Southern Lowcountry Post Construction Stormwater Ordinance

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Post-Construction Stormwater Management Ordinance for the Southern Lowcountry Region

Description: This ordinance addresses post-construction stormwater management in the Southern Lowcountry Region, defined as the jurisdictional boundaries of Beaufort County, Jasper County, City of Beaufort, Town of Bluffton, City of Hardeeville, and Town of Port Royal. The ordinance establishes requirements for stormwater plans that are to be submitted before land development, redevelopment or major substantial improvement commences. The plans document how post-construction stormwater runoff quality and quantity will be effectively managed according to performance criteria described in the Ordinance and Southern Lowcountry Design Manual. Guidelines for inspection, maintenance, and violations are also included and these requirements are hereby incorporated herein. The ordinance incorporates by reference the *Southern Lowcountry Stormwater Design Manual* and technical specifications for stormwater system design.

***Formatting Notes**: Summary boxes precede many sections of the ordinance and provide a descriptive overview and regulatory intent of the section. Language that is italicized in brackets may be altered or removed to suit the needs of the local jurisdiction. Language italicized in sharp brackets should be changed to match the terminology used by the local jurisdiction or to include data specific to the jurisdiction.*

Section 1. General Provisions

1.1. Findings of Fact

It is hereby determined that:

1) Land development or redevelopment activities can alter the hydrologic response of local watersheds by increasing:
    a. stormwater runoff rates, volumes, and pollutant loads;
    b. flooding;
    c. channel erosion;
    d. pollutant transport and deposition in rivers and streams, wetlands, and estuaries;
    e. fluctuations in salinity concentrations and productivity in estuaries; and
    f. beach contamination and subsequent serious threats to human health.
2) Land development or redevelopment activities can alter the hydrologic response of local watersheds, increasing stormwater runoff rates and volumes, and, consequently, decreasing the amount of rainfall that is available to recharge shallow groundwater aquifers;
3) Without proper mitigation in place, some discharges which end up in stormwater management systems are not stormwater discharges and can carry with them harmful metals and other contaminants;
4) The negative impacts of land development or redevelopment activities on local aquatic resources can adversely affect the health, safety and general welfare of the general public;
5) The negative impacts of land development or redevelopment can be controlled and minimized through the regulation of stormwater runoff rates, volumes, and pollutant loads on development and redevelopment sites;

6) Communities within the *Southern Lowcountry* Region are required to comply with a number of State and Federal regulations that require the adverse impacts of stormwater runoff rates, volumes and pollutant loads to be controlled and minimized;

7) Therefore, the *<local jurisdiction>* has determined that it is in the public interest to control and minimize the adverse impacts of land development or redevelopment activities and has established this set of stormwater management provisions to regulate post-construction stormwater runoff rates, volumes and pollutant loads on development and redevelopment sites.

1.2. Purpose and Intent

The purpose of this ordinance is to protect and maintain the integrity of local aquatic resources, and, consequently, the health, safety and welfare of the general public, by establishing minimum stormwater management provisions that control and minimize the adverse impacts of land development or redevelopment activities. This ordinance seeks to meet that purpose through the following objectives:

1) Establish decision-making processes surrounding land development or redevelopment activities that protect the integrity of local aquatic resources;

2) Establish minimum post-development stormwater management standards and design criteria in the *Southern Lowcountry Stormwater Design Manual* that will reduce flooding, channel erosion, and pollutant transport and deposition in local aquatic resources;

3) Establish minimum post-development stormwater management standards and design criteria in the *Southern Lowcountry Stormwater Design Manual* that will help preserve existing hydrologic conditions on development and redevelopment sites;

4) Establish design criteria in the *Southern Lowcountry Stormwater Design Manual* for structural and nonstructural stormwater management practices that can be used to meet the minimum post-development stormwater management standards and design criteria;

5) Establish that Better Site Design (BSD) and site planning has been incorporated, documented, and presented in the development/redevelopment design process.

6) Maintain structural and nonstructural stormwater management practices to ensure that they continue to function as designed and pose no threat to public safety; and,

7) Streamline administrative procedures for the submission, review, approval and disapproval of stormwater management plans and for the inspection of approved land development projects.

8) If any of the stormwater management standards, as defined in this Ordinance and in the *Southern Lowcountry Stormwater Design Manual* cannot be attained on the site (due to impractical site characteristics or constraints), a Maximum Extent Practicable analysis shall be prepared and submitted by the applicant for review, discussion, and ultimate approval of the jurisdiction. Any uncontrolled post-development stormwater quantity or quality volume shall be intercepted and treated in one or more off-site stormwater management practices or a fee-in-lieu shall be required.

9) The stormwater management practices of approved plans shall provide volume control and at least an eighty (80) percent reduction in total suspended solids loads, thirty (30) percent reduction of total nitrogen load, and sixty (60) percent reduction in bacteria load.

1.3. Applicability and Exemptions

1) This ordinance shall be applicable to any new development or redevelopment activity that meets one or more of the following criteria, unless exempt pursuant to Section 1.3.2 below:
    a. New development that involves the creation of 5,000 square feet of impervious surface or that involves other land disturbing activities of one acre or more.
    b. Redevelopment that involves the creation, addition or replacement of 5,000 square feet or more of impervious surface or that involves other land disturbing activities of one acre or more.
    c. New development or redevelopment, regardless of size, that is part of a larger common plan of development, even though multiple, separate and distinct land disturbing activities may take place at different times and on different schedules.
    d. A major substantial improvement of an existing property.
2) The following activities are exempt from this ordinance:
    a. Any maintenance, alteration, renewal, or improvement as approved by *<local jurisdiction>* which does not alter existing drainage pattern, does not result in change or adverse impact on adjacent property, or create adverse environmental or water quality impacts, and does not increase the temperature, rate, quality, or volume or location of stormwater runoff discharge.
    b. Projects that are exclusively for agricultural or silvicultural activities within areas zoned for these agricultural and silvicultural uses;
    c. Agricultural activity not involving relocation of drainage canals;
    d. Redevelopment that constitutes the replacement of the original square footage of impervious cover and original acreage of other land development activity when the original development is wholly or partially lost due to natural disaster or other acts of God occurring after *<date of adoption>*; and,
    e. Work by agencies or property owners required to mitigate emergency flooding conditions. If possible, emergency work should be approved by the duly appointed officials in charge of emergency preparedness or emergency relief. Property owners performing emergency work will be responsible for any damage or injury to persons or property caused by their unauthorized actions. Property owners will stabilize the site of the emergency work within 60 days, or as soon as reasonable, following the end of the emergency period.

1.4. Designation of Ordinance Administrator

The *<administrator>* is hereby appointed to administer and implement the provisions of this ordinance.

1.5. Compatibility with Other Regulations

This ordinance is not intended to interfere with, modify or repeal any other ordinance, rule, regulation, 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 provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

1.6. 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.

1.7. Stormwater Management Manual

The *<local jurisdiction>* will utilize the standards, criteria, and information presented in the latest edition of the *Southern Lowcountry Stormwater Design Manual or applicable addendums, appendices, technical memorandums, and/or applicable revisions that may be directly applied* for the proper implementation of this ordinance. This Manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring, local experience, and state or federal water quality requirements.

The procedures and standards set forth in this Stormwater Management Ordinance, and the policies, procedures, and design data specified in the *Southern Lowcountry Stormwater Design Manual* provide the minimum standards to be adhered to by land development and redevelopment activities under the jurisdiction of *<local jurisdiction>*.

The *Southern Lowcountry Stormwater Design Manual* identifies Special Watershed Protection Areas that have standards and criteria specific to land development or redevelopment in the areas.

Section 2. Definitions

"Administrator" means the person appointed by each jurisdiction to execute the requirements of this Ordinance and Stormwater Design Manual.

"Applicant" means a property owner or other responsible person who has submitted an application for a post-development stormwater management permit.

"Best management practice" (BMP) — Structural or non-structural practice that minimizes the impact of stormwater runoff on receiving waterbodies and other environmental resources, especially by reducing runoff volume and the pollutant loads carried in that runoff.

"Better Site Design" means site design techniques that can be used during the site design process to minimize the creation of new impervious cover and reduce a site's impact on the watershed. Better site design techniques include reduced clearing and grading limits, roadway lengths and widths, and parking lot and building footprints.

"Better Site Planning" means site planning techniques that can be used during the site planning process to protect and conserve natural areas that are critical in preserving pre-development site hydrology and reducing a site's impact on the watershed. Better site planning techniques include conserving significant stands of trees and other vegetation, natural drainage features, and riparian buffers.

"Building" means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

"Channel" means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

"Dedication" means the deliberate appropriation of property by its owner for general public use.

"Detention" means the temporary storage of stormwater runoff in a stormwater management practice for the purpose of controlling the peak discharge.

"Developer" means a person who undertakes land development or redevelopment activities.

"Development" is a term that means the physical improvement of land by land disturbing activities or construction of infrastructure, buildings and structures allowed through site plan, development plan or subdivision approval.

"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.

"Easement" means a legal right granted by a land owner to a grantee allowing the use of private land for conveyance or treatment of stormwater runoff and access to stormwater management practices.

"Erosion and Sedimentation Control Plan" means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land development or redevelopment activities.

"Evapotranspiration" means the loss of water to the atmosphere by both evaporation and transpiration, through the uptake of water by plants.

"Existing Conditions" means land use and land cover conditions at the time of a land development or redevelopment permit application.

"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.

"Fee-in-lieu" means a payment collected by approval of a local jurisdiction as an alternative to meeting the requirements of onsite stormwater control facilities.

"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.

"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.

"Impaired Waters" means those streams, rivers and lakes that currently do not meet their designated use classification and associated water quality standards and as identified in the Clean Water Act Section 303(d) list by the South Carolina Department of Health and Environmental Control.

"Impervious Cover" means a surface composed of any material that impedes or prevents the passive, natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets, roads, and compacted stone or gravel, except those designed specifically to provide active, engineered infiltration.

"Infill Development" means land development that occurs within designated areas based on local land use, watershed, and/or utility plans where the surrounding area is generally developed, and where the site or area is either vacant or has previously been used for another purpose.

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

“Infiltration Practice” means any stormwater management practice designed to provide active, engineered infiltration of retained water to the subsurface. These stormwater management practices may be above or below grade.

“Inspection and Maintenance Agreement and Covenant” means a written agreement and covenant providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development or redevelopment project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a development project.

"Fee-in-Lieu” means a payment of money in place of meeting all or part of the stormwater management criteria required by the *Southern Lowcountry Stormwater Design Manual*.

“Land Development” means any change in land cover, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, filling, and paving, that alters the hydrologic response of local watersheds.

“Land Development Activities” means those actions or activities that comprise, facilitate, or result in land development.

“Land Development Project” means a discrete land development undertaking.

“Larger Common Plan of Development” means a common plan for development or sale. It identifies a site where multiple separate and distinct construction activities (areas of disturbance) are occurring on contiguous areas. Such sites may have one operator or owner or several operators and owners. Construction activities may take place at different times on different schedules, in separate stages, and/or in separate phases, and/or in combination with other construction activities. Each developer, operator or owner for each site or project determined to be a part of a larger common plan of development are subject to land development approval and permitting requirements as defined herein and the Southern Lowcountry Design Manual.

“Low Impact Development” means small-scale, distributed stormwater management practices that can be used during the site design process to replicate existing hydrologic conditions, help offset the creation of new impervious cover, and reduce a site’s impact on the watershed.

“Major Substantial Improvement” is a renovation or addition to a structure that meets both of the following cost and size thresholds: a) construction costs for the building renovation/addition are greater than or equal to 50% of the pre-project assessed value of the structure as developed using current Building Valuation Data of the International Code Council, and b) combined footprint of structure(s) exceeding the cost threshold and any land disturbance is greater than or equal to 5,000 square feet.

“Maximum Extent Practicable (MEP)” refers to the extent of efforts to comply with local post-construction stormwater management requirements. Elements of MEP indicate serious intent to comply and include selecting and implementing design elements to address site restrictions. Maximum extent practicable is defined as the following:

- Proponents of redevelopment projects have made all reasonable efforts to meet the applicable *Southern Lowcountry Stormwater Design Manual*;

- They have made a complete evaluation of possible stormwater management measures including environmentally sensitive site design that minimize land disturbance and impervious surfaces, low impact development techniques, and stormwater best management practices (BMPs); and,
- If not in full compliance with the applicable Standards, they are implementing the highest practicable level of stormwater management.

"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, nutrients, 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 agriculture, silviculture, mining, construction, subsurface disposal, suburban and urban runoff.

"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 *<local jurisdiction>* to the applicant, which is required for undertaking any land development or redevelopment 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 or redevelopment activity on a site.

"Pre-development" refers to the time period or the conditions that exist, on a site prior to land development. For the purpose of determining pre-development surface runoff conditions, it is assumed that predevelopment is meadow conditions.

"Project" means a land development or redevelopment project.

"Recharge" means the replenishment of groundwater aquifers.

"Redevelopment" means a change to previously existing, improved property, including but not limited to the building of structures, filling, grading, paving, or excavating, but excluding ordinary maintenance activities, remodeling of buildings on the existing footprint, resurfacing of paved areas, and exterior changes or improvements that 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 in the contributing drainage area is either eliminated or reduced.

"Riparian Buffer" means an area of land at or near a streambank, wetland, or waterbody that has intrinsic water quality value due to the ecological and biological processes it performs or is otherwise sensitive to changes which may result in significant degradation of water quality.

"Runoff" means stormwater runoff.

"Runoff Reduction" means the total annual runoff volume reduced through canopy interception, soil infiltration, evaporation, transpiration, rainwater harvesting, engineered filtration, or extended filtration.

"Site" means the parcel of land being developed, or the portion thereof on which the land development or redevelopment project is located.

"Special Watershed Protection Area" means a watershed or drainage catchment designated by the *<local jurisdiction>* to provide specific stormwater management requirements beyond those established in the *Southern Lowcountry Stormwater Design Manual* for the general three watershed protection areas of the Southern Lowcountry.

"Stop Work Order" means an administrative order that requires development activity on a site to be stopped. The extent of the stop work order is determined by the *<local jurisdiction>* and is identified in accompanying details of each Order.

"Stormwater Hotspot" means an area where land use or activities generate highly contaminated runoff with concentrations of pollutants in excess of those typically found in stormwater runoff. The following operations are examples of, but not limited to, stormwater hot spots in this ordinance: car washes, industrial sites, auto repair shops, parking garages, vehicle fueling and storage areas, golf courses, marinas, and transportation equipment repair facilities.

"**Stormwater Management Practice**" means structural and nonstructural practices that control stormwater runoff and provide for or enhance stormwater quantity and/or quality control or other stormwater management benefits.

"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 Plan” means a document describing how existing runoff characteristics will be affected by a land development or redevelopment 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 practices that are used to capture, convey, and control the quantity and quality of the stormwater runoff.

“Stormwater Retrofit” means a stormwater management practice designed for an existing development site that previously had either no stormwater management practice in place or a practice inadequate to meet the requirements of the *Southern Lowcountry Stormwater Design Manual*.

"Stormwater Runoff" means the flow of surface water resulting from precipitation.

“Structural Stormwater Management Practice” 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 parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, transfer of ownership, or land development or redevelopment, 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.

“Violation” means to transgress conditions of a permit, development plan, maintenance agreement, or local or state statutes.

“Watercourse” means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

“Watershed Management Plan” means a document, usually developed cooperatively by government agencies and other stakeholders, to protect, restore, and/or otherwise manage the water resources within a particular watershed or subwatershed. The plan commonly identifies threats, sources of impairment, institutional issues, and technical and programmatic solutions or projects to protect and/or restore water resources.

“Watershed Protection Area” means a watershed or drainage catchment designated in the *Southern Lowcountry Stormwater Design Manual* with specific stormwater management requirements that are intended to enhance the quality of development, protect and enhance stormwater quality and management, protect aquatic resources from the negative impacts of land development process, address water quality impairments or a total maximum daily load, as identified by the South Carolina Department of Health and Environmental Control (DHEC), or address localized flooding issues.

Section 3. Permit Procedures and Requirements

3.1 Permit Application Requirements

No owner or developer shall perform any land development or redevelopment activity without first meeting the requirements of this ordinance and the *Southern Lowcountry Stormwater Design Manual* and having been issued a permit from the *<local jurisdiction>*. Unless specifically exempted by this ordinance, any owner or developer proposing a land development or redevelopment activity shall

submit to the *<local jurisdiction>* a permit application and accompanying items as dictated in the *Southern Lowcountry Stormwater Design Manual* and *<local jurisdiction>* for that purpose.

The *<Administrators>* shall use the criteria, and information, including technical specifications and standards, in the *Southern Lowcountry Stormwater Design Manual* as the basis for decisions about stormwater plans and about the design, implementation and performance of structural and non-structural stormwater systems. The *Southern Lowcountry Stormwater Design Manual* standards shall describe in detail how post-development stormwater runoff will be controlled and managed, the design of all stormwater facilities and practices, the components of a project plan necessary to meet the requirements of this Ordinance and post-construction maintenance and inspection requirements.

3.2 Maximum Extent Practical Guidelines and Process

Maximum extent practicable, or "MEP," is the language of the Clean Water Act that sets the standards to evaluate efforts pursued to achieve pollution reduction to the waters of the United States. It is the determination of this Ordinance that all proposed development and redevelopment sites meet the requirements of the Southern Lowcountry Stormwater Design Manual to achieve reduction of pollution to the waters of the Southern Lowcountry. If it is technically infeasible to do so, the applicant shall document and provide such information to *<local authority>* for review. Information provided shall demonstrate how a combination of several iterations of Better Site Design and post development stormwater management design scenarios fail to meet the minimum requirements of the Southern Lowcountry Stormwater Design Manual and justification of their determination of infeasibility. Cost is not a viable justification.

The MEP process defined by the Southern Lowcountry Stormwater Design Manual shall be the basis of submittals for plan approval under this Ordinance. The MEP submittal must provide documentable evidence of the process the applicant has performed that demonstrates the restrictions to the use and implementation of BMPs to meet the requirements of this Manual in whole or in part. The consideration for a waiver of this Ordinance's requirements will rely on the MEP submittal and *<Administrator>* review.

3.3 Performance Bonds

Bonding for the cost of stormwater facilities approved for the proposed development shall be provided in accordance with the *<local jurisdiction>* performance bond and permit issuance process. The *<local jurisdiction>* shall require from the developer a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to the *<local jurisdiction>* prior to the issuance of any building, grading and/or stormwater permit for any land development, redevelopment or major substantial improvement activity requiring a permanent stormwater management system. The bond required in this Section shall include provisions relative to forfeiture for failure to complete work specified in the approved stormwater management design plan, compliance with all of the provisions of this ordinance, other applicable laws and regulations, and any time limitations.

3.4 Waivers

Individuals seeking a waiver from the requirements of this Ordinance may submit to the *(administrator)* a request for a waiver in accordance with the Southern Lowcountry Stormwater Design Manual.

3.5 Fee-in-Lieu

A fee-in-lieu process shall be established by <*local jurisdiction*> for development projects when none or only partial stormwater requirements can be met. The intent of the fee-in-lieu is to perform or construct future stormwater management BMP projects to mitigate impacts resulting from the development project. The fee-in-lieu may apply in both a waiver and non-waiver development and redevelopment review process.

Section 4. Post-Construction Stormwater Management Criteria

All development and redevelopment sites shall utilize structural and nonstructural stormwater management practices to control and minimize the increased stormwater runoff rates, volumes, and pollutant loads caused by land development in accordance with the criteria presented in the *Southern Lowcountry Stormwater Design Manual*.

For structural and nonstructural stormwater management practices not included in the *Southern Lowcountry Stormwater Design Manual*, or for which pollutant removal and runoff reduction rates have not been provided, the effectiveness of the structural or nonstructural stormwater management practice must be documented through prior studies, literature reviews, or other means and receive approval from the <*local jurisdiction*> before being included in the design of a stormwater management system. In addition, if the site is located in a Watershed Protection Area or a Special Watershed Protection Area the <*local jurisdiction*> may impose additional requirements as deemed necessary, which are located in the *Southern Lowcountry Stormwater Design Manual*.

4.1 Stormwater Volume Control

Some portion of the stormwater runoff generated on a development or redevelopment site shall be captured and retained, reused, or otherwise reduced in order to preserve and/or replicate pre-development site hydrology, recharge shallow groundwater aquifers, promote baseflow to on-site and downstream aquatic resources, and minimize the water quality impacts of land development. Applicant shall follow the runoff reduction requirements in the *Southern Lowcountry Stormwater Design Manual*.

4.2 Stormwater Conveyance Systems and Flood Protection

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

1) Methods used to calculate stormwater runoff rates and volumes shall be in accordance with the latest edition of the *Southern Lowcountry Stormwater Design Manual*;
2) All culverts, pipe systems, and open channel flow systems shall be sized in accordance with the stormwater management design plan using the methods included in the latest edition of the *Southern Lowcountry Stormwater Design Manual*; and,
3) Planning and design of stormwater conveyance systems shall be in accordance with the criteria and specifications found in the latest edition of the *Southern Lowcountry Stormwater Design Manual.*

4) Off-site discharge points in the final approved stormwater plan submission must be identified and the receiving conveyance system must be determined and certified by the Applicant Engineer to be adequate by the applicant/engineer to convey the 25-year storm and not have negative impact on downstream properties.

4.2.1 Overbank Flood Protection

All stormwater management systems shall be designed to control the post-development peak discharge generated by the overbank flood protection storm event, as defined in the latest edition of the *Southern Lowcountry Stormwater Design Manual*, to prevent an increase in the frequency and magnitude of damaging overbank flooding and safely convey the design storms. A stormwater management system complies with this requirement if:

1) It provides overbank flood protection in accordance with the criteria and information provided in the latest edition of the *Southern Lowcountry Stormwater Design Manual*; and,
2) Appropriate structural and nonstructural stormwater management practices have been selected, designed, constructed, and maintained in accordance with the standards, criteria, and information presented in the latest edition of the *Southern Lowcountry Stormwater Design Manual*.
3) Off-site discharge points in the final approved stormwater plan submission must be identified and the receiving conveyance system must be determined and certified by the Applicant Engineer to be adequate by the applicant/engineer to convey the 2 - 50-year, 24-hour storm and not have negative impact on downstream properties.

4.2.2 Extreme Flood Protection

All stormwater management systems shall be designed to control and/or safely convey the post-development peak discharge generated by the extreme flood protection storm event, as defined in the latest edition of the *Southern Lowcountry Stormwater Design Manual*, to protect downstream properties from flood damage, maintain the boundaries of existing floodplains, and protect the physical integrity of downstream stormwater conveyance features and flood control facilities. A stormwater management system complies with this requirement if:

1) It provides extreme flood protection in accordance with the criteria and information provided in the latest edition of the *Southern Lowcountry Stormwater Design Manual*;
2) Appropriate structural and nonstructural stormwater management practices have been selected, designed, constructed, and maintained in accordance with the standards, criteria, and information presented in the latest edition of the *Southern Lowcountry Stormwater Design Manual*; and
3) Adequate 100 year flow overflow path (as documented in the 10% analysis submission) from the site to adjacent properties is identified and determined to not have a negative impact on existing downstream receiving conveyance system(s), adjacent properties, and/or structures; this overflow path must be certified by a professional engineer.

4.3 Structural Stormwater Management Practices

All structural stormwater management practices shall be selected, designed, constructed, and maintained in accordance with the standards, criteria, and information presented in the latest edition of the *Southern Lowcountry Stormwater Design Manual* construction standard specifications. Applicants shall consult the latest edition of the *Southern Lowcountry Stormwater Design Manual* for guidance on

selecting structural stormwater management practices that can be used to satisfy the post-construction stormwater management criteria.

Section 5. Construction of Stormwater Management Systems

The <*local jurisdiction*> is authorized under this Ordinance to require performance bonds for construction of stormwater management systems, as detailed in the *Southern Lowcountry Stormwater Design Manual*.

The <*local jurisdiction*> is authorized under this Ordinance to perform construction inspections including, but not limited to, preconstruction, preclearing, and construction sequence inspections as detailed in the *Southern Lowcountry Stormwater Design Manual*.

The <*local jurisdiction*> is authorized under this Ordinance to perform final construction inspections and require "as built" plans for all permanent stormwater management practices as detailed in the *Southern Lowcountry Stormwater Design Manual*.

Section 6. Ongoing Inspection and Maintenance of Stormwater Management Systems

The <local jurisdiction> is authorized under this Ordinance to perform and require ongoing inspections and maintenance of stormwater management systems as detailed in the *Southern Lowcountry Stormwater Design Manual*.

Section 7. Violations, Enforcement, and Penalties

The <*local jurisdiction*> is authorized under this Ordinance to enforce the provisions of this ordinance as described in <*local jurisdiction*> violations, enforcement and penalties process. Any action or inaction that violates the provisions of this ordinance or the requirements of an approved stormwater management design plan, stormwater management inspection and maintenance agreement and plan, or permit may be subject to the enforcement actions. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief.