

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2013-04

AN ORDINANCE TO REVISE CHAPTER 5 (“BUILDINGS AND BUILDING REGULATIONS”), CHAPTER 6.5 (“ENVIRONMENT”) AND CHAPTER 17.5 (“SUBDIVISION REGULATIONS”) TO REVISE REGULATIONS REGARDING COMPLYING WITH MS4 GREEN INFRASTRUCTURE AND LOW IMPACT DEVELOPMENT REVIEW; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES

WHEREAS, the Mayor and Council for the City of Doraville are charged with protecting the health, safety and welfare of the citizens of the City; and

WHEREAS, the City is a holder of an MS4 permit that authorizes the City to issue regulations for the protection of the environmental and stormwater infrastructure of the City; and

WHEREAS, the preservation and restoration of natural landscape features (such as forest and floodplains) are critical components of green stormwater infrastructure; and

WHEREAS, from time and time the City is charged with reviewing its codes and ordinances to ensure that use of green infrastructure or low impact development techniques are not prohibited or impeded; and

WHEREAS, the Mayor and Council, following said review by the City’s Stormwater maintenance staff, wishes to make certain changes to the City Code, chapters 5, 6.5 and 17.5, in order to add incentives for implementing LID practices.

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN:

Section 1

That the Code of Ordinances for the City of Doraville, Georgia, is hereby amended by revising Chapter 5 (“Buildings and Building Regulations”), Article III (“Other Building Regulations”), Section 5-64, to read as follows:

Sec. 5-64. Maintenance of exterior premises.

The exterior of the premises and all structures thereon shall be kept free of all nuisances, and any hazards to the safety of the occupant, pedestrians and other persons utilizing the premises, and free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards which include but are not limited to the following:

- (1) Refuse. Brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash and debris.*
- (2) Natural growth. Dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.*
- (3) Overhangings. Loose and overhanging objects, and accumulations of ice and snow, which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof.*
- (4) Ground surface hazards or unsanitary conditions. Holes, excavations, breaks, projections, obstructions, icy conditions, uncleared snow and excretion of pets and other animals on paths, walks, driveway, parking lots and parking areas and other parts of the premises which are accessible to the public shall be filled and*

repaired, walks and steps replaced and other conditions removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery. This provision does not apply to single-family dwellings.

- (5) *Recurring accumulations of stormwater. Adequate run-off drains or grassed swales shall be provided and maintained to eliminate any recurrent or excessive accumulation of stormwater.*
- (6) *Sources of infestation. Sources of infestation shall be removed from the premises.*
- (7) *Foundation walls. Foundation walls shall be kept structurally sound, free from defects and damage and capable of bearing imposed loads safely.*
- (8) *Chimneys, flue and vent attachments. Chimneys and all flue and vent attachments thereto shall be maintained structurally sound and free from defects, and be so maintained as to capably perform at all times the functions for which they were designed. Chimneys, flues, gas vents or other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment, and shall be structurally safe, durable, smoketight and capable of withstanding the action of flue gases.*
- (9) *Exterior porches, landings, balconies, stairs, fire escapes. Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of falling, and the same shall be kept structurally sound, in good repair, and free from defects.*

Section 2

That the Code of Ordinances for the City of Doraville, Georgia, is hereby further amended by revising Chapter 6.5 (“Environment”), Article II (“Stormwater Quality Management”), Sections 6.5-28 and 6.5-34, to read as follows:

Sec. 6.5-28. Definitions.

....

City of Doraville municipal separate storm sewer system shall mean a stormwater conveyance or system of stormwater conveyances which is:

- (1) Owned, or maintained by the City of Doraville, or located therein; and*
- (2) Designed or used for collecting or conveying stormwater~~s~~;*
- ~~(3) —Not a combined sewer; and~~*
- ~~(4) —Not part of a publicly owned treatment works (POTW).~~*

....

Stormwater management shall mean the collection, conveyance, storage, treatment and disposal of stormwater in a manner to meet the objectives of this chapter and which shall include a system of vegetative or structural measure~~s~~s, or both, that control the increased volume and rate of stormwater and water quality impacts caused by manmade changes to the land.

....

Sec. 6.5-34. Prohibited and Illicit Connections.

- (a) It is unlawful for any person to connect any stormwater conveyance of any type that discharges any matter of any nature that is not compos~~ed~~ed entirely of stormwater or such unpolluted water as exempted in accordance with the*

provisions of [section 6.5-36](#) to the City's municipal separate storm sewer system, and such connection shall be deemed an illicit connection and constitute a violation of the provisions of this chapter.

- (b) *Illicit connection must be disconnected and redirected, as necessary and appropriate, to the sanitary sewer system upon approval by the director. Any such redirection to the sanitary sewer system must be in compliance with all City ordinances and state and federal laws and regulations applicable to such discharge and connection. The requirement of disconnection of an illicit connection and redirection to the sanitary sewer system shall be supplemental to any other violation, penalty, remedy or other action taken with respect to the illicit connection.*

Section 3

That the Code of Ordinances for the City of Doraville, Georgia, is hereby further amended by revising Chapter 6.5 (“Environment”), Article IV (“Postdevelopment Stormwater Management For New Development and Redevelopment”), Sections 6.5-71(d), 6.5-73(b) and 6.5-74(g), to read as follows:

Sec. 6.5-71. General Provisions.

....

- (d) *Stormwater design manual. The City will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the ~~Dekalb County Stormwater Design Manual~~Georgia Stormwater Management Manual and any relevant local addenda, for the proper implementation of the requirements of this article. The manual may be updated*

and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience.

Sec. 6.5-73. Permit procedures and requirements.

- (b) Stormwater management plan requirements. The stormwater management plan shall detail how postdevelopment stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this article, including the performance criteria set forth in this [section 6.5-73](#).

~~This plan shall be in accordance with the criteria established in this subsection 6.5-73(b) and must be submitted with the stamp and signature of a professional engineer (PE) licensed in the state of Georgia.~~ This 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 or a registered Landscape Architect licensed in the State of Georgia. Subsections (b), (c), (d), (e) and (f) shall be prepared under the direct supervisory control of a registered Professional Engineer, who shall seal and sign the work and who must verify that the design of all stormwater management facilities and practices meet the submittal requirements outlined in the submittal checklist(s) found in the stormwater design manual. Portions of the overall plan may be prepared and stamped by a registered Land Surveyor licensed in the State of Georgia as appropriate, such as boundary surveys, contour maps, and erosion and sedimentation control plans.

The stormwater management plan must ensure that the requirements and criteria in this article are being complied with and that opportunities are being taken to

minimize adverse postdevelopment 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 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) Postdevelopment hydrologic analysis. The postdevelopment hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall*

include: a topographic map of developed site conditions with the postdevelopment drainage basin boundaries indicated; total area of postdevelopment 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 postdevelopment stormwater management performance criteria in this [section 6.5-73](#); 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 fifty (50) percent of the site area for the entire site, then the performance criteria in this [section 6.5-73](#) 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 postdevelopment 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 postdevelopment stormwater management performance criteria in this [section 6.5-73](#); 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) *Postdevelopment downstream analysis. A downstream peak flow analysis that includes the assumptions, results and supporting calculations to show safe passage of postdevelopment 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 ten (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 Doraville Erosion and Sedimentation Control Ordinance and 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, and 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 as provided in subsection [6.5-73](#)(c) 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 with subsection [6.5-73](#)(c).*
- (12) *Evidence of acquisition of applicable local and nonlocal permits. The applicant shall certify and provide documentation to the City that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.*
- (13) *Estimate of plan annual maintenance costs. For projects requiring a stormwater management inspection and maintenance agreement, the applicant must provide an estimate of the annual maintenance cost of the stormwater management system defined in the stormwater management plan. Sufficient detail must be provided to allow the City to have reasonable confidence that the estimate is a realistic statement of probable costs.*

Sec. 6.5-74. Postdevelopment Stormwater Management Performance Criteria.

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

. . . .

- (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, flared end sections, gutters, 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 rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than~~n~~ 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.*

Section 4

That the Code of Ordinances for the City of Doraville, Georgia, is hereby further amended by revising Chapter 17.5 (“Subdivision Regulations”), Article V (“Design Standards”), Division 1 (“Streets”) Section 17.5-100, to read as follows:

Sec. 17.5-100. Right-of-way and Paving Width.

Street right-of-way and paving widths shall be as shown in the thoroughfare plan and where not shown therein shall be no less than as follows:

<i>Type</i>	<i>Right-of-way</i>	<i>Paving Width*</i>

<i>Major thoroughfare</i>	<i>100 feet minimum</i>	<i>36 feet-curb to curb</i>
<i>Minor thoroughfare</i>	<i>80 feet minimum</i>	<i>36 feet-curb to curb</i>
<i>Collector street</i>	<i>70 feet minimum</i>	<i>36 feet-curb to curb</i>
<i>Local street</i>	<i>6045 feet minimum</i>	<i>2618 - 22 feet-curb to curb</i>
<i>*Face-to-face of vertical curbs, and centerline-to-centerline of the valley of rolled curbs, or from the edge of pavement to edge of pavement.</i>		

Section 5

That the Code of Ordinances for the City of Doraville, Georgia, is hereby further amended by revising Chapter 17.5 (“Subdivision Regulations”), Article VI (“Required Improvements”), Section 17.5-201, to read as follows:

Sec. 17.5-201. Improvements Installed by Developer.

Every developer shall be required to have installed by the appropriate county department at his own expense, or, with the approval of and under the supervision of the appropriate county department, to install all site improvements specified in the DeKalb County Code, [chapter 17](#), subdivision, in accordance with all applicable county standards, specifications and procedures, including but not limited to the following, as shown on the approved preliminary plat:

- (a) Streets—Base and paving.*
- (b) Curbs or vegetated open channels along both sides of all streets.*
- (c) Four-foot-wide sidewalks along at least one side ~~both sides~~ of all streets.*

- (d) *Street name signs.*
- (e) *Water lines and fire hydrants.*
- (f) *Sewer lines and manholes.*
- (g) *Complete storm drainage facilities designed on the basis of one hundred (100) percent runoff in the drainage area.*
- (h) *Street lights.*

Section 6

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

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

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

sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 7

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 8

This Ordinance shall be codified in accordance with state law and the Code of the City of Doraville, Georgia. This Ordinance shall become effective upon adoption.

SO ORDAINED, this 18th day of March, 2013.

CITY OF DORAVILLE, GEORGIA

Mayor

First Reading

Second Reading

ATTEST:

_____(SEAL)
Sandra Bryant, Acting City Clerk

APPROVED AS TO FORM:

Cecil G. McLendon, Jr., City Attorney

	Yea	Nay
Maria Alexander	✕	✕
Brian Bates	✕	✕
Pam Fleming	✕	✕
Karen Pachuta	✕	✕
Trudy Jones Dean	✕	✕
Robert Patrick	✕	✕