

COUNTY OF FULTON
STATE OF GEORGIA

**AN ORDINANCE TO ESTABLISH THE MARSH CREEK WATERSHED REGIONAL
DETENTION POND ORDINANCE WITHIN THE CITY OF SANDY SPRINGS;
PROVIDING FOR THE SCOPE AND NATURE OF THE ORDINANCE; PROVIDING
FOR THE REGULATION OF FEES; AND MAKING OTHER PROVISIONS**

WHEREAS, the City of Sandy Springs is authorized by the Constitution of the State of Georgia and the Charter of the City of Sandy Springs, to establish, from time to time, policies, procedures and guidelines consistent with the administration of municipal government, to provide stormwater management services throughout the City of Sandy Springs; and

WHEREAS, provision for stormwater management services, stormwater management systems and facilities, and regulation of the use thereof renders and/or results in both service and benefit to individual parcels, parcel owners, citizens and residents of the city and to all parcels, parcel owners, citizens and residents of the city concurrently and the environment in a variety of ways; and

WHEREAS, the City of Sandy Springs presently owns and operates a stormwater management system and facility controlled by the Marsh Creek Watershed Improvement Project and the Stormwater Best Management Practice (Marsh Creek BMP). The future usefulness of this stormwater management facility owned and operated by the city, and of additions and improvements thereto, rests on the ability of the city to effectively manage, protect, control, regulate, use, and enhance this stormwater management facility. In order to do so, the city must have adequate control over, and stable funding, for this stormwater management facility's operating and maintenance needs; and

WHEREAS, the city council is responsible for the protection and preservation of the public health, safety, and welfare of the community, and the environment and finds that it is in the best interest of the health, safety, and welfare of the citizens of the city and the community at large and the environment to institute a funding method, dedicated solely to the management and maintenance operation of the Marsh Creek BMP.

AS A RESULT, the Sandy Springs City Council finds that in order to protect the health, safety and welfare of the public, the government of the City of Sandy Springs hereby exercises its authority to establish a Marsh Creek Watershed Regional Detention Pond Ordinance dedicated solely for stormwater management services within the Marsh Creek BMP.

NOW, THEREFORE, in order to accomplish the foregoing, the City Council, pursuant to their authority do hereby adopt the following ordinance:

Purpose and intent.

The purpose and intent of this ordinance is to protect the public health, safety, environment and general welfare through the establishment of a policy and procedure for the protection and maintenance of the water quality and flood storage capacity being controlled by the Marsh Creek Watershed Improvement Project and the Stormwater Best Management Practice (Marsh Creek BMP) for present and future development and redevelopment within the drainage basin of the Marsh Creek BMP. The following policy and procedures seek to meet that purpose and shall be known as the Marsh Creek Watershed Regional Detention Pond Ordinance:

ORDINANCE NO. 2016-12-40

- (1) This ordinance will apply to the developed parcels that lie, in whole or in part, within the drainage basin area boundaries of the Marsh Creek BMP.
- (2) The Applicant shall be any property owner and/or developer proposing to develop or redevelop sites within the Marsh Creek BMP.
- (3) The Applicant shall submit the site plan with the proposed development addressing all application requirements for review by the city community development department to determine the availability of stormwater detention capacity within the Marsh Creek BMP.
- (4) Should capacity within the facility be available, the Applicant will have the option to:
 - (a) utilize the Marsh Creek BMP facility for stormwater detention and submit a fee to the city for the cost and maintenance of the facility; or,
 - (b) provide onsite detention through the use of underground storage facilities in accordance with the city's stormwater management plan requirements.
- (5) Upon approval of the application by the city, acceptance of the utilization of the Marsh Creek BMP by the Applicant, and payment of the fee, a license shall be granted to the Applicant; however, the responsibility for operation, maintenance and regulation of the stormwater management services within the Marsh Creek BMP shall be owned, operated and maintained by the City of Sandy Springs in accordance with the SWMP and stormwater management services performed, owned and operated or maintained by the City of Sandy Springs.

Application requirements

- (1) A certified topographic map of existing conditions that delineate the drainage area boundaries of the Applicant's parcel defining the areas within and outside the Marsh Creek BMP drainage basin as well as the existing impervious area within and outside the basin;
- (2) A site plan of the proposed improvements, including a delineation of new and/or redeveloped impervious areas within the Applicant's parcel;
- (3) A hydraulic analysis of the downstream public stormwater conveyance system of the Applicant's parcel, to verify the capacity of the system to carry the proposed stormwater flows in compliance with the development regulations;
- (4) Confirmation of onsite erosion and sediment control which Applicant will utilize during the course of the construction project to protect the Marsh Creek BMP from any construction related damage;
- (5) A fee in the amount of \$180,000.00 per impervious acre of Applicant's parcel (measured to the nearest one hundredth of an acre) shall be charged and assessed to the Applicant for the cost of utilizing stormwater detention services and ongoing maintenance to the stormwater management system and facility of the Marsh Creek BMP.
- (6) Conformity by the Applicant with onsite water quality requirements through the use of

ORDINANCE NO. 2016-12-40

Green Infrastructure or Low Impact Development (LID) practices, or other approved structural practices as directed by the City;

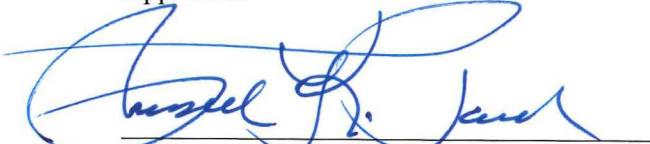
- (7) Applicant shall comply with the city development regulations ordinance, floodplain management ordinance, and any other city and state rules, regulations or permits, which regulate the development of land.
- (8) If the parcel is to be developed in phases, then a separate application process shall be required for each phase.

Application process

- (1) Immediately upon receipt of all application requirements, the city community development department shall review the plans and determine the capacity feasibility of the Marsh Creek BMP facility as to the proposed development. The community development department shall be expected to complete its review of the application within thirty-five (35) days of receipt of all documents required from the Applicant.
- (2) Availability will be determined based on the impervious area of the parcel proposing to drain to the facility, as well as the capacity of the existing and to be installed conveyance system to carry the proposed stormwater discharge to the facility.
- (3) An application may be rejected if the Applicant has had two (2) or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three (3) years prior to the date of the application.
- (4) Upon final approval, the Applicant shall be granted a license allowing utilization of the Marsh Creek BMP for the site's stormwater control within the drainage basin area.
- (5) The Applicant shall be responsible for the installation and maintenance of all required onsite erosion and sediment control during the course of the construction project to protect the Marsh Creek BMP and the related drainage system from any construction related damage.
- (6) Should the Applicant not select utilization of the Marsh Creek BMP, or should the proposed conveyance system be found inadequate to carry the proposed development or redevelopment of the parcel, the Applicant shall be required to conform to all stormwater management ordinance, development regulations ordinance, floodplain management ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the city.

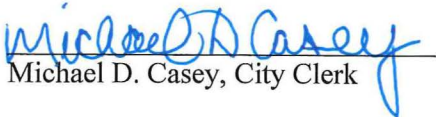
APPROVED AND ADOPTED this the 20th day of December, 2016.

Approved:



Russell K. Paul, Mayor

Attest:



Michael D. Casey, City Clerk

(Seal)

