4. The developer shall place funds in escrow with the City in an amount equal to 110% of the total contract amount.

D. Maintenance Bond Application

The developer shall provide maintenance bonds adequate to ensure the continued function and good condition of public improvements being constructed as part of a subdivision to fulfill the requirements of this ordinance for a specified time until such bonds are released by Walnut Grove. The form of maintenance bonds shall be specified by the City Engineer and approved by the City Attorney.

1. Bonds for Subsequent Phases

The maintenance bond for any subsequent phase of construction of a subdivision or development project must include all streets within the subdivision or development project that provide access to the subsequent phase, unless alternate access for construction traffic is provided and approved by the City Engineer.

2. Release of Maintenance Bonds

It shall be the responsibility of the developer to petition the city for release of bonds. During the two-year period, the City Engineer will randomly inspect the improvements, listing any defects. The owner shall have thirty days to correct any specified deficiencies. Failure to perform said corrections shall result in the forfeiture of the Bond.

Section 300.16 Permits Required

A. Submittal

Any developer of land within unincorporated Walnut Grove shall first submit to the City such plans, plats or construction drawings as may be required by this ordinance and receive approval of a development permit prior to the initiation of development activities.

B. Permit Limitations

Development activities shall be limited to those authorized by the applicable development permit and as may be further restricted by conditions of approval attached by the City Engineer or other departments or agencies as may have authority or jurisdiction over development activities.

C. Responsibility for Compliance

No permit shall be interpreted to relieve any owner or developer of the responsibility of maintaining full compliance with all codes, ordinances or other regulations of Walnut Grove, except as amended by an approved waiver, variance, or other relief granted through applicable formal appeal procedures for a specific property or application. Any permit issued in error or in contradiction to the provisions of an adopted code, ordinance, or regulation of Walnut Grove shall be considered to have been null and void upon its issuance.

D. Expiration Of Development Permit

A development permit shall expire one year after issuance unless development activity as authorized by the permit is initiated within 90 days or if such authorized activities lapse and the project is abandoned for a period exceeding 30 calendar days. The Mayor may approve one extension not exceeding 90 days within which time development activity must commence or the permit shall expire. The extension shall be applied for within the first 12 consecutive calendar months after the permit's issuance.

E. Stabilization For Erosion Control

If for any reason a development permit is revoked or expires after land disturbance activities have begun, the developer shall be responsible for immediately stabilizing the site to prevent erosion and sedimentation.

F. Lapse in Construction Activity

For the purposes of this ordinance, a lapse in or suspension of development activity as authorized by a development permit, as a direct result of action or inaction on the part of Walnut Grove completely beyond the control of the developer, shall not be considered as a lapse in activity causing the development permit to expire. The 90-day period within which development activity must begin shall exclude any such time period during which the activity is prohibited or has been caused to lapse by City action or inaction.

G. Building Permits

1. It shall be unlawful to commence the excavation or filling of any lot for any construction of any building or structure or commence the moving or alteration of any building or structure until the City has issued a building permit for such work. In applying to the City for a building permit, the applicant shall file plans as specified below.

2. Applicable Codes

Building permits for all structures or interior finishes shall be issued after meeting the applicable requirements of this ordinance, the fire prevention codes, and the various health, water, sewer, and building codes of Walnut Grove.

3. On-Site Sewage Disposal

For any structure for which on-site sewage disposal will be provided, a permit issued by the Walton County Health Department shall be required prior to issuance of a building permit.

4. Single-Family and Duplex Residences

a. A building permit for a single or two-family residence may be issued after the recording of a Final Plat or after the lot upon which the building is to be located has otherwise become a buildable lot of record.

b. The approval of a Structure Location Plan may be required prior to issuance of the building permit as noted and conditioned on the Final Plat. For such lots a Certificate of Occupancy shall not be issued until conformance to the Structure Location Plan has been field verified or shown on a certified foundation survey prepared by a Registered Land Surveyor.

5. Swimming Pools

Issuance of a building permit for a swimming pool as an accessory use to a single or two-family residence, whether to be issued at the same time as or subsequent to the permitting or

construction of the house or duplex, shall first require conformance with this ordinance, all other applicable Ordinances, and the safety standards of the Walton County Health Department.

6. Issuance on Buildable Lots of Record

Building permits shall only be issued on buildable lots of record, as defined in this ordinance, except under special circumstances limited to and as specifically described below:

- a. In single-family detached and duplex residential subdivisions, building permits for no more than two model home buildings on specific lots may be issued on the basis of an approved Preliminary Plat after the approval of the Fire Marshal, the Walton County Health Department, and subject to all limitations or requirements as may be established by the City Engineer. No Certificate of Occupancy shall be issued for the model home until the Final Plat, including the model building lots, has been approved and recorded.
- b. In non-residential subdivisions, the City may issue building permits on the basis of an approved Preliminary Plat and after a development permit has been approved reflecting the Site Development Plan and construction drawings for specific buildings and associated site improvements. Issuance of the building permits shall be conditioned on the following:
 - (1) Approval by the City shall be required prior to issuance of any building permit, which may include approval of an acceptable access, fire hydrant location, and water pressure.
 - (2) Approval of the Health Department for on-site sewage disposal or by the sanitary sewer provider for a building to be served by public sewer, shall be required prior to issuance of any building permit.
- c. Construction of the required public improvements shall proceed concurrently with construction of the buildings.
- d. No Certificate of Occupancy shall be approved for any structure within the subdivision prior to recording of the Final Plat without the express approval of the Mayor
- e. In fee-simple townhouse subdivisions, a building permit may be issued on a buildable lot of record established for each building (containing any number of townhouse dwelling units) through recording of a Final Plat following completion of all required public improvements. Upon completion of the buildings, the Final Plat shall be re-recorded to establish individual lots for the townhouse units, based on their actual locations, prior to issuance of Certificates of Occupancy.

7. Expiration of Building Permit

Any building permit issued shall become invalid unless the work authorized by the permit has commenced within six months of the date of issue or if the work authorized by the permit is suspended for a period of one year.

Section 300.17 Certificate Of Occupancy Required For Non-Residential Uses

- A. Certificate of Occupancy issued by the City is required in advance of occupancy or use of:
 - 1. A building or structure hereafter erected.
 - 2. An addition to an existing building or structure or alteration of the interior of an existing building or structure.
 - 3. A building or structure or premises in which there is a change of use.
- B. The City shall issue a Certificate of Occupancy if the building is found to conform to the provisions of the building permit and this ordinance and accurately reflect the statements made in the application for the building permit.
- C. A record of all certificates shall be kept on file at the City and copies shall be furnished for a fee on request to any person having a proprietary or tenancy interest in the building or land involved.

Section 300.18 Plat Recording and Usage

- A. No plat of a subdivision shall be accepted for recording the Plat Books or Deed Books in the office of the Clerk of Superior Court except a Final Plat on which is inscribed the approval of the City Council.
- B. The transfer of, sale, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a plat of a subdivision that has not been given final approval by the City Council and recorded in the office of the Clerk of Superior Court of Walton County is prohibited, and the description of metes and bounds in the instrument of transfer or other document shall not exempt the transaction from penalties.

Section 300.19 Moved-In House Permit

Any previously occupied structure that is relocated for permanent occupancy in Walnut Grove other than a Manufactured Home or Industrialized Home must receive a permit from the City either before it is relocated or before it enters Walnut Grove. In order to be permitted, the structure must meet the following requirements:

- A. It shall be placed on a buildable lot of record;
- B. It shall be secured with a permanent foundation and connected to approved public utilities;
- C. On-site wastewater treatment system must be approved by the Health Department;
- D. An inspection report must be prepared by a professional architect or engineer registered in the State of Georgia certifying that the structure meets the code requirements of CABO or International Code Requirements with respect to:

1. Plumbing systems;
 2. Heating, ventilation and air-conditioning systems;
 3. Electrical systems;
 4. Structural systems; and
 5. Energy Code.
- E. Footings and other concrete structure requiring inspections shall be inspected by a third party engineer approved to perform inspections in Walnut Grove.
- F. The City shall retain the right to require additional inspections or information required by the issuance of a building permit.

Section 301 Site Design Standards

Section 301.1 Development Design

The purpose of good subdivision and site design is to create a functional and attractive development, to minimize adverse impacts, and to ensure a project will be an asset to the community. To promote this purpose, the subdivision and/or site plan shall conform to the following standards that are designed to result in a well-planned community without adding unnecessarily to development costs.

- A. Subdivision and site development plan design shall be based on an analysis of characteristics of the development site such as:
1. Site context;
 2. Geology and soil;
 3. Topography;
 4. Climate;
 5. Ecology;
 6. Existing vegetation;
 7. Existing structures;
 8. Road networks;
 9. Visual features;
 10. Past and present use of site; and

11. Local and regional plans for surrounding communities.

B. Subdivision and Street Name

The name of the subdivision and streets must have approval of Walton County Planning and Development and/or E911. The name shall not duplicate nor closely approximate the name of an existing subdivision or street.

C. Lots

All lots established in connection with the development of a subdivision shall comply with the following design standards unless the proposed subdivision is covered by approved variances or conditions of zoning that take precedence:

1. Side lot lines shall be perpendicular or radial to street lines, unless otherwise approved by the Planning Commission.
2. Each lot shall have direct abutting access to an approved street.
3. Each lot shall provide at least 40 feet of road frontage unless located in the Downtown Development Overlay District.
4. Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by this ordinance.
5. Double frontage and reverse frontage lots shall be required for residential subdivisions along the State Highway System or existing county roads where internal access can be provided. A no-access easement of at least ten (10) feet in width, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery.
6. Lot remnants or spite strips shall be prohibited. Such remnant areas shall be added to adjacent lots, rather than remain as unusable parcels.
7. No lot shall be of a lesser dimension than that required to meet the minimum area, frontage, minimum setbacks and yards established in Zoning Ordinance unless a variance or other modifications are granted by the Mayor and Council. However, this provision shall not apply when a portion of a lot is acquired for public use.

D. Monuments

Solid steel rods at least one-half (½) inch in diameter or square, eighteen (18) inches long, shall be set at all street corners. The top of the monument shall have an indented cross to identify the location and shall be set flush or up to six (6) inches above the finished grade. All other lot corners shall be marked with solid steel rods not less than one-half (½) inches in diameter, and at least 24 inches long and driven so as to be flush with the finished grade.

E. Blocks

The length of a block shall not be greater than 600 feet without an intervening intersecting street except where approved by the Planning Commission on recommendation from the City Engineer.

Article 4 Streets and Sidewalks

Section 400 Street Classification and Right-of-Way Requirements

A. Street Classification

1. Streets shall be classified into a street hierarchy system, based on current and projected traffic volumes. Street classification and design standards shall be based on the road function and projected average daily traffic (ADT). Traffic volumes shall be calculated using trip generation rates as published in the most recent edition of the Trip Generation Manual, available from the Institute of Transportation Engineers.
2. Street or road classes and their corresponding ADT thresholds are as follows:

Classification	Average Daily Trips (ADT)
Local Street	250 or Less
Minor Collector	251 to 2,500
Major Collector	2,501 to 9,999
Arterial	10,000 or More

3. The applicant shall demonstrate that the distribution of traffic on any proposed street system shall not exceed the ADT thresholds for the proposed street classifications. In instances where segments of a single street vary significantly in projected traffic volumes, the City Engineer may permit dual classifications and permit each segment to be designed and constructed to the relevant standards for each classification. The final determination regarding the classification of any existing or proposed street shall be made by the City Engineer.

B. Right-of-Way and Pavement Widths

1. Minimum widths for new streets or roads shall be as shown on the following table (See Standard Design and Construction Details for detailed dimensions). Widths of streets shall be measured from back of curb to back of curb or from edge of pavement if no curbs exist. However, if a street is used for access, the developer shall conform to the existing street width if it is greater than that required in this ordinance.
2. Minimum widths for new streets or roads shall be as shown on the following table (See Standard Design and Construction and Construction Details Appendix, for detailed dimensions).

MINIMUM RIGHT-OF-WAY AND ROAD WIDTHS TABLE

(See also Standard Details 3.01 and 3.02)

Street Category	Minimum R-O-W	Minimum Roadway Width*
Arterial Rural Urban	120' Min. 120' Min.	68' (4-Lane Divided, ditch) 72' (4-Lane Divided, C&G) 66' (5-Lane)
Major Collector Rural Urban	80' 80'	24'-30' (2-3 lanes) 24'-30' (2-3 lanes)
Minor Collector Rural Urban	70' 70' (7-6-04)	22' 22'
Local Street Rural Urban Commercial/Industrial	60' 50' 60'	20' 20' 26'
Cul-de-sac Commercial/Industrial Urban Rural	65' radius 50' radius 60' radius	50' radius 40' radius 40' radius

* Pavement width not including outside curb and gutter, where required.

C. Right-of-Way Dedication

1. The minimum width of right-of-way shall be dedicated based upon the street classification, as provided in this Section and approved by the City Engineer.
2. On any existing street abutting a proposed development, one-half (½) of the required width of right-of-way shall be dedicated, at no cost to The City of Walnut Grove, as measured from the centerline of the roadway along the entire property frontage. Right-of-way widths for existing streets shall be based on the current classification, as determined by the City Engineer.
3. Additional right-of-way may be required at intersections or other locations fronting the property where turning lanes, storage lanes, medians, re-alignments or other traffic safety improvements are required.

If a new street or thoroughfare is proposed by the Comprehensive Plan or the State of Georgia to adjoin or traverse the property, the proposed road shall be accommodated into the development plans of the property in accordance with these Regulations. These right-of-way requirements shall govern except where there exist clearly defined plans of the Georgia Department of Transportation or the City of Walnut Grove which require additional right-of-way. In that case, the greater right-of-way requirements shall govern.

D. Clear Zone Requirements

No private structures, walls, brick mailboxes, statues monuments, trees, shrubbery or other objectionable objects shall be erected, constructed or planted within the public right-of-way. All such structures or objects shall be removed from the public right-of-way, by and at the sole expense of the owner within fourteen (14) days of notification by the City. After a period of 14 days from the initial notification, said structure or object shall be removed and disposed of by the City of The City of Walnut Grove and the owner shall be liable for removal and disposal costs. Exempt are interior subdivision streets.

E. On Street Parking

1. On street parking may be permitted by the City Council within the downtown redevelopment overlay district, provided the following conditions are met:
 - a. Parking is located in a commercial or business zoning district;
 - b. The posted speed limit shall not exceed 35 mph;
 - c. The roadway has continuous sidewalks, with a minimum 10 foot width;
 - d. Parking stalls shall have an angle of 45 or 60 degrees, with a minimum 9 foot width and 20 foot depth;
 - e. Adjacent travel lane shall have a minimum clear width of 14 feet;
 - f. Handicap access is provided per Americans with Disabilities Act (ADA) Standards.

Section 401 Access Management

The following standards shall apply to land subdivision and development, except for single-family dwelling units or industrial development where the primary access is from a state or federal highway or a thoroughfare classified as a major collector or arterial in the City of Walnut Grove Comprehensive Plan. These standards shall apply unless a more restrictive standard is required by the Georgia Department of Transportation.

A. Joint and Cross Access

1. Adjacent commercial or office properties on major collectors and arterials shall provide a cross access drive and pedestrian access to allow circulation between sites.
2. Joint driveways and cross access easements shall be established for multi-parcel commercial office or industrial development wherever feasible along major arterial highway corridors. The building site shall incorporate the following:
 - a. Continuous service drive or cross access corridor connecting adjacent parcels along the entire length of the development for at least 1,000 feet of linear frontage along the thoroughfare.

- b. A design speed of 15 mph and a two-way travel aisle width of 24 feet to accommodate automobiles, service vehicles, and loading vehicles.
 - c. Driveway aprons, stub-outs and other design features to indicate that abutting properties may be connected to provide cross access via a service drive.
3. The City may reduce the required separation distance of access points where they prove impractical, provided all of the following requirements are met:
- a. Joint access driveways and cross access easements are provided wherever feasible in accordance with this Section.
 - b. The site plan incorporates a unified access and circulation system for vehicles and pedestrians in accordance with this Section.

B. Minimum Driveway Setbacks at Intersections

Driveway spacing at intersections and corners shall provide adequate sight distance, response time, and permit adequate queuing space. Driveway connections shall not be permitted within the functional area of an intersection, which includes the longitudinal limits of auxiliary or turning lanes. Minimum standards: No driveway access shall be allowed within one hundred and fifty (150) feet of the centerline of an intersecting Major Collector or Arterial Street, or within one hundred (100) feet of any Minor Collector Street.

C. Minimum Access Requirements

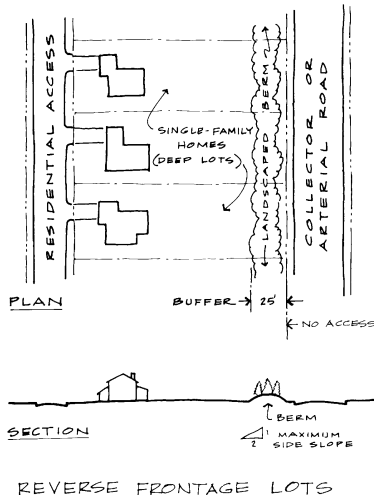
1. Except as otherwise noted in sub-section 2, below, all developments shall have access to a public right-of-way. The number of access points shall be as follows:

MINIMUM NUMBER OF ACCESS POINTS

Type of Development	Minimum Number of Driveway Access Points	Preferred Type of Primary Access
Residential, less than 100 units	1	Local Street or Minor Collector
Residential, 101 -200 units	2	Local Street or Minor Collector
Residential, more than 200 units	3	Collector
Non-Residential, less than 50 required parking spaces	1	Collector
Non-Residential, 50-300 required parking spaces	2	Collector
Non-Residential, 301 – 1,000 required parking spaces	3	Major Collector or Arterial
Non-Residential, more than 1,000 required parking spaces	4 or more	Major Collector or Arterial

3. Townhouse and Multi-Family Developments:

- a. Individual parcels shall have right of access through common areas containing private streets and/or private drives at least twenty-two (22) feet in width leading to a publicly maintained street.



D. Separation of Access Points

1. Subdivisions located along existing city roads shall be required to provide reverse frontage lots or parallel frontage roads where feasible. All other lots must comply with the following:
 - a. Along State or US highways, no more than 1 point of vehicular access from a property shall be permitted for each 300 feet of lot frontage, or fraction thereof, although requirements of the Georgia Department of Transportation shall apply whenever more restrictive.
 - b. Along Arterial or Collector roads other than State or US highways, no more than two (2) points of vehicular access from a property to each abutting public street shall be permitted for each 300 feet of lot frontage, or fraction thereof; provided however, that lots with less than 200 feet of frontage shall have no more than one point of access to any one public street. The City shall determine whether the points of access may be unrestricted or will have to be designed for right-in, right-out traffic flow.
2. No point of access shall be allowed within 35 feet of the right-of-way line of any street intersections for single-family and two-family residential lots and within 50 feet for multi-family and non-residential properties.
3. Corner lot access shall be located as far from the intersection as reasonably possible to reduce turning movement conflicts and to promote proper traffic circulation.
4. Otherwise, the separation of access points on any street or road shall be determined by the established speed limit of the street or road, with the following minimum spacing requirements:

Posted Speed Limit of Road	Minimum Driveway Spacing
25 MPH	75 feet
30 to 35 MPH	125 feet
Greater than 35 MPH	300 feet

5. The distance between access points shall be measured from the centerline of the proposed driveway to the nearest adjacent driveway or roadway.
6. The requirements of this Section are not intended to eliminate all access to a parcel of land that was legally subdivided prior to the enactment of this Section.

E. Emergency Access

All public streets, private and residential drives shall be designed and maintained so as to provide safe and convenient access for emergency vehicles.

Section 402 Driveway Standards

A. Permits Required

No driveway shall be constructed abutting a city maintained road or street until all applicable driveway permits have been approved and issued by the City. For driveways which abut a State or Federal highway, all applicable permits shall be obtained from the Georgia Department of Transportation prior to construction.

B. General Requirements

1. Joint access driveways shall not be utilized to achieve minimum driveway spacing requirements.
2. No property may have a curb cut in excess of 50 feet in width without approval of the City Engineer.
3. If a non-residential driveway design is one-way in or one-way out, then the driveway shall be a minimum width of 16 feet and shall have appropriate signage designating the driveway as a one-way connection.
4. For two-way non-residential access, each lane shall have a minimum width of 11 feet. When more than two lanes are proposed, a specific driveway design must be approved by the City.
5. Driveways that enter a major thoroughfare at traffic signals must have at least two outbound lanes (ones for each turning direction) of at least 11 feet in width, and one inbound lane with a maximum width of 12 feet.
6. Except for single family and two-family residences, driveway grades shall conform to the requirements of the Georgia Department of Transportation Design Standards.

7. No driveway design shall be permitted, which could pose safety hazards for pedestrians, bicycles, and other vehicles.
8. Driveways shall generally intersect roads or streets at right angles.
9. Driveway aprons shall be constructed so as to provide a minimum slope of ¼" per foot away from the edge of pavement of the public street, to prevent the direct discharge of surface water onto the travel lane of the abutting road or street.
10. Driveways shall comply with the minimum requirements of the Standard Design and Construction Details, based on projected use and classification.
11. Driveways serving single-family detached or duplex residences may be no less than ten feet wide at the right-of-way line and shall provide a radius to the back of the curb or edge of the pavement of the roadway of no less than five (5) feet. All other driveway curb cuts on public streets shall conform to the standards shown on the driveway details contained in the Standard Design and Construction Details.
12. All driveways and driveway curb cuts on State highways shall conform to Georgia Department of Transportation Standards, unless City requirements are more restrictive.

C. Auxiliary Lanes

1. Along any arterial or major collector street, a deceleration lane, acceleration lane, larger turning radius, traffic islands or other devices or designs may be required to avoid specific traffic hazards which would otherwise be created by the proposed driveway location.
2. Deceleration lanes shall be required at each access point on state and federal routes as required by GDOT. Deceleration lanes are required on city roads classified as arterial, major and minor collector streets when the speed limit is 45 mph or higher or on any street when the City Engineer determines that a deceleration lane is needed to safely access a subdivision or other development. Minimum deceleration lengths are specified below. The City Engineer may vary length requirements based upon a consideration of available sight distance. 12-2-03

Deceleration Lane Requirements

Operating Speed	Lane Requirements
35 mph	125' + 50' taper
45 mph	150' + 50' taper
55 mph	200' + 100' taper

3. When a new deceleration lane required by this ordinance is proposed to begin within 100 feet of an existing driveway, then the deceleration lane shall begin at the nearest edge of the existing driveway.

D. Corner Sight Distance

All driveways approaching a collector or arterial street shall provide adequate corner sight distance as shown in Appendix F, Standard Design and Construction Detail 3.12. The minimum corner sight distance from the driveway shall be equal to or exceed 10 times the regulated speed of the intersecting street, as measured from the center of the driveway in both directions along the right-of-way line of the intersecting street unless a more restrictive standard is required by the Georgia Department of Transportation. The sight distance shall provide clear visibility of an object two (2) feet above the intersected street when viewed from the centerline of the approaching street at a height of three and one-half (3-½) feet above the ground.

Section 403 Requirements for New Streets and Roadways

- A. All new streets proposed to be constructed in a subdivision or other development, whether public or private, shall be designed and constructed to the minimum standards contained in this ordinance, in accordance with the classification of streets.
- B. If a new street or thoroughfare is proposed by the Comprehensive Plan or the State of Georgia to traverse the property, the proposed road shall be designed and constructed in accordance with the street classification as shown in the Comprehensive Plan and contained in this ordinance, or as shown on plans proposed by the City or State of Georgia. The specific vertical and horizontal alignment of the proposed roadway shall be as established or approved by the City.
- C. **Substandard Streets**
 - 1. If a substandard street (dirt, gravel road, inadequate width of pavement or pavement structure, or right of way) provides a means of access to a major subdivision or non-residential development, the street shall be upgraded to the street classification standard required by the City of Walnut Grove Comprehensive Plan and in accordance with Section 400 of this Article. These improvements shall extend from the entrance of the development to the nearest standard paved road of an equivalent or higher classification, along the route of primary access.
 - 2. All right-of-way required for these off-site improvements shall be acquired at the expense of the developer, unless additional requirements are mandated by the City as outlined in sub-section b. above.
- D. **Improvements Along State Highways**

For any development which abuts a State or Federal highway, improvements to the roadway and the location and design of any street or driveway providing access from the State highway shall comply with the standards and requirements of the Georgia Department of Transportation and this ordinance. A permit for the proposed access or improvements shall be required to have been approved by the Georgia Department of Transportation and incorporated into the construction drawings for the project prior to issuance of a development permit by the City.

- E. **Permanent Dead End Streets**
 - 1. New streets shall connect at both ends of existing streets unless the City Engineer determines that unique parcel configuration or terrain make a fully connected street pattern infeasible or unsafe.

2. When necessary, streets designed to have one end permanently closed shall provide a cul-de-sac turnaround and may be no more than 1000 feet in length unless otherwise approved by the City Engineer.
3. The length of a cul-de-sac street shall be measured from the center of the cul-de-sac to the center of the intersection with another street.
4. Cul-de-sacs shall conform to Section 400 and the design requirements of the Standard Design and Construction Details.

F. Temporary Dead End Streets

1. A temporary dead end street shall be provided to the boundary of a subdivision to provide access to abutting property for planned continuity of future circulation, improved access for public safety vehicles or for the extension of public water or other utilities to neighboring properties. Such dead end streets shall be designed so as to allow their reasonable extension and shall be located so as to be reasonably incorporated into a street design for the neighboring property. A temporary vehicular turnaround shall be provided as shown in the Standard Details 3.10 in Appendix F.
2. Dead end streets on abutting property shall be extended into a proposed subdivision and incorporated into the street design of the development.
3. Paragraphs 1 and 2 may be modified by the City Engineer in cases of serious topographical hardship unacceptable land use conflicts between the two developments. This modification may be conditioned on the provision of easements necessary for the extension of public utilities, the provision of a cul-de-sac or other permanent turnaround on the dead end street or the removal of the dead end street back to its nearest intersection.
4. Where a dead end street (other than a cul-de-sac) serves four or more lots in a multi-phase subdivision and such street is to be extended later, the developer shall be required to provide a temporary vehicular turnaround within the right-of-way. This requirement may be waived if extension of the dead end street is approved and under construction prior to its inclusion in a Final Plat.

G. Access Roads

Where a development borders on or contains a railroad right-of-way, major utility easement, limited access highway right-of-way or a major thoroughfare, a public street may be required to be constructed and dedicated within the development approximately parallel to and on each side of such right-of-way. Locations of such service roads shall be aligned with similar service roads on adjacent properties.

H. Construction Access Drives

1. On multiphase developments, the developer shall be required to dedicate, install, maintain, and remove temporary construction access drives for the ingress and egress of construction vehicles, personnel, and equipment.

2. Temporary construction access drives shall be shown on the concept plan and preliminary plat, and shall access an existing City street where possible. Construction access drives shall be permitted through the City, and shall comply with sight distance requirements outlined in these Regulations.
3. Temporary construction access drives shall be utilized as the sole means of ingress and egress during the construction of subsequent phases of the development, to prevent the flow of construction and heavy vehicular traffic on newly constructed streets completed under earlier phases.
4. If a temporary construction access drive cannot be provided at the discretion of the City Engineer, due to site-specific restrictions, then the Developer shall provide a maintenance bond for those portions of the newly constructed roadway utilized for construction access. The maintenance bond shall provide surety for roadway repairs and resurfacing. The required Bond amount per linear foot shall be the current amount established by the City Council. The maintenance bond shall be provided to the City prior to the start of construction, and shall not expire for a period of six months following the completion of all construction activities.

I. Half-Streets

Both the construction of new half-streets and the extension of access to existing half-streets shall be prohibited. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.

J. Reserve Strips

Land in private ownership adjacent to public rights-of-way which could control or are intended to control access to streets, alleys or public lands shall not be permitted unless control is given to the City under ownership, dedication or easement conditions approved by the City Attorney and acceptable to the City Engineer. No development shall be designed so as to deny access to abutting properties.

K. Alleys

Alleys may be permitted by the City Council where lots are less than 60 feet in width within the DROD overlay or otherwise when the developer produces satisfactory grounds for the request. In the event the City Council approves the request, the alleys must be laid out in a grid fashion at rear lot lines, and double-fronting lots are permitted. However, in residential subdivisions with alleys driveway access shall be permitted on the alley side only. The alley shall be designated as a private street or constructed as a local street pursuant to the standards contained in this ordinance. Alleys shall not be permitted as dead end streets except in unusual circumstances, subject to approval by the City Council.

L. Street Jogs

1. Local streets shall either directly align or have offsets of a minimum of 125 feet for residential subdivision streets and a minimum of 200 feet for non-residential subdivision streets, as measured between the centerlines.

2. Where alignment of arterials or collector streets is not desirable or feasible, collectors or arterials shall provide offsets, spaced no less than 600 feet apart as measured between centerlines.

M. Traffic Calming Measures

Specific traffic calming measures may include easeabouts, eyebrow cul-de-sacs (Local streets only), or other methods approved by the City Engineer and may be used on streets longer than 1,000 feet. Street layout and configuration should include a series of relatively short interconnected roadways in lieu of longer straight roads, to discourage excessive speeds.

Section 404 Street Intersections

A. Angle of Intersection

Intersections shall generally be at right angles and shall not be at an angle of less than 85 degrees, unless otherwise approved by the City Engineer. If the intersection is signalized, the angle of the intersection may be reduced subject to the review and approval of the City.

B. Intersection Approaches

1. The approaching street at any intersection shall be designed and constructed to provide both the minimum horizontal and vertical approach distances, as defined under this Section and indicated in the table below.
2. Minimum horizontal approach distance is defined as the minimum distance required along the centerline of an approaching street, perpendicular or no less than 85 degrees to the intersected street, as measured from the edge of pavement of the intersected street to the point of horizontal curvature on the approaching street.
3. Minimum vertical approach distance is defined as the minimum distance required along the centerline of the approaching street, at a grade less than or equal to the recommended grade indicated in the table below, as measured from the edge of pavement of the intersected street to a point on the profile of the approaching street where grades exceed recommended values.

INTERSECTION APPROACH DISTANCES			
Approaching Street Classification	Minimum Horizontal Approach Distance ¹	Minimum Vertical Approach Distance ¹	Recommended Approach Grade ²
Arterial	300 Feet	200 Feet	2.0%
Major Collector	200 Feet	150 Feet	2.0%
Minor Collector	150 Feet	100 Feet	2.5%
Local Street	100 Feet	50 Feet	2.0%

1. Distance of the approach is measured from edge of pavement of the intersected street to the point of curvature in the approaching street.
2. Recommended approach grades shall be considered as the maximum allowable grades, unless otherwise approved by the City Engineer. No grade shall be less than 1.5 %.

C. Crown Taper

The typical crowned street cross section shall be tapered over a distance of not less than fifty (50) feet on the approaching street at all intersections, in order to connect flush with the line and grade of the edge of pavement on the intersected street. The cross section taper shall be designed and constructed so as to provide for the adequate drainage of surface water from all portions of the travel surface and gutter.

D. Intersection Radii

Intersection radii for roadways measured at back of curb and for the right-of-way lines shall be as follows. For intersecting streets of different classification, the larger radii shall be provided. In all cases, adequate right-of-way shall be provided to maintain minimum of 12 feet from back-of-curb. Larger radii may be required for streets intersecting at angles less than 90 degrees. Reference *Standard Design and Construction Details, Roadway Design Parameters, 3.03*.

E. Islands

Islands in street intersections shall conform to the design requirements of the standard drawings. In no case shall anything in an island extend more than three (3) feet above the street grade within the right-of-way, except traffic regulatory devices, street trees and other infrastructure erected or approved by The City of Walnut Grove. No island shall be approved which contains less than 100 square feet. Irrigation or other private systems shall not be installed within public right-of-way.

F. Intersection Corner Sight Distance

1. Intersections shall be designed with adequate corner sight distance for each approaching street. Where necessary, back slopes shall be flattened and horizontal or vertical curves lengthened to provide the minimum required sight distance.
2. The minimum corner sight distance from the approaching street shall be equal to or exceed 10 times the regulated speed of the intersected street, as measured from the center of the approaching street in both directions to a point along the centerline of the intersecting street. As an alternative, the minimum corner sight distance requirement may be calculated using AASHTO "Policy on Geometric Design of Highways and Streets," Chapter 9 (at-grade intersections), latest edition. The sight distance shall provide clear visibility of an object 2 feet above the intersected street, when viewed from the centerline of the approaching street at a height of 3.5 feet above the ground.

G. Obstructing Visibility at Intersections

On all corner lots located at a street intersection, a clear sight zone shall be maintained at all times. The clear sight zone is defined as the area formed by the lot lines fronting on each street, and a miter line joining points on such lot lines, located at a distance of 15 feet from the point of their intersection (see Standard Detail 3.11). The following requirements shall apply to all clear sight zones:

1. There shall be no fence or wall or hedge higher than three feet.
2. There shall be no obstruction to vision other than a post, column or tree not exceeding one foot in greatest cross-sectional dimension, between a height of three feet and a height of 15 feet above the established grade of either of the intersecting streets.
3. Any and all objects determined to create a visible obstruction by the City shall be removed within 48 hours of notification. If it is determined by the City that the obstructive object poses a significant and immediate traffic hazard, the City may remove the obstructive object without prior notification of the property owner.

H. Turning Lanes at Intersections

Both center left turn and right turn lanes shall be provided on all new internal project streets, and on all existing City roads where traffic volumes and turning movements warrant the installation. At the request of the City Engineer, the Developer or Applicant shall prepare and submit a detailed traffic study (as defined herein) outlining projected traffic volumes, turning movements, and auxiliary lanes required. The methodology and conclusions presented in the traffic study are subject the review and approval of the City Engineer.

1. Center Turn Lane Storage - A minimum storage length of 150 feet shall be provided for center left turn lanes on any Arterial Streets. A minimum storage length of 100 feet shall be provided on all Collector Streets. Additional storage capacity shall be provided as required, based on projected peak traffic volumes and turning movements.
2. Taper Length - The taper length shall be in accordance with AASHTO design standards, based on the lane widths and design speed of the subject street.
3. The design, right-of-way acquisition, drainage system improvements, roadway widening, asphalt construction, traffic control, traffic striping, signage and all other improvements required or incidental to the installation of auxiliary turn lanes required to support any proposed development shall be completed by the Developer or Applicant, at no cost to the City of Walnut Grove.
4. Under the following conditions, left storage lanes shall be added to two-lane collectors or arterials with speed limits of 40 MPH or more, at unsignalized locations where left turning vehicles will leave the arterial or collector street and enter major driveways or development entrances:

If average peak hour left turn volume is:	And collector/arterial traffic is: (Vehicles per lane in peak hour):	Left turn storage lane
Over 25	All volumes	Required
16-25	51-100	Required
13-15	101-200	Required
1-12	Over 200	May be required
Any volume	Any volume	May be required by City Engineer if sight distance (in feet) in either direction is less than 10 times the posted speed limit.

Source : Institute for Traffic Engineers, Traffic Engineering Handbook.

Section 405 Geometric Street Design Standards

A. All streets and roadways shall be designed in accordance with the American Association of State Highway and Transportation Officials (AASHTO) Standards, as provided in *A Policy on Geometric Design of Highways and Streets*, latest edition and any amendments thereto. All applicable signage, markings or other traffic control measures shall be designed in accordance with the *Manual of Uniform Traffic Devices* (MUTCD), latest edition and any amendments thereto.

B. Horizontal Curvature and Superelevation

All new streets shall adhere to the following standards governing horizontal curvature and superelevation unless otherwise specified by AASHTO Standards:

Street Category	Minimum Radius	Maximum Superelevation
Arterial	885 feet	0.06
Major Collector	500 feet	0.04
Minor Collector	300 feet	0.03
Local	250 feet	N/A

C. Tangents

Between reverse horizontal curves there shall not be less than the minimum centerline tangents shown below unless otherwise specified by AASHTO Standards. Compound radii are prohibited. Desirable tangent lengths shall be provided unless hardship conditions of topography or property configuration do not allow for tangent lengths greater than the minimum. For compound circular curves, the ratio of the flatter radius to the sharper radius shall not exceed 1.5 to 1.

Street Category	Minimum Tangent Length	Desirable Tangent Length
Arterial	300 feet	400 feet
Major Collector	200 feet	280 feet
Minor Collector	100 feet	150 feet
Local	100 feet	120 feet

D. Vertical Alignment

1. All changes in street profile grades having an algebraic difference greater than one (1) percent shall be connected to a parabolic curve having a minimum length in feet (L), which is equal to the algebraic difference between the grades in percent (A) multiplied by the design constant (K) assigned to the street according to its classification and design speed (i.e. $L = KA$).
2. Constant (K) values are shown in the table below for both desirable and minimum acceptable (hardship) conditions. The desirable value shall be utilized in all cases, unless otherwise approved by the City Engineer based on topographic or other site-specific conditions. In such situations, the City Engineer may approve a lesser value to the extent required by the hardship condition, but in no case shall the constant K value be less than the minimum permitted.

CONSTANT (K) VALUES FOR VERTICAL ALIGNMENTS

Street Category	Design Speed (MPH)	Crest Vertical Curves (K Value)		Sag Vertical Curves (K Value)	
		Minimum	Desirable	Minimum	Desirable
Arterial	55	150	220	100	130
Major Collector	45	80	120	70	90
Minor Collector	30	30	50	40	60
Local	25	20	30	30	40

E. Street Centerline Grades

1. Street or road grades exceeding ten (10) percent for a minor collector and twelve (12) percent for local streets are prohibited, unless otherwise approved by the City Engineer. The City Engineer may grant limited exceptions on maximum grades based on conclusive evidence that shows a lesser grade is impractical due to topographic or site specific limitations.
2. The minimum centerline grade for any street or roadway shall not be less than one and one-half percent (1.5%), without exception, due to drainage concerns. A desirable minimum centerline grade of two percent (2%) shall be provided where possible.
3. The maximum centerline grade across any cul-de-sac turnaround shall be six percent (6%).

F. Crown Slope

All streets and roadways, unless super elevated, shall be designed and constructed with a crown slope of ¼" per foot, to provide for the adequate drainage of surface water from the street centerline to the gutter or edge of pavement.

G. Super Elevation

The design of arterial and major collector roadways may require the super elevation of the travel surface on horizontal curves in accordance with AASHTO Standards. The design and horizontal alignment of minor collectors and local streets serving residential areas should avoid the use of super

elevation where possible. In all instances, the maximum super elevation rates shall be in accordance with paragraph B above. Under no circumstance is a curved street to be reverse super elevated.

Section 406 Street Construction Standards and Specifications

Unless otherwise specifically set forth in these Regulations, all of the materials, methods of construction, and workmanship used in street construction shall conform to the Georgia Department of Transportation's *Standard Specifications for the Construction of Roads and Bridges*, latest edition and any amendments thereto.

A. Pre-Construction Meeting

A mandatory pre-construction meeting is required for all development, construction, and land disturbing activities, unless this requirement is specifically waived by the City. The Applicant or Developer shall contact the City to schedule a pre-construction meeting. The City will insure the attendance of all necessary Staff. The Applicant or Developer must at a minimum have the following project personnel attend the pre-construction meeting:

1. On-Site Project Representative on behalf of the Applicant or Developer
2. General and/or Grading Contractor
3. Sub-Contractors performing drainage system installation, base course construction or asphalt paving
4. Other specialty contractors performing a significant portion of the work
5. Design Professional responsible for project design

B. Clearing and Grubbing

Before grading is started the entire right-of-way area shall be first cleared and grubbed of all trees, stumps, roots, brush, debris and other objectionable materials. Specific trees that are intended for preservation shall be indicated on the design plans, and subject to the review and approval of the City.

C. Rough Grading

1. Grading activities shall be performed in accordance with the lines and grades shown on the approved construction plans. Grading plans shall include a plan view of the proposed roadway, showing existing and proposed contour lines at an interval of no more than two (2) feet, as well as a profile of the street centerline and all applicable curve and design data. Grading plans shall outline those areas required to remain undisturbed (i.e., Tree Protection Areas, Buffers, etc.) and shall indicate protective fencing or staking to be placed surrounding such areas.
2. Cut or fill slopes shall not exceed three (3) horizontal units to one (1) vertical unit, unless otherwise approved by the City Engineer based on site-specific topographic conditions. Flatter slopes shall be provided where possible, to better accommodate utility installation and maintenance activities.

3. Erosion and Sediment Control Best Management Practices (BMP's) shall be installed in accordance with the approved construction plans, prior to or concurrent with all land disturbing activities. Alternate or additional BMP's may be required by the City Inspector, if it is deemed that current measures do not provide adequate protection.
4. All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess or unsuitable materials, including organics, soft clay, etc., shall be removed from within the roadway limits and for a distance not less than one foot on each side of the road surface for each vertical foot of unsuitable material at the edge of pavement.
5. Fill material shall be placed in uniform horizontal layers or "lifts", not to exceed a compacted thickness of more than six (6) inches. Moisture content shall be adjusted as necessary to compact material to 95 percent of maximum dry density. The top 12 inches of subgrade material under any roadway, drive or parking area shall be compacted to 100 percent of maximum dry density.

D. Final Grading and Subgrade Preparation

1. After rough grading, storm sewer and utility installation is complete, and the back-fill in all such ditches thoroughly compacted, the subgrade shall be brought to the lines, grades, and typical roadway section shown on the plans.
2. All utility crossings shall be installed prior to subgrade approval. If utility installation cannot be completed at this time, the Developer shall coordinate the installation of casings or conduits to accommodate subsequent utility installation without disturbance to the subgrade. Utility trenches cut in the subgrade shall be back-filled and compacted as specified herein. The City Inspector may require additional compaction tests at utility crossings to verify compaction.
3. Prior to subgrade inspection and approval, the design professional shall certify in writing to the City that the lines and grades of the proposed street or streets are within 6" of design grades. This letter shall be submitted prior to subgrade inspection by City personnel.
4. Subgrade Testing and Inspection: Subgrade compaction shall be tested by the City Inspector, prior to construction of the graded aggregate base course. Compaction testing shall be accomplished by visual inspections of actual live axle loads, commonly referred to as a "Roll Test". The Developer or Contractor shall schedule all compaction tests with the City Inspector no less than 24 hours in advance. The Developer or Contractor shall also provide an adequate testing vehicle, minimum eighteen (18) ton hauling capacity, fully loaded. All areas or sections of the subgrade that do not pass visual live load compaction testing, at the discretion of the City Inspector, shall be corrected. Once the Developer or Contractor makes all necessary corrections, it shall be his/her responsibility to re-schedule any and all subsequent roll tests.
5. Provisions shall be made to provide adequate drainage of the road surface during the course of construction, including temporary 4-inch drain lines in all concrete gutters.

E. Graded Aggregate Base Course Construction

1. The Base Course shall consist of graded aggregate, of a minimum thickness as required based on the street classification. Minimum base course thickness is provided in the Standard Design and

Construction Details. The base course shall be constructed in accordance with the lines, grades and typical cross sections shown on the approved construction plans. All aggregate materials shall be secured from Georgia Department of Transportation approved sources, and shall comply with Section 815 of the *Standard Specifications for the Construction of Roads and Bridges*, latest edition.

2. All base course material shall be spread uniformly with a mixture spreader, or other approved means, to the proper depth to obtain the required thickness. The maximum thickness of base course material to be placed one course shall be six inches compacted. If the design thickness of the base course is more than six inches, it shall be constructed in two or more courses of approximate equal thickness. With sufficient and suitable equipment, the City Inspector may allow base material to be placed in lifts up to eight inches.
3. The moisture content of the aggregate material shall be uniformly distributed, and shall be adequate to allow compaction to a minimum of 100% of the maximum dry density (AASHTO T180, Method D). Immediately following the spreading of the graded aggregate, all material shall be compacted to the full width by rolling with a smooth wheel vibratory roller weighing seven to ten tons, or an equivalent sheepsfoot packer. Rolling shall progress gradually from the edge to the center, parallel with the centerline of the street and lapping uniformly each preceding track by one-half the width of such track. Rolling shall continue until the entire surface is smooth, closely knit, free from cracks, conforming to the prescribed line, grade and cross section, within the limits specified.
4. Any irregularities, areas of segregation, or depressions that develop under such rolling shall be corrected by loosening the material at these locations and adding or removing material until the surface is smooth and uniform. The application of water, applied uniformly over the base course may be required to achieve adequate compaction. Shaping and rolling shall be performed alternately as required to prepare a uniform compacted base.
5. Along curbs, headers, walls and at all locations not accessible to the roller, the base course material shall be compacted thoroughly with mechanical tampers or approved hand tampers.
6. No base material shall be deposited or shaped when the subgrade is frozen, thawing, or during other unfavorable weather conditions.

F. Graded Aggregate Base Course Testing and Inspection:

1. Cross Section: The cross section and crown slope shall be verified at intervals or locations determined by the City Inspector. The Developer or Contractor shall provide a string line and dedicated personnel, to pull the line and allow verification measurements to be made by the City Inspector. Those areas or portions of the roadway, which do not comply with the design cross section or crown slope, shall be corrected and verified by City personnel prior to Base Course approval.
2. Roll Test: Base course compaction shall be tested by the City Inspector, prior to the application of Bituminous Asphalt Paving. Compaction testing shall be accomplished by visual inspections of actual live axle loads, commonly referred to as a "Roll Test". The Developer or Contractor shall schedule all compaction tests with the City Inspector no less than 24 hours in advance. The

Developer or Contractor shall also provide an adequate testing vehicle, minimum eighteen (18) ton hauling capacity, fully loaded. All areas or sections of the base course that do not pass visual live load compaction testing, at the discretion of the City Inspector, shall be corrected. Once the Developer or Contractor makes all necessary corrections, it shall be his/her responsibility to re-schedule any and all subsequent roll tests.

3. Prime Coat: At the completion of base course construction, testing and approval by the City Inspector, the base course shall be primed and sealed with 0.25 gallon of R.C. 70 per square yard. This requirement may be waived by the City Inspector, if the placement of asphalt paving is anticipated within the following 3 to 5 days and prior to any significant rainfall event.
4. Additional Inspections due to weather conditions: If a significant weather or rainfall event occurs following the approval of base construction but prior to asphalt paving, the City Inspector may require additional roll testing to reverify the structural integrity of the road base. The Developer or Contractor shall be subject to comply with such additional inspections, at the discretion of the City Inspector.

G. Bituminous Asphalt Paving

1. Bituminous asphalt production, handling, transportation and placement shall meet or exceed the requirements of the Georgia Department of Transportation's *Standard Specifications for the Construction of Roads and Bridges*, latest edition and any amendments thereto. Asphalt pavements shall be of the conventional mix design as specified herein, and the use of "superpave" mix designs will not be permitted unless otherwise approved by the City.
2. Equipment:
 - a. Mechanical Pavers: Mechanical pavers used for the placement of hot mix asphalt shall be capable of spreading and finishing all courses to the indicated widths and depths, true to line, grade, and cross section, and shall be capable of striking a smooth finish, uniform in density and texture. Mechanical pavers shall be equipped with extendable screeds, capable of spreading at the width of each travel lane in one pass.
 - b. Compaction Equipment: The compaction equipment must be in good mechanical condition and capable of compacting the mixture to the required density. The number, type, size, operation, and condition of the compaction equipment shall be subject to the approval of the City Inspector. At a minimum, a smooth drum vibratory roller (min. 8-ton) and a separate pneumatic tired roller shall be provided. An additional finish roller or larger equipment may be required by the City Inspector based on visual observations of surface texture or density tests.

H. Paving Operations

1. The City Inspector may require that a copy of the detailed asphalt mix design be submitted prior to asphalt paving. Only asphalt produced by a Georgia DOT approved plant may be utilized. Plant production, transportation and paving operations shall be so coordinated that a uniform continuity of operation is maintained. If the spreading operations are interrupted for one hour or more, a transverse joint shall be constructed. Asphalt shall be delivered to the job site at

a temperature of no less than 350° F. The City inspector may reject any asphalt load that does not meet temperature requirements, contains segregated material or does not comply with mix design requirements.

2. Weather Limitations: The mixing and placement of Bituminous Asphalt Pavement shall not be performed when the existing surface is wet or frozen. For all courses, the air temperature for placement of the mix shall be in accordance with the following table.

Lift Thickness (Inches)	Minimum Temperature (°F)
1 or Less	55
1.1 to 2.0	45
2.1 to 3.0	35
3.1 to 4.0	30
4.1 to 8.0	Contractor's Discretion

3. Bituminous Tack Coat: Tack shall be applied prior to the placement and compaction of all subsequent courses of asphalt pavement, in accordance with Georgia DOT Standards, Section 413. On curbed streets, the edge of the gutter shall be tacked to provide a water resistant seal at the joint. Special care shall be taken to avoid the application of bituminous tack to portions of the curb and gutter which are to be visible following construction.

I. Concrete Streets

For concrete streets classified as Local or Minor Collectors, six (6) inches of 3,500 psi concrete is to be applied on a stabilized subgrade consisting of at least 150 pounds of stone per square yard mixed in four (4) inches deep and compacted. The design and construction of the street shall comply with the Portland Cement Association Standards. Concrete road design for Major Collectors and Arterials will be based on design loading in accordance with AASHTO Standards.

J. Rural Cross Section

Certain local residential streets may be constructed without curb and gutter as provided in this ordinance. On all such rural streets, the road base shall be extended one (1) foot beyond the edge of the pavement.

K. Typical Sections

All streets and roadways shall be constructed to the typical sections specified in the Standard Design and Construction Details, based on street classification category.

Section 407 Curbs and Gutters

- A. All new streets or street widening sections shall be provided with curb and gutter except as noted below. All gutters shall drain positively with no areas of ponding.
- B. Streets without curb and gutter may be allowed with specific approval of the City Council in residential subdivisions where density is two acres, and where all lots are at least one hundred twenty-five (125) feet in width. Such streets shall be graded to provide a minimum eight (8) foot shoulder on each side of the pavement. Such shoulders shall have at least a four percent (4%) slope away from the edge of the pavement.
- C. All concrete curb and gutter shall be Georgia DOT Standard Type A, with a general gutter dimension of 24-inches and curb 6-inches in height. Type B curb and gutter may be used in super elevated sections only. Roll-back or Hollywood style curbing shall be prohibited.
- D. Curbing shall conform to the following standards:
 - 1. Concrete shall be Class "A", as defined by Georgia Department of Transportation, and have a minimum strength of three thousand (3,000) PSI at 28 days.
 - 2. One-half (½) inch expansion joints or pre-molded bituminous expansion joint material shall be provided at all structures and radius points and at an interval not to exceed 250 feet in the remainder of the curb and gutter. Contraction joints shall also be provided at ten foot intervals along the curb line.
 - 3. When the development ties into existing curbing, the curb and gutter shall transition to and match the existing width and profile at the connection point.
 - 4. Terminations or curb tapers shall be provided at the end of any gutter. The curb height shall be tapered from 6-inches to 0-inches over a distance of six feet.
- E. Curb and gutter shall be set true to the line and grade of the street, horizontally and vertically field staked, and finished to the section shown on the plans. Line and grade shall be established by the Developer's engineer or surveyor. Offset staking shall be provided at maximum 50-foot intervals.
- F. Curbing not installed in accordance with the requirements of this Section or the Standard Details, shall be removed and replaced at the Developer's expense. The City Inspector may require and the Developer shall provide core samples to verify concrete thickness.
- G. Disturbed areas along all curbing shall be back-filled, stabilized, and grassed to within one (1) inch of the top of the curb.

Section 408 Sidewalks and Bikeway Requirements

- A. Sidewalks shall be located:
 - 1. Along the street frontage of all non-residential developments. The City may waive the installation of sidewalks if the development is agricultural or located on a rural road section; and

2. Along the street frontage of all developments within a ½-mile radius of any public school; and
 3. Along the interior streets of all residential developments with lot sizes of less than one (1) acre.
 4. Where indicated in the Downtown Redevelopment Overlay District requirements in Section 7.11 of the Walnut Zoning Ordinance.
- B. Sidewalks shall be installed on both sides of the street where the development includes property on both sides of the street.
 - C. Sidewalks in subdivisions shall be continued to the nearest arterial street.
 - D. Sidewalks shall be located two (2) feet from the back of the curb unless otherwise indicated in this Ordinance or in the Walnut Grove Zoning Ordinance.
 - E. Sidewalks along Georgia DOT-controlled rights-of-way shall be designed, spaced and constructed to GDOT standards.
 - F. Sidewalks may be installed on an individual lot basis at the time of building construction unless otherwise indicated by the City. Required sidewalks shall be installed across open space or other common areas prior to the acceptance of the street. The City shall inspect the location and construction of the sidewalk, and shall not accept the street nor issue a Certificate of Occupancy until the required sidewalk is properly installed (7-5-05)
 - G. A strip of grass or other approved landscape material at least two (2) feet in width shall separate sidewalks from adjacent curbs on all streets.
 - H. Sidewalks shall be concrete and a minimum of three (3) feet wide on interior streets and four (4) feet wide on all other streets and four (4) inches thick. Sidewalks within the Downtown Redevelopment Overlay District shall comply with requirements of Section 7.11 of the Walnut Grove Zoning Ordinance. Concrete shall be Class "A", as defined by the Georgia Department of Transportation, and have strength of 3,000 psi at 28 days. Disturbed areas along sidewalk shall be backfilled, stabilized and grassed.
 - I. Additional sidewalks and/or pedestrian easements may be required in subdivisions or developments where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.
 - J. Bicycle lanes, where required, shall be a minimum of four feet in width and placed between the outside lane of a roadway and the curb or shoulder. When on-street parking is permitted, the bicycle lane shall be between the parking lane and the outer lane of moving vehicles. Lanes shall be delineated with appropriate markings, as required by MUTCD Standards. Bikeways and bicycle lanes must be pre-approved by the City.

Section 409 Traffic Control Devices

- A. MUTCD Compliance

All traffic signals, signage, striping and pavement markings shall conform to the *Manual on Uniform Traffic Control Devices*, latest edition and any amendments thereto. Signs shall comply in shape, color, size, reflectivity, height, materials, and placement.

B. Traffic Signage

1. Prior to Final Plat approval, the Developer shall be responsible for all sign materials and their installation as required by the approved plans.
2. Any signs that are damaged following initial installation, due to additional work at the site, shall be replaced at the Developer's expense.
3. Decorative signs or traffic control devices shall be approved by the City Council. Decorative sign samples and/or standard drawings must be submitted at the same time the Preliminary Plat is submitted to the City for review. The use of decorative signposts may be approved at the discretion of the City, if covenants are provided which require decorative sign post replacement to be funded by an established Property Owner's Association. If decorative signposts in any development are damaged or worn, the City will provide only a standard U-channel sign post as replacement.

C. Pavement Markings

1. Local streets with curb and gutter are exempt from traffic striping requirements. All other street classifications shall require both centerline and edge line striping in accordance with this Ordinance.
2. All centerline or edge line striping shall be performed in compliance with Georgia DOT Standard 652, Paint Striping. On any street classified as a Major Collector or Arterial, all traffic striping shall be thermoplastic in accordance with Georgia DOT Standard 653.
3. All pavement markings shall be reviewed and approved by the City. All Pavement Markings shall be thermoplastic and shall be installed in accordance with Georgia DOT Standard 653 and MUTCD requirements.
4. On any newly paved or resurfaced streets on public rights of way, thermoplastic stop bars are required on all approach lanes in accordance with MUTCD Standards.
5. Raised Pavement Markers (RPM's) or similar devices shall be required on all Major Collector and Arterial streets, and on any other street installed by developers where safety conditions warrant such devices.

D. Traffic Signals

Traffic signal installation must be approved by the City of Walnut Grove and/or the Georgia Department of Transportation. The Developer shall submit a traffic study prepared by a Professional Engineer, registered in the State of Georgia, detailing existing and projected traffic volumes, movements, capacity, warrant analysis, and required improvements. The City Engineer may require that a traffic study be provided for any development where increased traffic volumes may significantly impact the existing capacity, traffic flow or safety on any existing City Street. See Appendix D for details.

E. Traffic Safety Improvements

It shall be the Developers sole responsibility to fund, design, construct and/or install any and all traffic safety improvements and traffic control devices required to provide safe ingress and egress to any development.

Article 5 Drainage and Utilities

Section 500 Drainage System Requirements

Section 500.1 Drainage System Requirements

A. Drainage Improvements Required

Drainage Systems which may include but are not limited to culverts, storm sewer piping, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, and ditches, shall be provided for the protection of public right-of-way and private properties adjoining project sites and/or public rights-of-way. Drainage systems that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the requirements of these regulations.

B. Standard Specifications

Unless otherwise specifically set forth herein, all of the materials, methods of the construction, and workmanship for the work covered in reference to drainage system construction shall conform to the most recent Standard Specifications of the Georgia Department of Transportation (Georgia DOT). For roads constructed with public funds, either wholly or in part, or for roads classified as Major Collectors or Arterials, materials which meet the Georgia DOT design standards shall be used unless an alternative is specifically approved by the City of Walnut Grove.

C. Design Criteria – General

1. All drainage system design calculations shall be certified by a Registered Professional Engineer or Landscape Architect, licensed in the State of Georgia.
2. The methods utilized in calculating storm water runoff and peak flows from any drainage basin or basins, shall be appropriately selected based on the relative size of each basin and best engineering practice. Recommended hydrologic methods and basin size limitations are presented below.

Recommended Hydrologic Methods	
Method	Basin Size Limits
Rational	0 – 50 Acres
SCS	25 – 2,000 Acres
USGS	25 Acres – 25 Sq. Mi.

3. All portions of a drainage system, which drain areas falling within a specific category above, shall be analyzed using the same methodology.
4. Run-off coefficients used for the Rational Method and runoff Curve Numbers used for the SCS Method shall be consistent with those shown in the Manual for Erosion and Sediment Control in Georgia, latest edition.

5. Culverts carrying live streams shall extend to where the crown of the pipe intersects the roadway slope. Pipes that do not carry live streams shall extend at least 50 feet beyond the front building setback lines, and may be required to extend farther where necessary to provide an adequately protected building site on the property. In nonresidential subdivisions, these pipes may temporarily end at the right-of-way line, but shall be extended as part of a subsequent development permit approved for the individual site. The length requirement, however, shall be subject to requirements for maintaining stream buffers in accordance with Georgia law or City regulations.
6. No drainage system piping shall be installed beneath or within the load bearing soil strata supporting a building or structure.

D. Design Criteria – Cross Drain Culverts (Streams or Major Drainage Channels)

1. Cross drain culverts or pipe systems designed to convey water from one side of a public right-of-way to the other shall be designed to pass the fully developed peak flow associated with a 100-year storm with at least 1.5 feet of freeboard between the 100-year ponding elevation and the centerline of the road, without raising the 100-year flood elevation on upstream properties. Fully developed flows shall be based on the Future Land Use Plan adopted by the City Council.
2. The 100-year ponding limits at and upstream of the culvert shall be shown on the Development Plans and on the Final Plat (if applicable).
3. The minimum allowable culvert diameter shall be 18 inches. Culvert design shall include a thorough analysis of both inlet and outlet control conditions.

E. Design Criteria - Longitudinal Storm Sewer Piping

1. The preliminary design (initial pipe sizing and profile design) of longitudinal pipe collection systems shall be based upon conveyance of the peak flows associated with a fully developed 25-year storm with the hydraulic grade line (HGL) being one foot or more below the top of each structure, gutter line or proposed final ground surface elevation, whichever is lowest. All longitudinal piping within a FEMA identified floodplain shall be sized to adequately convey the 100-year frequency storm event.
2. The minimum allowable pipe diameter shall be 18 inches.
3. Storm sewer inlets or catch basins shall be provided and spaced so that the gutter spread for a 10-year design flow shall not exceed the following, as measured from the face of the curb:
 - a. Four (4) feet or less based on the requirements of the Georgia DOT Drainage Manual, if the street is classified as a Major Collector or Arterial Street;
 - b. Six (6) feet if the street is classified as a Minor Collector; or
 - c. Fourteen (14) feet at any given section, but in no case greater than eight (8) feet on one side of the street, if the street is classified as a Local Street.
4. Gutter spread calculations shall be submitted to the City for review and approval.

5. Complete pipe sizing, flow, velocity, and hydraulic grade line computations, shall be provided for all portions of a piped collection system. Hydraulic grade lines shall be shown on the storm drainage profiles contained with the Development Plans for the 25-year storm.

F. Energy Dissipation - Piped Systems and Culverts

1. Energy dissipation devices, such as splash pads, rip-rap, stilling basins, etc., shall be provided at the outlet of every culvert and piped collection system. Outlet protection shall be in accordance with the Manual for Erosion and Sediment Control in Georgia, latest edition.
2. Energy dissipation devices shall be located entirely within the project site no closer than 20 feet from any property line, and shall not encroach upon any required buffer.
3. When uniform, graded stone rip-rap is used for energy dissipation, ultraviolet resistant filter fabric (200-pound test) shall be used between the stone layers.

G. Pipe Material Specifications

Pipe materials shall be provided in accordance with the Selection Guidelines for Storm Sewer Piping, based on application, traffic and flow conditions (See Standard Design and Construction Details).

1. Corrugated steel pipe and pipe arches shall conform to the requirements of AASHTO M-36, and shall be Aluminized Type II or Galvanized.
 - a. Galvanized corrugated steel pipe shall have a minimum zinc coating of 2 ounces per square foot, with an additional full bituminous coating. A zinc coating of four (4) ounces per square foot or greater, may be provided in lieu of a full bituminous coating.
 - b. Aluminized Type II coated steel pipe shall comply with AASHTO M-274 for coating requirements, and AASHTO M-36 for the pipe fabrication
 - c. No corrugated steel pipe may be utilized in a flowing stream application, with the exception of minor limited applications as provided in the Selection Guidelines for Storm Sewer Piping (See Standard Design and Construction Details).
 - d. The gauge, diameter, and corrugation configurations for corrugated steel pipe and pipe arches shall be in accordance with Georgia DOT Standard 1030-D.
 - e. Each end of each pipe section, to be joined by a coupling band, shall have a minimum of two annular corrugations. Coupling bands shall be so constructed as to lap on an equal portion of each of the pipe sections to be connected. The connecting bands shall have a minimum of four annular corrugations and shall fully engage, over the entire pipe periphery, two corrugations on each pipe end. Bands shall be fabricated from the same material as is the pipe, and the gauges shall be as specified in Section 9.2 of AASHTO M-36.
 - f. Gaskets may be required as determined by the City Inspector in the field and shall be either sleeve type or O-ring type, and shall meet the requirements for gaskets as specified in Section 9.3 of AASHTO M-36.

- g. Corrugated steel pipe laid at slopes of less than one percent shall have a paved invert.
- h. Reinforced concrete pipe joints shall be not less than 8 foot in length. All joints shall be bell and spigot type, using an O-ring gasket conforming to ASTM C-443. Pipe shall be manufactured in accordance with AASHTO M-170 and/or ASTM C-76. Class of pipe and wall thickness shall be in accordance with Georgia DOT 1030-D.
- i. Corrugated aluminum alloy pipe shall comply with AASHTO M-196 for material and fabrication.
 - (1) The gauge, diameter, and corrugation configurations for corrugated aluminum alloy pipe and pipe arches shall be in accordance with Georgia DOT Standard 1030-D.
 - (2) Each end of each pipe section, to be joined by a coupling band, shall have a minimum of two annular corrugations. Coupling bands shall be so constructed to lap on an equal portion of each of the pipe sections to be joined. The connecting bands shall have a minimum of four annular corrugations and fully engage, over the entire pipe periphery, two corrugations on each pipe. Bands shall be fabricated from the same material as the pipe. The minimum band gauges for aluminum alloy pipe shall be as specified in AASHTO M-196, Section 19.
 - (3) Gaskets may be required as determined by the City Inspector in the field, and shall be either sleeve type or O-ring type and shall meet the requirements for gaskets as specified in AASHTO M-36, Section 9.3.
- j. Structural plate drainage structures shall conform to the following specifications:
 - (1) Corrugated steel structural plate pipe, pipe arches, and arches shall consist of galvanized plates, bolts and nuts of the size, shape and thickness as shown on the approved plans. These structures shall conform to the requirements of AASHTO M-167.
 - (2) Corrugated aluminum alloy structural plate pipe, pipe arches and arches shall consist of aluminum plates and galvanized bolts and nuts of the size, shape and thickness as shown on the approved plans. These structures shall conform to the requirements of AASHTO M-219.
- k. Corrugated High Density Polyethylene Pipe – Smooth Lined Type "S"
 - (1) This specification is applicable to nominal sizes 18" through 36" diameter. Requirements for test methods, dimensions, and markings of pipe sizes 18" through 36" diameter are those found in AASHTO Designation M-294. HDPE pipe manufacturers shall be approved by the Georgia Department of Transportation.
 - (2) Pipe and fittings shall be made of polyethylene compounds that meet or exceed the requirements of Type III, Category 4 or 5, Grade P33 or P34, Class C per ASTM D-1248 with the applicable requirements defined in ASTM D-1248. Corrugated fittings may be either molded or fabricated by the manufacturer. Fittings supplied by manufacturers other than the supplier of the pipe shall not be permitted without prior approval from the City.

- (3) Joints shall be made with split couplings, corrugated to engage the pipe corrugations, and shall engage a minimum of 4 corrugations, 2 on each side of the pipe joint. Where required by the City, a neoprene gasket shall be utilized with the coupling to provide a soil tight joint. Gaskets shall conform to ASTM F-477.
- (4) Installation shall be in accordance with ASTM Recommended Practice D-2321 or as specified by The City of Walnut Grove. Certification from the manufacturer that the product was manufactured, tested, and supplied in accordance with this specification shall be furnished to the City upon request.

H. Pipe Installation Standards

Reinforced concrete pipe, corrugated steel and aluminum alloy pipe shall be bedded and backfilled in the same manner. Corrugated high-density polyethylene pipe shall be bedded and backfilled in accordance with the Georgia DOT Standard Specifications. In addition, prior to approval of a Final Plat, the City may require the submittal of certification from a mandrel testing agency indicating that any HDPE pipe installed does not exceed 7.5% deflection.

1. Pipe Bedding - All piping and structures shall be placed on stable earth or fine granular foundation, the characteristics of which would be expected to provide long-term stability. In all live stream pipe installations, in areas of low bearing solid or non-uniform foundations, in areas where rock is encountered at the foundation level, or in other locations where conditions warrant, a minimum of 6" of crushed stone bedding is required, (maximum size of stone shall be 3/4"). Geo-textiles or geo-grids may also be required by the City Inspector in unstable materials.
2. Backfilling - Backfill on all pipe installations shall be constructed using foundation backfill material Type I or Type II, as specified in Georgia DOT Standards 812.01 and 812.02 respectively. These materials shall be placed in layers of not more than six inches loose. Compaction of these materials shall be accomplished by hand tamping or machine tamping. Required compaction levels are as follows:
 - a. Backfill within all street rights-of-way shall be compacted to 98% maximum
 - b. Backfill in all other areas shall be compacted to 95% maximum density, tested using the AASHTO Method T-99.
3. Construction Loads and Minimum Cover - The minimum cover for any pipe or culvert shall be two (2) feet or one-half the inside diameter plus six inches, whichever is greater. Minimum cover shall be measured from subgrade elevations, to insure adequate pipe protection from construction loads.
4. Inspection of Pipe Installation - All pipe shall be installed in a straight approach in strict accordance with the lines and grades shown in the approved construction drawings. The City Inspector shall provide periodic inspections of all drainage system installation, to insure compliance with these Regulations. No cross drain piping or piping under the proposed paved surface shall be completely backfilled prior to the inspection of all pipe joints, bedding, initial backfill and compaction up to the pipe center line. A final inspection and approval of all pipe installation shall be required at the completion of construction activities, and prior to Final Plat approval.

I. End Finish

Headwalls or other end treatments are required on all culverts and at the outlet of all piped collection systems.

1. Headwalls shall be pre-cast concrete or poured-in-place, with adequate steel reinforcement and concrete footings. Headwalls shall be required at any pipe inlet where erosion protection and slope stabilization is required.
2. Flared end sections shall be concrete or zinc coated metal only, in accordance with Georgia DOT Standard 1120. Tapered end cuts on metal pipe may be permitted in lieu of flared end sections, at the discretion of the City.

J. Junction Boxes and Catch Basins

1. General Requirements - A junction box, catch basin or other approved drainage structure shall be provided at all points where a change in the horizontal or vertical alignment of any pipe segment occurs, or at intervals not to exceed 300 feet. The change in directional flow in any junction box or catch basin shall not be greater than 90 degrees.
2. Junction boxes, catch basins, inlets, and all other accessible drainage structures shall be constructed of pre-cast reinforced concrete, minimum four (4) feet in diameter or larger. Structures shall be properly sized (diameter) and pre-cored (inlets and outlets) based on the diameter(s) of piping to be connected. All pre-cast drainage structures with a finished depth greater than four (4) feet, shall be provided with accessible polypropylene composite steps spaced at not more than 12-inches vertically on center. All pre-cast drainage structures shall include a metal ring and cover, to provide access for maintenance personnel. Junction boxes shall require a Standard 310 (traffic rated) ring and cover, which shall either be cast in or grouted to the cone section.
3. Catch basins shall be constructed in accordance with Georgia DOT Standards 1033D (Single Wing) or 1034D (Double Wing). All catch basins located along the radius of any cul-de-sac shall be constructed in accordance with Georgia DOT Standard 1033F or 1034F (Off Set). Catch basins shall require a reinforced pre-cast "round to square" adapter set at a depth of not less than 6-inches below the gutter elevation, to provide additional gutter clearance and throat support. The throat and top of each catch basin shall be cast in place, and the edge of the top facing the travel lane shall include chamfered edges to prevent possible tire damage. The vertical opening of any catch basin, measured at the gutter line, shall not be less than 6-inches or greater than 8-inches. Each catch basin top shall include a metal ring and cover (Standard 1033) to provide access for maintenance personnel.
4. Curb Inlets - The use of hood and grate curb inlets, in accordance with Georgia DOT Standard 1019, may be used along curb radii less than 25 feet, but shall not be used in any cul-de-sac turn around or at the low point of any sag vertical curve draining more than 300 linear feet of road surface.
5. Finish - Drainage structures shall be set at the proper location, and installed plumb. The tops of all drainage structures shall match final grade. The pipe end at the connection to any drainage structure shall not extend more than 6-inches past the interior wall of the structure, when measured

at the centerline of the pipe. All pipe end connections shall be adequately sealed with a non-shrink grout, and a concrete invert shall be constructed which provides a smooth flow line flush with the bottom of each pipe. All sediment and debris shall be removed from each structure prior to final inspection and approval. All drainage structures that are damaged during construction activities shall be repaired and or replaced, at the discretion of the City Inspector.

K. Special Structures

The use of special structures such as natural bottom arches and box culverts are subject to the review and approval by the City. Special structures may be permitted in accordance with the latest Standard Specifications of the Georgia Department of Transportation.

L. Drainage Ditches and Swales

1. Ditches, swales, or channels shall be designed and constructed to convey at least the fully developed 25-year storm, with freeboard equal to 20% of the design flow depth. All channels which lie within a FEMA indicated flood plain, shall be designed to adequately convey the 100-year frequency storm event.
2. Transition channels shall be provided at the inlet and outlet ends of all culverts and pipe systems, unless otherwise provided herein.
3. The maximum flow rate and velocity at the project site's downstream property line shall not exceed the pre-developed flow rate and velocity.
4. In cases of potential erosion due to irregular channel alignment, extreme velocities, or excessive slopes, a paved ditch or concrete valley gutter may be required. However, if, in the opinion of City, the expected long-term maintenance of an open or surface drainage system could prove impractical, a closed or piped drainage system design may be required.
5. The cross-sectional shape of channels shall be as found in the Standard Design and Construction Details. "V" shaped cross-sections are not permitted in grassed channels.
6. If the channel will be affected by backwater from culverts, bridges, other structures or floodplains, backwater curves shall be shown in profiles of the channel.
7. Construction Standards: Ditches and Channels shall be constructed to the line, grade and cross section specified on the approved plans, and shall be free of gullies or other irregularities. Protective cover in grassed channels shall be installed as soon as practical, to prevent possible erosion. All ditches or channels constructed in fill material shall be lined with appropriately sized coarse aggregate or other approved materials, based on design velocities.

M. Easement Requirements

1. Easements shall have a minimum width of ten (10) feet on either side of the storm pipe, ditch or other drainage feature.

2. Drainage easements for improved ditches, pipe construction, and detention facilities shall be cleared, opened and stabilized at the time of development to control surface water run-off. Run-off slope and side-slopes are to be specified by the Developer's engineer, according to sound engineering practice. Drainage easements shall be provided according to the minimum requirements found in the Table given below, and shall conform to City Standards.

Easements for Storm Drain Pipes and Systems	
<u>Diameter of Pipe</u>	<u>Minimum Easement Width</u>
18" to 36"	20 feet
42" to 72"	25 feet
Over 72"	30 feet
Multiple Pipes	Width plus 10 feet
Improved Ditches/Natural Watercourses	20 feet

3. All engineering design items for storm drainage and erosion control and sedimentation control and delineation of the intermediate regional flood plains shall meet the applicable minimum requirements of published design standards for the City of Walnut Grove, Flood Damage Prevention, and those of FEMA. Rainfall intensities used in hydrologic computations shall not be less than shown by applicable rainfall curves published by the National Weather Service for the affected area.
4. Where a subdivision is traversed by a stream, watercourse, drainage way or channel, there shall be dedicated an access and maintenance easement measuring not less than 20 feet in width or at least 10 feet on each side of the top of bank, whichever is greater.

Section 500.2 Bridges and Concrete Box Culverts

- A. The design and construction of bridges and concrete box culverts shall comply with all applicable standards of the Georgia Department of Transportation and the American Association of State Highway and Transportation Officials (AASHTO).
- B. The review and inspection of bridge and concrete box culvert design and construction are subject to additional fees as imposed by the City. Said fees shall cover the costs of an independent structural review and supplemental inspections performed on behalf of the City by an independent Registered Professional Engineer.
- C. At the completion of bridge and/or concrete box culvert construction, the Designer and Engineer of Record shall provide written certification that the structure was constructed in accordance with the approved plans, all applicable standards of the Georgia Department of Transportation, and that the bridge or concrete box culvert is complete, structurally sound and safe to accommodate traffic.

Section 500.3 Walls and Fences

- A. No fence or wall (other than subdivision entrance walls, noise abatement walls or tennis court fences) shall be more than eight (8) feet in height or be constructed on public right-of-way or future street right-of-way. If a fence is to be located adjacent to a public road and within the required setback within a residential zoning district, the fence shall not exceed six (6) feet in height. Should a fence be erected in error within the right-of-way, the City shall not be responsible for replacing or repairing the illegal structure.
- B. When permanent grades are proposed with a resulting slope steeper than one foot vertical for every two feet of horizontal displacement (2:1), an appropriate retaining structure shall be designed by a registered professional engineer to be constructed of reinforced concrete or other masonry materials in compliance with applicable regulations of the U.S. Occupational Safety and Health Administration. All structural components of the wall shall meet the minimum building codes for the proposed use.
- C. When the necessity for an earth retaining structure is required for a vertical displacement of thirty (30) inches or less, appropriate landscaping timbers, or approved equal, may be employed if no permanent structure is supported by the soil retained by the retaining wall. The use of railroad cross ties or other timber product will only be allowed in these instances.
- D. All wall designs must demonstrate complete dimensions for line and grade. Wall design will consider foundation drainage and select backfill material for the proposed conditions.
- E. Walls shall be located in such a fashion as to not encroach upon existing or proposed drainage easements or drainage courses or floodplains to encumber the natural flow of surface run-off of stormwater. Walls shall be located at a distance from such water courses to allow for anticipated future maintenance of the easement to prevent a safety hazard to maintenance workers or to jeopardize the structural integrity of the wall.
- F. Walls that are not attached to the permitted structure and require a foundation shall be permitted as a free standing structure and shall be inspected as prescribed by the permitting procedure. Walls will be inspected for conformance with the approved design. Any deviation from the approved design will require the engineer of record to submit a certification of the non-conforming structure along with supporting calculations to indicate that the construction is consistent with the initial design parameters. In the event the city inspector has not been provided ample opportunity to inspect the structure, the contractor must provide a certification of the construction by the engineer of record and geotechnical reports for concrete testing for strength, reinforcing steel specifications. Failure to comply with the requirements of this Section will require that the remaining work cease and/or removal of non-conformance until the adequacy of structural integrity is demonstrated to the satisfaction of the City.
- G. Retaining walls that are proposed for the purpose of stormwater retention must be designed in such a way that the walls are capable of a hydro-static load as measured from the top of the foundation footing to the highest elevation along the top of the wall. The hydrological design must allow for a free board dimension of one foot and an emergency overflow capacity equal to the allowable peak discharge for the 100-year storm event. The routing calculations should not take into account the existence of the emergency overflow. Place the overflow device above the projected 100-year flood elevation within the detention area.

- H. Any construction that may impact or be within the right-of-way of an existing or proposed water or sanitary sewer easement must be approved by the utility providing service.

Section 501 Utilities

Section 501.1 Easements

- A. Utility and drainage easements shall be required in subdivisions when it is found to be necessary and desirable to locate drainage ways and public utility lines in other than street rights-of-way. The Developer shall dedicate such easements to The City of Walnut Grove.
- B. Easements shall not be less than twenty (20) feet in width and, where possible, shall be centered on rear or side lot lines.

Section 501.2 Installation of Utilities

- A. All utilities shall be located and constructed in accordance with the Typical Utility Location Plan (see Standard Design and Construction Details).
- B. After grading is completed and approved and before any base is applied, all of the under ground work within the street right-of-way — water mains, gas mains, etc. — shall be installed completely and approved throughout the length of the project in accordance with this Section. At the same time, all service connections shall be stubbed out to each lot.
- C. After final grading is completed and approved, and before the graded aggregate base course is applied, all utility crossings under the proposed edge of pavement shall be installed, properly back filled, compacted and approved. It shall be the Developer's responsibility to coordinate the installation of casings or conduits to accommodate future utility installation following base course construction. After the placement and compaction of the graded aggregate base course is complete, any and all subsequent utility installation under the road bed shall be completed by jack and bore, as approved by the City Inspector.
- D. No other underground utilities, such as private lawn sprinkler systems, yard lighting, etc., shall be installed within a public right-of-way or easement except by authorization of the City Council. Such authorization, if issued, shall require the applicant to assume all repair costs of the applicant's facilities should they be damaged during the course of installation, maintenance or repair of any of the public utilities or facilities authorized to occupy said right-of-way or easement.

Section 501.3 Public Water Systems

If a public water supply is available to any proposed subdivision or development and connection is permitted or required, the developer shall install all required water mains, fire hydrants, and connections from the existing water main to each lot in accordance with the Standards and Specifications of the Public Utility providing service. Connection to an operational public water system shall be required when any proposed subdivision or development lies within 1,500 feet from the nearest point on the property to an existing public water main (at least 6 inches in size), provided that there is an adequate water supply to serve the proposed development.

Section 501.4 Determination of Available Capacity

The water or sewer service provider shall be responsible for determining the adequacy of the proposed water supply and pressure and/or sewer collection and treatment capacity.

Section 501.5 Fire Protection

A. Location of Fire Hydrants

1. Fire hydrants in all residential and commercial areas shall be spaced at a distance not to exceed 500 feet.
2. Fire hydrants shall be generally located in the back five feet of the right-of-way, at the nearest property corner.
3. Fire hydrant locations are also subject to more stringent requirements of the public utility providing service and by the Fire Marshall.

B. Fire Flow Test

1. A fire flow test must be conducted on the water line for any new subdivision or development prior to submitting design drawings for approval, to determine the adequacy of water supply for the project. The Applicant or Developer shall request, coordinate, and pay all necessary fees to the public water service provider for required fire flow tests on existing water mains. Use of a fire flow test by more than one project is prohibited.
2. The test shall consist of a fire hydrant flow test and a 24-hour flow and pressure test. Test information provided by the developer shall consist of:
 - a. Static pressure;
 - b. Residual pressure and flow rate (GPM);
 - c. Projected flow in GPM at 20 psi;
 - d. 24-hour pressure chart (for commercial sites only);
 - e. Site map including fire hydrant locations.
3. Fire flow test results and 24-hour pressure chart must be included in the water plans prior to approval of the plan by the City. The water supply must meet the instantaneous fire flow and peak domestic water demand requirements for the existing service area plus the proposed development.
4. Minimum flow in gallons per minute at 20 psi for the duration in minutes, is required to be as follows:

a.	Residential:	
	Needed Fire Flow	Distance between buildings
	500 gpm	Over 100'
	750 gpm	31' – 100'
	1000 gpm	11' – 30'
	1500 gpm	10' or less

b. Multi-Family, Commercial, Institutional: 1,500 GPM for 30 minutes.

C. Fire Main Size

1. Single-Family Residential: Water main diameter shall be a minimum of eight (8) inches.
2. Multi-Family, Commercial, Institutional: Water main diameter shall be a minimum of eight (8) inches, and final sizing shall be based on project demands.

Section 501.6 Sanitary Sewer Systems

A. Public Sewer System

When connection to a public sewer system is permitted or required by sub-section C, the developer shall install and connect to the public sewage collection system within the proposed subdivision or development, or feasible portion thereof, in accordance with the standards and specifications of the provider.

B. Community or Private Sewer Collection and Treatment Systems

When public sewer service is not available, the development shall be properly designed to accommodate the installation and proper operation of both a primary and secondary septic drain field on each lot, or a private sewer collection and treatment system, if approved by the City. Approval of any private system shall expire when public sewer service is made available to the subject property or properties, and the subject system shall be dedicated and connected to the public system, including any and all collection system facilities and related appurtenances. The City will not assume ownership or liabilities associated with any private treatment facilities or disposal sites, unless approved by the City Council.

C. Required Sewer Connections

Connection to an operational public sewer system shall be mandatory in new subdivisions or developments which are located within the distances outlined in the following table. Distance shall be measured from the nearest point on the property to an operational sanitary sewer located in the same or adjacent drainage basin.

REQUIRED SEWER CONNECTION DISTANCES

Development Type	Distance from Sewer Main
Non-Subdivision Developments	500 feet
Subdivisions:	
Under 25 lots/units	500 feet
25 to 50 lots/units	1,000 feet
51 to 75 lots/units	1,500 feet
76 to 100 lots/units	2,000 feet
over 100 lots/units	2,500 feet

D. System Design and Placement

Prior to issuance of a building permit, the developer shall coordinate the design and placement of sewer infrastructure with the service provider. All sewer system infrastructure (public or private) shall comply with the minimum standards of the Walton County Water and Sewerage Authority, or relevant standards adopted by the city.

E. On-Site Septic Systems

When an individual septic system is proposed for each lot within a subdivision, the developer shall provide appropriate soil survey data and information in compliance with the regulations of the Walton County Health Department. Each lot shall have suitable soils and sufficient area to accommodate the installation and proper operation of both a primary and secondary (replacement) septic drain field. A separate permit must be obtained from the Walton County Health Department, for each individual lot located within any development.

Section 501.7 Other Utilities

All other utilities including but not limited to telephone, power, cable, gas, etc. shall be subject to the requirements of this Ordinance. The installation of all utilities shall be in accordance with this Article, and the operation of such utilities within City right-of-way shall be subject to the requirements of Section 501.8.D of this Article.

Section 501.8 Utility Permit Requirements

- A. Any public or private utility proposing to construct, improve, relocate, repair, maintain or alter and utility system within any public right-of-way of The City of Walnut Grove, shall first complete and submit a Utility Permit Application for such activities to the City for review and approval.
- B. The payment of all applicable Utility Permit fees, as currently established by the City Council, shall be paid upon submission of any application, to cover review and inspection costs related to the proposed activities.

C. The applicant shall provide all information requested on the application, and attach permit drawings no larger than 11" x 17", which adequately depict the nature of the proposed activities, including at a minimum the following information:

- Name and address of applicant
- State Highway or City street name and number
- Description of proposed utility work (including size, type and length)
- Location of activities with reference to nearest intersections or landmarks
- Signature and date of authorized utility representatives
- Construction drawings (minimum 3 copies)
- Roadway dimensions including right-of-way and pavement width
- Distance from edge of pavement, back of curb, and/or right-of-way
- Depth of cover
- Size, method and repair of pavement cuts (if approved)
- Method of installation
- Detailed reasoning for any variations of installing utilities in locations other than the back five feet of the right-of-way
- Locations of manholes, poles, pedestals, or other above ground appurtenances (include distance from edge of pavement and/or right-of-way)
- Location and depth of bore pits
- Location of material and equipment storage areas
- Vertical clearance for overhead installations
- Indicate all facilities that are proposed to be removed or abandoned
- Location map showing the location of all proposed activities
- Traffic control plan

D. Utility installation, repair and maintenance shall be performed in accordance with the following general standards:

1. All utilities shall be installed within the back five feet of any public right-of-way, unless otherwise approved by the City
2. All fire hydrants, poles, pedestals, manholes and other appurtenances shall be installed at property corners where possible
3. No pavement cuts shall be permitted without the prior approval of the City. All pavement cuts shall be repaired within 24 hours, in accordance with the Standard Construction Details.
4. No trench or bore pit shall be located closer than 10 feet from the edge of pavement, or at a distance of one horizontal foot for each vertical feet of depth, whichever is greater
5. All jack and bore road crossings shall be installed with a welded steel casing for a distance of ten feet on either side of the traveled surface, in accordance with Georgia DOT Standards
6. No utility installation shall be permitted in any drainage channel or ditch maintained by the City unless approved by the City Engineer. Where utility installation disturbs any established drainage ditch or channel, the contractor or utility company shall install geotextile matting for the full length of such disturbance to insure proper stabilization.
7. It shall be the Contractor or Utility Company's responsibility to provide, install and maintain all required traffic control measures during the course of construction, in accordance with Georgia DOT and MUTCD Regulations.
8. If at any time during the course of utility construction, repair or maintenance, it is determined that the Contractor or Utility Company is in violation of any part of these Regulations, the City Inspector shall issues a Stop Work Order to cease and desist all operations until the project is brought into substantial compliance and further work is approved by the City.
9. All abandoned facilities must be removed by the Utility Company, if requested by the City of Walnut Grove.

Section 501.9 Utility Relocation Policy

Should any roadway, street, intersection, or right-of-way thereof be realigned, widened, altered or improved by the City of Walnut Grove or the Georgia Department of Transportation, and require the relocation of any public or private utility line or system located within any public right-of-way of the City of Walnut Grove, such public or private utility line or system shall be relocated within the new or existing right-of-way to a location approved by the City, at the sole expense of the owner or utility company.

Section 501.10 Street Lights

Street lights may be extended into new or existing residential subdivisions in accordance with the provisions of Section 502 of this Article. Street lights are required for all new developments except AG Zoning District.

Section 502 Street Lights

Section 502.1 Authority and Responsibility

- A. The Walnut Grove City Council shall provide and be responsible for the construction, establishment, maintenance and operation of lighting fixtures for the illumination of public streets and roads (hereinafter sometimes referred to collectively as "public rights-of-way") situated within the incorporated area of the City of Walnut Grove, Georgia, in the manner and in accordance with the standards set forth in this Ordinance. No persons, firms or entities shall be permitted to establish lighting of public rights-of-way in any portion of the incorporated area of the City of Walnut Grove, Georgia, without first complying with the provisions of this Ordinance.
- B. The City Council shall be authorized to enter into and make contracts with public utility companies and other firms, entities or persons for the purpose of carrying out and effecting the provisions of this Ordinance.
- C. The Mayor or his/her designee shall administer the street lighting program and shall:
 - 1. Advise prospective petitioners for proposed street lighting districts of the procedures required for the inclusion of such district pursuant to this Ordinance.
 - 2. Provide standard form petitions for use by prospective petitioners.
 - 3. Advise petition originators of estimated fees for owners of property lying within proposed street lighting district.
 - 4. Examine all filed petitions for accuracy and for compliance with the provisions of this Ordinance.
 - 5. Submit petitions to the City Council together with estimated assessment rates to owners of property lying within such district.
 - 6. Coordinate the installation of lighting fixtures within such districts upon final approval by the City Council.
 - 7. Perform any and all other acts or duties necessary or proper for the attainment of the purpose herein set out.

Section 502.2 Procedures

- A. The owners of lots within an existing subdivision, who have existing street lights, will automatically be billed on the property tax bill.
- B. The developer of property lying within a proposed subdivision, with lots less than two (2) acres in size, of land shall be required to construct and install lighting fixtures for illumination of public right-of-ways to be located within such proposed subdivision, subject to the provisions of this Ordinance.

- C. The Developer shall submit plans and specification which shall be approved by the public utility company which will provide electric service to the proposed subdivision and shall include, but not be limited to, a preliminary plat of the proposed subdivision showing the approved location of the lighting fixtures within the subdivision as required by the appropriate public utility, and a description of the fixtures, poles, and other components approved for use by such utility company.
- D. The construction and installation of such lighting fixtures shall not commence until the City has issued a Development Permit. The Developer shall be responsible for payment of monthly streetlight fees until the end of the year in which the fee is added to the tax digest.
- E. The owners of lots within an existing major subdivision, who do not have existing street lights, may submit to the City a petition to have lighting fixtures for the illumination of public right-of-way to be installed and operated. The petition must contain the signatures of at least sixty-six percent (66%) of the owners of the property lying within the proposed street lighting districts in favor of such designation and must contain the tax map and parcel numbers as used by the Walton County Tax Assessor and the Walton County Tax Commissioner. The Mayor or his/her designee shall submit such petition to the City Council for final approval. Unless one hundred (100) percent of the lot owners have signed the petition, a public hearing shall be scheduled and advertised one (1) time in the official organ of the city; and signs shall be posted in the proposed street lighting district giving notice of the hearing, at least ten (10) days before the public hearing. The number and size of the signs shall be such as is required by Article 14 of the Walnut Grove Zoning Ordinance.
- F. The owners of lots within an existing major subdivision, who have existing street lights, may submit to the Mayor or his/her designee a petition to have their subdivision exempt from the Street Lighting Ordinance. The homeowners will be responsible for paying appropriate electrical company the fees for their street lights. The petition must contain the signatures of at least sixty-six percent (66%) of the owners of the property lying within the existing subdivision who are in favor of such exemption and must contain the tax map and parcel numbers as used by the Walton County Tax Assessor and the Walton County Tax Commissioner. The petition shall be heard between January 1 and May 31, to ensure that the request is recorded in the Tax Assessors office prior to their deadlines for the next year. The Mayor or his/her designee shall submit such petition to the City Council for final approval. This ordinance should have no effect on subdivisions recorded after the adoption of this ordinance.

Section 502.3 Cost and Assessments

- A. The cost of providing and maintaining service in street lighting districts created pursuant to the Ordinance shall be the average cost of the energy used plus the average cost of poles plus a sum to cover administrative expenses. Each property owner shall be responsible for and pay their pro rata share of such costs which shall be prorated among all lot owners. The construction costs incurred in the installation of lighting fixtures shall be retired in the manner set out by agreement between the public utility or other person or entity to whom the indebtedness is owed.
- B. For purposes of this Section, the term "lot" shall be defined as any single tract of land which falls within any of the zoning classifications as defined by the Zoning Ordinance of The City of Walnut Grove, Georgia, adopted November 30, 1997, as amended, and shall include both improved and unimproved property.

- C. Any other provision of this Ordinance to the contrary notwithstanding, the City Council shall be authorized to establish, by resolution duly adopted, the cost of providing and maintaining service in street lighting district created pursuant to the provisions of this Ordinance as the City Council may deem necessary or proper.
- D. The Walnut Grove City Clerk shall be responsible for the collection and receipt of monies in payment of the cost of illuminating public rights-of-way from the owners of property lying within each street lighting district. The cost of such service shall be added to the tax statement issued annually to each such property owner. In addition to any other rights of collection for late or unpaid charges, the city shall have the rights available under the laws of the state for assessment, the creation of a lien upon the property of the owner receiving the service provided, together with all rights of execution, levy, foreclosure and sale. The City Council shall be authorized to establish, by resolution duly adopted, such other manner or method of billing, accounting, collecting and receiving of monies in payment of the cost of providing and maintaining street lighting district as the City Council may deem necessary or proper.

Section 502.4 Standards

The American National Standard Practice of Roadway Lighting of the Illuminating Engineering Society, as approved by the American Standards Institute, as amended from time to time, is hereby adopted as the standard for the installation and operation of lighting in the incorporated area of The City of Walnut Grove, Georgia.

Article 6 Environmental Protection

Section 600 Stream Corridor Protection

The following rivers and streams are declared to be protected rivers and streams and are regulated under the provisions of this Section:

Section 600.1 Purpose

It is the purpose of this Section is to protect the public health, safety, environment and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to:

- (1) Create buffer zones along the streams of Walnut Grove for the protection of water resources; and,
- (2) Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

Section 600.2 Definitions

The following definitions shall apply in the interpretation and enforcement of this Section, unless otherwise specifically stated:

- **“Buffer”** means, with respect to a stream, a natural or enhanced vegetated area (established by Section 5.1.1 below), lying adjacent to the stream.
- **“Impervious Cover”** means any manmade paved, hardened or structural surface regardless of material. Impervious cover includes but is not limited to rooftops, buildings, streets, roads, decks, swimming pools and any concrete or asphalt.
- **“Land Development”** means any land change, including but not limited to clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.
- **“Land Development Activity”** means those actions or activities which comprise, facilitate or result in land development.
- **“Land Disturbance”** means any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or any other installation of impervious cover.
- **“Land Disturbance Activity”** means those actions or activities which comprise, facilitate or result in land disturbance.
- **“Floodplain”** means any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood.

- **“Parcel”** means any plot, lot or acreage shown as a unit on the latest county tax assessment records.
- **“Permit”** means the permit issued by the **(local permitting authority)** required for undertaking any land development activity
- **“Person”** means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.
- **“Protection Area, or Stream Protection Area”** means, with respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.
- **“Riparian”** means belonging or related to the bank of a river, stream, lake, pond or impoundment.
- **“Setback”** means, with respect to a stream, the area established by Section 600.4 extending beyond any buffer applicable to the stream.
- **“Stream”** means any stream, beginning at:
 - The location of a spring, seep, or groundwater outflow that sustains streamflow; or
 - A point in the stream channel with a drainage area of 25 acres or more; or
 - Where evidence indicates the presence of a stream in a drainage area of other than 25 acres, the **(local permitting authority)** may require field studies to verify the existence of a stream.
- **“Stream Bank”** means the sloping land that contains the stream channel and the normal flows of the stream.
- **“Stream Channel”** means the portion of a watercourse that contains the base flow of the stream.
- **“Watershed”** means the land area that drains into a particular stream.

Section 600.3. Applicability

This ordinance shall apply to all land development activity on property containing a stream protection area as defined in Section 600.2 of this ordinance. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.

A. Grandfather Provisions

This ordinance shall not apply to the following activities:

- (1) Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this ordinance.
- (2) Existing development and on-going land disturbance activities including but not limited to existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements.

- (3) Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this ordinance.
- (4) Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two years of the effective date of this ordinance.

B. Exemptions

The following specific activities are exempt from this ordinance. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

- (1) Activities for the purpose of building one of the following:
 - a stream crossing by a driveway, transportation route or utility line;
 - public water supply intake or public wastewater outfall structures;
 - intrusions necessary to provide access to a property;
 - public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
 - unpaved foot trails and paths;
 - activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.
- (2) Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in Item 600.3.B.(1), above.
- (3) Land development activities within a right-of-way existing at the time this ordinance takes effect or approved under the terms of this ordinance.
- (4) Within an easement of any utility existing at the time this ordinance takes effect or approved under the terms of this ordinance, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.
- (5) Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it shall report such work to the (review and permitting authority) on the next business day after commencement of the

work. Within 10 days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the (review and permitting authority) to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.

- (6) Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.

After the effective date of this ordinance, it shall apply to new subdividing and platting activities.

Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to Section 5.2 below.

Section 600.4 Land Development Requirements

A. Buffer and Setback Requirements

All land development activity subject to this ordinance shall meet the following requirements:

- (1) An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
- (2) An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.
- (3) No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.
- (4) For streams located in the Cornish Creek Watershed Protection District, the required buffers and setbacks shall conform to the requirements listed in the WP-1 Zoning District, Article 7 of the 1997 Zoning Ordinance of Walnut Grove.

B. Variance Procedures

Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:

- (1) Where a parcel was platted prior to the effective date of this ordinance, and its shape, topography or other existing physical condition prevents land development consistent with this ordinance, and the Planning and Zoning Commission finds and determines that the requirements of this ordinance prohibit the otherwise lawful use of the property by the owner, the Mayor and Council of Walnut Grove may grant a variance from the buffer and

setback requirements hereunder, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.

- (2) Except as provided above, the Mayor and Council of Walnut Grove shall grant no variance from any provision of this ordinance without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the Mayor and Council. The City of Walnut Grove shall give public notice of each such public hearing in a newspaper of general circulation within Walnut Grove. The City of Walnut Grove shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way.

Variations will be considered only in the following cases:

- a. When a property's shape, topography or other physical conditions existing at the time of the adoption of this ordinance prevents land development unless a buffer variance is granted.
- b. Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

Variations will not be considered when, following adoption of this ordinance, actions of any property owner of a given property have created conditions of a hardship on that property.

- (3) At a minimum, a variance request shall include the following information:
 - a. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
 - b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
 - d. Documentation of unusual hardship should the buffer be maintained;
 - e. At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
 - f. A calculation of the total area and length of the proposed intrusion;
 - g. A stormwater management site plan, if applicable; and,
 - h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
- (4) The following factors will be considered in determining whether to issue a stream buffer setback variance:

- a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
- b. The locations of all streams on the property, including along property boundaries;
- c. The location and extent of the proposed buffer or setback intrusion; and,
- d. Whether alternative designs are possible which require less intrusion or no intrusion;
- e. The long-term and construction water-quality impacts of the proposed variance;
- f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Section 600.5 Compatibility with Other Buffer Regulations and Requirements

This Section is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Section 600.6 Responsibility

Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this Ordinance shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon City of Walnut Grove, its officers or employees, for injury or damage to persons or property.

Section 600.7. Inspection

The City of Walnut Grove may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the City of Walnut Grove in making such inspections. The City of Walnut Grove shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this ordinance, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.

No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

Section 600.8. Violations, Enforcement and Penalties

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this Section. Any such action or

inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

A. Notice of Violation

If the City of Walnut Grove determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured the appropriate permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

- (1) The name and address of the owner or the applicant or the responsible person;
- (2) The address or other description of the site upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this ordinance and the date for the completion of such remedial action;
- (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
- (6) A statement that the determination of violation may be appealed to the City of Walnut Grove by filing a written notice of appeal within thirty (30) days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).

B. Penalties

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City of Walnut Grove shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the City of Walnut Grove may take any one or more of the following actions or impose any one or more of the following penalties outlined in Article 9.

Section 601 Stormwater Management

Section 601.1. Purpose and Intent

- A. The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources.
- B. This ordinance seeks to meet that purpose through the following objectives:
- (1) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;
 - (2) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;
 - (3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
 - (4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
 - (5) Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable. Coordinate site design plans, which include greenspace, with the county's greenspace protection plan;
 - (6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and,
 - (7) Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

Section 601.2. Applicability and Exemptions

- (1) This ordinance shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to Subsection 601.2.(2) below. These standards apply to any new development or redevelopment site that meets one or more of the following criteria:
 - a. New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities of 1 acre or more;
 - b. Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity of one (1) acre or more;
 - c. Any new development or redevelopment, regardless of size, that is defined by the City Engineer to be a hotspot land use; or,
 - d. Land development activities that are smaller than the minimum applicability criteria set forth in items a. and b. above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.

- (2) The following activities are exempt from this ordinance:
 - a. Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
 - b. Additions or modifications to existing single-family or duplex residential structures;
 - c. Agricultural or silvicultural land management activities within areas zoned for these activities; and,
 - d. Repairs to any stormwater management facility or practice deemed necessary by the Mayor after consultation with the City Engineer.

Section 601.3. Stormwater Design Manual

The City of Walnut Grove will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the Georgia Stormwater Management Manual and any relevant local addenda, for the proper implementation of the requirements of this ordinance. The manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience.

Section 601.4 Definitions

The following definitions are applicable to Section 601. Stormwater Management:

- **“Applicant”** means a person submitting a post-development stormwater management application and plan for approval.
- **“Channel”** means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.
- **“Conservation Easement”** means an agreement between a land owner and the **(local jurisdiction)** or other government agency or land trust that permanently protects open space or greenspace on the owner’s land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.
- **“Detention”** means the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.
- **“Detention Facility”** means a detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.
- **“Developer”** means a person who undertakes land development activities.
- **“Development”** means a land development or land development project.
- **“Drainage Easement”** means an easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.
- **“Erosion and Sedimentation Control Plan”** means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.
- **“Extended Detention”** means the detention of stormwater runoff for an extended period, typically 24 hours or greater.
- **“Extreme Flood Protection”** means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.
- **“Flooding”** means a volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.
- **“Greenspace”** or **“Open Space”** means permanently protected areas of the site that are preserved in a natural state.
- **“Hotspot”** means an area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.
- **“Hydrologic Soil Group (HSG)”** means a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

- **“Impervious Cover”** means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.
- **“Industrial Stormwater Permit”** means a National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.
- **“Infiltration”** means the process of percolating stormwater runoff into the subsoil.
- **“Jurisdictional Wetland”** means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.
- **“Land Development”** means any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.
- **“Land Development Activities”** means those actions or activities which comprise, facilitate or result in land development.
- **“Land Development Project”** means a discrete land development undertaking.
- **“Inspection and Maintenance Agreement”** means a written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.
- **“New Development”** means a land development activity on a previously undeveloped site.
- **“Nonpoint Source Pollution”** means a form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.
- **“Nonstructural Stormwater Management Practice”** or **“Nonstructural Practice”** means any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.
- **“Off-Site Facility”** means a stormwater management facility located outside the boundaries of the site.
- **“On-Site Facility”** means a stormwater management facility located within the boundaries of the site.
- **“Overbank Flood Protection”** means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the 2-year through 25-year frequency storm events.

- **“Owner”** means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.
- **“Permit”** means the permit issued by the **City of Walnut Grove** to the applicant which is required for undertaking any land development activity.
- **“Person”** means, except to the extent exempted from this ordinance, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.
- **“Post-development”** refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.
- **“Pre-development”** refers to the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.
- **“Project”** means a land development project.
- **“Redevelopment”** means a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.
- **“Regional Stormwater Management Facility”** or **“Regional Facility”** means stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.
- **“Runoff”** means stormwater runoff.
- **“Site”** means the parcel of land being developed, or the portion thereof on which the land development project is located.
- **“Stormwater Better Site Design”** means nonstructural site design approaches and techniques that can reduce a site’s impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.
- **“Stormwater Management”** means the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.
- **“Stormwater Management Facility”** means any infrastructure that controls or conveys stormwater runoff.

- **“Stormwater Management Measure”** means any stormwater management facility or nonstructural stormwater practice.
- **“Stormwater Management Plan”** means a document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this ordinance.
- **“Stormwater Management System”** means the entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.
- **“Stormwater Retrofit”** means a stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.
- **“Stormwater Runoff”** means the flow of surface water resulting from precipitation.
- **“Structural Stormwater Control”** means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.
- **“Subdivision”** means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Section 601.5 Stormwater Management Plan Requirements

- A. Stormwater detention facilities shall be constructed in accordance with plans approved by the City of Walnut Grove and shall be in place and inspected prior to the issuance of a Certificate of Occupancy or acceptance of a Final Plat.
- B. The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this ordinance, including the performance criteria set forth in Section 601.12 below.
- C. The Stormwater Management Plan shall be in accordance with the criteria established in this Section and be prepared under the direct supervisory control of either a registered Professional Engineer, a registered Landscape Architect licensed in the State of Georgia, or a Registered Land Surveyor in accordance with O.C.G.A 43-15-12 with competency in hydrology and hydraulics, currently registered in the State of Georgia.
- D. The Stormwater Management Plan must ensure that the requirements and criteria in this ordinance are being complied with and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development. The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the information required in the Stormwater Management Site Plan checklist found in the Georgia Stormwater Design Manual. This includes:

1. Common address and legal description of site
2. Vicinity Map
3. Existing Conditions Hydrologic Analysis

The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of existing site conditions with the drainage basin boundaries indicated; acreage, soil types and land cover of areas for each subbasin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, predevelopment conditions shall be modeled using the established guidelines for the portion of the site undergoing land development activities.

4. Post-Development Hydrologic Analysis

The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of post-development impervious surfaces and other land cover areas for each subbasin affected by the project; calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet the post-development stormwater management performance criteria in Section 601.12; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than 50 percent of the site area for the entire site, then the performance criteria in Section 601.12 must be met for the stormwater runoff from the entire site.

5. Stormwater Management System

The description, scaled drawings and design calculations for the proposed post-development stormwater management system, which shall include: A map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and

outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in Section 601.12; drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.

6. Post-Development Downstream Analysis

A downstream peak flow analysis which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is 10 percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the stormwater design manual.

7. Construction-Phase Erosion and Sedimentation Control Plan

An erosion and sedimentation control plan in accordance with the Georgia Erosion and Sedimentation Control Act or NPDES Permit for Construction Activities. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.

8. Landscaping and Open Space Plan

A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.

9. Operations and Maintenance Plan

Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

10. Maintenance Access Easements

The applicant must ensure access from public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property.

11. Inspection and Maintenance Agreements

Unless an on-site stormwater management facility or practice is dedicated to and accepted by the City of Walnut Grove as provided in Section 601.10 below, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance Section 601.10 .

12. Evidence of Acquisition of Applicable Local and Non-local Permits

The applicant shall certify and provide documentation to the City of Walnut Grove that all other applicable environmental permits have been acquired for the site prior to approval of the Stormwater Management Plan.

Section 601.6 Hydrology Study Requirements

- A. The hydrology study shall address the requirements as stated in Section 601.5 and shall include the following:
1. SCS method shall be used for the design of the stormwater facility.
 2. Statement of all assumptions.
 3. Calculations should be shown for time of concentration or lag time.
 4. Calculations should be shown for all weighted C-factors or weighted curve numbers used.
 5. Rainfall intensities and amounts are to be consistent with data for the Walton County or Metro Atlanta area.

6. A narrative shall be prepared to describe the hydraulic characteristics of the drainage system downstream from the proposed development, any restrictions that exist, and any physical characteristics that might affect the conveyance of flows through the system to the ten percent point.
 7. All detention and/or retention facility plans shall be at a scale of not less than one inch equals fifty feet with a maximum contour interval of two feet. Hereinafter where the term detention facility is used, it will be taken that the same criteria applies to a retention facility as well. The plans should be based on a stage-storage and controlled discharge design and contain the following information:
 - a. Maximum storage requirements for the proposed detention facility based on the storage volume required for the 100-year frequency storm event.
 - b. The plans shall present clearly all information needed for proper review and construction of the storage facility, including dimensions and contours as appropriate.
 8. Design of Outlet Device
 - a. The outlet device shall be thoroughly and clearly detailed for proper construction. The design shall be such as to require minimal maintenance and provide maximum longevity.
 - b. Provide emergency overflow spillway in dam or outlet structure top.
 - c. If the outlet device utilizes orifice flow, a trash rack protecting the orifice from blockage from debris shall be provided for orifices 15" or less. Access shall be provided for maintenance in the form of a manhole or other suitable device and shall discourage and restrict human entry by use of bolt down lids or other positive means.
 - d. Discharge from the detention facilities shall be released at a minimum distance of six times the diameter of the discharge pipe, if used, from any exterior property line. Rip-rap shall be placed accordingly.
 - e. Provide details of outlet devices and dam cross section on the construction drawings.
 - f. The type and size of pipes to be used for the outlet, along with detail drawings and specifications for all facilities should be indicated.
 - g. Actual results obtained from routing the 2, 5, 10, 25, 50, and 100-year post-developed storm hydrographs through the facility are required.
 - h. A summary chart showing maximum pond elevation, storage required, and pre-developed and post-developed discharge rates for the 2, 5, 10, 25, 50, and 100 year storms should be included.
- B. Acceptable stormwater management facilities are not limited to conventional detention and/or retention facilities. Constructed wetlands, infiltration systems, and other innovative solutions are encouraged, so long as the intent of this ordinance is satisfied. However, proposals for alternative systems shall be presented to the City Engineer for tentative acceptability prior to formal submittal of a stormwater management plan.

Section 601.7 Location Criteria for Detention Facilities

- A. Detention facilities shall be considered to consist of the area within the maximum design ponding limits, the dam (if one) including all embankment slopes and wall footings (if applicable), primary and emergency outlet works, any drainage and access easements, and any energy dissipation devices.
- B. Detention facilities shall be designed and located to promote interception of runoff from the proposed land use. "By-pass" areas (areas of non-regulated runoff) shall be permitted only if the combined peak discharge rate from the site meets the requirements of Section 601.5 and 601.6 of this Ordinance.
- C. Detention facilities shall be located in conformance with the Sections 603 and 604 of this Ordinance.
- D. Detention facilities shall be located in accordance with the restrictions created by Title 44, Chapter 1, Subchapter B, Parts 59 and 60 of the Code of Federal Regulations, as amended.
- E. Detention facilities shall be located in conformance with the provisions of the Clean Water Act of 1974 as amended regulating land disturbing activities within designated wetland areas. (See Title 404 of the Federal Regulations)
- F. No portion of any detention facility shall disturb any required (as opposed to voluntary) buffer, landscape strip, or tree protection area, except that natural bottom detention ponds and its appurtenant structures, which require no grading and removal of trees, may encroach into a required construction buffer.
- G. The 100-year ponding limits of a detention facility shall not encroach upon a public right-of-way.
- H. Detention facilities may be located within utility easements or rights-of-way, or encroach upon utility easements or rights-of-way, upon receipt by the City of Walnut Grove of written permission from both the property and utility owners.
- I. Detention facilities may be constructed within recreation areas, if the following criteria are met:
 - (1) Ownership of the area will be held by a Qualified Property Owner's Association, Homeowners Association, or other private parties.
 - (2) Permanent structures, such as buildings and swimming pools, will not be constructed within the boundaries of the detention facility.
 - (3) Detention facilities within recreation areas will be approved only if the design of the area includes recreation amenities such as ball fields, tennis courts, grassed open areas or other similar improvements. The intent is to provide recreation facilities with detention as a secondary feature.
 - (4) Permanent detention features shall not interfere with the intended used of the recreation amenity, (i.e., a ditch or large swale shall not traverse a ball field, an inlet structure shall not be in a tennis court, etc.).
- J. If a residential subdivision is provided with an on-site detention facility not located within a recreation area as specified in Section 601.7.I above, a mandatory property owners' association shall be established for its ownership and maintenance. The facility shall be located on a single lot within the

development and owned by the property owners association. The lot shall have a minimum of 30 feet of public road frontage and a minimum lot width of 30 feet. Access to the facility shall be located on this lot. If the project is provided with an off-site detention facility, a mandatory property owners' association shall be established for its maintenance. The association bylaws shall be recorded concurrently with the recording of a final subdivision plat. The association bylaws shall include the same provisions as specified in Section 601.7.1 of this Ordinance.

- K. A non-residential subdivision is not required to locate an on-site detention facility on a separate lot. The property owners served by a detention facility that provides detention for more than one property owner or is located off-site shall enter into a maintenance agreement acceptable to the county for the facility's maintenance. However, if desired by the developer, the facility may be located on a separate lot if it is owned and maintained by a mandatory property owners' association.
- L. Parking lot detention areas shall be located so as to restrict ponding to areas other than parking spaces near buildings, and to not encroach upon entrance drives. The maximum depth of detention ponding in a parking lot, except at a flow control structure, shall be 6" for a 10-year storm, and 9" for a 100-year storm. The maximum depth of ponding at a flow control structure shall be 12" for a 100-year storm. In truck parking areas, the maximum depth of ponding shall be 12" for the 10-year storm. Detention in ponding areas are to be drained within 30 minutes after the peak flow occurs.
- M. Detention Facility Easement Requirements.
 - (1). In a non-residential subdivision or project, an easement at least 20 feet in width shall be required so as to provide access to all detention facilities from a public street.
 - (2). In a residential subdivision, an easement at least 30 feet in width shall be required so as to provide access to all detention facilities from a public street.
 - (3). Access Easements.
 - a. The access easement shall be cleared, grubbed and graded so that it can be utilized by rubber-tired construction vehicles.
 - b. The minimum drive width shall be 15 feet.
 - c. The drive shall be grassed or paved.
 - d. The maximum slope shall be 20% (5H:1V).
 - e. Access easements may be combined with drainage easements containing an open channel; however, the combined easement shall be a minimum of 30 feet in width and shall be wide enough for the drainage channel and the drive.
 - f. A drive to the bottom of the pond shall be provided when the facility is over 10 feet deep from the bench elevation or the facility is wider than 50 feet as measured from bench to bench.
 - (4) Every normally-dry detention basin, lake, or parking lot detention facility shall be completely enclosed within a drainage easement. The drainage easement shall extend at least 10 feet beyond the 100-year flooding limits of the detention facility.

Section 601.8 Detention Facilities Fencing Requirements

- A. Except as provided in subsection (B.2.) below a four (4) foot chain link fence will be required for every stormwater detention facility. When a four-foot chain link fence is required, the fence shall include double 8-foot wide gates (16 feet total opening) to permit entrance of equipment necessary to allow periodic maintenance activities.
- B. A four-foot chain link fence will not be required when the stormwater detention facility meets one of the following criteria:
 - a. When, regardless of pond depth, a minimum of seventy percent of the side slopes is not steeper than a slope of four horizontal to one vertical.
 - b. When the maximum depth of the pond is less than three feet in the one hundred year frequency event.
 - c. When the planned facility is a retention facility and the maximum depth change from the normal water surface elevation to the one-hundred year flood frequency event is less than or equal to four feet.
 - d. When a culvert is downsized to provide stormwater detention through a natural area where the existing topography has not been altered.
 - e. When the site in which the pond is to be constructed is zoned industrial and is more than five hundred (500) feet from properties zoned residential or publicly owned property (excluding right-of-way).

Section 601.9 Stormwater Management Inspection and Maintenance Agreements

- A. Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which the City of Walnut Grove requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the City of Walnut Grove, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.
- B. The inspection and maintenance agreement, if applicable, must be approved by the City of Walnut Grove prior to plan approval, and recorded in the deed records upon final plat approval.
- C. The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.

- D. As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof.
- E. In addition to enforcing the terms of the inspection and maintenance agreement, the City of Walnut Grove may also enforce all of the provisions for ongoing inspection and maintenance in Section 601.14 of this Ordinance.
- F. The City of Walnut Grove, in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this ordinance and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Section 601.10 Performance and Maintenance Bonds

A. Application Procedure

- (1) Applications for land development permits shall be filed with the City of Walnut Grove.
- (2) Permit applications shall include two copies of the stormwater management plan and the inspection maintenance agreement, if applicable, shall be included.
- (3) The City of Walnut Grove shall inform the applicant whether the application, stormwater management plan and inspection and maintenance agreement are approved or disapproved.
- (4) If either the permit application, stormwater management plan or inspection and maintenance agreement are disapproved, the City of Walnut Grove shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event subparagraph 3 above and this subparagraph shall apply to such resubmittal.
- (5) Upon a finding by the City of Walnut Grove that the permit application, stormwater management plan and inspection and maintenance agreement, if applicable, meet the requirements of this ordinance, the City of Walnut Grove may issue a permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.
- (6) Notwithstanding the issuance of the permit, in conducting the land development project, the applicant or other responsible person shall be subject to the following requirements:
 - a. The applicant shall comply with all applicable requirements of the approved plan and this ordinance and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;

- b. The land development project shall be conducted only within the area specified in the approved plan;
- c. The City Engineer shall be allowed to conduct periodic inspections of the project;
- d. No changes may be made to an approved plan without review and written approval by the City of Walnut Grove; and,
- e. Upon completion of the project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans required by Section 601.13.B.

B. Application Review Fees

The fee for review of any stormwater management application shall be based on the fee structure established by the City of Walnut Grove and shall be made prior to the issuance of any building permit for the development.

C. Modifications for Off-Site Facilities

The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.

A stormwater management plan must be submitted to the City of Walnut Grove which shows the adequacy of the off-site or regional facility.

To be eligible for a modification, the applicant must demonstrate to the satisfaction of the City of Walnut Grove that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:

- (1) Increased threat of flood damage to public health, life, and property;
- (2) Deterioration of existing culverts, bridges, dams, and other structures;
- (3) Accelerated streambank or streambed erosion or siltation;
- (4) Degradation of in-stream biological functions or habitat; or
- (5) Water quality impairment in violation of State water quality standards, and/or violation of any state or federal regulations.

Section 601.11 Post-Development Stormwater Management Performance Criteria

The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this ordinance:

A. Water Quality

All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:

- (1) It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;
- (2) Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual; and,
- (3) Runoff from hotspot land uses and activities identified by the City of Walnut Grove are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.

B. Stream Channel Protection

Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:

- (1) Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
- (2) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;
- (3) Erosion prevention measures such as energy dissipation and velocity control.

C. Overbank Flooding Protection

Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 2, 5, 10, 25-year, 24-hour return frequency storm event. If control of the 1-year, 24-hour storm under Section 601.12.B is exempted, then peak discharge rate attenuation of the 2-year through the 25-year return frequency storm event must still be provided.

D. Extreme Flooding Protection

Extreme flood and public safety protection shall be provided by controlling and safely conveying the 100-year, 24 hour return frequency storm event such that flooding is not exacerbated.

E. Structural Stormwater Controls

All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from City of Walnut Grove before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the City of Walnut Grove may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question.

Applicants shall consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

F. Stormwater Credits for Nonstructural Measures

The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under Section 601.12.A. The applicant may, if approved by the City of Walnut Grove, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Georgia Stormwater Management Manual.

G. Drainage System Guidelines

Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public right-of-ways. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:

- (1) Methods to calculate stormwater flows shall be in accordance with the stormwater design manual;
- (2) All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual; and,
- (3) Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the stormwater design manual.

H. Dam Design Guidelines

Any land disturbing activity that involves a site which proposes a dam shall comply with the requirements of Section 604 of this Ordinance, as well as the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

Section 601.12 Construction Inspections of Post-Development Stormwater Management System

A. Inspections to Ensure Plan Compliance During Construction

Periodic inspections of the stormwater management system construction shall be conducted by the staff of the City of Walnut Grove or conducted and certified by a professional engineer who has been approved by the City of Walnut Grove. Construction inspections shall utilize the approved stormwater management plan for establishing compliance.

All inspections shall be documented with written reports that contain the following information:

- (1) The date and location of the inspection;
- (2) Whether construction is in compliance with the approved stormwater management plan;
- (3) Variations from the approved construction specifications; and,
- (4) Any other variations or violations of the conditions of the approved stormwater management plan.

If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions.

B. Final Inspection and As Built Plans

Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual "as built" plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a Professional Engineer. A final inspection by the City of Walnut Grove before the release of any performance securities can occur.

Section 601.13 Ongoing Inspection and Maintenance of Stormwater Facilities and Practices

A. Long-Term Maintenance Inspection of Stormwater Facilities and Practices

Stormwater management facilities and practices included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document

maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this ordinance.

A stormwater management facility or practice shall be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the City of Walnut Grove shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the City of Walnut Grove, may correct the violation as provided in Section 601.14.D hereof.

Inspection programs by the City of Walnut Grove may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

B. Right-of-Entry for Inspection

The terms of the inspection and maintenance agreement shall provide for the City of Walnut Grove to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

C. Records of Maintenance Activities

Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the City of Walnut Grove.

D. Failure to Maintain

If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the City of Walnut Grove, after thirty (30) days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The City of Walnut Grove may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

Section 601.14 Violations, Enforcement and Penalties

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved stormwater management plan or permit, may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

A. Notice of Violation

If the City of Walnut Grove determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

- (1) The name and address of the owner or the applicant or the responsible person;
- (2) The address or other description of the site upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this ordinance and the date for the completion of such remedial action;
- (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
- (6) A statement that the determination of violation may be appealed to the City of Walnut Grove by filing a written notice of appeal within thirty (30) days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).

B. Penalties

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City of Walnut Grove shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such

notice and cure period, the City of Walnut Grove may take any one or more of the following actions or impose any one or more of the following penalties.

- (1) **Stop Work Order** -The City of Walnut Grove may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
- (2) **Withhold Certificate of Occupancy** - The City of Walnut Grove may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (3) **Suspension, Revocation or Modification of Permit** - The City of Walnut Grove may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated [upon such conditions as the City of Walnut Grove may deem necessary] to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (4) **Civil Penalties** - In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the City of Walnut Grove shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the City of Walnut Grove has taken one or more of the actions described above, the City of Walnut Grove may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- (4) **Criminal Penalties** - For intentional and flagrant violations of this ordinance, the City of Walnut Grove may issue a citation to the applicant or other responsible person, requiring such person to appear in Municipal Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Section 602 Soil Erosion, Sedimentation and Pollution Control

Section 602.1 Intent

Walnut Grove intends that developers shall be required to provide, install and maintain all necessary soil erosion and sedimentation control measures in accordance with the Manual for Erosion and Sediment Control in Georgia, latest edition and any amendments thereto. The subsections that follow within this Section are to be interpreted consistent with the foregoing statement of intent.

Section 602.2 Purpose

It is hereby declared to be public policy in this Section to:

- A. Minimize the removal of vegetation and trees during the development process;
- B. Minimize the exposure of bare earth to precipitation by encouraging the scheduling of land development in increments of workable size which can be completed within a single construction season or within a time period compatible with the type and size of the project;
- C. Provide for the re-establishment of vegetation within a reasonable period following completion of final grading and utility installation;
- D. Give priority to the paving of streets, parking lots, and other areas within a reasonable time following completion of final grading; and
- E. Encourage the use of erosion control and sedimentation techniques found in "Manual for Erosion, Sedimentation and Pollution Control in Georgia" as published by the State Soil and Water Conservation Commission and as amended from time.

Section 602.3 Definitions

The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

Best Management Practices (BMPs): These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

Board: The Board of Natural Resources.

Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Certified Personnel: A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

Coastal Marshlands: Shall have the same meaning as in O.C.G.A. 12-5-282.

Commission: The Georgia Soil and Water Conservation Commission (GSWCC).

CPESC: Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.

Department: The Georgia Department of Natural Resources (DNR).

Design Professional: A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

Director: The Director of the Environmental Protection Division or an authorized representative.

District: The Walton County Soil and Water Conservation District.

Division: The Environmental Protection Division (EPD) of the Department of Natural Resources.

Drainage Structure: A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.

Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion, Sedimentation and Pollution Control Plan: A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the State General Permit, best management practices, and requirements in **Section 602.5.C.** of this ordinance.

Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

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

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

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

Ground Elevation: The original elevation of the ground surface prior to cutting or filling.

Land-Disturbing Activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in **Section 602.4, Paragraph 5.**

Larger Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public

notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

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

Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A. 12-5-440 et.seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.

Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.

NOI: A Notice of Intent form provided by EPD for coverage under the State General Permit.

NOT: A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

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

Outfall: The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

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

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

Project: The entire proposed development project regardless of the size of the area of land to be disturbed.

Properly Designed: Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

Roadway Drainage Structure: A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

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

Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Soil and Water Conservation District Approved Plan: An erosion, sedimentation and pollution control plan approved in writing by the Walton County Soil and Water Conservation District.

Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

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

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

Structural Erosion, Sedimentation and Pollution Control Practices: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

Trout Streams: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.epd.georgia.gov. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Vegetative Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- a. Permanent seeding, sprigging or planting, producing long-term vegetative cover, or
- b. Temporary seeding, producing short-term vegetative cover; or
- c. Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

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

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Section 602.4 Exemptions

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

1. Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968".
2. Granite quarrying and land clearing for such quarrying;
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
4. The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the City of Walnut Grove;
5. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;

6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of **Section 602.5.C.** of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices;
7. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
8. Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the City of Walnut Grove from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;
9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the City of Walnut Grove, the City of Walnut Grove shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;
10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the City of Walnut Grove shall enforce compliance with the minimum requirements set forth in

O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and

11. Any public water system reservoir.

Section 602.5 Minimum Requirements For Erosion, Sedimentation and Pollution Control using Best Management Practices

A. General Provisions

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of **Section 602.5. B. & C.** of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.

B. Minimum Requirements/ BMPs

1. Best management practices as set forth in **Section 602.5.B. & C.** of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12-7-6 subsection (b).
2. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a City of Walnut Grove or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.
3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a City of Walnut Grove or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.

4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
 5. The LIA may set more stringent buffer requirements than stated in **Section 602.5.C.15,16 and 17**, in light of O.C.G.A. § 12-7-6 (c).
- C. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. 12-7-1, et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
 2. Cut-fill operations must be kept to a minimum;
 3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
 4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
 5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
 6. Disturbed soil shall be stabilized as quickly as practicable;
 7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
 8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
 9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;
 10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
 11. Cuts and fills may not endanger adjoining property;
 12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
 13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
 14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in **Section 602.5.B.2.** of this ordinance;

15. Except as provided in paragraph (16) and (17) of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or where bulkheads and sea walls are installed to prevent shoreline erosion on Lake Oconee and Lake Sinclair; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:
- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and
16. There is established a 50 foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and
17. There is established a 25 foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with Chapter 5 of Title 12 of this title, the "Coastal Marshlands Protection Act of 1970." And the rules and regulations promulgated thereunder, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to Code Section 12-2-8, where an alteration within the buffer area has been authorized pursuant to Code Section 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this paragraph maintenance shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.
- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water

quality and aquatic habitat; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat; and

- b. The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer, provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
- c. The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
- c. Activities where the area within the buffer is not more than 500 square feet or that have a "Minor Buffer Impact" as defined in 391-3-7-.01(r), provided that the total area of buffer impacts is less than 5,000 square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the Division at least 14 days prior to the commencement of land disturbing activities.
- d. Nothing contained in O.C.G.A. 12-7-1 et. seq. shall prevent any City of Walnut Grove from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in **Section 602.5.B. & C.** of this ordinance.
- e. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

Section 602.6 Application/Permit Process

A. General

The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The City of Walnut Grove shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the City of Walnut Grove. However, the owner and/or operator are the only parties who may obtain a permit.

B. Application Requirements

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of Walnut Grove without first obtaining a permit from the City of Walnut Grove to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.
2. The application for a permit shall be submitted to the City of Walnut Grove and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in **Section 602.6. C.** of this ordinance. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of **Section 602.5 B. & C.** of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by three copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.
3. A fee, in the amount of \$700.00 for non-residential development and \$90.00 per lot or unit for residential development shall be charged.
4. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the Division, regardless of the existence of a City of Walnut Grove in the jurisdiction.
5. Immediately upon receipt of an application and plan for a permit, the City of Walnut Grove shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the City of Walnut Grove. No permit will be issued unless the plan has been approved by the District, and any variances required by **Section 602.5.C. 15, 16 and 17** have been obtained, all fees have been paid, and bonding, if required as per **Section 602.6 B.6.**, have been obtained. Such review will not be required if the City of Walnut Grove and the District have entered into an agreement which allows the City of Walnut Grove to conduct such review and approval of the plan without referring the application and plan to the District. The City of Walnut Grove with plan review authority shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the City of Walnut Grove with plan review authority to act within 35 days shall be considered an approval of the revised Plan submittal.
6. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the City of Walnut Grove may deny the permit application.
7. The City of Walnut Grove may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not

exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the City of Walnut Grove may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the City of Walnut Grove with respect to alleged permit violations.

C. Plan Requirements

1. Plans must be prepared to meet the minimum requirements as contained in **Section 602.5.B. & C.** of this ordinance, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20.
2. Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

D. PERMITS

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the City of Walnut Grove of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
2. No permit shall be issued by the City of Walnut Grove unless the erosion, sedimentation and pollution control plan has been approved by the District and the City of Walnut Grove has affirmatively determined that the plan is in compliance with this ordinance, any variances required by **Section 602.5.C. 15, 16 and 17** are obtained, bonding requirements, if necessary, as per **Section 602.B.6.** are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the City of Walnut Grove are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
3. Any land-disturbing activities by the City of Walnut Grove shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the City of Walnut Grove.
4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
5. The permit may be suspended, revoked, or modified by the City of Walnut Grove, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is

not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

6. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. 12-7-7 (f) (1).

Section 602.7 Inspection and Enforcement

- A. The City of Walnut Grove will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the City of Walnut Grove shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.
- B. The City of Walnut Grove must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.
- C. The City of Walnut Grove shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- D. No person shall refuse entry or access to any authorized representative or agent of the City of Walnut Grove, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- E. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

- F. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a City of Walnut Grove. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.
- G. *Construction site operators must control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.*

Section 602.8 Penalties and Incentives

A. Failure to Obtain a Permit for Land Disturbing Activity

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

B. Stop Work Orders

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

necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

C. Bond Forfeiture

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of **Section 602.6.B. 6**. The City of Walnut Grove may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. Monetary Penalties

1. Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Section 602.9 Education and Certification

- A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.
- B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.

- D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

Section 602.10 Administrative Appeal, Judicial Review

A. Administrative Remedies

The suspension, revocation, modification or grant with condition of a permit by the City of Walnut Grove upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Walnut Grove City Council within 30 days after receipt by the City of written Notice of Appeal.

B. Judicial Review

Any person, aggrieved by a decision or order of the City of Walnut Grove, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Walton County.

Section 602.11 Effectivity, Validity and Liability

A. Effectivity

This amendment shall become effective on the 18th day of September, 2017.

B. Validity

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

C. Liability

1. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the City of Walnut Grove or District for damage to any person or property.
2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.
3. No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

Section 603 Flood Damage Prevention Ordinance

Section 603.1 Introduction

It is hereby determined that:

The flood hazard areas of Walnut Grove, Georgia are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

Flood hazard areas can serve important stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological purposes when permanently protected as undisturbed or minimally disturbed areas.

Effective floodplain management and flood hazard protection activities can (1) Protect human life and health; (2) Minimize damage to private property; (3) Minimize damage to public facilities and infrastructure such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains; and (4) Minimize expenditure of public money for costly flood control projects associated with flooding and generally undertaken at the expense of the general public.

Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, Walnut Grove, Georgia, does ordain this ordinance and establishes this set of floodplain management and flood hazard reduction policies for the purpose of regulating the use of flood hazard areas. It is determined that the regulation of flood hazard areas and the prevention of flood damage are in the public interest and will minimize threats to public health and safety, as well as to private and public property.

Section 603.2 General Provisions

A. Purpose and Intent

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetlands preservation and ecological and environmental protection by provisions designed to:

- (1) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (2) Restrict or prohibit uses which are dangerous to health, safety and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion;
- (3) Control filling, grading, dredging and other development which may increase flood damage or erosion;
- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;

- (5) Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; and,
- (6) Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.

B. Applicability

This ordinance shall be applicable to all Areas of Special Flood Hazard with Walnut Grove, Georgia.

C. Designation of Ordinance Administrator

The Mayor, or his/her designee, is hereby appointed to administer and implement the provisions of this ordinance.

D. Basis for Area of Special Flood Hazard – Flood Area Maps and Studies

For the purposes of this ordinance, the following are adopted by reference:

- (1) The Flood Insurance Study (FIS), dated February 16, 1990, with accompanying maps and other supporting data and any revision thereto are hereby adopted by reference.
- (2) Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the 100-year floodplain and flood-prone areas include:
 - (a) Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey or any other local, State or Federal agency applicable to Walton County; or
 - (b) Any base flood study authored by a registered professional engineer in the State of Georgia which has been prepared by FEMA approved methodology and approved by the City of Walnut Grove.
- (3) Other studies which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and flood-prone areas include:
 - (a) Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, State or Federal agency applicable to Walton County; or
 - (b) Any future-conditions flood study authored by a registered professional engineer in the State of Georgia which has been prepared by FEMA approved methodology approved by the City of Walnut Grove.
- (4) The repository for public inspection of the FIS, accompanying maps and other supporting data is located at 2581 Leone Avenue Loganville (Walnut Grove) GA 30052-0046 in the City Clerk's Office.

E. Compatibility with Other Regulations

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision

of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or impose higher protective standards for human health or the environment shall control.

F. Severability

If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

G. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Walnut Grove or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

Section 603.3 Definitions

- **ADDITION (TO AN EXISTING BUILDING):** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered New Construction.
- **APPEAL:** A request for a review of the Director's interpretation of any provision of this ordinance.
- **AREA OF SHALLOW FLOODING:** A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
- **AREA OF SPECIAL FLOOD HAZARD:** The land subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and flood prone areas at or below the base flood elevation (including A, A1-30, A99, AE, AO, AH, and AR on the FHB or the FIRM), all floodplain and flood prone areas at or below the future-conditions flood elevation, and all other flood prone areas as referenced in Section 100 Subsection D. All streams with a drainage area of 100 acres or greater shall have the area of special flood hazard delineated.
- **BASE FLOOD:** The flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood.
- **BASE FLOOD ELEVATION:** The highest water surface elevation anticipated at any given point during the base flood.
- **BASEMENT:** That portion of a building having its floor subgrade (below ground level) on all sides.
- **BUILDING:** Any structure built for support, shelter, or enclosure for any occupancy or storage.

- **DEVELOPMENT:** Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials.
- **ELEVATED BUILDING:** A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.
- **EXISTING CONSTRUCTION:** Any structure for which the “start of construction” commenced before December 3, 2002.
- **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before December 3, 2002.
- **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.
- **FEMA:** The Federal Emergency Management Agency.
- **FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland or tidal waters; or (b) the unusual and rapid accumulation or runoff of surface waters from any source.
- **FLOOD HAZARD BOUNDARY MAP (FHBM):** An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.
- **FLOOD INSURANCE RATE MAP (FIRM):** An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.
- **FLOOD INSURANCE STUDY (FIS):** The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.
- **FLOODPLAIN:** Any land area susceptible to flooding.
- **FLOODPROOFING:** Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- **FLOODWAY OR REGULATORY FLOODWAY:** The channel of a stream or other watercourse and the adjacent areas of the floodplain which is necessary to contain and discharge the base flood flow without cumulatively increasing the base flood elevation more than one foot.

- FUNCTIONALLY DEPENDENT USE: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.
- FUTURE CONDITIONS FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100-year future-conditions flood.
- FUTURE-CONDITIONS FLOOD ELEVATION: The flood standard equal to or higher than the Base Flood Elevation. The Future-Conditions Flood Elevation is defined as the highest water surface anticipated at any given point during the future-conditions flood.
- FUTURE-CONDITIONS FLOODPLAIN: Any land area susceptible to flooding by the future-conditions flood.
- FUTURE-CONDITIONS HYDROLOGY: The flood discharges associated with projected land-use conditions based on a community's zoning map, comprehensive land-use plans, and/or watershed study projections, and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.
- HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.
- HISTORIC STRUCTURE: Any structure that is:
 - (a) Listed individually in the National Register of Historic Places (a listing maintained by the U. S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (c) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (d) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior, or
 - 2. Directly by the Secretary of the Interior in states without approved programs.
- LOWEST FLOOR: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this ordinance.
- MANUFACTURED HOME: A building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and

similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

- **MEAN SEA LEVEL:** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance the term is synonymous with National Geodetic Vertical Datum (NGVD) and/or the North American Vertical Datum (NAVD) of 1988.
- **NATIONAL GEODETIC VERTICAL DATUM (NGVD):** Corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.
- **NEW CONSTRUCTION:** Any structure (see definition) for which the “start of construction” commenced after December 3, 2002 and includes any subsequent improvements to the structure.
- **NEW MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the
- manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after December 3, 2002.
- **NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988:** A vertical control used as a reference for establishing varying elevations within the floodplain.
- **OWNER:** The legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.
- **PERMIT:** The permit issued by the City of Walnut Grove to the applicant which is required prior to undertaking any development activity.
- **RECREATIONAL VEHICLE:** A vehicle which is: built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently tow-able by a light duty truck; and, designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- **SITE:** The parcel of land being developed, or the portion thereof on which the development project is located.
- **START OF CONSTRUCTION:** The date the permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are not exempt from any ordinance requirements). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- **STRUCTURE:** A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.
- **SUBDIVISION:** The division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.
- **SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- **SUBSTANTIAL IMPROVEMENT:** Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a 10-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the building means (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage" regardless of the actual amount of repair work performed. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project.
- **SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.
- **VARIANCE:** A grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.
- **VIOLATION:** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Section 603.4 Permit Procedures and Requirements

A. Permit Application Requirements

- (1) No owner or developer shall perform any development activities on a site where an Area of Special Flood Hazard is located without first meeting the requirements of this ordinance prior to commencing the proposed activity.
- (2) Unless specifically excluded by this ordinance, any landowner or developer desiring a permit for a development activity shall submit to the City of Walnut Grove a permit application on a form provided by the City of Walnut Grove for that purpose.

- (3) No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this ordinance.

B. Floodplain Management Plan Requirements

An application for a development project with any Area of Special Flood Hazard located on the site will be required to include a floodplain management/flood damage prevention plan. This plan shall include the following items:

- (1) Site plan drawn to scale which includes but is not limited to:
 - (a) Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;
 - (b) For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one-foot contour elevations throughout the building site;
 - (c) Proposed locations of water supply, sanitary sewer, and utilities;
 - (d) Proposed locations of drainage and stormwater management facilities;
 - (e) Proposed grading plan;
 - (f) Base flood elevations and future-conditions flood elevations;
 - (g) Boundaries of the base flood floodplain and future-conditions floodplain;
 - (h) If applicable, the location of the floodway; and
 - (i) Certification of the above by a registered professional engineer or surveyor.
- (2) Building and foundation design detail, including but not limited to:
 - (a) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
 - (b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
 - (c) Certification that any proposed non-residential flood-proofed structure meets the criteria in Section 500, Subsection B.2;
 - (d) For enclosures below the base flood elevation, location and total net area of foundation openings as required in Section 500, Subsection A.5;
 - (e) Design plans certified by a registered professional engineer or architect for all proposed structure(s).
- (3) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
- (4) Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre-and post-development conditions' base flood elevations, future-conditions flood elevations, flood protection elevations, Special Flood Hazard Areas and regulatory

floodway widths, flood profiles and all other computations and other information similar to that presented in the FIS;

- (5) Copies of all applicable State and Federal permits necessary for proposed development; and
- (6) All appropriate certifications required under this ordinance.
- (7) The approved floodplain management/flood damage prevention plan shall contain certification by the applicant that all development activities will be done according to the plan or previously approved revisions. Any and all development permits and/or use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

C. Construction Stage Submittal Requirements

- (1) For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the Mayor a Certified As-built Elevation Certificate or Flood-proofing Certificate for non-residential construction including the lowest floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is completed. A final Elevation Certificate shall be provided after completion of construction including final grading of the site. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
- (2) Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The Mayor, or designee, shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit certification or failure to make the corrections required hereby shall be cause to issue a stop work order for the project.

D. Duties and Responsibilities of the Administrator

Duties of the Mayor, in consultation with the City Engineer, shall include, but shall not be limited to:

- (1) Review all development applications and permits to assure that the requirements of this ordinance have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
- (2) Require that copies of all necessary permits from governmental agencies from which approval is required by Federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, be provided and maintained on file;
- (3) When Base Flood Elevation data or floodway data have not been provided, then the Mayor shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, state or other sources in order to meet the provisions of Sections 603.5 and 603.6;

- (4) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures;
- (5) Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been flood-proofed;
- (6) When flood-proofing is utilized for a non-residential structure, the Mayor shall obtain certification of design criteria from a registered professional engineer or architect;
- (7) Notify affected adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- (8) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions) the Mayor shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area graphically delineated on the floodplain maps; and,
- (9) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Mayor and shall be open for public inspection.

Section 603.5 Standards for Development

A. Definition of Floodplain Boundaries

- (1) Studied "A" zones, as identified in the FIS, shall be used to establish base flood elevations whenever available.
- (2) For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations shall be provided by a registered professional engineer using a method approved by FEMA and the City Engineer.

B. Definition of Floodway Boundaries

- (1) The width of a floodway shall be determined from the FIS or FEMA approved flood study. For all streams with a drainage area of 100 acres or greater, the regulatory floodway shall be determined by a registered professional engineer using a method approved by FEMA and the City Engineer.

C. General Standards

- (1) No development shall be allowed within the future-conditions floodplain that could result in any of the following:
 - (a) Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;
 - (b) Reducing the base flood or future-conditions flood storage capacity;

- (c) Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area; or,
 - (d) Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.
- (2) Any development within the future-conditions floodplain allowed under (1) above shall also meet the following conditions:
- (a) Compensation for storage capacity shall occur between the average ground water table elevation and the base flood elevation for the base flood, and between the average ground water table elevation and the future-condition flood elevation for the future-conditions flood, and lie either within the boundaries of ownership of the property being developed and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the top of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel;
 - (b) Cut areas shall be stabilized and graded to a slope of no less than 2.0 percent;
 - (c) Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;
 - (d) Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of Section 603.5, Subsection D;
 - (e) Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, shall be located and constructed to minimize or eliminate infiltration or contamination from flood waters; and
 - (f) Any significant physical changes to the base flood floodplain shall be submitted as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the City Engineer using the Community Consent forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval shall be the responsibility of the applicant. Within six months of the completion of construction, the applicant shall submit as-built surveys for a final Letter of Map Revision (LOMR).

D. Engineering Study Requirements for Floodplain Encroachments

An engineering study is required, as appropriate to the proposed development activities on the site, whenever a development proposes to disturb any land within the future-conditions floodplain, except for a residential single-lot development on streams without established base flood elevations and/or floodways for which the provisions of Section 603.6, Subsection D apply. This study shall be prepared by a currently registered Professional Engineer in the State of Georgia and

made a part of the application for a permit. This information shall be submitted to and approved by the City Engineer to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include:

- (1) Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;
- (2) Step-backwater analysis, using a FEMA-approved methodology approved by the City of Walnut Grove. Cross-sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating FIS results and will then be rerun with the proposed modifications to determine the new base flood profiles, and future-conditions flood profiles;
- (3) Floodplain storage calculations based on cross-sections (at least one every 100 feet) showing existing and proposed floodplain conditions to show that base flood floodplain and future-conditions floodplain storage capacity would not be diminished by the development;
- (4) The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all future-conditions floodplain encroachments.

E. Floodway Encroachments

Located within Areas of Special Flood Hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity flood waters, debris or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- (1) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in (2) below;
- (2) Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof; and,
- (3) If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway shall be issued by the City of Walnut Grove until an affirmative Conditional Letter of Map Revision (CLOMR) is issued by FEMA and a no-rise certification is approved by the City Engineer.

F. Maintenance Requirements

The owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on his property so that the flood-carrying or flood storage capacity is not diminished. The City may direct the property owner (at no cost to the City of Walnut Grove) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the City Clerk, or his/her designee.

Section 603.6 Provisions for Flood Damage Reduction

A. General Standards

In all Areas of Special Flood Hazard, the following provisions apply:

- (1) New construction of principal buildings (residential or non-residential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of Section 603.5, Subsections C, D, and E have been met;
- (2) New construction or substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (3) New construction or substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (5) Elevated Buildings – All new construction and substantial improvements of existing structures that include any fully enclosed area located below the lowest flood formed by foundation and other exterior walls shall be designed so as to be an unfinished and flood resistant enclosure.

The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

- (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one foot above grade; and,
 - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.
- (b) So as not to violate the "Lowest Floor" criteria of this Section, the unfinished and flood resistant enclosure shall solely be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and,
- (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (6) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located three (3) feet above the base flood elevation or one (1) foot above the future-

conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding

- (7) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces;
- (8) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (9) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (10) On-site waste disposal systems shall be located and constructed to avoid impairment to them, or contamination from them, during flooding; and,
- (11) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.
- (12) If the proposed development is located in multiple flood zones or multiple base flood elevations cross the proposed site, the higher or more restrictive base flood elevation or future condition elevation and development standards shall take precedence.

B. Building Standards for Structures and Buildings Within the Future-Conditions Floodplain

The following provisions, in addition to those in Section 603.6, Subsection A, shall apply:

- (1) Residential Buildings
 - (a) New Construction. New construction of principal buildings, including manufactured homes shall not be allowed within the limits of the future-conditions floodplain unless Section 605.3, Subsections C, D, and E have been met. If all of the requirements of Section 605.3, Subsections C, D, and E have been met, all new construction shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 603.6, Subsection A.5.
 - (b) Substantial Improvements. Substantial improvement of any principal structure or manufactured home shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of flood waters shall be provided in accordance with the standards of Section 603.6, Subsection A.5.

(2) Non-Residential Buildings

- (a) New Construction. New construction of principal buildings, including manufactured homes shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Section 603.5, Subsections C, D, and E have been met. New construction that has met all of the requirements of Section 603.5, Subsections C, D, and E may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one (1) foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered Professional Engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Mayor.
- (b) Substantial Improvements. Substantial improvement of any principal non-residential structure located in A1-30, AE, or AH Zones, may be authorized by the Mayor to be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered Professional Engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Mayor.

(3) Accessory Structures and Facilities

Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking lots, recreational facilities and other similar non-habitable structures and facilities) which are permitted to be located within the limits of the floodplain shall be constructed of flood-resistant materials and designed to pass all floodwater in accordance with Section 603.6, Subsection A.5 and be anchored to prevent flotation, collapse or lateral movement of the structure.

(4) Standards for Recreational Vehicles

All recreational vehicles placed on site must either:

- (a) Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
- (b) The recreational vehicle must meet all the requirements for Residential Buildings – Substantial Improvements (Section 500, Subsection B.1(b), including the anchoring and elevation requirements.

- (5) Standards for Manufactured Homes
 - (a) New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of Section 603.5, Subsections C, D, and E have been met.
 - (b) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:
 - (i) The lowest floor of the manufactured home is elevated no lower than three (3) feet above the level of the base flood elevation, or one (1) foot above the future-conditions flood elevation, whichever is higher; or
 - (ii) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
 - (c) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with standards of Section 603.6, Subsection A.7.

C. Building Standards for Structures and Buildings Authorized Adjacent to the Future-Conditions Floodplain

- (1) Residential Buildings – For new construction or substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, shall be at least three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher.
- (2) Non-Residential Buildings – For new construction or substantial improvement of any principal non-residential building, the elevation of the lowest floor, including basement and access to the building, shall be at least one (1) foot above the level of the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher.

D. Building Standards for Residential Single-Lot Developments on Streams Without Established Base Flood Elevations and/or Floodway (A-Zones)

For a residential single-lot development not a part of a subdivision that has Areas of Special Flood Hazard, where streams exist but no base flood data have been provided (A-Zones), the Mayor shall review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation and floodway data, or future-conditions flood elevation data available from a Federal, State, local or other source, in order to administer the provisions and standards of this ordinance.

If data are not available from any of these sources, the following provisions shall apply:

- (1) No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or fifty (50) feet from the top of the bank of the stream, whichever is greater.
- (2) In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the

unimpeded movements of floodwaters shall be provided in accordance with Section 603.6, Subsection A.5.

E. Building Standards for Areas of Shallow Flooding (AO Zones)

Areas of Special Flood Hazard may include designated "AO" shallow flooding areas. These areas have base flood depths of one (1) to three (3) feet above ground, with no clearly defined channel.

In these areas the following provisions apply:

- (1) All substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the flood depth number in feet specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 603.6, Subsection A.5.
- (2) Substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one (1) foot above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice; and,
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

F. Standards for Subdivisions

- (1) All subdivision proposals shall identify the special flood hazard area and provide base flood elevation data and future-conditions flood elevation data;
- (2) All residential lots in a subdivision proposal shall have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required;
- (3) All subdivision plans will provide the elevations of proposed structures in accordance with Section 603.3, Subsection B.
- (4) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (5) All subdivision proposals shall have public utilities and facilities such as water, sanitary sewer, gas, and electrical systems located and constructed to minimize or eliminate infiltration of flood waters, and discharges from the systems into flood waters; and,
- (6) All subdivision proposals shall include adequate drainage and stormwater management facilities per the requirements of Walnut Grove to reduce potential exposure to flood hazards.

Section 603.7 Variance Procedures

The following variance and appeals procedures shall apply to an applicant who has been denied a permit for a development activity, or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this ordinance. A request for a variance may be submitted by an applicant who has been denied a permit by the City of Walnut Grove or by an owner or developer who has not previously applied for a permit for the reasons stated herein above.

- (1) Requests for variances from the requirements of this ordinance shall be submitted to the City of Walnut Grove. All such requests shall be heard and decided in accordance with procedures to be published in writing by the City of Walnut Grove in consultation with the City Engineer. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
- (2) Any person adversely affected by any decision of the City Engineer shall have the right to appeal such decision to the Mayor and Council. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
- (3) Any person aggrieved by the decision of the Mayor and Council may appeal such decision to the Superior Court of Walton County, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.
- (4) Variances may be issued for the repair or rehabilitation of Historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an Historic structure, and the variance issued shall be the minimum necessary to preserve the historic character and design of the structure.
- (5) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Section are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (6) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (7) In reviewing such requests the Walnut Grove Planning and Zoning Commission and the Mayor and Council shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.
- (8) Conditions for variances:
 - (a) A variance shall be issued only when there is:
 - (i) a finding of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship; and,
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance.

- (b) The provisions of this ordinance are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a Historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
 - (c) Any person to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
 - (d) The City Clerk shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (9) Any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as the Walnut Grove Planning and Zoning Commission and the Mayor and Council shall deem necessary to the consideration of the request.
 - (10) Upon consideration of the factors listed above and the purposes of this ordinance, the Walnut Grove Planning and Zoning Commission and the Mayor and Council may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this ordinance.
 - (11) Variances shall not be issued "after the fact".

Section 603.8 Violations, Enforcement and Penalties

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved stormwater management plan or permit, may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

A. Notice of Violation

If the City of Walnut Grove determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

- (1) The name and address of the owner or the applicant or the responsible person;
- (2) The address or other description of the site upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;

- (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this ordinance and the date for the completion of such remedial action;
- (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
- (6) A statement that the determination of violation may be appealed to the City Clerk by filing a written notice of appeal within thirty (30) days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).

B. Penalties

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City of Walnut Grove shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten (10) days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the City of Walnut Grove may take any one or more of the following actions or impose any one or more of the following penalties.

(1) Stop Work Order

The City of Walnut Grove may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.

(2) Withhold Certificate of Occupancy

The City of Walnut Grove may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

(3) Suspension, Revocation or Modification of Permit

The City of Walnut Grove may suspend, revoke or modify the permit authorizing the development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the City may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(4) Civil Penalties

In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days, or such greater period as the City of Walnut Grove shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the City of Walnut Grove has taken one or more of the actions described above, the City of Walnut Grove may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains un-remedied after receipt of the notice of violation.

(5) Criminal Penalties

For intentional and flagrant violations of this ordinance, the City of Walnut Grove may issue a citation to the applicant or other responsible person, requiring such person to appear in Municipal Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Section 604 Dam Regulations

Section 604.1 Purpose

The purpose of this Article is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements for the construction and maintenance of dams.

Section 604.2 Applicability

Any development or land disturbing activity that involves a property that is proposed to contain a dam shall comply with the provisions of this Article as well as all other provisions of this Ordinance.

Section 604.3 Dam Safety Regulations

A. Dams proposed to be 25 feet or more in height or proposed to have an impounding capacity of 100 acre-feet or more at maximum water storage elevation shall be subject to the following:

1. The design and construction of any new dam shall be subject to the requirements of the Georgia Safe Dams Act and Rules for Dam Safety adopted by the Georgia Department of Natural Resources. The developer shall obtain necessary approvals and permits from the Environmental Protection Division of the Georgia Department of Natural Resources for the project and the dam prior to securing a Development Permit from the Department.
2. The Developer shall provide a dam breach analysis, prepared by a Registered Professional Engineer, utilizing the computer model entitled "DAMBRK". The dam breach analysis shall be reviewed by the County for potential impacts to downstream properties. The Applicant may be required to obtain dam breach easements, if in the opinion of Walnut Grove, potential adverse impacts to downstream properties exist.

3. Prior to recording of a Final Plat or issuance of a Certificate of Occupancy, as appropriate, an as-built certification from a registered professional engineer shall be submitted to the Department. The certification shall state that the dam is constructed in accordance with the provisions of these regulations as well as the authorized construction plans. If the project is for the development of a subdivision, the developer shall also establish a legal entity, acceptable to the County, such as a mandatory Property Owners Association, prior to approval of the Final Plat, responsible for the maintenance of the dam and its impoundment.
- B. Dams proposed to be 9 feet or more in height, but less than 25 feet in height, in combination with an impounding capacity proposed to be 20 acre-feet or more at maximum water storage elevation, but less than 100 acre-feet, shall be subject to the following:
1. If the developer elects not to construct the new dam to the design standards for new dams as contained in the Rules for Dam Safety, then a dam breach analysis for the dam shall be submitted with the construction plans for review and authorization prior to securing a Development Permit from the City. The design engineer shall utilize the computer model entitled "DAMBRK" for the dam breach analysis.
 2. Should the new dam not meet the design standards for new dams as contained in the Rules for Dam Safety, then only the following uses and structures shall be permitted within the dam breach zone:
 - a. Agriculture which requires no structures for human habitation within the dam breach zone including forestry, livestock raising, and agricultural and forestry access roads.
 - b. Fences.
 - c. Outdoor advertising signs provided they are located no closer than 100-feet from any residence or place of business.
 - d. Roads, driveways and parking areas.
 - e. Utility poles, towers, pipelines, water treatment outfalls and facilities, or similar facilities and structures.
 3. If the developer elects to construct the new dam in accordance with the design standards for new dams as contained in the Rules for Dam Safety, then new development shall be permitted within the dam breach zone. However, the dam shall meet the design standards for new dams as contained in the Rules for Dam Safety if development currently exists or is proposed in the dam breach zone.
 4. Construction plans for new dams defined herein shall be submitted to Walnut Grove for review for the project and the dam prior to securing a Development Permit from the City.
 5. For any dam that is proposed not to meet the design standards for new dams as contained in the Rules for Dam Safety, the developer shall obtain a dam breach easement, recorded with the Clerk of Superior Court, from any offsite property owner where it is proposed for the dam breach zone to

extend off the property where the dam is being constructed. The developer shall also cause a dam breach easement to be recorded upon the property being developed.

6. Prior to recording of a Final Plat or issuance of a Certificate of Occupancy, as appropriate, an as-built certification from a registered professional engineer shall be submitted to the City. The certification shall state that the dam is constructed in accordance with the provisions of these regulations as well as the authorized construction plans. If the project is for the development of a subdivision, the developer shall also establish a legal entity, acceptable to Walnut Grove, such as a mandatory Property Owners Association, at time of recording of the Final Plat, responsible for the maintenance of the dam and its impoundment.

Section 604.4 Existing Dams

Existing dams that are located on a project site and will remain after construction is complete, shall comply with the provisions of Section 604 and all referenced articles as if they were new dams.

Section 604.5 Existing Category II Dams

When an existing Category II dam may be reclassified to a Category I dam because of a proposed development downstream of the dam, the following shall be provided by the developer for review by the Georgia Safe Dams Program.

- A. Location of the Category II dam and the proposed development; and,
- B. A surveyed cross-section of the stream valley at the location of the proposed development including finished floor elevations; and,
- C. A dam breach analysis using the Dambreak computer model to establish the height of the floodwave in the downstream floodplain. The Dambreak modeling shall be completed in accordance with the Safe Dams Program Quality Assurance Program by a qualified registered engineer.

Section 605 Litter

Section 605.1 Definition

Litter means all sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals, discarded materials of every kind and description or paper products of every kind and description including, but not limited to advertising materials, newspapers, promotional papers, letters, bills, publications, or other writings.

Section 605.2 Dumping, Depositing, etc. Litter on Public or Private Property or Waters

- A. It shall be unlawful for any person or persons to dump, deposit, throw, or leave or to cause or permit the dumping, depositing, placing, burning, throwing or leaving of litter on any public or private property in this county or any waters in this county, unless:

1. The property is designated by the state or by any of its agencies or political subdivisions for the disposal of litter and the person is authorized by the proper public authority to use such property;
 2. The litter is placed into a litter receptacle or container installed on such property.
- B. Any person who violates Subsection A of this Section upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 or imprisonment of 60 days or both.

Section 605.3 Prima-Facie Evidence

- A. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane or other conveyance in violation of Section 605.2 it shall be prima-facie evidence that the operator of the conveyance has violated this ordinance.
- B. Except as provided in Section 605.2, Paragraph A.1, A.2 or A.3 of this Section, whenever any litter which is dumped, deposited, thrown or left on public or private property in violation of Section 605.2 is discovered to contain any article or articles, including, but not limited to letters, bills, publications or other writings which displayed the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be prima-facie evidence that such person has violated this ordinance.

Section 605.4 Enforcement of This Ordinance

All law enforcement agencies and officers of Walnut Grove and any person, officer or constable appointed by the City Council of Walnut Grove, Georgia is authorized, empowered, and directed to enforce compliance with this ordinance.

Section 605.5 Receptacles to be Provided

All public authorities and agencies having supervision of properties of this county are authorized, empowered and instructed to establish and maintain receptacles for the deposit of litter at appropriate locations where the property is frequented by the public, to post signs directing persons to the receptacles and to otherwise publicize the availability of litter receptacles and requirements of this ordinance.

Section 605.6 Designation of Containers for Household Garbage; Misuse or Vandalization of Container

- A. As used in this Section, the term "household garbage" means animal, vegetable and fruit refuse matter and other refuse matter ordinarily generated as by-products of a household or restaurant, such as tin cans, bottles, paper, cardboard, plastics, and wrapping or packaging materials.
- B. The governing authority of Walnut Grove, Georgia which provides containers for the dumping of trash or garbage therein shall be authorized to designate any or all such containers as being suitable for the dumping therein of household garbage only
- C. If a container is clearly marked "household garbage only," it shall be unlawful for any person to dump any refuse or other material into the container other than household garbage.

- D. It shall be unlawful for any person to set fire to the contents of, indiscriminately scatter or disperse the contents of, or otherwise vandalize any containers provided by Walnut Grove for the dumping of trash or garbage.
- E. Any person who violates Subsection C or D of this Section upon conviction thereof shall be punished by a fine of not more than \$1,000.00 or imprisonment of 60 days, or both.

Section 606 Noise Limitations

The making of excessive, unnecessary or unusually loud noises are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the unincorporated areas of Walnut Grove, Georgia; and the necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of Walnut Grove, Georgia, and its inhabitants.

Section 606.1 Noises Prohibited

- A. It shall be unlawful for any persons to make, continue or cause to be made or continued any loud, unnecessary or unusual sound or noise which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the county, and in addition, to be unlawful, the sound or noise must be audible to a person of normal hearing ability more than 200 feet from the point of origin of this sound or noise.
- B. The following acts among others are declared to be loud, disturbing and unnecessary sounds or noises in violation of this section, but this enumeration shall not be deemed to be exclusive:
 - 1. Pile drivers, hammers, and similar equipment. The operation between the hours of 10:00pm and 7:00am of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by unreasonably loud or unusual sounds or noises is prohibited.
 - 2. Recreational Vehicles, blowers and engines. The operation of any noise-creating blower or power fan or any internal-combustion engine, the operation of which causes noises due to the explosion of operating gases or fluids is prohibited unless the noise from the blower or fan is muffled and the engine is equipped with a muffler device reasonably sufficient to deaden the noise.
 - 3. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine is prohibited except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - 4. Loudspeakers, amplifiers for advertising. The using or operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public

to any building or structure is prohibited. Announcements over loudspeakers shall only be made by the announcer in person and without the aid of any mechanical device.

5. Construction or repair of buildings. The erection, excavating, demolition, alteration or repair of any building, other than between the hours of 7:00am and 10:00pm on weekdays and 9:00am and 10:00pm on weekends, is hereby prohibited; except that the building inspector may determine when the loss of inconvenience that would result to any party in interest is of such a nature as to warrant special consideration, then the building inspector may grant a permit for a period not to exceed ten (10) days or less for this work to be done between the hours of 10:00pm and 7:00am.
6. Keeping animals, birds. Anyone who keeps or maintains an animal or bird that unreasonably disturbs the comfort or repose of any person or persons because the animal or bird is emitting frequent or long-continued sound or noise, and who continues to keep, maintain or allow any animal or bird to so disturb the comfort or repose of any person or persons shall be deemed in violation of this section; provided the person keeping or maintaining the animal or bird has been first notified in writing by certified mail, return receipt requested, by the complaining party that this animal or bird being kept by the addressee is unreasonably disturbing his or her comfort or repose. This section shall be liberally construed to accomplish the objective thereof and the person making this written notification need not use the exact words of this section to the addressee so long as the notification sufficiently informs the addressee of the nature of the disturbing noise emitted by the animal or bird.

Table 100-1, the Table of Maximum Permitted Sound Levels, below establishes the maximum permissible noise levels for authorized conditional and permitted commercial uses in the AG, C-1, C-2, and M-1 districts. Upon determination by the Mayor, any such business is emitting noise levels which appear to exceed those limits as listed below, the property owner shall be required to provide the City with decibel readings obtained by a certified professional in accordance with the following: Measurements shall be taken at the boundary line of the lot on which the use is located, and, as indicated, the maximum permissible noise levels vary according to the zoning of the lot adjacent to the lot on which the AG, C-1, C-2, or M-1 use is located. A decibel is a measure of a unit of sound pressure. Since sound waves having the same decibel level sound louder or softer to the human ear depending upon the frequency of the sound wave in cycles-per-second (i.e., whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this Section. Accordingly, all measurements are expressed in dB (A) to reflect the use of this A-weighted filter. The standards established in the Table set forth in Table 1 below are expressed in terms of the Equivalent Sound Level (Leq), which must be calculated by taking 100 instantaneous A-weighted sound levels at 10-second intervals and computing the Leq., both in accordance with a noise measurement data sheet and a computational work sheet which shall be promulgated by the City. Table 100-1, is as follows:

Zoning	Adj. to Res. 7 AM to 7 PM	Adj. to Res. 7Pm to 7 AM	Adj. to B-1/ B-2	Adj. to M-1/ M-2
A-1, A-2	50	45	55	60
M-1, M-2	50	45	60	65
B-1, B-2	50	45	55	55

Impact noises generated by sources that do not operate more than one minute in any one-hour period are permissible up to a level of 10 dB (a) in excess of the figures listed in Table 100-1 above, except that this higher level of permissible noise shall not be measured using the fast response of the sound level meter. Noise resulting from emergency signaling devices, refuse collection vehicles and other public service operations shall be exempt from the requirements of this section. Sound level shall be measured with a sound meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association.

C. Provided, that the provisions of this section shall not apply to or be enforced against:

1. Any necessary public business or project;
2. Excavations or repairs of streets by or on behalf of the county or state at night when public welfare and convenience renders it impossible to perform this work during the day; or
3. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

Section 607 Discharge and Connection Stormwater Ordinance

Section 607.1 Purpose/Intent

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Walnut Grove, Georgia through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user

- (1) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system
- (2) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

Section 607.2 Definitions

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency: employees or designees of the director of the municipal agency designated to enforce this ordinance.

Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater,

receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

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

Construction Activity. Activities subject to NPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 5 acres or more. Beginning in March 2003, NPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section X of this ordinance.

Illicit Connections. An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Person. means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

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

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Section 607.3 Applicability

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

Section 607.4 Responsibility for Administration

The City of Walnut Grove shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

Section 607.5 Severability

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

Section 607.6 Ultimate Responsibility

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Section 607.7 Discharge Prohibitions

Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The following discharges are exempt from discharge prohibitions established by this ordinance:

- (1) Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater de-watering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if de-chlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.
- (2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- (3) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
- (4) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Prohibition of Illicit Connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Section 607.8 Suspension of MS4 Access

Suspension due to Illicit Discharges in Emergency Situations

The City of Walnut Grove may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

Section 607.9 Industrial or Construction Activity Discharges

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Walnut Grove prior to the allowing of discharges to the MS4.

Section 607.10 Monitoring of Discharges

1. Applicability.

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

2. Access to Facilities.

- (1) The City of Walnut Grove shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
- (2) Facility operators shall allow the City of Walnut Grove ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

- (3) The City of Walnut Grove shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.
- (4) The City of Walnut Grove has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City of Walnut Grove and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (6) Unreasonable delays in allowing the City of Walnut Grove access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
- (7) If the City of Walnut Grove has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

Section 607.11 Requirement to prevent, control, and reduce storm water pollutants by the use of Best Management Practices

The City of Walnut Grove will adopt requirements identifying Best Management Practices for any activity, operation, or facility, which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

Section 607.12 Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Section 607.13 Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Walnut Grove within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section 607.14 Enforcement

1. Notice of Violation.

Whenever the City of Walnut Grove finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Section 607.15 Appeal of Notice of Violation

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 30 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

Section 607.16 Enforcement Measures After Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 30 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Section 607.17 Cost of Abatement of the Violation

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the City by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 8 percent per annum shall be assessed on the balance beginning on the 5th day following discovery of the violation.

Section 607.18 Injunctive Relief

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Section 607.19 Compensatory Action

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Section 607.20 Violations Deemed a Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Section 607.21 Criminal Prosecution

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$100.00 dollars per violation per day and/or imprisonment for a period of time not to exceed the maximum penalties specified in O.C.G.A. 36-1-20. The authorized enforcement agency may recover all attorneys' fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

Section 607.22 Remedies Not Exclusive

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Section 607.23 Adoption of Ordinance

This ordinance shall be in full force and effect 30 days after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 608 General Construction Site Waste Management Ordinance

Construction Waste and Hazardous Waste Control

Section 608.1 Discarded Building Materials and Construction Waste Disposal Requirements

- A. Building materials, litter, sanitary waste, and other construction site wastes must be properly managed and disposed of to reduce the risk of pollution from materials such as surplus or refuse building materials or hazardous wastes.
- B. Practices such as trash disposal, recycling, proper material handling, and spill prevention and cleanup measures must be implemented to reduce the potential for storm water runoff to mobilize construction site wastes and contaminate surface or ground water.
- C. The proper management and disposal of wastes should be practiced at all construction sites to reduce storm water runoff.
 - 1. Waste management practices must be used to properly locate refuse piles.
 - 2. Cover materials that may be displaced by rainfall or storm water runoff.
 - 3. Prevent all spill and leaks of hazardous wastes.
- D. Guidelines for proper handling, storage, and disposal of construction site wastes must be posted in storage and use areas on site

Section 608.2 Storage and Disposal of Construction Site Waste

- A. Designate a waste collection area onsite that does not receive a substantial amount of runoff from upland areas and does not drain directly to a waterbody.
- B. Ensure that containers have lids so they can be covered before periods of rain. Keep containers in a covered area whenever possible.
- C. Schedule waste collection to prevent the containers from overfilling.
- D. Clean up spills immediately. For hazardous materials, follow cleanup instructions on the package. Use an absorbent material such as sawdust or kitty litter to contain the spill.
 - 1. During the demolition phase of construction, provide extra containers and schedule more frequent pickups.
 - 2. Collect, remove, and dispose of all construction site wastes at authorized disposal areas.

Section 608.3 Disposal of Hazardous Materials

- A. Steps must be taken to ensure the proper disposal of hazardous materials:
1. Local waste management authorities must be consulted about the requirements for disposing of hazardous materials.
 2. A hazardous waste container must be emptied and cleaned before it is disposed of to prevent leaks.
 3. The original product label must never be removed from the container as it contains important safety information. Follow manufacturer's recommended method of disposal, which should be printed on the label.
 4. If excess products need to be disposed of, they must never be mixed during disposal unless specifically recommended by the manufacturer.
- B. Consult State or local solid waste regulatory agencies or private firms to ensure the proper disposal of contaminated soils that have been exposed to and still contain hazardous substances.
- C. The following practices must be used to reduce risks associated with pesticides or to reduce the amount of pesticides that come in contact with storm water:
1. Follow all federal, state, and local regulations that apply to the use, handling, or disposal of pesticides.
 2. Do not handle the materials any more than necessary.
 3. Store pesticides in a dry, covered area.
 4. Construct curbs or dikes to contain pesticides in case of spillage.
 5. Follow the recommended application rates and methods.
 6. Have equipment and absorbent materials available in areas where pesticides are stored and used in order to contain and clean up any spills that occur.
- D. The following management practices must be followed to reduce the contamination risk associated with petroleum products:
1. Store petroleum products and fuel for vehicles in covered areas with dikes in place to contain any spills.
 2. Immediately contain and clean up any spills with absorbent materials.
 3. Have equipment available in fuel storage areas and in vehicles to contain and clean up spills.

Section 608.4 Maintenance Requirements

- A. Containers or equipment that may malfunction and cause leaks or spills must be identified through regular inspection of storage and use areas.
- B. Equipment and containers must be inspected regularly for leaks, corrosion, support or foundation failure, or any other signs of deterioration and should be tested for soundness. Any found to be defective must be repaired or replaced immediately.

Section 608.5 Vehicle Maintenance and Washing Areas

- A. Maintenance and washing of vehicles should be conducted using environmentally responsible practices to prevent direct, untreated discharges of nutrient-enriched wastewater or hazardous wastes to surface or ground waters.
- B. Designate covered, paved areas for maintenance and washing activities. Eliminate improper connections from these areas to the storm drain system.
- C. Siting and design considerations:
 - 1. Construction vehicles must be inspected for leaks daily and repaired immediately. All used automotive-related chemicals must be disposed of as directed by the manufacturer.
 - 2. Special paved areas must be designated for vehicle repair and a separate vehicle washing area in which runoff and wastewater from these areas is directed to the sanitary sewer system or other treatment facility as industrial process waste.
 - 3. Only biodegradable products must be used. They must not contain halogenated solvents.
 - 4. Washing areas must be clearly marked and workers should be informed that all washing must occur in this area. No other activities, such as vehicle repairs, are to be conducted in the wash area.
 - 5. The wash area must be bermed and covered to prevent contamination of runoff from pollutants.

Article 7 Buffers, Landscaping, and Tree Protection

Section 700 Buffers and Screening

Section 700.1 Screening Requirements and Transitional Buffers

- A. Transitional buffers shall be of such nature and density so as to screen activities, structures, and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective visual screen.
- B. Transitional buffers shall be natural, undisturbed, and free of encroachments, except as authorized by a condition of zoning, conditional use or variance approval, and shall contain the existing tree cover and vegetation, as well as any supplemental plantings or re-plantings as may be required.
- C. Transitional buffers required along side property lines shall extend to a street right-of-way line unless otherwise required to observe the sight distance requirements contained in this Ordinance, the Zoning Ordinance of Walnut Grove, or as authorized by a condition of zoning, conditional use or zoning approval.

Section 700.2 Supplemental Plantings in Transitional Buffers

- A. Transitional buffers in which vegetation is non-existent or is inadequate to meet the screening requirements of this Section, and/or of the Zoning Ordinance, shall be planted with supplemental plantings so as to provide a year-round effective visual screen.
- B. Supplemental plantings and re-plantings shall consist of evergreen trees, shrubs, or combination thereof, native or adaptable to the region. All trees planted shall be a minimum of six (6) feet in height at the time of planting and shall be a species which will achieve a height of at least twenty (20) feet at maturity. All shrubs planted shall be a large growing species, shall be a minimum of three (3) feet in height at time of planting and shall be a species which will achieve a height of at least ten (10) feet at maturity.
- C. All supplemental plantings shall be installed to allow for proper plant growth and maintenance.

Section 700.3 Non-Vegetative Screening

- A. Non-vegetative materials utilized to satisfy the screening requirements of this Section, in addition to the use of existing vegetation and/or supplemental plantings may consist of walls, fences, earthen berms, or a combination thereof.
- B. If walls or fences are to be utilized, their placement and installation shall be such so as to cause minimal disturbance of existing vegetation and located so as to provide an effective visual screen.

Section 700.4 Disturbance or Encroachments

- A. Ditches, swales, stormwater conveyance facilities, stormwater detention ponds, sanitary sewer conveyance facilities, and any associated easements, shall not encroach into a transitional buffer unless approved by the City Engineer. Access and utility crossings (e.g. stormwater or sanitary sewer pipes) may encroach into the transitional buffer as near to perpendicular as practical.
- B. Supplemental plantings or re-plantings of vegetation or authorized non-vegetative screening devices shall be authorized to encroach into a transitional buffer provided there is minimal disturbance of any existing vegetation.
- C. Land disturbance is authorized in areas of a transitional buffer that are devoid of significant vegetation provided that the final grade and re-plantings of vegetation meet the screening requirements contained herein.
- D. Diseased, hazardous, dying or dead trees may be removed from a buffer provided minimal disturbance occurs. Vegetation thus removed from a transitional buffer shall be replaced where necessary to meet the screening requirements contained herein.

Section 700.5 Protection During Land Disturbing Activities

- A. During authorized land disturbing activities, buffers shall be clearly demarcated and protected prior to commencement of, and during, construction.
- B. The method of demarcation and protection utilized shall be in accordance with best management practices or as required by the City Engineer.

Section 700.6 Location and Width of Buffers

Buffers shall be required between dissimilar districts or uses in accordance with the Zoning Ordinance or as a condition of zoning, conditional use permit or variance approval.

- A. A buffer shall be required along any side and rear property line.
- B. All buffer areas and screening shall be established in accordance with the following requirements:
 - 1. Buffers shall meet the minimum width requirements for dissimilar districts as indicated in the Zoning Ordinance unless otherwise authorized.
 - 2. In situations where the required transitional buffer width is partially or completely contained within an existing easement (i.e. power or natural gas transmission, etc.) the screening requirements of this Ordinance shall be met outside of the easement area.
- C. The width of required transitional buffers may be reduced by no more than 50 percent, as appropriate, if and only if:

1. It is clearly demonstrated that existing topography and/or vegetation within the reduced area achieve the purpose and intent of this Section; or
 2. It is clearly demonstrated that, for topographic reasons, a fence, wall and/or other screening device required herein could not possibly screen activities conducted on ground level from view from the normal level of a first-story window on any lot in a residential district abutting the use.
- D. Structures including driveways, parking facilities or retaining walls shall be located a minimum of five feet from any buffer.
- E. When a buffer is required on a non-residential tract that is of greater depth than the minimum yard requirement, the minimum yard shall be increased to include five (5) feet in addition to the width of the required transitional buffer.
- F. All buffers shall be so designated on the site construction plan and final subdivision plat.

Section 700.7 Outdoor Screening

- A. Where required by the Zoning Ordinance, outdoor storage of materials, and outdoor servicing activities shall be enclosed by a wall or fence of solid appearance or visually continuous evergreen hedge not less than six (6) feet high.
- B. In any district where reference is made requiring adequate screening of a specified operation, such screening shall be a wall or fence of solid appearance or visually continuous evergreen hedge not less than six (6) feet in height.

Section 701 Trees and Landscaping

Section 701.1 Tree Preservation and Replacement

- A. Statement of Purpose:
1. The purpose of these standards is to facilitate the preservation and/or replacement of trees as a part of the land development in the county.
 2. The citizens of the county and their many communities enjoy many benefits that can be directly attributed to our trees.
 - a. Trees produce oxygen, help to reduce the amounts of airborne pollutants and reduce soil erosion and storm water runoff. This decreases sedimentation problems and improves water quality.
 - b. Trees provide food and shelter for desirable urban wildlife, they provide scenic amenities to soften the harshness of city buildings and streets and can increase property values.
 3. Protect vegetation within the intermediate regional floodplain and within fifty (50) feet of the banks of state waters, so as to assist in the region of storm water runoff and the control of erosion,

improvement of water quality, and the protection of stream bank stability by vegetation protection and/or restoration.

4. Protect specimen and historical trees as defined by the Vegetation Protection and Replacement Administrative Standards.

B. Applicability

1. The terms and provisions of this section shall apply to any activity on real property which requires the issuance of a development permit, excluding the development of single family detached and duplex single-family residential lots (except as required in the guidelines for the Conservation Subdivision Overlay District in the Walnut Grove Zoning Ordinance), and excluding the construction of public roads and utilities.
2. Agricultural and forestry operations, land clearing for clearly legitimate agricultural purposes and legitimate timber harvesting are exempt from the provisions of this article.
3. Trees found to be diseased, hazardous, dying, dead, or insect infested by the county extension service, the state forestry commission, an arborist, or urban forester may be removed.
4. The removal, replacement, planting, or transplanting of trees on an existing single-family or duplex residential property that remains in residential use or is subject to a development permit or building permit authorizing a subdivision of land is exempt from this part.
5. The removal, replacement, planting, or transplanting of trees on an existing or planned non-residential property that is subject to a development permit or building permit authorizing non-residential construction with no more than 5,000 square feet of land disturbance, is exempt from this part.
6. The removal or transplanting of trees from horticultural properties, such as farms, nurseries or orchards is exempt.
7. The removal of any tree that has become, or threatens to become, a public nuisance or danger to human life or property is exempt.
8. Agricultural activities on land zoned AG, including crop cultivation and clearing pastures for raising livestock is exempt from this part.
9. Projects that contain more than one (1) building site, compliance with the requirements of this section shall be required at the time an individual site is developed.
10. Grandfathered projects

This section shall not apply to any portion of a property included within the limits of a valid land disturbance permit issued prior to the effective date of this section, provided that all time constraints relating to the permit issued shall be observed.

- a. The requirements of this section may be waived by the Mayor for a land disturbance permit which is to proceed with development of a larger project, at least seventy-five (75) percent of the land area of which has already received a permit or permits initiating clearing or grading activities prior to the effective date of this section.
- b. In no event shall any grandfathered project be extended for a greater time period than twenty-four (24) months from the date of enactment of this section.

C. Procedures

- 1. All applications for land development permits shall provide a tree protection plan for the protection and replacement of trees within the buffer zone of the parcel, specimen trees, and trees throughout the property as otherwise indicated. Methods and standards for tree protection shall be established in Appendix C.
- 2. All tree protection plans shall be reviewed by the City Engineer for conformance with the intent of the provisions of these regulations, and either approved or returned for revision. Issuance of a land development permit shall constitute approval of the required tree protection plan.
- 3. Removal of trees and replacement landscaping.
 - a. Trees are not to be removed in any buffer zone unless the owner/developer would suffer an economic hardship if the trees in the buffer zone were to be preserved.
 - b. When no trees are present on a lot subject to this Section or when it is proposed that more than 5,000 square feet of the lot be disturbed, it shall be the responsibility of the owner/developer to landscape the areas with trees and other plant materials.
 - c. Density requirements. The quantity of total existing/replacement trees on site must be sufficient so as to produce a total site density factor of no less than fifteen (15) units per acre. Procedures for calculating the required tree density as provided in Chart 1 of this Section. Tree unit values are assigned as follows:

Chart 1

(1) Existing deciduous trees to remain. Conversion from diameter to density factor units for deciduous trees.

DBH	UNITS		DBH	UNITS		DBH	UNITS
2-3	.4		30	4.9		43	10.1
4-6	.8		31	5.2		44	10.6
7-9	1.2		32	5.6		45	11.0
10-12	1.6		33	5.9		46	11.5
13-15	2.0		34	6.3		47	12.0

16-18	2.4		35	6.7		48	12.6
19-21	2.7		36	7.1		49	13.1
22-24	3.0		37	7.5		50	13.6
25	3.4		38	7.9			
26	3.7		39	8.3			
27	4.0		40	8.7			
28	4.3		41	9.2			
29	4.6		42	9.6			

(2) Existing coniferous trees to remain. Conversion from diameter to density factor units for evergreen trees:

<u>DBH</u>	<u>Units</u>
2 – 9"	.2 less unit than deciduous trees
10 – 15"	.1 less unit than deciduous trees
All others	Same as deciduous trees

(3) Replacement Trees

Conversion from caliper to density factor units

<u>Caliper</u>	<u>Units</u>
2—3	.4
4—6	.8
7—9	1.2
10—12	1.6
13—15	2.0
16—18	2.4

(4) Container-grown pine trees

Container-grown pine trees are given replacement as follows:

<u>Size</u>	<u>Units</u>
7 Gallon	0.4
*3 Gallon	0.2
*1 Gallon	0.1

*The use of one-and three-gallon pines permitted only with prior approval.

(5) Tree relocation

Replacement units will be granted to trees relocated on site. Tree relocation is subject to approval of the City Engineer.

- (a) Where the City Engineer has determined that special constraints of a site result in an absolute inability to provide the required tree density, number of trees to be planted on site will be determined based on site review. The remaining balance of trees may be provided for plantings on public grounds. Tree bank arrangements can be made through the City Engineer.
- (b) Trees which are used to meet the density requirements for this chapter shall be maintained for one (1) year after the date of final inspection. Required tree density shall be maintained by the property owner.
- (c) Specimen trees shall be located on the tree protection plan. Standards for identification, preservation and protection of specimen trees shall be established in Appendix C. Removed specimen trees shall be replaced by 2 trees minimum 2" caliper species with potentials for comparable size and quality. Tree replacement in addition to the minimum required tree density shall be required in recompense for the removal of specimen trees.

Section 701.2 Shade Trees in Parking Areas

A. Parking Lot Landscaping

- 1. Trees planted in parking lots shall be credited toward fulfillment of Section 100 of this Ordinance.
- 2. Parcels requiring more than twenty (20) off-street parking spaces shall contain landscaping and plantings as follows:
 - a. One (1) shade tree for each ten (10) spaces around the perimeter of the parking lot.

- b. One (1) shade tree for each ten (10) spaces in landscaped islands on the interior of the parking lot. Each such island shall be at least eight feet in width and contain at least two trees.
- c. Each tree shall be at least 1½ " caliper and six (6) feet in height at time of planting and shall be a species native or suitable to this region.
- d. The minimum planting area or pervious area around each tree shall be 64 square feet.
- e. Trees shall be planted in landscaped strips surrounding the perimeter of the parking lot and shall be planted in planting areas or islands internal to the parking lot.
- f. Ground areas shall be sodded, seeded or hydroseeded with grass and/or planted with groundcover species, and/or provided with other landscaping material or any combination thereof.
- g. Planting areas may be recessed below the grade of parking surfaces with curb breaks on upgrade side of planting areas in order to allow natural irrigation of landscape material and percolation of runoff.
- h. For parking lots with more than three parallel aisles, there shall be a continuous planting area at least eight (8) feet wide between alternate rows of opposing spaces.

Section 701.3 Administrative Variances

- A. Front, side, and rear yard setbacks may be reduced by an amount not to exceed 10 percent where it is determined by the City Engineer to be necessary in order to preserve existing specimen or significant trees. Such an administrative variance shall be considered and decided consistent with the procedures and criteria contained in Article 9, Section 908 of this Ordinance.
- B. Variances to reduce required parking spaces may be granted by the City Council when necessary to preserve a significant tree(s) that otherwise would be lost if the parking requirements were strictly applied. Such variance may only be granted if such tree(s) will be lost either by necessary removal for construction of the parking lot or as a consequence of construction having an adverse impact on the survivability of the tree by virtue of damage to the root system of the tree(s).
- C. Any variance granted under the provisions of this section shall include a condition that should the subject tree(s) die as a consequence, direct or indirect, of construction, despite granting of the variance, the tree or trees shall be replaced at the property owner's or applicant's expense, in accordance with a tree replacement plan approved by the City Engineer.

Section 701.4 Notice of Tree Harvesting Required

- A. All persons or firms harvesting standing timber in any unincorporated area of Walnut Grove for delivery as pulpwood, logs, poles, posts, or wood chips to any wood yard or processing plant located inside or outside this state shall provide notice of such harvesting operations to the City Clerk prior to cutting any such timber.

- B. Prior written notice shall be required of any person or firm harvesting such timber for each separate tract to be harvested thereby, shall be on forms provided by the City Clerk and shall consist of:
1. A map of the area which identifies the location of the tract to be harvested and, as to those trucks which will be traveling to and from such tract for purposes of picking up and hauling loads of cut forest products, the main point of ingress to such tract from a public road and, if different, the main point of egress from such tract to a public road.
 2. A statement as to whether the timber will be removed pursuant to a lump sum sale, per unit sale, or owner harvest for purposes of ad valorem taxation under Code Section 48-5-7.5, O.C.G.A.
 3. The name, address and daytime telephone number of the timber seller is pursuant to a lump sum or per unit sale or of the timber owner if the harvest is an owner harvest and
 4. The name, business address, business telephone number and nighttime or emergency telephone number of the person or firm harvesting such timber.
 5. Notice may be submitted in person, by transmission of an electronic record via telefacsimile or by mail.
- C. Prior to the issuance of said notice, the City shall require a bond in the amount of \$1,000.00. Said bond shall remain on deposit with the City until the individual or business harvesting the timber shall indicate that all operations are complete in Walnut Grove and request a refund of said bond. However, if upon inspection by Walnut Grove, it is determined that repair work must be done, the harvester shall be given ten (10) working days to complete said work. If the harvesting entity has not made the necessary repairs, then repairs shall be made by the City and the cost of such repairs deducted from the bond prior to refund.
- D. Any subsequent change in the facts required to be provided for purposes of such notice shall be reported to the City within three business days after such change.
- E. Timber harvest on properties outside the AG Zoning District shall be Select Harvest ONLY. Clear cuts are not to be allowed.
- F. Violation of the notice requirements of any ordinance or resolution adopted pursuant to this Code section shall be punishable by a fine of \$500.00.

Article 8 –RESERVED

Article 9 ADMINISTRATION, APPEAL, AND VIOLATIONS

Section 900 Administration.

Section 900.1 Administration

This Comprehensive Land Development Ordinance shall be administered, interpreted, and enforced by the Mayor, or his/her designee. All other ordinances or regulations referenced herein, such as the fire prevention and life safety codes, building and other technical codes, health, shall be administered by the persons or entities responsible for such regulations, as established by the City Council.

Section 900.2 Unauthorized Activities

In any case in which activities are undertaken in violation of this Ordinance, not in compliance with the provisions of a permit issued under the authorization of these ions, or without authorization of a permit which would otherwise be required, the Mayor is hereby authorized to suspend or invalidate such permits, order that all unauthorized or improper work be stopped, direct correction of deficiencies, issue summonses to any court of competent jurisdiction, or take any other legal or administrative action appropriate to the severity of the violation and degree of threat to the public health, safety, and welfare.

Section 901 Regulations To Be Published.

It shall be the duty and responsibility of the City Clerk to maintain an accurate and up-to-date compilation of this Ordinance and all amendments and pertinent attachments thereto, and to publish said compilation and make it available to the public at a cost as established by the City Council.

Section 902 Modifications.

Modification of the design standards set forth in this Ordinance may be authorized by the Mayor in specific cases when, in his opinion, undue hardship may result from strict compliance; provided any such determination shall be based fundamentally on the fact that unusual topographical or other exceptional conditions require such modification, or that the granting of the modification will not adversely affect the general public welfare or nullify the intent of this Ordinance. Any such modification granted by the Mayor shall be made in writing to the developer and also made a part of the City's records. Application for any modifications shall be filed in writing on a form provided by the City with necessary supporting documents with the City Clerk by the developer and shall explain in detail the reasons and facts supporting the application.

Section 903 Appeal And Waiver Of The Regulations.

903.1 Appeals.

Appeals of the interpretation by the Mayor, or his/her designee of the requirements of this Ordinance shall first be submitted in writing (on a form provided by the City Council) to the City Council who shall review the request in a timely manner, receive comments from other affected departments and to make a final action in their normal course of business.

Section 904 Waivers

Waiver requests of the requirements of this Ordinance shall be submitted on an application form, provided by the City Clerk, along with such fees as shall be established by the City Council. The City Engineer shall coordinate the review of each waiver request with all other affected City or County departments and shall summarize such comments or recommendations as may be received to the City Council for action in their normal course of business.

Section 905. Violations, Enforcement and Penalties.

Any action or inaction that violates the provisions of this ordinance or the requirements of an approved plan or permit shall be subject to the enforcement actions or penalties outlined herein. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and also may be abated by injunctive or other equitable relief. The imposition of any of the enforcement actions or penalties described herein shall not prevent such equitable relief.

905.1 Enforcement Procedures

The following are the enforcement procedures authorized by this ordinance:

a. Notices of Violation

Enforcement shall begin with the issuance of a written Notice of Violation to the owner or responsible person by the Code Enforcement Officer. The notice may be delivered personally or sent by first class mail. The Notice of Violation shall contain at least the following information:

1. The name and address of the owner or responsible person;
2. The location or address of the site upon which the violation is occurring;
3. A description of the nature of the violation;
4. A description of the remedial actions or measures necessary to bring an action or inaction into compliance with a permit, approved plan or this ordinance;
5. The deadline or completion date of any such remedial actions or measures;
6. A statement of the penalty or penalties that may be assessed against the owner or responsible person to whom the Notice of Violation is directed.

In the event the owner or responsible person fails to correct the violations after the deadline contained in the Notice of Violation, the Mayor is authorized to take or impose any one or more of the additional actions contained herein.

b. Stop Work Orders.

The Mayor is authorized to issue Stop Work Orders to an owner or responsible person. Stop Work Orders are effective immediately and shall remain in effect until the necessary corrective actions or remedial measures as set forth in the Notice of Violation have occurred. Stop Work Orders may be withdrawn or modified by the Mayor in order to enable an owner or responsible person to take necessary remedial actions or measures to correct the violations.

c. Refusal to Issue Certificates of Occupancy or Completion.

The Mayor is authorized to refuse to issue Certificates of Occupancy or Completion for the building or other improvements constructed or being constructed on a site until the owner or responsible person has taken the remedial actions or measures as set forth in the Notice of Violation or has otherwise corrected the violations described therein.

d. Suspension, Revocation, or Modification of Permit.

The Mayor is authorized to suspend, revoke or modify a permit that was issued authorizing land disturbing activities or development. The Mayor is authorized to reinstate a suspended, revoked or modified permit after the owner or responsible person has taken the remedial actions or measures stated in the Notice of Violation or has otherwise corrected the violations described therein. The Mayor is also authorized to reinstate such permit, which may include conditions as the Mayor may deem necessary, to enable the owner or responsible person to take the necessary remedial actions or measures to correct the violations.

e. Refusal to Approve Final Subdivision Plats.

The Mayor or his/her designee is authorized to refuse to approve Final Plats until the owner or responsible person has taken the remedial actions or measures set forth in the Notice of Violation or has otherwise corrected the violations described therein.

f. Issuance of Citations or Summons to Court.

The mayor, or his/her designee is authorized to issue a citation or summons to the owner or responsible person requiring such person to appear in a court of competent jurisdiction to answer charges for violations of this Ordinance.

Section 905.2 Legal Penalties and/or Remedies.

a. Fine and/or Sentence.

Any person convicted by a court of competent jurisdiction of violating any provision of this ordinance shall be guilty of violating a duly adopted ordinance of the county and shall be punished either by a fine not less than \$100 per day and not greater than \$1,000 per day, or by a sentence of imprisonment not to exceed 60 days in jail, or both a fine and jail or work alternate. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

b. Other Legal Remedies.

In any case in which a violation of this ordinance has occurred, the City, in addition to other remedies provided by law, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding through a court of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity.

Section 905.3 Use of Land/Activities in Violation of this Ordinance

In any case in which any land is, or is proposed to be, used or activities are undertaken in violation of this Ordinance or any amendment thereto adopted by the City Council, the City, in addition to other remedies provided by law, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding through a court of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity.

Article 10 Enforcement & Penalties

Section 1000 Enforcement

- A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, concert or demolish, use, occupy or maintain any building or structure or use any land in the county, or cause the same to be done, contrary to or in violation of any of the provisions of this ordinance.
- B. It shall be the duty of the Mayor or his/her designee to enforce this Ordinance. The Mayor shall have the authority to revoke, suspend or void any development permit or building permit and shall have the authority to suspend all work on a site or portion thereof.
- C. Any permit issued in conformance with this Ordinance shall be voided if its terms are violated.
- D. Work which is not authorized by an approved permit, which is not in conformance with the approved plans for the project or which is not in compliance with the provisions of this Ordinance or any other adopted code, regulation or ordinance of Walnut Grove, shall be subject to an immediate stop work order issued by the City of Walnut Grove. Work which proceeds without having received the necessary inspections of the City of Walnut Grove shall be halted until all inspections of intervening work are complete.
- E. The filing or recording of a plat of a subdivision or development without the required approvals as established by this Ordinance is declared to be a misdemeanor. The transfer of, sale, agreement to sell, or negotiation to sell land or other use of a plat of a subdivision or development, as herein defined, that has not been approved by the City and recorded in the Office of the Clerk of the Superior Court of Walton County is prohibited, and the description by metes and bounds in the instrument of transfer or other documents shall not exempt the transaction from penalties.

Section 1001 Violations

- A. Whenever the City of Walnut Grove determines that activity on a property does not comply with the approved development and construction plans, with the provision of this Ordinance, or development or building permit, a notice of violation may be issued. Whenever the drainage system has been unlawfully altered, causing inadequate drainage, a notice of violation may be issued.
- B. Whenever the conditions of rezoning, conditional use permit, Board of Appeals, or administrative approvals are not complied with, a notice of violation shall be issued.
- C. Whenever the Mayor or his/her designee determines that any of the activities listed in paragraph A or B of this Section are taking place, the Mayor or his/her designee may order the work stopped by the posting, in a conspicuous place on the site or on the building, a stop work notice. This stop work notice shall constitute the notice of violation.
- D. The notice of violation of the provisions of this chapter or of any rule or regulation adopted pursuant thereto, shall be to the owner of the property or his agent shall:

1. Be in writing.
 2. Include a description of the property sufficient to identify where the violation has occurred.
 3. List the specific provisions of this Ordinance that have been violated.
- E. If the violations have not been corrected within a reasonable time, not less than five (5) days, the owner of the property on which such violations occurs the owners agent or the party responsible for the violation shall be subject to the penalties set forth in Section 140, provided, however, that the Mayor may, at his discretion, extend the time for compliance with any such notice.

Section 1002 Inspections and Right of Entry

- A. Upon presentation of identification to the developer, contractor, owner, owner's agent, operator or occupants, employees of the City are authorized to make inspections of buildings or structures (their construction and use) and land (its use, development and subdivision) to determine if they conform to the requirements of this Ordinance. Inspections shall be carried out during reasonable business hours, unless an emergency exists.
- B. The City may inspect any drainage system within or outside of an existing drainage easement. All drainage facilities located on private property, whether dedicated to the county or not, shall be accessible at all times for City inspection. Reasonable access shall be provided to all drainage easements for inspection and maintenance functions. Where an easement does not exist for the drainage system, the permission of the owner shall be obtained before entrance; however, in the event of emergency maintenance requirements, permission of the owner shall not be mandatory.

Section 1003 Emergency Maintenance

The county may conduct emergency maintenance operations on private land and on drainage systems where emergency conditions exist and where drainage easements have been recorded. Emergency maintenance shall constitute the removal of trees and other debris, which in the judgment of the Mayor or his/her designee create a condition potentially injury to life, property or the public road system.

Section 1004 Penalties for Violation

- A. Any responsible party or other persons convicted by a court of competent jurisdiction of violating any provision of this Ordinance shall be guilty of violating a duly adopted Ordinance of Walnut Grove and shall be punished by imposition of a minimum fine of \$100.00, imprisonment or both, not to exceed the maximum penalties specified in O.C.G.A. 36-1-20. Each offense shall constitute a separate offense for each day such violation shall continue.
- B. The owner of any lands or parts thereof, where anything in violation of this Ordinance shall be placed or shall exist and each responsible party or other person assisting in the commission of any such violation, shall be guilty of a separate offense.

- C. The court shall have the power and authority to place any person found guilty of violation of this Ordinance on probation and to suspend or modify any fine or sentence. As a condition of suspension, the court may require payment of restitution or impose other punishment as allowed by law.
- D. Where a violation of this ordinance exists with respect to a structure, use or land and responsible party or other person that has been found guilty by a court of competent jurisdiction, the Mayor or his/her designee may, in addition to other remedies, require that public utility service be withheld therefrom until such time as the structure or premises is no longer in violation of this ordinance.
- E. The Mayor or his/her designee or the City Council may revoke the Walnut Grove Occupational Tax Certificate of any entity found guilty by a court of competent jurisdiction of a violation of this ordinance with respect to a structure, use, or land.

Section 1005 Remedies

In the event any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of this Ordinance, the Mayor or his/her designee, or any appropriate City authority or any person who would be damaged by such violation may institute injunction, mandamus or other appropriate action in proceeding to prevent the violation in the case of each building, structure, or land use pursuant to O.C.G.A. Section 15-10-63 and any successor statute.