



PLANNING COMMISSION MEETING NOVEMBER 5, 2020

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
6:30 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MEETING MINUTES
 - a. October 1, 2020 Meeting Minutes

- IV. ITEMS FROM BOARD MEMBERS
- V. ITEMS FROM STAFF
- VI. PUBLIC HEARING

- a. CU-20-08 Peach Coffee Roasters/Henderson Commons
This item has been deferred by the Applicant to Thursday, December 3, 2020. It will not be considered at this meeting.
Consideration of a conditional use to allow a 'Restaurant, with drive-through' for Peach Coffee Roasters. The property is located at 735 North Main Street and is legally described as being located in Land Lot 1122, 2nd District, 2nd Section, Fulton County, Georgia.
- b. MP-20-05 Advanced Care Medical/3900 Brookside Parkway
Consideration of a master plan amendment to add 'Clinic' as a permitted use in Pod D of the Brookside Master Plan. The property is located at 3900 Brookside Parkway and is legally described as being located in Land Lots 49 and 50, 1st District, 1st Section, Fulton County, Georgia.
- c. PH-20-14 Unified Development Code Text Amendments – Updates to International Building Code and Fire Code References
Consideration of text amendments to the Unified Development Code to amend dates associated with the current versions of the International Building Code and Fire Code.
- d. PH-20-16 Unified Development Code Text Amendments – Stormwater and Floodplain Management
Consideration of text amendments to the Unified Development Code to amend regulations associated with stormwater and floodplain management.

- VII. ADJOURNMENT



PLANNING COMMISSION MEETING SUMMARY OCTOBER 1, 2020

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
6:30 PM

*This summary is provided as a convenience and service to the public, media and staff. It is not the intent to record proceedings verbatim. Any reproduction of this summary must include this notice. Public comments are noted as heard by the Planning Commission, but not quoted or paraphrased. This document includes limited presentation by the Planning Commission and invited speakers in **summary** form.*

I. CALL TO ORDER

Chairman Kung'u called the meeting to order at 6:30 p.m.

II. ROLL CALL

Members

- Francis Kung'u (Chair)
- Fergal Brady (Vice-Chair) (Absent)
- Larry Attig
- John Goss
- William Perkins
- Candy Waylock
- Martine Zurinskas
- Jamie Bendall (Absent)(Alternate)
- Jill Bernard(Absent)(Alternate)

Staff Present

- Kathi Cook, Director of Community Development
- Michael Woodman, Senior Planner
- Eric Graves, Senior Traffic Engineer
- Elicia Taylor Planning and Zoning Coordinator

III. APPROVAL OF MEETING MINUTES

- ❖ Commissioner Attig offered a motion to approve
- Commissioner Perkins seconded the motion
- The motion was approved (6-0)

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

- a. **PH-20-13 Unified Development Code Text Amendments – Animal Hospital, Small Animal**
Jessica Hill at the request of the property owner requested consideration of text amendments to the Unified Development Code to add 'Animal Hospital, Small Animal' as a conditional use in the O-I (Office-Institutional) zoning district.

There was no public comment.

After presentation from the Applicant and discussion from the Board.

- ❖ Commissioner Zurinkas offered a motion to approve
- Commissioner Goss seconded the motion
- The motion was approved (6-0)

- b. **MP-20-04/CU-20-07 Veterinary Emergency Group/2725 Old Milton Parkway**
Michael Woodman, Senior Planner, presented consideration of a master plan amendment to Parkway 400 Master Plan Pod A to add 'Animal Hospital, Small Animal' and a conditional use to allow an 'Animal Hospital, Small Animal' for Veterinary Emergency Group. The property is located at 2725 Old Milton Parkway, Suite A and is legally described as being located in Land Lots 803 & 804, 1st District, 2nd Section, Fulton County, Georgia.

- Presented Staff recommended Conditions
- Suggested a change to Condition # 2 from 4,500sf to 4590 sf.
- Parkway 400 Master Plan Amendments
- Animal Hospitals located in the City
- Traffic
- Standards for Master Plan Amendments
- Conditional Use Review Criteria

The Applicant presented:

- Background on Company
- Agreed to Staff recommended conditions
- Property Owner, Tom Arey, Windward Eye Clinic, spoke in support.

There was discussion from the Board:

- Animal Rescue Involvement
- Number of animals treated during a day

There was no public comment.

- ❖ Commissioner Perkins offered a motion to approve with the following conditions as noted by Staff:
 1. Add 'Animal Hospital, Small Animals' to Pod A of the Parkway 400 Master Plan as a conditional use.
 2. 'Animal Hospital, Small Animals' shall be added as a conditional use at 2725 Old Milton Parkway, Suite A and limited to no more than 4,590 square feet.
 3. Conditional use approval shall be limited to Veterinary Emergency Group; no additional 'Animal Hospital, Small Animals' businesses or subleasing shall be permitted within the approved space.
 4. The business shall be permitted to operate 24-hours/day, 7 days/week.
 5. Boarding of animals is limited to short-term care incidental to the hospital use.
 6. Interior tenant improvements associated with Suite A shall include wall soundproofing, per letter from Thomas E. Arey, dated 7/16/2020.
 7. Mobile resources supporting the business, such as a mobile MRI or X-ray, shall not be parked between the building and the street.
- Commissioner Waylock seconded the motion
- The motion was approved (6-0)

VII. ADJOURNMENT

Chairman Kung'u adjourned the meeting at 7:10 p.m.



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: CU-20-08 PEACH COFFEE ROASTERS/HENDERSON COMMONS

PLANNING COMMISSION: NOVEMBER 5, 2020

CITY COUNCIL: NOVEMBER 16, 2020

II. RECOMMENDATION:

Approve CU-20-08 Peach Coffee Roasters/Henderson Commons, subject to the following conditions:

1. 'Restaurant w/Drive-Thru Window' shall be added as a conditional use at 735 North Main Street, Building A and limited to no more than 2,000 square feet.
2. Conditional use approval shall be limited to Peach Coffee Roasters; no additional 'Restaurant w/Drive-Thru Window' use or subleasing shall be permitted on the approved outparcel.
3. Building shall be substantially like the submitted architecture and materials, with final approval by DRB. New buildings shall be non-painted brick, with final approval by DRB.
4. Drive-thru lane shall be screened along its east side with a row of taller growing evergreen shrubs, such as Hollies or Tea Olives.
5. Outside speakers shall not be audible from off-site properties.
6. Hours of operation shall be Monday – Friday 7:00 AM – 6:00 PM, Saturday 8:00 AM – 5:00 PM and Sunday 8:00 AM – 3:00 PM.
7. Pots planted with ornamental trees and shrubs of various sizes and colors shall be provided along the frontage of the main shopping center building. Pots shall be of a material and color that is compatible with the shopping center, with final approval by DRB.
8. Developer shall assess and replace any dead, dying or missing required landscape material.
9. Developer shall provide a pedestrian connection from the Highway 9 sidewalk to the front door of the business, including adequate striping through the parking lot, as approved by Staff.
10. Developer shall make accommodations for the GDOT Highway 9 project, including right-of-way and permanent and temporary easements. The landscape strip along Highway 9 shall be accommodated with the GDOT Highway 9 project and required landscaping removed as a result of the project shall be replaced at project completion.

III. REPORT IN BRIEF:

The applicant, David Pittman, is requesting a conditional use to allow Peach Coffee Roasters to operate a 'Restaurant w/Drive-Thru Window' in a 2,000 square foot building on a pad-ready site within the Henderson Commons shopping center. The proposed use requires approval of a conditional use in the C-1 (Neighborhood Commercial) zoning district. The subject property is located at 735 North Main Street near the southeast corner of North Main Street and Henderson Parkway.

DISCUSSION

The submitted request, if approved, would allow Peach Coffee Roasters to operate a 'Restaurant w/Drive-Thru Window' in a 2,000 square foot building on a pad-ready site within the Henderson Commons shopping center. The subject property is located at 735 North Main Street near the southeast corner of North Main Street and Henderson Parkway.

The property is part of an 8.6-acre site developed as a shopping center with two (2) commercial outparcels. The zoning of the property is C-1 (Neighborhood Commercial), which allows 'Restaurant w/Drive-Thru Window' with approval of a conditional use. Surrounding properties are zoned C-1 to the north, east and west and CUP (Community Unit Plan) to the south. Addington Place Assisted Living Facility is located to the north, Advance Auto Parts to the west, Children's Cottage Montessori to the east and Somerset at Henderson Village to the south. The Comprehensive Land Use Plan designation of the property is 'Commercial'.

Henderson Commons shopping center is approximately 8.6 acres and was developed in 2008 with a 32,990 square foot shopping center. Two (2) outparcels were created in the parking lot, including the applicant's proposed location called out in the aerial photo below. Businesses occupying the shopping center include Lumber Liquidators, Leather Creations, and Title Boxing Club, to name a few. A conditional use was approved to allow 'Restaurant w/Drive-Thru Window' for Dunkin Donuts at the Stonewood Village shopping center in 2019, which is located at the northwest corner of North Main Street and Cogburn Road.



The property is located within the Highway 9 LCI, which was adopted by the Cities of Alpharetta and Milton in 2012. The property is located in the southern portion of the 'Transitional Area' and includes a vision to improve walkability and overall character of the area. This area includes several retail developments that are under-utilized and under-performing, including Henderson Commons. In general, drive-thru restaurants do not promote walkability however a local coffee shop with a drive-thru will have fewer trips than a typical fast food restaurant. Additionally, a patio and green space is planned which will promote walkability. The location is near existing residential development.

While the LCI calls for buildings to be brought up to the street, the property is already pad-graded with surface parking around the perimeter. However, the proposed outparcels buildings are much closer to Highway 9 than the main building in the shopping center and only one (1) row of parking will remain between the coffee shop building and the street. The new buildings will also help screen the large surface parking lot from Highway 9. GDOT's Highway 9 project will improve walkability in the area with the installation of twelve-foot (12') wide sidewalks.

Peach Coffee Roasters currently has one (1) location in Johns Creek at 10875 Jones Bridge Road. The business is different than most coffee shops as they roast their coffee beans on-site. The business also offers packaged coffee and a frequently changing food menu. Hours of operation are Monday through Friday 7:00 AM to 6:00 PM, Saturday 8:00 AM to 5:00 PM and Sunday 8:00 AM to 3 :00 PM. The applicant anticipates between nine (9) to twelve (12) employees.

The Henderson Commons location is proposed in a multi-tenant building, depicted as Building A on the site plan, with a single lane drive-thru on an existing outparcel within the parking lot. The applicant proposes to occupy approximately 2,000 square feet of the 4,200 square foot Building A. There is enough parking to serve the existing and proposed uses on the property. The

applicant's public hearing application states that the drive-thru facilities are essential to the business as a result of the Covid-19 pandemic.

TRAFFIC

Staff estimates that the 2,000 square foot coffee shop with drive-thru would generate 178 AM Peak Hour trips and 87 PM Peak Hour trips.

CONDITIONAL USE REVIEW CRITERIA

City staff has reviewed the applicant's request and compared it to the conditional use standards established in UDC Sec. 4.2.3 (B) which are as follows:

A conditional use otherwise permitted within a zoning district shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria at a public hearing and satisfactory provisions or arrangements are made for:

1. Access into and out of the property with regard to traffic and pedestrian safety, volume of traffic flow, and emergency vehicles, as well as the type of street providing access;

Response: The subject property has access from Highway 9 and Henderson Parkway. The proposed use would not have significant impacts on vehicular and pedestrian access since it is a local coffee shop with a drive-thru generating fewer trips than typical drive-thru restaurants. If approved, a condition is recommended requiring a pedestrian connection from the public sidewalk to the front door of the business, including striping through the parking lot.

2. The extent to which refuse areas, loading and service areas, off street parking, and buffers and screening are provided on the property;

Response: The above-mentioned improvements are sufficiently addressed on the applicant's site plan. The drive-thru facility has sufficient stacking. If approved, a condition is recommended requiring that landscape strip plantings removed as a result of GDOT's Highway 9 project be replaced at project completion.

3. Ensuring that the conditional use will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood;

Response: The proposal should not have significant impacts on surrounding properties or businesses, which are also developed with commercial uses. In addition, the coffee shop will help with the retail synergy within Henderson Commons shopping center, which should improve business activity.

4. Ensuring that the conditional use will not increase local or state expenditures in relation to the cost of servicing or maintaining neighboring properties;

Response: Not applicable.

5. Ensuring that the conditional use will not impede the normal and orderly development of surrounding property for uses predominant in the area;

Response: The proposal should not impede the normal and orderly development of surrounding properties or businesses, which are also developed with commercial uses. The coffee shop would not be supported if it was a restaurant generating a higher number of trips. This coffee shop also promotes outdoor seating and encourages walk up customers.

6. Ensuring that the location and character of the conditional use is consistent with a desirable pattern of development for the city, in general; and

Response: The subject property is a shopping center, which typically have restaurants with drive-thru facilities on outparcels. Promoting walkability along main street is a goal therefore a drive-thru should be carefully considered based upon traffic generated as well as supporting restaurants with outdoor space. This location will incorporate and adjacent green space.

7. Ensuring that the conditional use is appropriately separated from similar uses and conflicting uses, such as residences, government buildings, parks, churches or schools.

Response: The coffee shop with drive-thru is sufficiently separated from the nearest residential properties, which are located to the south behind the Henderson Commons shopping center. A Dunkin Donuts with drive-thru was approved at the northwest corner of North Main Street and Cogburn Road in the Stonewood Village shopping center, which is approximately 600' away (as measured in a straight-line distance).

CONCURRENCES

City Staff has reviewed the applicant's proposal and finds that the request is not in conflict with the established review criteria for a conditional use. The proposal should not have significant impacts on surrounding properties, which are also developed with commercial uses. Promoting walkability along main street is a goal therefore a drive-thru should be carefully considered based upon traffic generated as well as supporting restaurants with outdoor space. This location will incorporate and adjacent green space.

CITIZEN PARTICIPATION PLAN

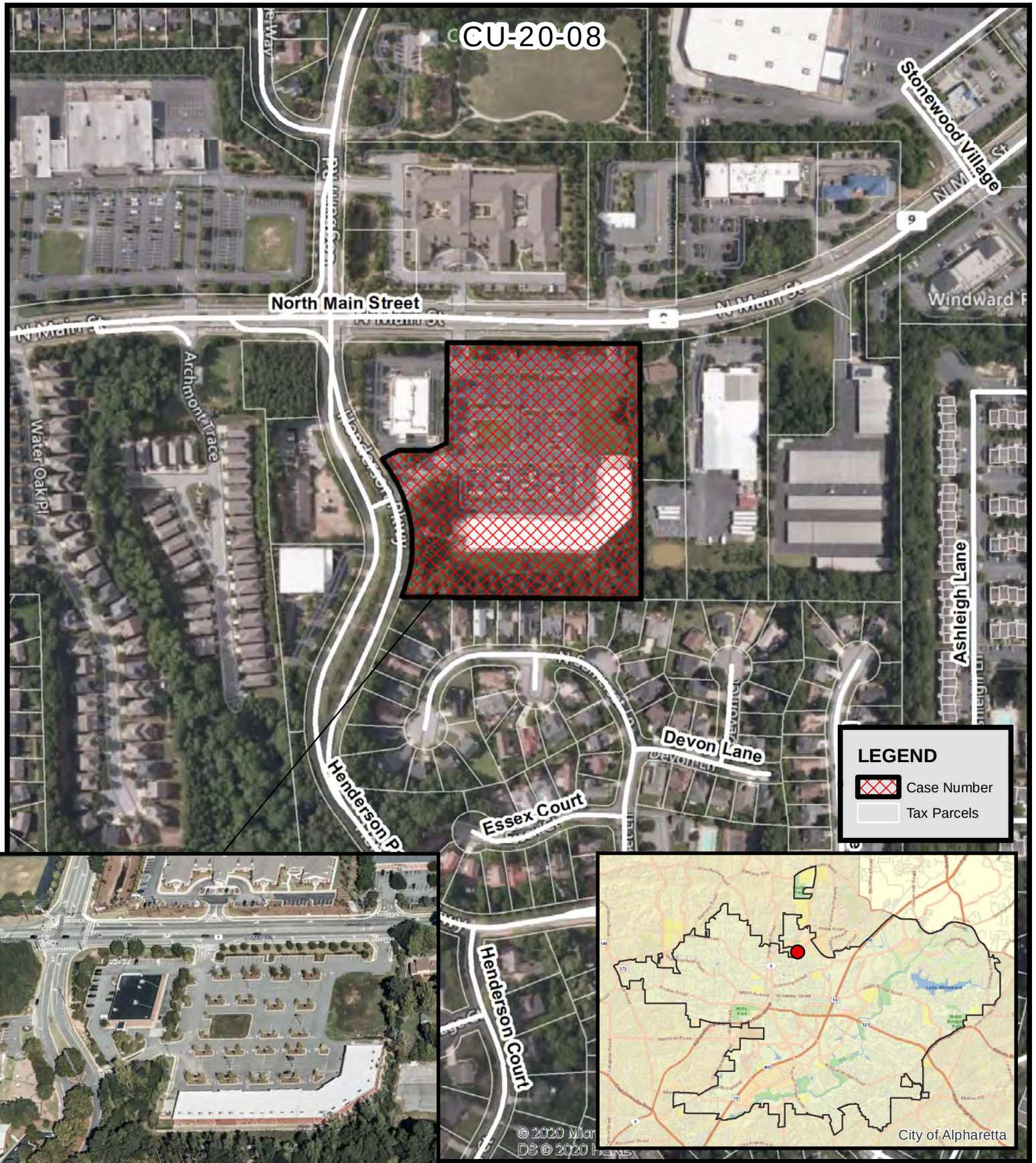
The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.

COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on October 14, 2020. There were no public comments.

IV. ATTACHMENTS:

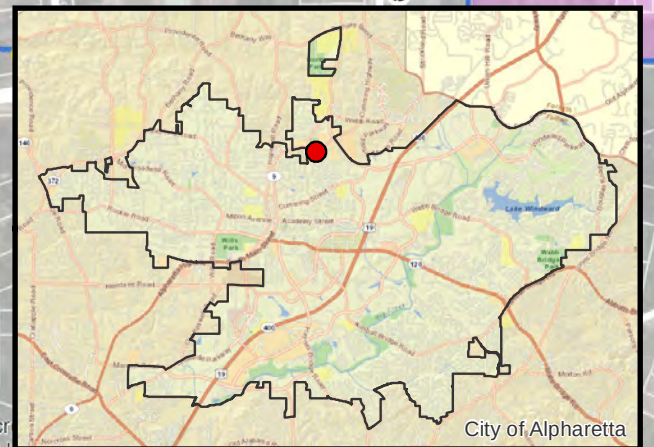
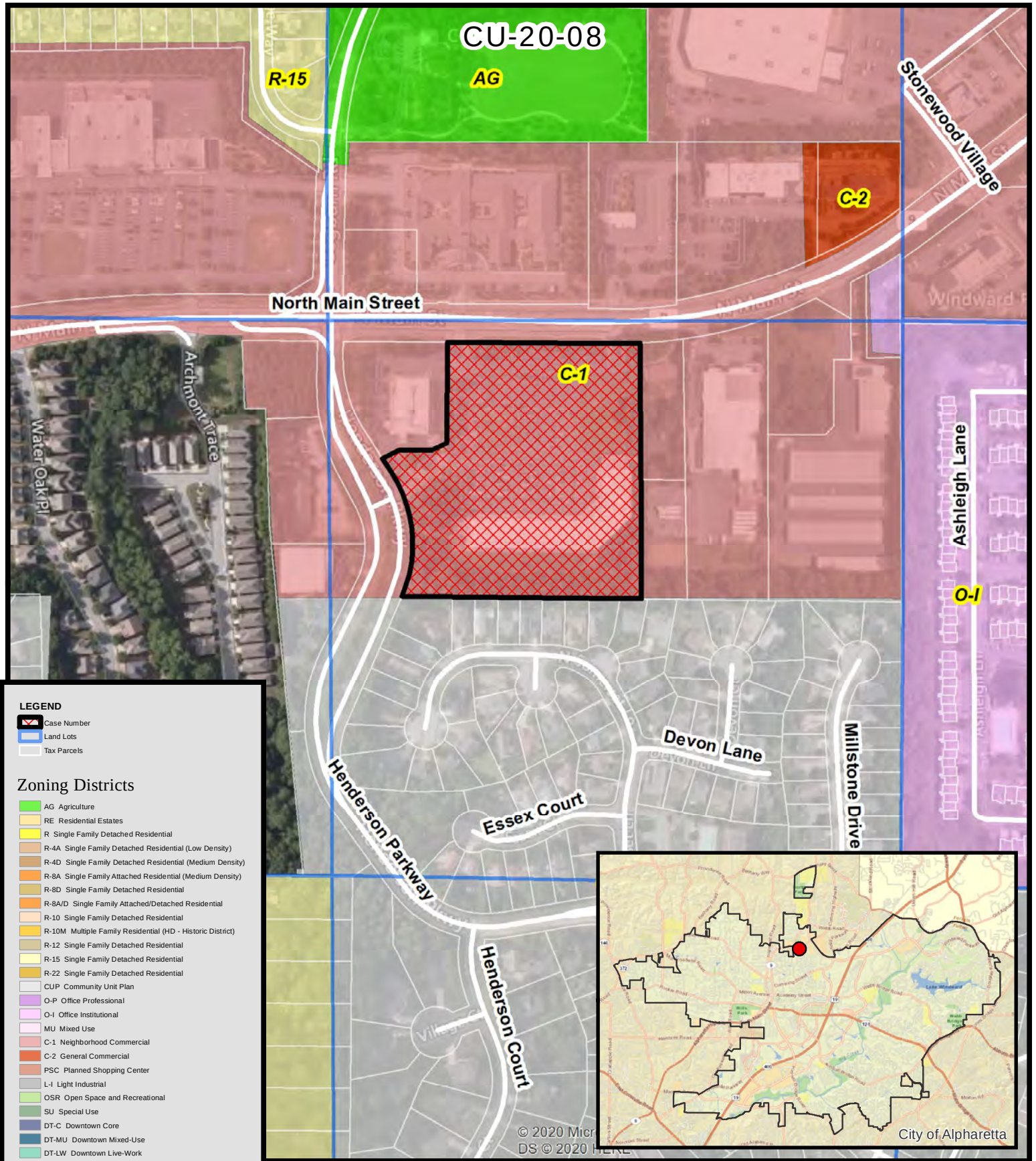
- Site Plan
- Building Elevations



Aerial Map
Peachtree Roasters Coffee Shop
Henderson Commons

CU-20-08
D/LL: 1/1/0050
PC:11/5/20
CC: 11/16/20

Location Map Provided by:
Community Development - GIS

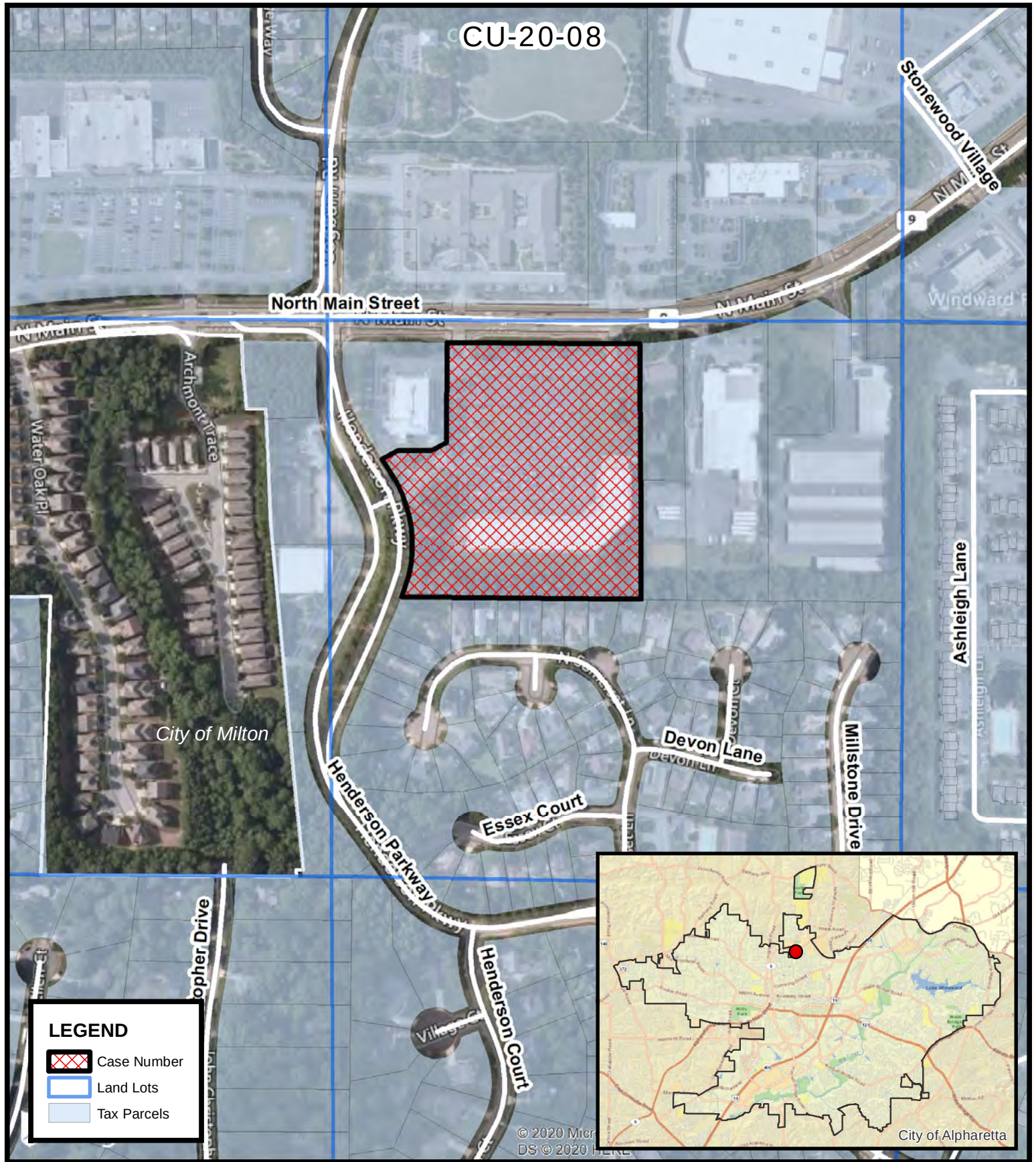


Zoning Map Peachtree Roasters Coffee Shop Henderson Commons

CU-20-08
D/LL: 1/1/0050
PC: 11/5/20
CC: 11/16/20



Location Map Provided by:
Community Development - GIS



Location Map
Peachtree Roasters Coffee Shop
Henderson Commons

CU-20-08
D/LL: 1/1/0050
PC: 11/5/20
CC: 11/16/20



Location Map Provided by:
Community Development - GIS

CZIM Comments (10/14/20):

CU-20-08 Peach Coffee Roasters/Henderson Commons

 Mentimeter





CITIZEN PARTICIPATION FORM - PART B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: CU-20-08 PEACH COFFEE ROASTERS COFFEE SHOP

Contact Name: David Pittman

Telephone: 404-414-1965

Please describe comments and concerns provided by any and all individuals contacted as part of the the Citizen Participation Program. If any individuals provided written correspondence, please attach copies of same to this report.

Method by which these individuals were contacted. Please mark all that apply. *Please provide samples of any and all written communications used to provide notification.*

- | | |
|--|---|
| ☒ Letter | ☐ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☐ Other (Please Specify) _____ |

Attach a list of people who have been notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified.

I, the undersigned, as an authorized representative of the applicant and Public Hearing item identified above, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Citizen Participation Form - Part B and in any and all documents provided in support of this report are true and accurate. I further understand that any false statements provided by representatives of the applicant as part of this report may result in penalties up to and including denial of the subject application.

Signature of Authorized Agent: 

Date: 9-28-2020

Print Form

ABDI HASHIM M ✓
12691 ARCHMONT TRC
ALPHARETTA GA 30009

ALICKI BENJAMIN ✓
12715 ARCHMONT TRCE
ALPHARETTA GA 30009

AP REAL ESTATE HOLDINGS INC
3129 W ADDISON LN ✓
ALPHARETTA GA 30022-2586

ARHC ALALPGA01 LLC ✓
7621 LITTLE AVE SUITE 200 ✓
CHARLOTTE NC 28226

ATASSI MAJD TONY ✓
1025 ESSEX CT ✓
ALPHARETTA GA 30004

BHATIA HOLDINGS ALPHARETTA LLC
315 HENDERSON VILLAGE PKWY ✓
ALPHARETTA GA 30004

BONNE JAMES R & SUSAN C ✓
4920 ATLANTA HIGHWAY # #220 ✓
ALPHARETTA GA 30004

BOUDOURIS GEORGE ✓
5040 NORTH SOMERSET LANE
ALPHARETTA GA 30004

BROWN RUDY CSR & BETTY ANN
1370 MILLSTONE DR ✓
ALPHARETTA GA 30004

BUTLER AUSTIN ✓
5030 N SOMERSET LANE ✓
ALPHARETTA GA 30004

CHAUBEY AMARENDRA KUMARI PRITI
2516 HIGHGLEN CT ✓
ALPHARETTA GA 30004

CIANCIOLO DAVID A & CIANCIOLO SHIRLEY A
5071 N SOMERSET LANE ✓
ALPHARETTA GA 30004

COMA DENISE ✓
5125 NORTH SOMERSET LN ✓
ALPHARETTA GA 30004

CONE WILLIAM C ✓
1430 MILLSTONE DR ✓
ALPHARETTA GA 30004

COX HELEN R ✓
5090 NORTH SOMERSET LN ✓
ALPHARETTA GA 30004

GRANDALL RUSSELL C & GRANDALL MARY L ✓
311 DEVON CT ✓
ALPHARETTA GA 30004

DAALI NAZHA & JOSEPH ✓
5080 N SOMERSET LANE ✓
ALPHARETTA GA 30004

DAS ANJANA ✓
1535 DULUTH HWY SUITE 1901
LAWRENCEVILLE GA 30043-9001

DAWSON GINA ✓
5220 NORTH SOMERSET LN ✓
ALPHARETTA GA 30004

DENMIN SERGEY V ✓
13964 SUNFISH BND ✓
ALPHARETTA GA 30004

ELENA IACONO FAMILY LIMITED PARTNERSHIP ✓
235 MONTGOMERY ST STE 870
SAN FRANCISCO CA 94104-3004

ENRIQUEZ MARIA THERESA C ✓
5175 N SOMERSET LANE ✓
ALPHARETTA GA 30004

EXTRA SPACE PROPERTIES TWO LLC ✓
2795 E COTTONWOOD PKWY # 300 ✓
SALT LAKE CITY UT 84121

FAIRGREEN CAPITAL LP ✓
P.O. BOX 421068
ATLANTA GA 30342

FLEMING TERRENCE ✓
12707 ARCHMONT TRC ✓
ALPHARETTA GA 30009

FLESHIER VLADIMIR & STELLA ✓
1035 ESSEX CT ✓
ALPHARETTA GA 30004

FLORES JOEL ✓
1065 ESSEX CT ✓
ALPHARETTA GA 30004

GANOTE JEANNINE B ✓
5190 NORTH SOMERSET LN ✓
ALPHARETTA GA 30004

GG HENDERSON COMMONS LLC & SFGG
INVESTMENTS LLC
10946 STATE BRIDGE RD SUITE 401-177
ALPHARETTA GA 30022

GHAEMI SAEID & YAZDANI SEDIGHI ✓
5185 NORTH SOMERSET LANE
ALPHARETTA GA 30004 ✓

GOLOSOV WAYNE D & DOROTHY
330 DEVON CT
ALPHARETTA GA 30004

GOMEZ RICARDO SCHAEEL
300 RIDGEMILL VW
ALPHARETTA GA 30009

GROENER EVA
5070 N SOMERSET LN
ALPHARETTA GA 30004

GRUOSSO DANIEL & LOZANO XIMENA
SUAREZ
5041 N SOMERSET LANE
ALPHARETTA GA 30004

GUNTER CHARLENE & DU PLESSIS HERMANUS
BOSMAN
12667 ARCHMONT TRC
ALPHARETTA GA 30009

GUNTURI SUMANTH SILAI SONAL
2508 HIGHGLEN CT
ALPHARETTA GA 30009

HARDER IRINA & BRIAN
5155 N SOMERSET LANE
ALPHARETTA GA 30004

HEARING MICHAEL L
351 DEVON CT
ALPHARETTA GA 30004-3810

HEGDE SANTOSH MANJANATH & HEGDE PRADNYA
SANTOSH
2512 HIGHGLEN CT
ALPHARETTA GA 30009

HENDERSON HEIGHTS LLC
4776 MYSTIC DR NE
ATLANTA GA 30342

HENDERSON LANDING HOMEOWNERS ASSN INC
5665 ATLANTA HWY
ALPHARETTA GA 30004-3932

HHC REAL ESTATE LLC
793 N MAIN ST
ALPHARETTA GA 30009

HILL EARL III & MILLS HILL LAURA A
5210 NORTH SOMERSET LN
ALPHARETTA GA 30004-7419

HPA BORROWER 2018 1 MS LLC
180 N STETSON AVE SUITE 3650
CHICAGO IL 60601

IMAM SYED M
12690 ARCHMONT TRCE
ALPHARETTA GA 30009

IZZO ROBERT A
321 DEVON CT
ALPHARETTA GA 30004

JANNA LYNN WEBB NORDEN LIVING TRUST THE
12727 ARCHMONT TRCE
ALPHARETTA GA 30009

JNP INVESTMENT HOLDING LLC
793 N MAIN ST
ALPHARETTA GA 30009

JOINSON SONYA YVETTE
320 DEVON CT
ALPHARETTA GA 30004

KANOHOLANI JERRY & CHOI MONICA S
1410 MILLSTONE DR
ALPHARETTA GA 30004

KEANE PHYLLIS
4841 DEVON LANE
ALPHARETTA GA 30004

KESSLER ROBERT J & SHEILA S
1015 ESSEX CT
ALPHARETTA GA 30004

KHODADADI SHAPEEHI
4801 DEVON LANE
ALPHARETTA GA 30004

KING HAROLD E
5215 NORTH SOMERSET LN
ALPHARETTA GA 30004-7417

KJM HOLDINGS LLC
1418 DRESIDEN DR STE 220
ATLANTA GA 30319

KOPPISETTI MURTHY VENKATA SURYA &
VITTHALANALA LAKSHMI
12735 ARCHMONT TRC
ALPHARETTA GA 30009

LASALLE JULIE M
4821 DEVON LN
ALPHARETTA GA 30004

LEONARD RICHELLE
320 RIDGEMILL VW
MILTON GA 30009

LIGHTSHY CARDWELL JULIE ANNE
5165 N SOMERSET LN
ALPHARETTA GA 30004

LOUISA ODILE & MARIE L
1390 MILLSTONE DR
ALPHARETTA GA 30004

LOWES HOME CENTERS INC
1000 LOWE'S BLVD
MOORESVILLE NC 28117

MAHENDRA SUDHIER & RINKY
2640 AUGERON CT
ALPHARETTA GA 30004 3864

MAHONEY JAMES
1400 MILLSTONE DR
ALPHARETTA GA 30004

MC KILLOP JENNIE B
5051 NORTH SOMERSET LN
ALPHARETTA GA 30004

MEHMETI IZJA
1380 MILLSTONE DR
ALPHARETTA GA 30004

MIES MICHAEL F & SCHEMANSKE JANE M
350 RIDGEMILL VW
ALPHARETTA GA 30009

MILLER HENRAY E & PAULA J
341 DEVON CT NE
ALPHARETTA GA 30004

MOLUGU SUNNETH DAYAL ARYA
340 RIDGEMILL VW
ALPHARETTA GA 30009

MULLER ASSOCIATES OF MILTON LLC
885 FOXHOLLOW RUN
ALPHARETTA GA 30004

MURPHY PATRICIA D & MARLYN M
7400 S HEATHERRIDGE AVE
SIOUX FALLS SD 57108-3352

NAVARRO ROSARIO I
3772 AVENSONG VILLAGE CIR
ALPHARETTA GA 30004

NG STONEWOOD VILLAGE LLC
1430 BROADWAY ST SUITE 1605
NEW YORK NY 10018

NGUYEN TOMMY Q
4820 DEVON LANE
ALPHARETTA GA 30004

NWOSU OBIORA M
301 DEVON CT
ALPHARETTA GA 30004

OSUJI CHINWE
4811 DEVON LANE
ALPHARETTA GA 30004

PARK BYEONG & KIM MYUNG
5135 N SOMERSET LANE
ALPHARETTA GA 30004

PATRICK BRENNAN & SUZANNE DEVOE JOINT
REVOCABLE TRUST TRF
12699 ARCHMONT TRC
ALPHARETTA GA 30009

PAULIN JEFFREY S & THERESA
5050 NORTH SOMERSET LN
ALPHARETTA GA 30004

PEDDAPATTA CIANDU KUMAR & RAJYAM
JYOTHI
12682 ARCHMONT TRC
ALPHARETTA GA 30009

PEGJOON LLC
P.O. BOX 76228
ATLANTA GA 30358-1228

PERKINS ALJAI A.
310 DEVON CT
ALPHARETTA GA 30004

PHAM TRAM THU
5195 N SOMERSET LN
ALPHARETTA GA 30004

PHILLIPS ANDREA L
12743 ARCHMONT TRCE
MILTON GA 30009

PICIRILLO JAMES P
12703 ARCHMONT TRCE
ALPHARETTA GA 30009

POURKHOSROW IRANA
100 THOMAS CREEK CT
ALPHARETTA GA 30004

RACHAMALLA RAGHAVENDHAR RAMINENI SWATHI
12678 ARCHMONT TRCE
ALPHARETTA GA 30009

ROCHA ALBERTO ET AL
4810 DEVON LN
ALPHARETTA GA 30004-3807

RODRIGUEZ SERGIO
331 DEVON CT
ALPHARETTA GA 30004

RYAN GEORGE
1420 MILLSTONE DR
ALPHARETTA GA 30004

SARBAGH HOSSEIN & OSKOOI FARZIN
4831 DEVON LANE
ALPHARETTA GA 30004

SAKA OLUYEMI B & ADEREMI
310 RIDGEMILL VIEW
ALPHARETTA GA 30004

SAMPLE JANE A & LEONARD T
199 LAVALLEY RD
CHAMPLAIN NY 12919

SARRIS GEORGE S & ANNE B
7665 S SPALDING LAKE DR
SANDY SPRINGS GA 30350-1047

SCHULMAN JEROLD L & JENNIFER V
1045 ESSEX CT
ALPHARETTA GA 30004-3811

SERMENO OSCAR I GARDUNO
5180 NORTH SOMERSET LANE
ALPHARETTA GA 30004

SHIVVA SANTOSH KUMAR & RANGA ANUSHA
12698 ARCHMONT TRC
ALPHARETTA GA 30009

SMITH MITCHELL
5205 N SOMERSET LN
ALPHARETTA GA 30004

SOLLOGUB JACQUELINE
12731 ARCHMONT TRCE
MILTON GA 30004

SOMERSET HOME OWNER ASSOC INC
P.O. BOX 2458
ALPHARETTA GA 30023

SOUFASTAI BADRY
1270 CREST VALLEY DR
ATLANTA GA 30327-4529

SOUZA RICHAN M
5235 N SOMERSET LANE
ALPHARETTA GA 30004

SPIELER THOMAS T & KRISTIANA H
12671 ARCHMONT TRCE
ALPHARETTA GA 30009

TEAGUE REBECCA EDEN
12675 ARCHMONT TRCE
ALPHARETTA GA 30009

TINATI HELEN & ARDABILI SHAHIN D G
340 DEVON CT
ALPHARETTA GA 30004

TORRENCE EVELYN
5200 NORTH SOMERSET LN
ALPHARETTA GA 30004

VARELA LAURA & NAVA LEONEL
12687 ARCHMONT TRC
MILTON GA 30009

WAGNER JEFFREY E & WAGNER RUTH E
5110 N SOMERSET LANE
ALPHARETTA GA 30004

WATERCREST COMMUNITY ASSOCIATION INC
1630 MILITARY CUTOFF STE 200
WILMINGTON NC 28403

WAYSACK JAMES O
5111 NORTH SOMERSET LN
ALPHARETTA GA 30004-3804

WHITE MICHAEL C
5081 NORTH SOMERSET LN
ALPHARETTA GA 30004

WILLIS STEPHEN P
5100 NORTH SOMERSET LN
ALPHARETTA GA 30201

YOUNG PHILIP & YOUNG MARIA H
5020 N SOMERSET LANE
ALPHARETTA GA 30004

YU CHUNG G & YU SHERRYLYN
12719 ARCHMONT TRC
ALPHARETTA GA 30009

Henderson Commons

735 N. Main Street – Alpharetta, GA 30009

October 1, 2020

Dear Neighbor,

RE: Conditional Use Permit, CU-20-08, for Property Located at 735 N. Main Street, Alpharetta, GA

My name is David Pittman. I am the owner of Peach Coffee Roasters located at 10875 Jones Bridge Road in Johns Creek. I am looking to open an additional location at Henderson Commons located at 735 N. Main Street in Alpharetta. This new neighborhood location will feature a drive-thru, a large green space area, a patio for your convenience, more food items and will be located in a new building to be constructed at the property in 2021. Please visit our website at www.peachcoffeeroasters.com.

This Conditional Use Permit is requested to allow a drive-thru at this location which is essential for my business to succeed, especially since the COVID-19 Pandemic.

The following meetings will be held at Alpharetta City Hall, Council Chambers:

Community Zoning Information Meeting at 6:00 pm, October 14, 2020

Planning Commission Meeting at 6:30 pm, November 5, 2020

City Council Meeting at 6:30 pm, November 16, 2020 .

The reason for this letter is to reach out to you, introduce myself and request your support in my latest endeavor. I can be reached by cell at 404-414-1965 or by email david@peachcoffeeroasters.com.

With kindest regards,

David Pittman

Owner, Peach Coffee Roasters

Johns Creek, GA

CITY OF ALPHARETTA

9/1/20

Peachtree Roasters Coffee Shop
Henderson Commons

CU-20-08
FOR OFFICE USE ONLY

Case #: _____

☐ Fee Paid Initial: _____

PUBLIC HEARING APPLICATION

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

1. This page should be the first page in each of your completed application packets.
2. It is preferred that all responses be typed. Illegible applications will not be accepted.
3. Prior to signing and submitting your application, please check all information supplied on the following pages to ensure that all responses are complete and accurate. Incomplete applications will not be accepted.
4. Payment of all applicable fees must be made at the time of application. Payment may be made via cash, credit card (American Express, Master Card or Visa), or check made payable to "City of Alpharetta."
5. Applications will be accepted only on the designated submittal dates between the hours of 8:30 AM and 3:30 PM.
6. If you have any questions regarding this form, please contact the Community Development Department by calling 678-297-6070.

Contact Information:

Contact Name: **David Pittman**

Telephone: **404-414-1965**

Address: **10875 Jones Bridge Road**

Suite: **5**

City: **Johns Creek**

State: **GA**

Zip: **30022**

Fax: **N/A**

Mobile Tel: **404-414-1965**

Email: **david@peachcoffeeroasters.com**

Subject Property Information:

Address: **735 N. Main Street - Alpharetta, GA 30009**

Current Zoning: **C-1**

District: **2nd**

Section: **2nd**

Land Lot: **1122**

Parcel ID: **22-496011233255**

Proposed Zoning: **C-1**

Current Use: **Land for Future Shopping Center**

This Application For (Check All That Apply):

☒ Conditional Use

☐ Master Plan Amendment

☐ Exception

☐ Rezoning

☐ Master Plan Review

☐ Variance

☐ Public Hearing

☐ Comprehensive Plan Amendment

☐ Other (Specify): _____

Alpharetta Planning Commission Review:

I am a small business owner in Johns Creek with my coffee shop business.

I would love to expand and open a second location in Alpharetta but in order for this location to survive a drive thru is essential for that to happen.

My Johns Creek location suffered severely these past several months due to Covid, we are slowly coming back but obviously will not know if it will return to normal.

It is an industry fact that a drive-thru operation will add an increase of 25% to 30% in revenue so this added revenue will be extremely important to my success at this location.

We will have a patio out front and the landlord has agreed to provide a very large green space area behind the building as an added feature that we will be able to use.

The restaurant will have a full kitchen so we will be able to provide various food items that we are very excited about and this property desperately needs since there are no other restaurants.

Thank you for your consideration of my request.



David Pittman

APPLICANT REQUEST AND INTENT

What is the proposed use(s) of the property?

To open a coffee shop.

Applicant's Request (Please itemize the proposal):

Conditional Use Permit to allow a drive-thru lane.

Applicant's Intent *(Please describe what the proposal would facilitate):*

We are a local coffee shop with one other location in Johns Creek. Our hours of operation are Monday - Friday 7:00 am - 6:00 pm, Saturday 8:00 am - 5:00 pm and Sunday 8:00 am - 3:00 pm.

What makes us different is we actually roast the coffee beans on site which creates our unique flavors. We also offer packages of coffee for you to take home. And, our food menu changes frequently.

Our shop will be approximately 2,000 SF and we offer inside and outside seating. The number of employees will range from 9 - 12. Please visit our website at www.peachcoffeeroasters.com.

9/1/20

Peachtree Roasters Coffee Shop

CU-20-08

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: **GG Henderson Commons, LLC**Telephone: **404-304-8414**Address: **10945 State Bridge Road**Suite: **401-177**City: **Johns Creek**State: **GA**Zip: **30022****8164**

Authorization:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Application for Public Hearing before the City of Alpharetta, Georgia.

As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Public Hearing in request of the items indicated below.

- | | |
|---|---|
| ☐ Annexation | ☐ Special Use |
| ☐ Rezoning | ☒ Conditional Use |
| ☐ Variance | ☐ Master Plan |
| ☐ Land Use Application | ☐ Other |

Identify Authorized Applicant:

Name of Authorized Applicant: **David Pittman**Telephone: **404-414-1965**Address: **10875 Jones Bridge Road**Suite: **5**City: **Johns Creek**State: **GA**Zip: **30022**

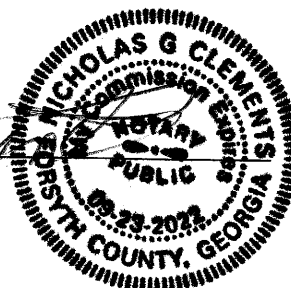
So Sworn and Attested:

Owner Signature: _____

Date: 8/26/20

Notary:

Notary Signature: _____

Date: 8/24/20

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Name of Applicant or Opponent: **David Pittman/Peach Coffee Roasters**

Subject Public Hearing Case: **N/A**

Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution as been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: **N/A** Position: _____

Description of Contribution: _____ Value: **0**

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.

Signature: _____

Date: **8-27-2020**

How will this proposal be compatible with surrounding properties?

No problem, there are retail and service uses all around the property.

How will this proposal affect the use and value of the surrounding properties?

It will actually make the current property better because they do not have any food or coffee at the property and this should make the area better with more customers.

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

Coffee shop just needs conditional use for drive-thru, not new zoning.

What would be the increase to population and traffic if the proposal were approved?

We will average, maybe, 50 - 70 cars per day at the drive-thru. The average customer count per day will be approximately 100 - 125. So, the population should not be a problem.

What would be the impact to schools and utilities if the proposal were approved?

N/A

How is the proposal consistent with the Alpharetta Comprehensive Plan; particularly the Future Land Use Map?

N/A

Are there existing or changing conditions which affect the development of the property and support the proposed request?

Due to Covid-19, it is essential to have a drive-thru lane now if you have any chance to survive.

On a separate sheet or sheets, please provide any information or evidence that supports your request and the statements that you have provided in this application.

See attached.

CITIZEN PARTICIPATION FORM - PART A

This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.

Public Hearing or Project Name: _____

Contact Name: **David Pittman**

Telephone: **404-414-1965**

The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.

See attached mailing list.

Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

- | | |
|--|---|
| ☒ Letter | ☐ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☐ Other (Please Specify) |

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

Email address and cell number was provided in the letter mailed to each name on list.

CITIZEN PARTICIPATION FORM - PART B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: _____

Contact Name: **David Pittman** Telephone: **404-414-1965**

Please describe comments and concerns provided by any and all individuals contacted as part of the the Citizen Participation Program. If any individuals provided written correspondence, please attach copies of same to this report.

Method by which these individuals were contacted. Please mark all that apply. *Please provide samples of any and all written communications used to provide notification.*

- | | |
|------------------------------------|---|
| ☐ Letter | ☐ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☐ Other (Please Specify) _____ |

Attach a list of people who have been notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified.

I, the undersigned, as an authorized representative of the applicant and Public Hearing item identified above, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Citizen Participation Form - Part B and in any and all documents provided in support of this report are true and accurate. I further understand that any false statements provided by representatives of the applicant as part of this report may result in penalties up to and including denial of the subject application.

Signature of Authorized Agent: _____ Date: _____

Peachtree Roasters Coffee Shop
Henderson Commons

CU-20-08

9/1/20

ABDI HASHIM M
12691 ARCHMONT TRC
ALPHARETTA GA 30009

ALICKI BENJAMIN
12715 ARCHMONT TRCE
ALPHARETTA GA 30009

AP REAL ESTATE HOLDINGS INC
3129 W ADDISON LN
ALPHARETTA GA 30022-2586

ARHC ALALPGA01 LLC
7621 LITTLE AVE SUITE 200
CHARLOTTE NC 28226

ATASSI MAJD TONY
1025 ESSEX CT
ALPHARETTA GA 30004

BHATIA HOLDINGS ALPHARETTA LLC
315 HENDERSON VILLAGE PKWY
ALPHARETTA GA 30004

BONNE JAMES R & SUSAN C
4920 ATLANTA HIGHWAY # #220
ALPHARETTA GA 30004

BOUDOURIS GEORGE
5040 NORTH SOMERSET LANE
ALPHARETTA GA 30004

BROWN RUDY C SR & BETTY ANN
1370 MILLSTONE DR
ALPHARETTA GA 30004

BUTLER AUSTIN
5030 N SOMERSET LANE
ALPHARETTA GA 30004

CHAUBEY AMARENDRA KUMARI PRITI
2516 HIGHGLEN CT
ALPHARETTA GA 30004

CIANCIOLO DAVID A & CIANCIOLO SHIRLEY A
5071 N SOMERSET LANE
ALPHARETTA GA 30004

COMA DENISE
5125 NORTH SOMERSET LN
ALPHARETTA GA 30004

CONE WILLIAM C
1430 MILLSTONE DR
ALPHARETTA GA 30004

COX HELEN R
5090 NORTH SOMERSET LN
ALPHARETTA GA 30004

CRANDALL RUSSELL C & CRANDALL MARY L
311 DEVON CT
ALPHARETTA GA 30004

DAALI NAZHA & JOSEPH
5080 N SOMERSET LANE
ALPHARETTA GA 30004

DAS ANJANA
1535 DULUTH HWY SUITE 1901
LAWRENCEVILLE GA 30043-9001

DAWSON GINA
5220 NORTH SOMERSET LN
ALPHARETTA GA 30004

DENMIN SERGEY V
13964 SUNFISH BND
ALPHARETTA GA 30004

ELFENA IACONO FAMILY LIMITED PARTNERSHIP
235 MONTGOMERY ST STE 870
SAN FRANCISCO CA 94104-3004

ENRIQUEZ MARIA THERESA G
5175 N SOMERSET LANE
ALPHARETTA GA 30004

EXTRA SPACE PROPERTIES TWO LLC
2795 E COTTONWOOD PKWY # 300
SALT LAKE CITY UT 84121

FAIRGREEN CAPITAL L P
P.O. BOX 421068
ATLANTA GA 30342

FLEMING TERRENCE
12707 ARCHMONT TRC
ALPHARETTA GA 30009

FLESHLER VLADIMIR & STELLA
1035 ESSEX CT
ALPHARETTA GA 30004

FLORES JOEL
1065 ESSEX CT
ALPHARETTA GA 30004

GANOTE JEANNINE B
5190 NORTH SOMERSET LN
ALPHARETTA GA 30004

GG HENDERSON COMMONS LLC & SFGG
INVESTMENTS LLC
10946 STATE BRIDGE RD SUITE 401-177
ALPHARETTA GA 30022

GHAEMI SAEID & YAZDANI SEDIGHI
5185 NORTH SOMERSET LANE
ALPHARETTA GA 30004

Peachtree Roasters Coffee Shop
Henderson Commons

CU-20-08

9/1/20

GOLOSOV WAYNE D & DOROTHY

330 DEVON CT

ALPHARETTA GA 30004

GOMEZ RICARDO SCHAEF

300 RIDGEMILL VW

ALPHARETTA GA 30009

GROENER EVA

5070 N SOMERSET LN

ALPHARETTA GA 30004

GRUOSSO DANIEL & LOZANO XIMENA
SUAREZ

5041 N SOMERSET LANE

ALPHARETTA GA 30004

GUNTER CHARLENE & DU PLESSIS HERMANUS
BOSMAN

12667 ARCHMONT TRC

ALPHARETTA GA 30009

GUNTURI SUMANTH SHAH SONAL

2508 HIGHGLEN CT

ALPHARETTA GA 30009

HARDER IRINA & BRIAN

5155 N SOMERSET LANE

ALPHARETTA GA 30004

HEARING MICHAEL L

351 DEVON CT

ALPHARETTA GA 30004-3810

HEGDE SANTOSH MANJANATH & HEGDE PRADNYA
SANTOSH

2512 HIGHGLEN CT

ALPHARETTA GA 30009

HENDERSON HEIGHTS LLC

4776 MYSTIC DR NE

ATLANTA GA 30342

HENDERSON LANDING HOMEOWNERS ASSN INC

5665 ATLANTA HWY

ALPHARETTA GA 30004-3932

HFC REAL ESTATE LLC

793 N MAIN ST

ALPHARETTA GA 30009

HILL EARL III & MILLS HILL LAURA A

5210 NORTH SOMERSET LN

ALPHARETTA GA 30004-7419

HPA BORROWER 2018 1 MS LLC

180 N STETSON AVE SUITE 3650

CHICAGO IL 60601

IMAM SYED M

12690 ARCHMONT TRCE

ALPHARETTA GA 30009

IZZO ROBERT A

321 DEVON CT

ALPHARETTA GA 30004

JANNA LYNN WEBB NORDEN LIVING TRUST THE

12727 ARCHMONT TRCE

ALPHARETTA GA 30009

JNP INVESTMENT HOLDING LLC

793 N MAIN ST

ALPHARETTA GA 30009

JOINSON SONYA YVETTE

320 DEVON CT

ALPHARETTA GA 30004

KANOHLANI JERRY & CHOI MONICA S

1410 MILLSTONE DR

ALPHARETTA GA 30004

KEANE PHYLLIS

4841 DEVON LANE

ALPHARETTA GA 30004

KESSLER ROBERT J & SHEILA S

1015 ESSEX CT

ALPHARETTA GA 30004

KHODADADI SHAFEEAH

4801 DEVON LANE

ALPHARETTA GA 30004

KING HAROLD E

5215 NORTH SOMERSET LN

ALPHARETTA GA 30004-7417

KJM HOLDINGS LLC

1418 DRESDEN DR STE 220

ATLANTA GA 30319

KOPPISETTY MURTHY VENKATA SURYA &
VITTALANALA LAKSHMI

12735 ARCHMONT TRC

ALPHARETTA GA 30009

LASALLE JULIE M

4821 DEVON LN

ALPHARETTA GA 30004

LEONARD RICHELLE

320 RIDGEMILL VW

MILTON GA 30009

LIGHTSIFY CARDWELL JULIE ANNE

5165 N SOMERSET LN

ALPHARETTA GA 30004

LOUIMA ODILES & MARIE L

1390 MILLSTONE DR

ALPHARETTA GA 30004

Peachtree Roasters Coffee Shop
Henderson Commons

CU-20-08

9/1/20
LOWES HOME CENTERS INC
1000 LOWE'S BLVD
MOORESVILLE NC 28117

MAHENDRA SUDHEER & RINKY
2640 AUGERON CT
ALPHARETTA GA 30004-3864

MAHONEY JAMES
1400 MILLSTONE DR
ALPHARETTA GA 30004

MC KILLOP JENNICE B
5051 NORTH SOMERSET LN
ALPHARETTA GA 30004

MEHMETI IZJA
1380 MILLSTONE DR
ALPHARETTA GA 30004

MIES MICHAEL F & SCHEMANSKE JANE M
350 RIDGEMILL VW
ALPHARETTA GA 30009

MILLER HENRAY E & PAULA J
341 DEVON CT NE
ALPHARETTA GA 30004

MOLUGU SUNEETH DAYAL ARYA
340 RIDGEMILL VW
ALPHARETTA GA 30009

MULLER ASSOCIATES OF MILTON LLC
885 FOXHOLLOW RUN
ALPHARETTA GA 30004

MURPHY PATRICIA D & MARLYN M
7400 S HEATHERRIDGE AVE
SIOUX FALLS SD 57108-3352

NAVARRO ROSARIO I
3772 AVENSONG VILLAGE CIR
ALPHARETTA GA 30004

NG STONEWOOD VILLAGE LLC
1430 BROADWAY ST SUITE 1605
NEW YORK NY 10018

NGUYEN TOMMY Q
4820 DEVON LANE
ALPHARETTA GA 30004

NWOSU OBIORA M
301 DEVON CT
ALPHARETTA GA 30004

OSUJI CHINWE
4811 DEVON LANE
ALPHARETTA GA 30004

PARK BYEONG & KIM MYUNG
5135 N SOMERSET LANE
ALPHARETTA GA 30004

PATRICK BRENNAN & SUZANNE DEVOE JOINT
REVOCABLE TRUST THE
12699 ARCHMONT TRC
ALPHARETTA GA 30009

PAULIN JEFFREY S & THERESA
5050 NORTH SOMERSET LN
ALPHARETTA GA 30004

PEDDAPATLA CHANDU KUMAR & RAJYAM
JYOTHI
12682 ARCHMONT TRC
ALPHARETTA GA 30009

PEGJOON LLC
P.O. BOX 76228
ATLANTA GA 30358-1228

PERKINS ALJAH A.
310 DEVON CT
ALPHARETTA GA 30004

PHAM TRAM THU
5195 N SOMERSET LN
ALPHARETTA GA 30004

PHILLIPS ANDREA L
12743 ARCHMONT TRCE
MILTON GA 30009

PICCIRILLO JAMES P
12703 ARCHMONT TRCE
ALPHARETTA GA 30009

POURKHOSROW IRANA
100 THOMAS CREEK CT
ALPHARETTA GA 30004

RACHAMALLA RAGHAVENDHAR RAMINENI SWATHI
12678 ARCHMONT TRCE
ALPHARETTA GA 30009

ROCHA ALBERTO ET AL
4810 DEVON LN
ALPHARETTA GA 30004-3807

RODRIGUEZ SERGIO
331 DEVON CT
ALPHARETTA GA 30004

RYAN GEORGE
1420 MILLSTONE DR
ALPHARETTA GA 30004

SABBAGH HOSSEIN & OSKOOI FARZIN
4831 DEVON LANE
ALPHARETTA GA 30004

Peachtree Roasters Coffee Shop
Henderson Commons

CU-20-08

9/1/20

SAKA OLUYEMI B & ADEREMI
310 RIDGEMILL VIEW
ALPHARETTA GA 30004

SAMPLE JANE A & LEONARD T
199 LAVALLEY RD
CHAMPLAIN NY 12919

SARRIS GEORGE S & ANNE B
7665 S SPALDING LAKE DR
SANDY SPRINGS GA 30350-1047

SCHULMAN JEROLD L & JENNIFER V
1045 ESSEX CT
ALPHARETTA GA 30004-3811

SERMENO OSCAR I GARDUNO
5180 NORTH SOMERSET LANE
ALPHARETTA GA 30004

SHIVVA SANTOSH KUMAR & RANGA ANUSHA
12698 ARCHMONT TRC
ALPHARETTA GA 30009

SMITH MITCHELL
5205 N SOMERSET LN
ALPHARETTA GA 30004

SOLLOGUB JACQUELINE
12731 ARCHMONT TRCE
MILTON GA 30004

SOMERSET HOME OWNER ASSOC INC
P.O. BOX 2458
ALPHARETTA GA 30023

SOUFASTAI BADRY
1270 CREST VALLEY DR
ATLANTA GA 30327-4529

SOUZA RENAN M
5235 N SOMERSET LANE
ALPHARETTA GA 30004

SPELLER THOMAS T & KRISTIANA H
12671 ARCHMONT TRCE
ALPHARETTA GA 30009

TEAGUE REBECCA EDEN
12675 ARCHMONT TRCE
ALPHARETTA GA 30009

TINATI HELEN & ARDABILI SHAHIN D G
340 DEVON CT
ALPHARETTA GA 30004

TORRENCE EVELYN
5200 NORTH SOMERSET LN
ALPHARETTA GA 30004

VARELA LAURA & NAVA LEONEL
12687 ARCHMONT TRC
MILTON GA 30009

WAGNER JEFFREY E & WAGNER RUTH E
5110 N SOMERSET LANE
ALPHARETTA GA 30004

WATERCREST COMMUNITY ASSOCIATION INC
1630 MILITARY CUTOFF STE 200
WILMINGTON NC 28403

WAYSACK JAMES O
5111 NORTH SOMERSET LN
ALPHARETTA GA 30004-3804

WHITE MICHAEL C
5081 NORTH SOMERSET LN
ALPHARETTA GA 30004

WILLIS STEPHEN P
5100 NORTH SOMERSET LN
ALPHARETTA GA 30201

YOUNG PHILIP & YOUNG MARIA H
5020 N SOMERSET LANE
ALPHARETTA GA 30004

YU CHUNG G & YU SHERRYLYN
12719 ARCHMONT TRC
ALPHARETTA GA 30009

BRICK NOTES:

1. PROVIDE FLASHING AT ALL WINDOW/DOOR HEADS, CHANGES OF PLANE, CHANGES OF MATERIAL
2. PROVIDE BRICK TIES AT 24" VERT/48" HORIZ
3. PROVIDE WEEPS AT 48" OC ABOVE ALL HEADERS/LINTELS AND BOTTOM OF THE WALL

9/1/20

LINE	BEARING	DISTANCE
L1	N89°26'04"E	64.65
L2	S13°27'00"W	38.62
L3	N62°42'30"E	42.61
L4	S89°49'30"E	78.89
L5	N63°02'26"E	36.32
L6	N89°26'04"E	14.31
L7	N89°26'04"E	50.34
L8	S60°21'17"E	55.30
L9	N88°48'47"E	50.34
L10	S00°21'13"E	58.11

REFERENCES -

REFERENCE SHOULD BE MADE TO SITE PLANS FOR HENDERSON COMMONS PREPARED BY HILL, FOLEY, ROSSI AND ASSOCIATES, DATED 03/15/06.
D.B. 50193, PG. 504
P.B. 135, PG. 4
P.B. 192, PG. 116
ADDITIONAL REFERENCES AS SHOWN HEREON

TITLE EXCEPTIONS FROM OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMENT NUMBER 11473 DATED JULY 13, 2018
GENERAL NOTE: SPECIAL EXCEPTIONS
ITEM 2 - DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HENDERSON COMMONS, BY CHARTERMAN HINES, INC. INITIALLY RECORDED AT DEED BOOK 2024, PAGE 244 OF FULTON COUNTY, GEORGIA RECORDS, LAST AMENDED BY RECYCLED DOCUMENTS OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED AT DEED BOOK 2034, PAGE 102, AFFORSAID RECORDS.
ITEM 3 - COVENANCE OF ACCESS, INITIALLY RECORDED AT DEED BOOK 9375, PAGE 289, AFFORSAID RECORDS.
ITEM 4 - DECLARATION OF EASEMENTS AND RESTRICTIONS ORIGINALLY RECORDED AT DEED BOOK 2219, PAGE 68, AFFORSAID RECORDS, AMENDED AT DEED BOOK 2349, PAGE 13, AFFORSAID RECORDS.
ITEM 5 - DECLARATION OF EASEMENTS RECORDED AT DEED BOOK 2400, PAGE 618, AFFORSAID RECORDS.
ITEM 6 - EASEMENT RECORDED AT DEED BOOK 4189, PAGE 363, AFFORSAID RECORDS.
ITEM 7 - ATLANTA DAY LIGHT EASEMENT RECORDED AT DEED BOOK 46472, PAGE 489, AFFORSAID RECORDS.
ITEM 8 - SHAWNEE ELECTRIC MEMORANDUM RIGHT-OF-WAY EASEMENT RECORDED AT DEED BOOK 46472, PAGE 474, AFFORSAID RECORDS.
ITEM 9 - MATTERS AFFECTING THE SUBJECT PROPERTY SHOWN ON PLATS RECORDED AT DEED BOOK 196, PAGE 4 AND PLAT 1050, PAGE 116, AFFORSAID RECORDS.
ITEM 10 - DISTANCES AND TERMS STATED IN LIMITED WARRANTY DEED RECORDED AT DEED BOOK 3078, PAGE 284, FULTON COUNTY, GEORGIA, RECORDS.
AFFECTS THE SUBJECT PROPERTY, CANNOT BE PLOTTED

INFORMATION REGARDING THE RESULTED PRELIMINARY, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED A PART OF THIS SURVEY. THE LOCATION AND AMOUNT OF UNDERGROUND UTILITIES AND STRUCTURES NOT SHOWN MAY BE DETERMINED BY THE OWNER, HIS EMPLOYEES, AGENTS, CONTRACTORS AND NO CONTRACTORS SHALL BE RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. ANY REPRODUCTION DOES NOT EXTEND TO ANY UNPAID PERSON WHOSE NAME APPEARS RECORDED BY THE SURVEYOR MAKING SAID PERSON.

SURVEYOR
APALACHEE LAND SURVEYING, INC.
P.O. BOX 2147
LOGANVILLE, GA 30052
770-466-7720
CHARLES NORTON

OWNER/SUBDIVIDER
GO HENDERSON COMMONS, LLC
10945 State Bridge Road
Suite 401-177
Johns Creek, GA 30022-8164
404-304-8414
BARRY GOLD

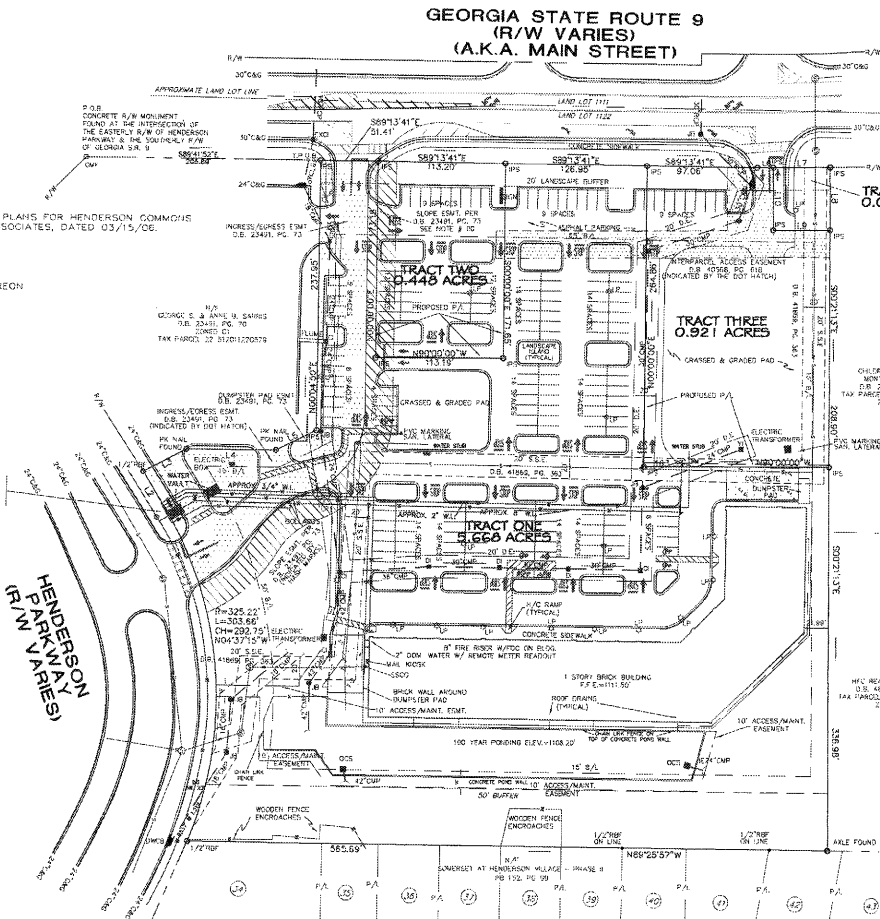
A LEICA TS12 TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.
THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PROPORTION OF ONE (1) IN 25,000 FEET AND AN ANGULAR ERROR OF 10" PER FACE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.
THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 0.0045 FEET AND CONTAINS 7.101 ACRES.



As required by subsection (g) of O.C.G.A. Section 15-8-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements herein. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat on or intended use of any parcel. Furthermore, the undersigned and surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration of Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-8-67.

CHARLES D. NORTON, CARL52672

HENDERSON COMMONS (R/W VARIES)



NOTES -

- NO PORTION OF THE SUBJECT PROPERTY LIES WITHIN A DESIGNATED FLOOD HAZARD AREA PER FULTON COUNTY FIRM, PANEL 131-210008E, DATED 08/18/10. THE PROPERTY IS LOCATED IN A ZONE 'X'.
- HORIZONTAL AND VERTICAL DATUM BASED ON NAD 83 GEORGIA STATE PLANE WEST ZONE COORDINATES.
- THE SUBJECT PROPERTY IS ZONED C1.
- THIS FINAL SUBDIVISION PLAT IS SUBJECT TO THE COVENANTS SET FORTH IN THE SEPARATE DOCUMENTS ATTACHED HERETO, DATED 03/03/97, WHICH HEREBY BECOMES A PART OF THIS SUBDIVISION PLAT.
- THE SUBJECT PROPERTY IS LOCATED IN THE CITY OF ALPHARETTA.
- THE SITE ADDRESS IS 735 NORTH MAIN STREET, ALPHARETTA, GA.
- THIS SITE DOES NOT CONTAIN ANY STATE WATERS OR WETLANDS, PER THE ABOVE REFERENCED PLANS BY HILL, FOLEY, ROSSI AND ASSOCIATES.
- 100 YEAR FLOODING ELEVATION PROVIDED BY HILL, FOLEY, ROSSI AND ASSOCIATES.
- THE CITY OF ALPHARETTA DOES NOT ENFORCE RESTRICTIVE COVENANTS.
- THE PARENT TAX PARCEL IS 22 512011220587.

All that tract or parcel of land lying and being in Land Lot 1122 of the 2nd District, 2nd Section of Fulton County, Georgia, being more particularly described as follows:
Beginning at a concrete monument found at the intersection of the easterly right-of-way of Henderson Parkway and the southerly right-of-way of Georgia State Route 9 (a.k.a. Main Street); THENCE along said right-of-way of Georgia State Route 9 South 82 degrees 41 minutes 52 seconds East for a distance of 206.89 feet to an iron pin set at the TRUE POINT OF BEGINNING;

THENCE South 89 degrees 13 minutes 41 seconds East for a distance of 51.41 feet to an iron pin set; THENCE leaving said right-of-way South 10 degrees 00 minutes 00 seconds East for a distance of 173.18 feet to an iron pin set; THENCE North 80 degrees 00 minutes 00 seconds East for a distance of 171.63 feet to an iron pin set; THENCE South 89 degrees 13 minutes 41 seconds East for a distance of 126.85 feet to an iron pin set; THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 204.96 feet to an iron pin set; THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 163.33 feet to an iron pin set; THENCE South 00 degrees 21 minutes 13 seconds East for a distance of 565.69 feet to a 3 inch rebar found on the southerly right-of-way of Henderson Parkway; THENCE along said right-of-way along a curve to the left being a radius of 322.22 feet, an arc length of 303.56 feet, being subdivided by a chord bearing N 17 degrees 17 minutes 10 seconds West for a distance of 392.75 feet to a point; THENCE continuing along said right-of-way North 31 degrees 22 minutes 10 seconds West for a distance of 36.62 feet to a 3 inch rebar found; THENCE leaving said right-of-way North 82 degrees 28 minutes 50 seconds East for a distance of 42.63 feet to a 3/4 inch nail found; THENCE North 83 degrees 08 minutes 26 seconds East for a distance of 78.92 feet to a 3/4 inch nail found; THENCE North 83 degrees 08 minutes 26 seconds East for a distance of 30.55 feet to an iron pin set; THENCE North 00 degrees 04 minutes 50 seconds East for a distance of 237.85 feet to an iron pin set on the southerly right-of-way of Georgia State Route 9, said point being the TRUE POINT OF BEGINNING.
Said property being designated as Tract One and containing 5.668 acres.

Together with:
All that tract or parcel of land lying and being in Land Lot 1122 of the 2nd District, 2nd Section of Fulton County, Georgia, being more particularly described as follows:
Beginning at a concrete monument found at the intersection of the easterly right-of-way of Henderson Parkway and the southerly right-of-way of Georgia State Route 9 (a.k.a. Main Street); THENCE along said right-of-way of Georgia State Route 9 South 89 degrees 13 minutes 41 seconds East for a distance of 588.62 feet to an iron pin set; THENCE continuing along said right-of-way North 89 degrees 13 minutes 41 seconds East for a distance of 131.31 feet to an iron pin set at the TRUE POINT OF BEGINNING;
THENCE South 89 degrees 13 minutes 41 seconds East for a distance of 204.96 feet to an iron pin set; THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 163.33 feet to an iron pin set; THENCE South 00 degrees 21 minutes 13 seconds East for a distance of 565.69 feet to a 3 inch rebar found on the southerly right-of-way of Henderson Parkway; THENCE along said right-of-way along a curve to the left being a radius of 322.22 feet, an arc length of 303.56 feet, being subdivided by a chord bearing N 17 degrees 17 minutes 10 seconds West for a distance of 392.75 feet to a point; THENCE continuing along said right-of-way North 31 degrees 22 minutes 10 seconds West for a distance of 36.62 feet to a 3 inch rebar found; THENCE leaving said right-of-way North 82 degrees 28 minutes 50 seconds East for a distance of 42.63 feet to a 3/4 inch nail found; THENCE North 83 degrees 08 minutes 26 seconds East for a distance of 78.92 feet to a 3/4 inch nail found; THENCE North 83 degrees 08 minutes 26 seconds East for a distance of 30.55 feet to an iron pin set; THENCE North 00 degrees 04 minutes 50 seconds East for a distance of 237.85 feet to an iron pin set on the southerly right-of-way of Georgia State Route 9, said point being the TRUE POINT OF BEGINNING.
Said property being designated as Tract Two and containing 0.084 acres.

Together with:
All that tract or parcel of land lying and being in Land Lot 1122 of the 2nd District, 2nd Section of Fulton County, Georgia, being more particularly described as follows:
Beginning at a concrete monument found at the intersection of the easterly right-of-way of Henderson Parkway and the southerly right-of-way of Georgia State Route 9 (a.k.a. Main Street); THENCE along said right-of-way of Georgia State Route 9 South 89 degrees 13 minutes 41 seconds East for a distance of 206.89 feet to an iron pin set; THENCE continuing along said right-of-way South 89 degrees 13 minutes 41 seconds East for a distance of 51.41 feet to an iron pin set; THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 173.18 feet to an iron pin set; THENCE North 80 degrees 00 minutes 00 seconds East for a distance of 171.63 feet to an iron pin set; THENCE South 89 degrees 13 minutes 41 seconds East for a distance of 126.85 feet to an iron pin set; THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 204.96 feet to an iron pin set; THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 163.33 feet to an iron pin set; THENCE South 00 degrees 21 minutes 13 seconds East for a distance of 565.69 feet to a 3 inch rebar found on the southerly right-of-way of Henderson Parkway; THENCE along said right-of-way along a curve to the left being a radius of 322.22 feet, an arc length of 303.56 feet, being subdivided by a chord bearing N 17 degrees 17 minutes 10 seconds West for a distance of 392.75 feet to a point; THENCE continuing along said right-of-way North 31 degrees 22 minutes 10 seconds West for a distance of 36.62 feet to a 3 inch rebar found; THENCE leaving said right-of-way North 82 degrees 28 minutes 50 seconds East for a distance of 42.63 feet to a 3/4 inch nail found; THENCE North 83 degrees 08 minutes 26 seconds East for a distance of 78.92 feet to a 3/4 inch nail found; THENCE North 83 degrees 08 minutes 26 seconds East for a distance of 30.55 feet to an iron pin set; THENCE North 00 degrees 04 minutes 50 seconds East for a distance of 237.85 feet to an iron pin set on the southerly right-of-way of Georgia State Route 9, said point being the TRUE POINT OF BEGINNING.
Said property being designated as Tract Three and containing 0.921 acres.

Together with:
All that tract or parcel of land lying and being in Land Lot 1122 of the 2nd District, 2nd Section of Fulton County, Georgia, being more particularly described as follows:
Beginning at a concrete monument found at the intersection of the easterly right-of-way of Henderson Parkway and the southerly right-of-way of Georgia State Route 9 (a.k.a. Main Street); THENCE along said right-of-way of Georgia State Route 9 South 82 degrees 41 minutes 52 seconds East for a distance of 206.89 feet to an iron pin set; THENCE along said right-of-way of Georgia State Route 9 South 82 degrees 41 minutes 52 seconds East for a distance of 206.89 feet to an iron pin set; THENCE South 89 degrees 13 minutes 41 seconds East for a distance of 51.41 feet to an iron pin set; THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 173.18 feet to an iron pin set; THENCE North 80 degrees 00 minutes 00 seconds East for a distance of 171.63 feet to an iron pin set; THENCE South 89 degrees 13 minutes 41 seconds East for a distance of 126.85 feet to an iron pin set; THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 204.96 feet to an iron pin set; THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 163.33 feet to an iron pin set; THENCE South 00 degrees 21 minutes 13 seconds East for a distance of 565.69 feet to a 3 inch rebar found on the southerly right-of-way of Henderson Parkway; THENCE along said right-of-way along a curve to the left being a radius of 322.22 feet, an arc length of 303.56 feet, being subdivided by a chord bearing N 17 degrees 17 minutes 10 seconds West for a distance of 392.75 feet to a point; THENCE continuing along said right-of-way North 31 degrees 22 minutes 10 seconds West for a distance of 36.62 feet to a 3 inch rebar found; THENCE leaving said right-of-way North 82 degrees 28 minutes 50 seconds East for a distance of 42.63 feet to a 3/4 inch nail found; THENCE North 83 degrees 08 minutes 26 seconds East for a distance of 78.92 feet to a 3/4 inch nail found; THENCE North 83 degrees 08 minutes 26 seconds East for a distance of 30.55 feet to an iron pin set; THENCE North 00 degrees 04 minutes 50 seconds East for a distance of 237.85 feet to an iron pin set on the southerly right-of-way of Georgia State Route 9, said point being the TRUE POINT OF BEGINNING.
Said property being designated as Tract Four and containing 0.064 acres.

Together with:
All that tract or parcel of land lying and being in Land Lot 1122 of the 2nd District, 2nd Section of Fulton County, Georgia, being more particularly described as follows:
Beginning at a concrete monument found at the intersection of the easterly right-of-way of Henderson Parkway and the southerly right-of-way of Georgia State Route 9 (a.k.a. Main Street); THENCE along said right-of-way of Georgia State Route 9 South 82 degrees 41 minutes 52 seconds East for a distance of 206.89 feet to an iron pin set; THENCE along said right-of-way of Georgia State Route 9 South 82 degrees 41 minutes 52 seconds East for a distance of 206.89 feet to an iron pin set; THENCE South 89 degrees 13 minutes 41 seconds East for a distance of 51.41 feet to an iron pin set; THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 173.18 feet to an iron pin set; THENCE North 80 degrees 00 minutes 00 seconds East for a distance of 171.63 feet to an iron pin set; THENCE South 89 degrees 13 minutes 41 seconds East for a distance of 126.85 feet to an iron pin set; THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 204.96 feet to an iron pin set; THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 163.33 feet to an iron pin set; THENCE South 00 degrees 21 minutes 13 seconds East for a distance of 565.69 feet to a 3 inch rebar found on the southerly right-of-way of Henderson Parkway; THENCE along said right-of-way along a curve to the left being a radius of 322.22 feet, an arc length of 303.56 feet, being subdivided by a chord bearing N 17 degrees 17 minutes 10 seconds West for a distance of 392.75 feet to a point; THENCE continuing along said right-of-way North 31 degrees 22 minutes 10 seconds West for a distance of 36.62 feet to a 3 inch rebar found; THENCE leaving said right-of-way North 82 degrees 28 minutes 50 seconds East for a distance of 42.63 feet to a 3/4 inch nail found; THENCE North 83 degrees 08 minutes 26 seconds East for a distance of 78.92 feet to a 3/4 inch nail found; THENCE North 83 degrees 08 minutes 26 seconds East for a distance of 30.55 feet to an iron pin set; THENCE North 00 degrees 04 minutes 50 seconds East for a distance of 237.85 feet to an iron pin set on the southerly right-of-way of Georgia State Route 9, said point being the TRUE POINT OF BEGINNING.
Said property being designated as Tract Five and containing 0.064 acres.

ALTA/ACSM LAND TITLE SURVEY FOR:

GO HENDERSON COMMONS, LLC
COLUMBIA MOUNTAIN
INSURANCE COMPANY
OF THE REPUBLIC OF GEORGIA
TITLE INSURANCE COMPANY
SFKG INVESTMENTS, LLC
APALACHEE LAND SURVEYING, INC.
LOGANVILLE, GA 30052
770-466-7720
DRAFTED BY: CHN
DATE: 07/17/19



NO.	DATE	REVISION	DATE	LAND LOT	DISTRICT	SHEET NO.
1	07/17/19		07/17/19	1122	2nd	1 of 1
2						
3						
4						
5						
6						
7						
8						
9						
10						



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: MP-20-05 ADVANCE CARE MEDICAL/BROOKSIDE MASTER PLAN

PLANNING COMMISSION: NOVEMBER 5, 2020

CITY COUNCIL: NOVEMBER 16, 2020

II. RECOMMENDATION:

Approve MP-20-05 Advance Care Medical/Brookside Master Plan, subject to the following conditions:

1. Property shall be developed substantially in accordance with submitted plan prepared by CESO, dated 7/16/2020, except for modifications required to comply with the conditions below.
2. Add 'Clinic' as a permitted use in Pod D of the Brookside Master Plan at 3900 Brookside Parkway.
3. 'Clinic' use shall be limited to an urgent care clinic only.
4. Exterior building modifications shall require final approval by the DRB. Existing brick shall remain and shall not be painted, primary colors shall not be visible on the exterior of the building and glass shall not extend to the ground.
5. Prior to a Certificate of Occupancy, developer shall address drainage issues resulting from a clogged inlet at the southwest corner of the property, as approval by Staff.
6. Pedestrian access shall be provided from the building to an adjacent public sidewalk, including striping through the parking lot, as approved by Staff.
7. Additional right-of-way shall be provided along Old Milton Parkway for future sidewalk enhancements and roadway improvements.
8. A 6' sidewalk with 4' beauty strip shall be installed along property frontage along Brookside Parkway.
9. Drive-through facilities shall be completely removed, including drive-through window and impervious areas associated with the drive-through lane. Former drive-through area shall be landscaped with trees, shrubs and ground cover, as approved by DRB.
10. Developer shall assess and replace dead, dying or missing required landscape material, including missing trees in the landscape strip along Old Milton Parkway and at the corner of Old Milton Parkway and Brookside Parkway. Corner of Brookside Parkway and Old Milton Parkway shall be heavily landscaped with ornamental plantings.
11. Developer shall provide the required bicycle racks.
12. Building, site and landscape plans shall be subject to review and approval by the DRB.

III. REPORT IN BRIEF:

The applicant, American Development Partners, is requesting an amendment to the Brookside Master Plan to add 'Clinic' as a permitted use in Pod D. The applicant proposes to convert the former Arby's restaurant with drive-through to an urgent care clinic for Advance Care Medical on a 1.05-acre site. The subject property is located at 3900 Brookside Parkway at the southwest corner of Old Milton Parkway and Brookside Parkway.

DISCUSSION

The submitted request, if approved, would allow for the former Arby's restaurant with drive-through to be converted to an urgent care clinic for Advance Care Medical on a 1.05-acre site.

A master plan amendment to add 'Clinic' as a permitted use in Brookside Pod D is required to allow the proposed business. The subject property is located at 3900 Brookside Parkway at the southwest corner of Old Milton Parkway and Brookside Parkway.

The property is zoned C-2 (General Commercial) and subject to the Brookside Master Plan, Pod D. Surrounding properties are zoned C-2 to the west, south and east. The property to the north (across Old Milton Parkway) is Pennebroke Subdivision, which is zoned R-10 (Dwelling, 'For-Sale', Residential, Min. 10,000 SF Lots). Tires Plus and Bruster's Ice Cream are located to the west, Zyka restaurant is located to the south and Chevron is located to the east. The Comprehensive Land Use Plan designation of the property is 'Commercial', which allows the proposed use.

The Brookside Master Plan was approved in 1997 for a 132-acre planned development, including office and retail uses. Pod D has a land use designation of 'Commercial', which allows a variety of commercial and office uses. While a medical office is allowed, a 'Clinic' is not listed as a permitted or conditional use in Pod D. Approval history of the Brookside Master Plan and amendments is provided in the table below.

Brookside Master Plan History

File #	Project Name	Pod	Requested Change	Outcome	Date
MP-12-03 / V-12-07	Tassa Caribbean Express	C	Add Restaurant as a permitted use	Approved	4/23/12
MP-99-08	The Source Fitness	D	Add Athletic Facility as a permitted use	Approved	11/22/99
MP-97-06	Brookside Master Plan		Original Master Plan	Approved	6/23/97

SITE PLAN

The applicant's site plan depicts re-use of the former Arby's fast food restaurant, which consists of a 1-story, 3,390 square foot building with drive-through and surface parking. Drive-through facilities are proposed to be removed and some parking spaces will be re-striped to comply with current ADA standards. Additional greenspace will be provided as a result of removal of the drive-through facilities. Access to the site will continue from Brookside Parkway.

The Unified Development Code (UDC) requires one (1) parking space per 200 square feet for a medical office, of which 17 parking spaces are required for the proposed use. A total of 67 parking spaces will remain on the property after re-striping. The landscape strip along Brookside Parkway appears to follow the UDC planting requirements; however, the landscape strip along Old Milton Parkway and at the corner of Old Milton Parkway and Brookside Parkway is lacking required trees. If approved, staff recommends conditions requiring the developer to assess and replace any dead, dying or missing required landscape material and to address an existing drainage issue resulting from a clogged inlet at the southwest corner of the property.

TRAFFIC

The applicant submitted a trip generation report. As shown in the table below, the proposed 'Clinic' use would generate a total of 65 weekday daily trips, or 734 less trips than the previous 'Restaurant w/ Drive Through' use.

Table 1
Trip Generation Summary

ITE LUC	Use	Weekday Daily Trips		AM Peak Hr		PM Peak Hr	
		In	Out	In	Out	In	Out
Existing (3,090 s.f.)							
934	Fast Food w/Drive Thru Restaurant	799	799	70	66	58	53
Proposed (3,090 s.f.)							
630	Medical Clinic	65	65	10	3	3	8
Difference – Existing to Proposed		-734	-734	-60	-63	-55	-45
Percent Difference - Existing to Proposed		-92%	-92%	-86%	-95%	-95%	-85%

STANDARDS FOR MASTER PLAN AMENDMENTS

The Planning Commission and the City Council shall consider the following standards in considering a rezoning application, giving due weight or priority to those factors particularly appropriate to the circumstances of each application:

- a. Whether the zoning proposal will permit a use that is suitable in view of the zoning use and development of adjacent and nearby property.

Response: The proposed use is consistent with adjacent and nearby properties, which are developed with commercial and office uses.

- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

Response: The proposal would not adversely affect the existing use or usability of adjacent or nearby properties, since those properties are developed with commercial and office uses.

- c. Whether the zoning proposal will adversely affect the natural environment.

Response: Not applicable, the applicant proposes to utilize an existing building.

- d. Whether there are substantial reasons why the property cannot or should not be used as currently zoned.

Response: The current zoning of the property is C-2 (General Commercial), which allows 'Clinic' by-right. However, Brookside Master Plan Pod D allows a medical office, but does not list 'Clinic' in the list of permitted uses. Since the UDC distinguishes between a 'Medical Office' and a 'Clinic', a master plan amendment is required to add the use to Pod D.

- e. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of public facilities or services, including but not limited to existing streets and transportation facilities, schools, water or sewer utilities, and police or fire protection.

Response: The proposed use would not result in significant impacts on public facilities and services. The proposed 'Clinic' use would generate 734 fewer weekday daily trips than the previous restaurant with drive-through use.

f. Whether the zoning proposal is supported by new or changing conditions not anticipated or reflected in the existing zoning on the property.

Response: Not applicable.

g. Whether the zoning proposal reflects a reasonable balance between the promotion of the public health, safety, morality or general welfare against the right to unrestricted use of property.

Response: The master plan amendment reflects a reasonable balance. The current zoning of the property is C-2 (General Commercial), which allows 'Clinic' by-right. However, Brookside Master Plan Pod D allows a medical office, but does not list 'Clinic' in the list of permitted uses. Since the UDC distinguishes between a 'Medical Office' and a 'Clinic', a master plan amendment is required to add the use to Pod D.

h. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Response: The current zoning of the property is C-2 (General Commercial), which allows 'Clinic' by-right. However, Brookside Master Plan Pod D allows a medical office, but does not list 'Clinic' in the list of permitted uses. Since the UDC distinguishes between a 'Medical Office' and a 'Clinic', a master plan amendment is required to add the use to Pod D.

i. The extent to which the zoning proposal is consistent with the Comprehensive Plan.

Response: The proposal is consistent with the Comprehensive Land Use Plan designation of the property, which is 'Commercial'.

CONCURRENCES

Staff has reviewed the proposal and finds that it can generally support the request for master plan amendment. The request is compatible with properties in the vicinity, which are developed with 'Office' and 'Commercial' uses. While 'Clinic' is a permitted use in the C-2 zoning district, it is not listed as a permitted use in the Brookside Master Plan. The proposed use would represent a significant reduction in weekday daily trips generated from the property when compared to the previous use of the property as a fast food restaurant with drive-through. If approved, conditions are recommended limiting the use to an urgent care clinic only.

CITIZEN PARTICIPATION PLAN

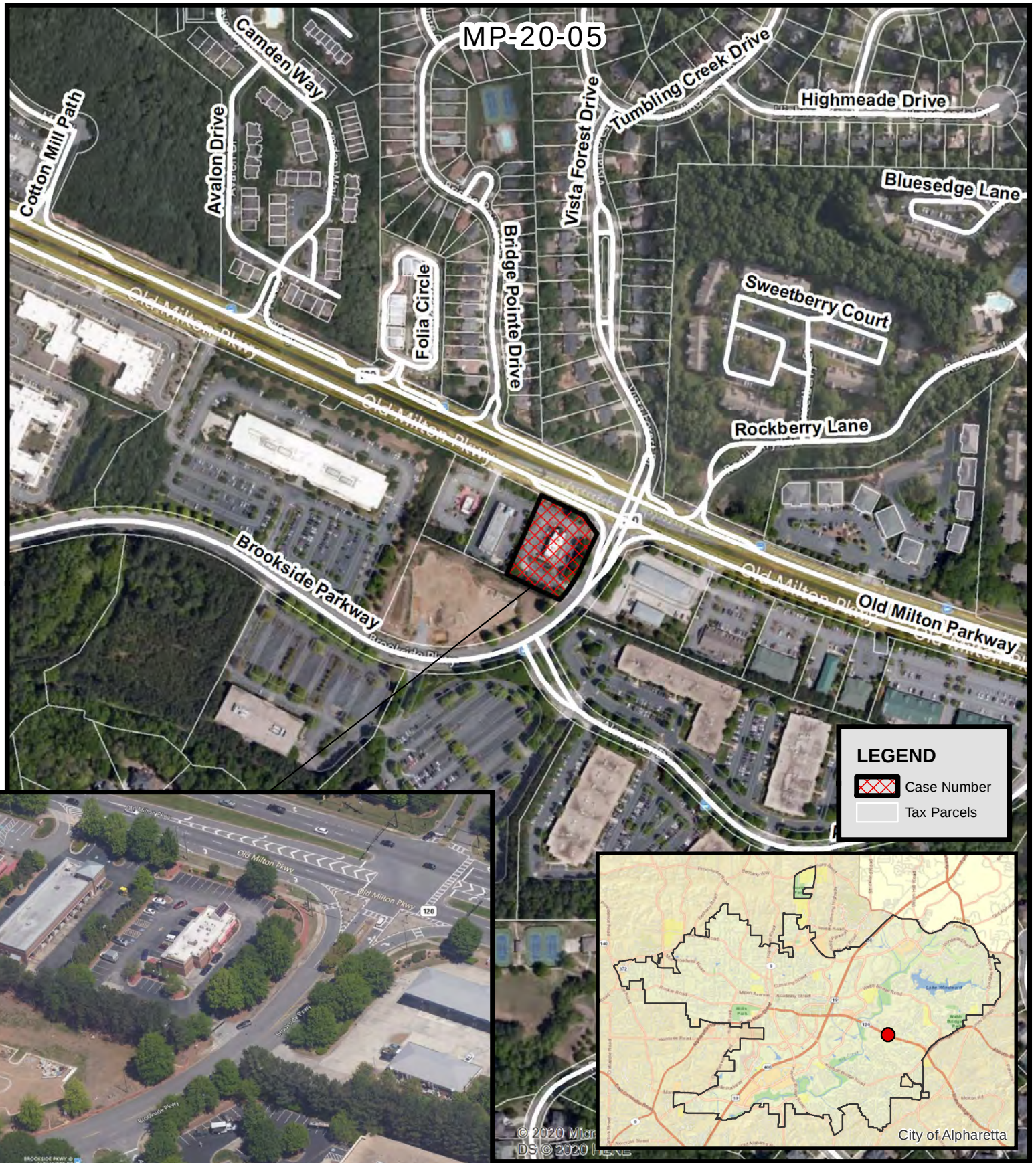
The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.

COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on October 14, 2020. There were no public comments.

IV. ATTACHMENTS:

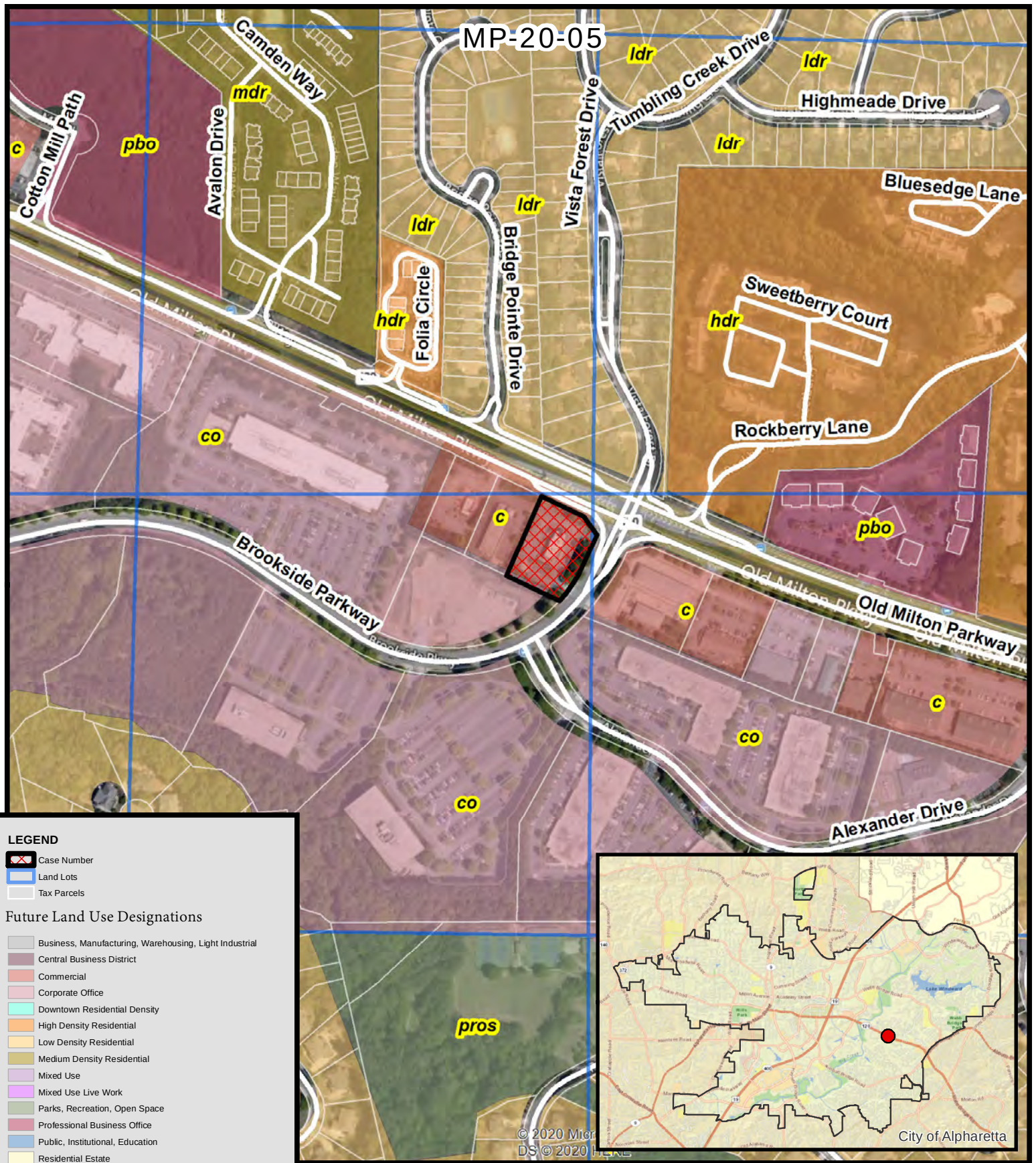
- Site Plan



Aerial Map
Advance Care Medical
Brookside/3900 Brookside Pkwy

MP-20-05
D/LL: 1/1/0050
PC:11/5/20
CC: 11/16/20

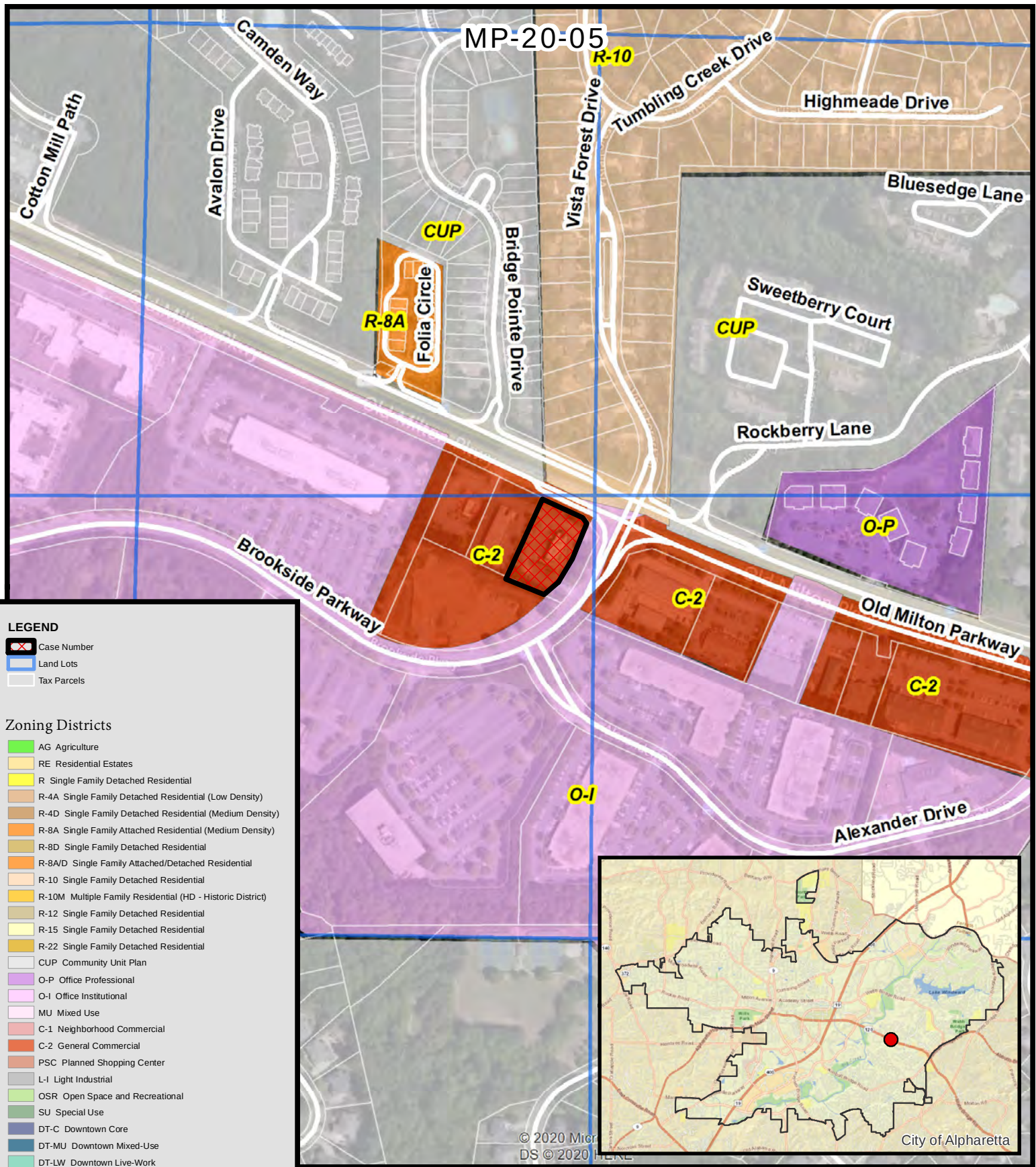
Location Map Provided by:
Community Development - GIS



Future Land Use Advance Care Medical Brookside/3900 Brookside Pkwy

MP-20-05
D/LL: 1/1/0050
PC:11/5/20
CC: 11/16/20

Location Map Provided by:
Community Development - GIS

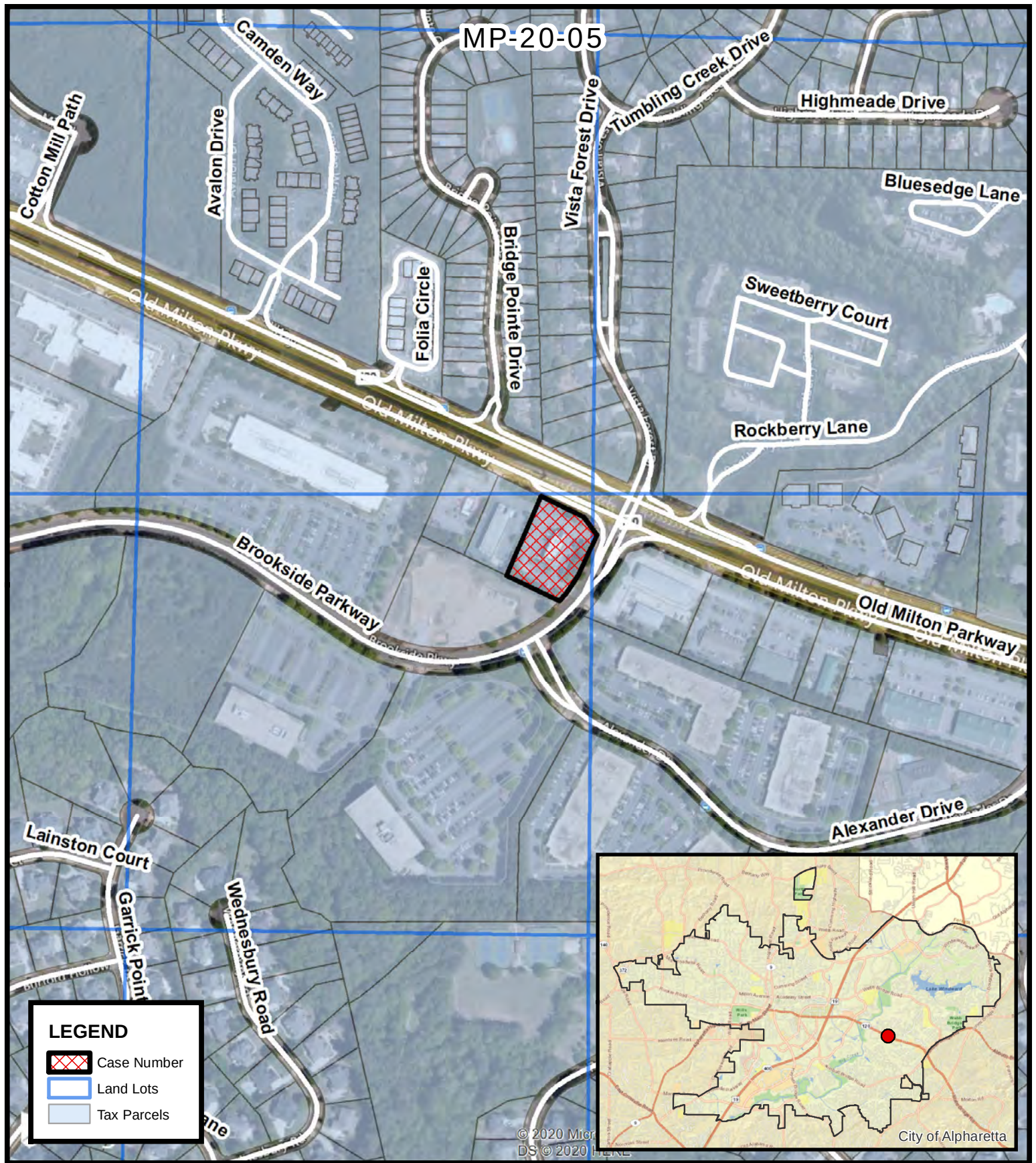


Zoning Map Advance Care Medical Brookside/3900 Brookside Pkwy

MP-20-05
D/LL: 1/1/0050
PC: 11/5/20
CC: 11/16/20



Location Map Provided by:
Community Development - GIS



Location Map
Advance Care Medical
Brookside/3900 Brookside Pkwy

MP-20-05
D/LL: 1/1/0050
PC: 11/5/20
CC: 11/16/20

Location Map Provided by:
Community Development - GIS

CZIM Comments (10/14/20):

MP-20-05 Advance Medical/Brookside Master Plan



CITIZEN PARTICIPATION FORM - PART B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: Advanced Care Medical

Contact Name: Matt Regenold

Telephone: (615)678-2229

Please describe comments and concerns provided by any and all individuals contacted as part of the the Citizen Participation Program. If any individuals provided written correspondence, please attach copies of same to this report.

None

Method by which these individuals were contacted. Please mark all that apply. Please provide samples of any and all written communications used to provide notification.

- | | |
|--|---|
| ☒ Letter | ☐ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☐ Other (Please Specify) _____ |

Attach a list of people who have been notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified.

I, the undersigned, as an authorized representative of the applicant and Public Hearing item identified above, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Citizen Participation Form - Part B and in any and all documents provided in support of this report are true and accurate. I further understand that any false statements provided by representatives of the applicant as part of this report may result in penalties up to and including denial of the subject application.

Signature of Authorized Agent: 

Date: 10/26/2020

Print Form

October 26, 2020

ALPHARETTA BROOKSIDE LP
927 HILLGARD AVE
LOS ANGELES CA 90024

RE: MP-20-05 Advanced Care Medical/Brookside

Dear Property Owner:

An application to the City of Alpharetta to Amend the Existing Master Plan for the property located at 3900 Brookside Parkway has been submitted. The intent of the application is to add the use of a "clinic" to POD D of the Master Plan. The addition of "clinic" is allowed per the zoning district but was not originally included in this POD during the development phase of the original Master Plan. The project will be for the redevelopment of the existing building for a medical clinic use.

The Community Zoning Information Meeting is scheduled to be held on Wednesday, October 14, 2020 at 6:00 pm in the Community Room at City Hall. This is an informal meeting to allow the public to view current applications and to speak with the Applicant and/or his representatives.

This item will be considered by the Planning Commission on Thursday, November 5, 2020 at 6:30 p.m. and the City Council on Monday, November 16, 2020 at 6:30 p.m. in the Alpharetta City Hall Council Chambers, 2 Park Plaza, Alpharetta, Georgia.

If you have any questions or concerns, please contact me at matt.regenold@cesoinc.com.

Regards,



Matthew Regenold, PE
Engineering Manager

cc: M. Butera, American Development Partners
Project File 758066-01

MP-20-05 Advanced Medical/
Brookside

9/1/20

ALPHARETTA BROOKSIDE L P
927 HILLGARD AVE
LOS ANGELES CA 90024

PURNELL STEPHEN D
11555 VISTA FOREST DR
ALPHARETTA GA 30005

BARAK VENTURES LLC
8570 LAKESIDE DR
POMPANO BEACH FL 33076

OMP PROPERTIES LLC
1677 SCOTT BLVD
DECATUR GA 30033

WILSTATE L P
3245 PEACHTREE PKWY STE D-242
SUWANEE GA 30024

VAZIRNEZAMI ZOHREH
5460 BRIDGE POINTE DR
ALPHARETTA GA 30005

LEE SHAYNE M
11600 VISTA FORREST DR
ALPHARETTA GA 30005

BELMONT AT PARK BRIDGE PROPERTY LLC
615 PALISADES AVE
SANTA MONICA CA 90402

MC CUTCHEON SCOTT & MC CUTCHEON ME
LANIE GARMON
5439 BRIDGE POINT DR
ALPHARETTA GA 30005

ARORA PARVINDER SINGH & ARORA VIJA
YA
11570 VISTA FOREST DR
ALPHARETTA GA 30005

DBROOK ACQUISTION LLC
90 S SEVENTH ST SUITE 4300
MINNEAPOLIS MN 55402

HASER JACOB T
5450 BRIDGE POINT DR
ALPHARETTA GA 30005

CHEN RONGRONG
5409 BRIDGE POINTE DR
ALPHARETTA GA 30005

CHARTER PROPERTIES
3975 OLD MILTON PKY # S 1
ALPHARETTA GA 30005

NAHMAN DENISE R
5470 BRIDGE POINTE DR
ALPHARETTA GA 30005

LEE JOO YONG
5440 BRIDGE POINTE DR
ALPHARETTA GA 30005

BROOKSIDE PARKWAY PARTNERS LLC
3000 NORTHWOODS PKWY SUITE 260
NORCROSS GA 30071

ADVANI PRIYA & BILDERBACK LINDA
81 GATEWOOD DR
MARIETTA GA 30068

VASILEVA PETYA
5459 BRIDGE POINTE DR
ALPHARETTA GA 30005

BRE COH GA LLC
P.O. BOX #A-3879
CHICAGO IL 60690-3879

DALTON MARK
5419 BRIDGE POINT DR
ALPHARETTA GA 30005

SMITHERS LYLE O & HATTIE C
87 GRANDWATER DR
SUWANEE GA 30024

MARFAM ENTERPRISES INC
115 VIEW HILL CT
ATLANTA GA 30350

PATEL KUNAL & PATEL JALPA
11610 VISTA FOREST DR
ALPHARETTA GA 30005

KATIS JEFFREY RONALD & GOBEA ROSAR
IO D
11580 VISTA FOREST DR
ALPHARETTA GA 30005

ONE ZERO TWO ONE ZERO FOUR GREENWI
CH STREET MANHAT
535 MARRIOTT DR
NASHVILLE TN 37214

EUSTICE MARY M
5429 BRIDGE POINTE DR
ALPHARETTA GA 30005-4471

BAUMGARTNER DEBORAH
5430 BRIDGE POINT DR
ALPHARETTA GA 30005

LEE SUNG KOO
11590 VISTA FOREST DR
ALPHARETTA GA 30005

MILLER JEFFREY MARSHALL
5410 BRIDGE POINTE DR
ALPHARETTA GA 30005

MP-20-05 Advanced Medical/
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CRITCHETT DOUGLAS L & WERTZBERGER
LAURA L
11565 VISTA FOREST DR
ALPHARETTA GA 30005

WILLIAMS JOELLE F WILLIAMS ANTHONY
ALPHONSO
11550 VISTA FOREST DR
ALPHARETTA GA 30005

SOHAN ENTERPRISES LLC
1090 1080 S COBB DR
MARIETTA GA 30060

BRE COH GA LLC
P.O. BOX #A-3879
CHICAGO IL 60690-3879

DBROOK ACQUISITION LLC
90 S SEVENTH ST SUITE 4300
MINNEAPOLIS MN 55402

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: _____

☐ Fee Paid Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

1. This page should be the first page in each of your completed application packets.
2. It is preferred that all responses be typed. Illegible applications will not be accepted.
3. Prior to signing and submitting your application, please check all information supplied on the following pages to ensure that all responses are complete and accurate. Incomplete applications will not be accepted.
4. Payment of all applicable fees must be made at the time of application. Payment may be made via cash, credit card (American Express, Master Card or Visa), or check made payable to "City of Alpharetta."
5. Applications will be accepted only on the designated submittal dates between the hours of 8:30 AM and 3:30 PM.
6. If you have any questions regarding this form, please contact the Community Development Department by calling 678-297-6070.

Contact Information:

Contact Name: American Development Partners

Telephone: 615-368-3412

Address: PO Box 681982

Suite: _____

City: Franklin

State: TN

Zip: 37064

Fax: _____

Mobile Tel: 6158186982

Email: manny@americandevlopmentpartners.com

Subject Property Information:

Address: 3900 Brookside Parkway

Current Zoning: C-2

District: 1

Section: 1

Land Lot: 50

Parcel ID: 11 014000490951

Proposed Zoning: n/a

Current Use: Resturant

This Application For *(Check All That Apply):*

☐ Conditional Use

☒ Master Plan Amendment

☐ Exception

☐ Rezoning

☐ Master Plan Review

☐ Variance

☐ Public Hearing

☐ Comprehensive Plan Amendment

☐ Other *(Specify):* _____

APPLICANT REQUEST AND INTENT

What is the proposed use(s) of the property?

Medical Clinic

Applicant's Request (Please itemize the proposal):

Applicant request to amend the Master Development Plan to allow for Medical Clinic use in Pod D

Applicant's Intent *(Please describe what the proposal would facilitate).*

Building will be converted from the existing restaurant to a medical clinic.

PROPERTY OWNER AUTHORIZATION

Property Owner Information: PRH 3900 BROOKSIDE, LLC

Contact Name: AMIT PARKASH

Telephone: (404) 429-0175

Address: 2350 Hopewell Plantation Dr.

Suite:

City Milton

State: GA

Zip: 30004

Authorization:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Application for Public Hearing before the City of Alpharetta, Georgia.

As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Public Hearing in request of the items indicated below.

- | | |
|---|---|
| ☐ Annexation | ☐ Special Use |
| ☐ Rezoning | ☐ Conditional Use |
| ☐ Variance | ☐ Master Plan |
| ☐ Land Use Application | ☒ Other |
- Master Plan Amendment

Identify Authorized Applicant:

Name of Authorized Applicant: Manny Butera

Telephone: 6158186982

Address:

Suite:

City College Grove

State: TN

Zip: 37046

So Sworn and Attested:

Owner Signature:

Amit Parkash
AMIT PARKASH

Date: 09-03-20

Notary:

Notary Signature:

Amit Mehrotra



Date: 9/3/2020

DISCLOSURE FORM

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Name of Applicant or Opponent: **Amit Parkash**

Subject Public Hearing Case: **Advance Care Medical**

Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution as been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: **N/A** Position: **N/A**

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

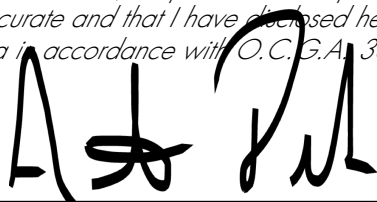
Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.

Signature: _____



Date: _____

9/4/20

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Manny Butera

Name of Applicant or Opponent: Manny Butera

Subject Public Hearing Case: Advance Care Medical

Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution as been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: NA Position: NA

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.

Signature: _____

Date: **8/31/20**

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

Yes the medical clinic will fit in the existing commercial area and serve the surrounding community

How will this proposal affect the use and value of the surrounding properties?

This is convert an unused restaurant building to a medical clinic

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

The proposed use is allowed in the current zoning. We are requesting that the Master Plan be Amended to allow for Clinic in Pod D

What would be the increase to population and traffic if the proposal were approved?

The proposed traffic would decrease from the original approved use of a restaurant to a medical clinic

What would be the impact to schools and utilities if the proposal were approved?

n/a

How is the proposal consistent with the Alpharetta Comprehensive Plan; particularly the Future Land Use Map?

This proposed change to Pod D does not alter the zoning or the Comprehensive Plan. This use is allowed in the this area.

Are there existing or changing conditions which affect the development of the property and support the proposed request?

n/a

On a separate sheet or sheets, please provide any information or evidence that supports your request and the statements that you have provided in this application.

CITIZEN PARTICIPATION FORM - PART A

This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.

Public Hearing or Project Name: **Advance Care Medical**

Contact Name: **Manny Butera**

Telephone: **615-818-6982**

The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.

See attached list

Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

☒

Letter

☐

Personal Visits

☐

Telephone

☐

Group Meeting

☐

Email

☐

Other *(Please Specify)*

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

We will be mailing out letters to the individuals and provide a phone number and/or email contact.

9/1/20 ALPHARETTA BROOKSIDE L P 927 HILLGARD AVE LOS ANGELES CA 90024	MP-20-05 Advanced Medical/ Brookside PURNELL STEPHEN D 11555 VISTA FOREST DR ALPHARETTA GA 30005	BARAK VENTURES LLC 8570 LAKESIDE DR POMPANO BEACH FL 33076
OMP PROPERTIES LLC 1677 SCOTT BLVD DECATUR GA 30033	WILSTATE L P 3245 PEACHTREE PKWY STE D-242 SUWANEE GA 30024	VAZIRNEZAMI ZOHREH 5460 BRIDGE POINTE DR ALPHARETTA GA 30005
LEE SHAYNE M 11600 VISTA FORREST DR ALPHARETTA GA 30005	BELMONT AT PARK BRIDGE PROPERTY LLC 615 PALISADES AVE SANTA MONICA CA 90402	MC CUTCHEON SCOTT & MC CUTCHEON ME LANIE GARMON 5439 BRIDGE POINT DR ALPHARETTA GA 30005
ARORA PARVINDER SINGH & ARORA VIJA YA 11570 VISTA FOREST DR ALPHARETTA GA 30005	DBROOK ACQUISTION LLC 90 S SEVENTH ST SUITE 4300 MINNEAPOLIS MN 55402	HASER JACOB T 5450 BRIDGE POINT DR ALPHARETTA GA 30005
CHEN RONGRONG 5409 BRIDGE POINTE DR ALPHARETTA GA 30005	CHARTER PROPERTIES 3975 OLD MILTON PKY # S 1 ALPHARETTA GA 30005	NAHMAN DENISE R 5470 BRIDGE POINTE DR ALPHARETTA GA 30005
LEE JOO YONG 5440 BRIDGE POINTE DR ALPHARETTA GA 30005	BROOKSIDE PARKWAY PARTNERS LLC 3000 NORTHWOODS PKWY SUITE 260 NORCROSS GA 30071	ADVANI PRIYA & BILDERBACK LINDA 81 GATEWOOD DR MARIETTA GA 30068
VASILEVA PETYA 5459 BRIDGE POINTE DR ALPHARETTA GA 30005	BRE COH GA LLC P.O. BOX #A-3879 CHICAGO IL 60690-3879	DALTON MARK 5419 BRIDGE POINT DR ALPHARETTA GA 30005
SMITHERS LYLE O & HATTIE C 87 GRANDWATER DR SUWANEE GA 30024	MARFAM ENTERPRISES INC 115 VIEW HILL CT ATLANTA GA 30350	PATEL KUNAL & PATEL JALPA 11610 VISTA FOREST DR ALPHARETTA GA 30005
KATIS JEFFREY RONALD & GOBEA ROSAR IO D 11580 VISTA FOREST DR ALPHARETTA GA 30005	ONE ZERO TWO ONE ZERO FOUR GREENWI CH STREET MANHAT 535 MARRIOTT DR NASHVILLE TN 37214	EUSTICE MARY M 5429 BRIDGE POINTE DR ALPHARETTA GA 30005-4471
BAUMGARTNER DEBORAH 5430 BRIDGE POINT DR ALPHARETTA GA 30005	LEE SUNG KOO 11590 VISTA FOREST DR ALPHARETTA GA 30005	MILLER JEFFREY MARSHALL 5410 BRIDGE POINTE DR ALPHARETTA GA 30005

MP-20-05 Advanced Medical/
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9/1/20

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LAURA L
11565 VISTA FOREST DR
ALPHARETTA GA 30005

WILLIAMS JOELLE F WILLIAMS ANTHONY
ALPHONSO
11550 VISTA FOREST DR
ALPHARETTA GA 30005

SOHAN ENTERPRISES LLC
1090 1080 S COBB DR
MARIETTA GA 30060

BRE COH GA LLC
P.O. BOX #A-3879
CHICAGO IL 60690-3879

DBROOK ACQUISITION LLC
90 S SEVENTH ST SUITE 4300
MINNEAPOLIS MN 55402

CITIZEN PARTICIPATION FORM - PART B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: **Advance Care Medical**

Contact Name: **Manny Butera**

Telephone: **6158186982**

Please describe comments and concerns provided by any and all individuals contacted as part of the the Citizen Participation Program. If any individuals provided written correspondence, please attach copies of same to this report.

Method by which these individuals were contacted. Please mark all that apply. *Please provide samples of any and all written communications used to provide notification.*

- | | |
|------------------------------------|--|
| ☐ Letter | ☐ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☐ Other <i>(Please Specify)</i> _____ |

Attach a list of people who have been notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified.

I, the undersigned, as an authorized representative of the applicant and Public Hearing item identified above, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Citizen Participation Form - Part B and in any and all documents provided in support of this report are true and accurate. I further understand that any false statements provided by representatives of the applicant as part of this report may result in penalties up to and including denial of the subject application.

Signature of Authorized Agent: _____

Date: 2/31/20

August 31, 2020

City of Alpharetta
2 Park Plaza
Alpharetta, Georgia 30009

**RE: Traffic Generation for Proposed Advance Care Medical (ACM) Development
3900 Brookside Parkway, Alpharetta, GA**

To Whom it May Concern:

INTRODUCTION

The proposed Advance Care Medical (ACM) development is located at 3900 Brookside Parkway in the southwest quadrant of Old Milton Parkway (SR 120) & Brookside Parkway intersection and currently contains an existing 3,390 square foot (s.f.) Arby's restaurant.

This Traffic Generation letter has been performed in general accordance with locally accepted standards and industry practice. Based on these guidelines, the purpose of this Traffic Statement is to forecast the trip generation of the proposed ACM Development, trip distribution of the site generated trips, and evaluate the proposed site access driveways of the development.

SITE DESCRIPTION

The proposed ACM Development is planned for a 1.046-acre parcel located in the southwest quadrant of Old Milton Parkway (SR 120) & Brookside Parkway intersection. The site is surrounded by residential development to the north, Tires Plus to the west, Chevron Gasoline Station to the east, and office development to the south. A vicinity map, aerial view and site plan figure are attached to this letter.

The project is planned to utilize both existing curb cuts as follows:

- Old Milton Parkway (SR 120) curb cut: currently located 350 feet west of the Milton Parkway (SR 120) & Brookside Parkway intersections eastbound stop bar. This shared curb cut is a right-in/right-out (RIRO) that serves three (3) developments (Arby's, Brusters Ice Cream, and Tires Plus). There is an EB to SB right-turn lane accessing this driveway.
- Brookside Parkway curb cut: currently located 200 feet south of the Milton Parkway (SR 120) & Brookside Parkway intersections northbound stop bar. This curb cut is full access and serves the existing Arby's development that will be demolished for construction of the ACM development.

EXISTING ROADWAY CONDITIONS

Old Milton Parkway

Old Milton Parkway (SR 120) generally has an east/west alignment and is a four-lane (2 lanes each direction) divided roadway with left and right turn lanes in the EB and WB directions at the signal-controlled intersection of Brookside Parkway. The posted speed limit on Old Milton Parkway (SR 120) within the vicinity of the site is 45 mph.

Brookside Parkway

Brookside Parkway is a “U” shaped roadway that intersects Old Milton Parkway (SR 120) in two (2) locations (Cotton Creek & Vista Forest). The east side connection to Old Milton Parkway (SR 120) is signal controlled having two (2) southbound and two (2) northbound lanes in each direction. The posted speed limit on Brookside Parkway within the vicinity of the site is 35 mph.

SITE TRAFFIC GENERATION

Studies of similar developments throughout North America have shown that the amount of traffic generated will be functionally related to some unit of activity (i.e., number of bays, gross floor area). Site traffic fluctuates substantially on different days and hours throughout the day. Therefore, it is imperative to select an appropriate hourly volume on which to base the design of the external roadway and site access facilities. The Weekday AM and PM Peak Hours were selected based on the adjacent street traffic during this hour.

The Proposed ACM Development includes:

- 3,390 s.f. medical clinic building.

As indicated earlier, ACM Development proposes to remodel the 3,390 s.f. Arby’s restaurant to a medical clinic building.

Trip generation for the proposed ACM Development was based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, and methods outlined in the (ITE) Trip Generation Handbook. Specifically, ITE Category 630 (Clinic) was used for the proposed ACM Development.

Table 1 summarizes the trips generated by the existing Arby’s Development in comparison with the proposed ACM Development:

Table 1
Trip Generation Summary

ITE LUC	Use	Weekday Daily Trips		AM Peak Hr		PM Peak Hr	
		In	Out	In	Out	In	Out
Existing (3,090 s.f.)							
934	Fast Food w/Drive Thru Restaurant	799	799	70	66	58	53
Proposed (3,090 s.f.)							
630	Medical Clinic	65	65	10	3	3	8
Difference – Existing to Proposed		-734	-734	-60	-63	-55	-45
Percent Difference - Existing to Proposed		-92%	-92%	-86%	-95%	-95%	-85%

TRIP DISTRIBUTION AND ASSIGNMENT

The directional distribution of the development-generated traffic is a function of several variables. The assumptions and methods used in estimating the direction in which traffic will approach and depart the Site varies with several location-specific conditions such as:

- Size & type of the proposed development.
- Population distribution within the defined area of influence.
- Prevailing operating conditions on the existing street system.

The analysis of directional distribution is based on the observation that drivers normally will choose the fastest (not necessarily the most direct) routes to and from a given traffic generator.

The anticipated directional distribution of trips generated by the proposed ACM Development are shown in Table 2. These percentages are based on the “market area” of the development, and the associated street patterns outside the development.

Table 2
Directional Distribution of Valvoline Development-Generated Traffic Volumes

Route	Distribution Approach/Departure	
	Passenger Cars	
	Arriving From	Departing To
Primary Trip Distribution – Cars		
Old Milton Parkway (SR 120) from the NW	50%	50%
Old Milton Parkway (SR 120) from the SE	45%	45%
Brookside Parkway from the SW	5%	5%
TOTAL	100%	100%

DECELERATION LANES

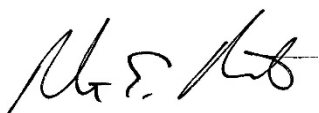
Deceleration lanes (WB to SB left-turn lane and NB to EB right-turn lane) currently exist at the primary signal-controlled intersection of Old Milton Parkway (SR 120) and Brookside Parkway. All of these deceleration lanes are of adequate length to serve the proposed site.

CONCLUSIONS

The proposed ACM Development is forecasted to generate 130 total trips during a 24-hour weekday with 13 trips occurring during the weekday AM peak hour and 11 trips occurring during the weekday PM peak hour. Based on the proposed site’s trip generation, and the assumed distribution of these trips, the proposed development will have a minimum impact to the Old Milton Parkway (SR 120) and Brookside Parkway intersection. In addition, the proposed use change will decrease the overall traffic generated by this site by over eighty-five (85) percent.

Please review the above analysis and should you have any questions, please do not hesitate to contact our office at (615) 928-5120.

Sincerely,
CESO, Inc.



Robert E. Matko, P.E., P.S., PTOE
Engineering Manager

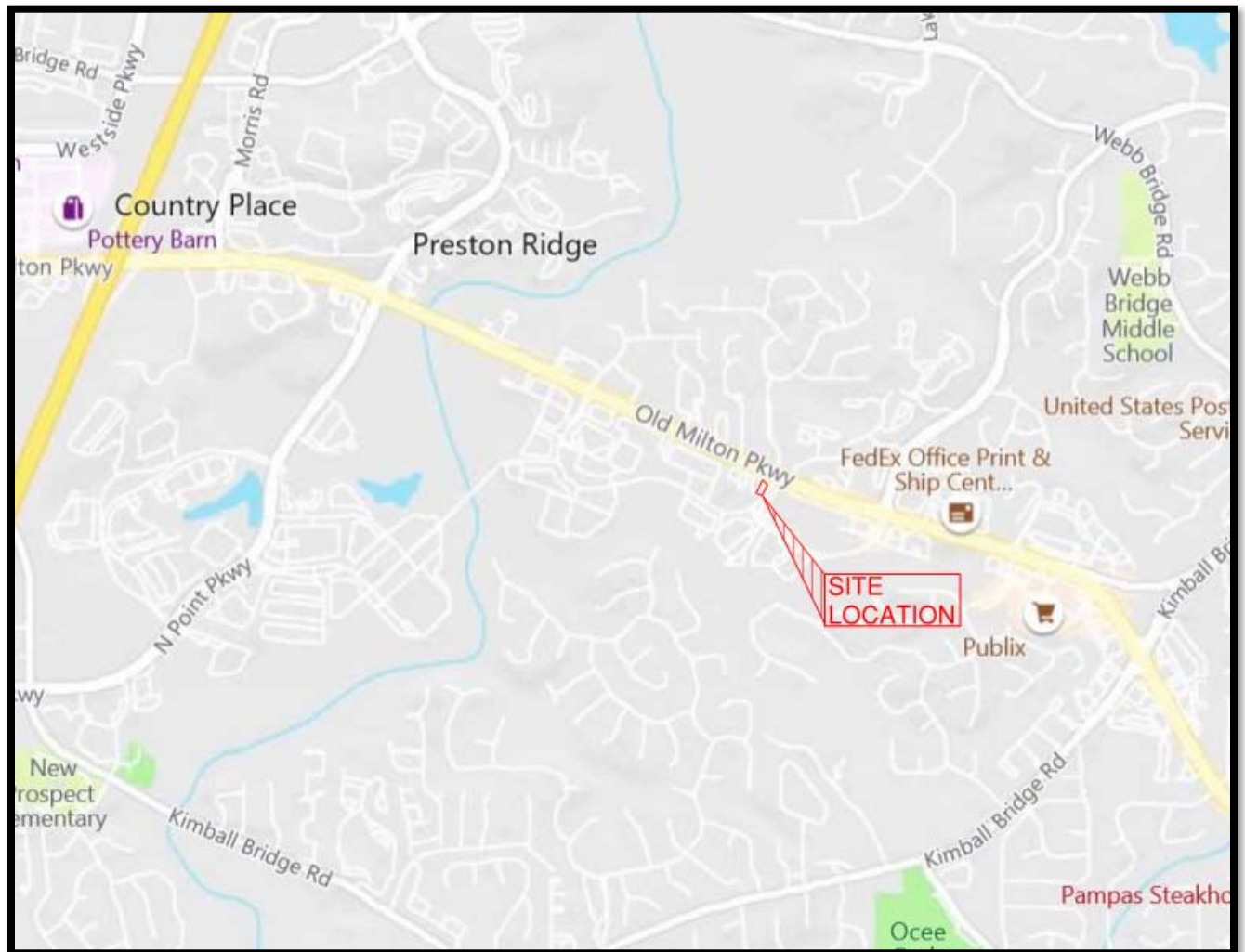


Figure 1: Vicinity Map



Figure 2: Aerial View

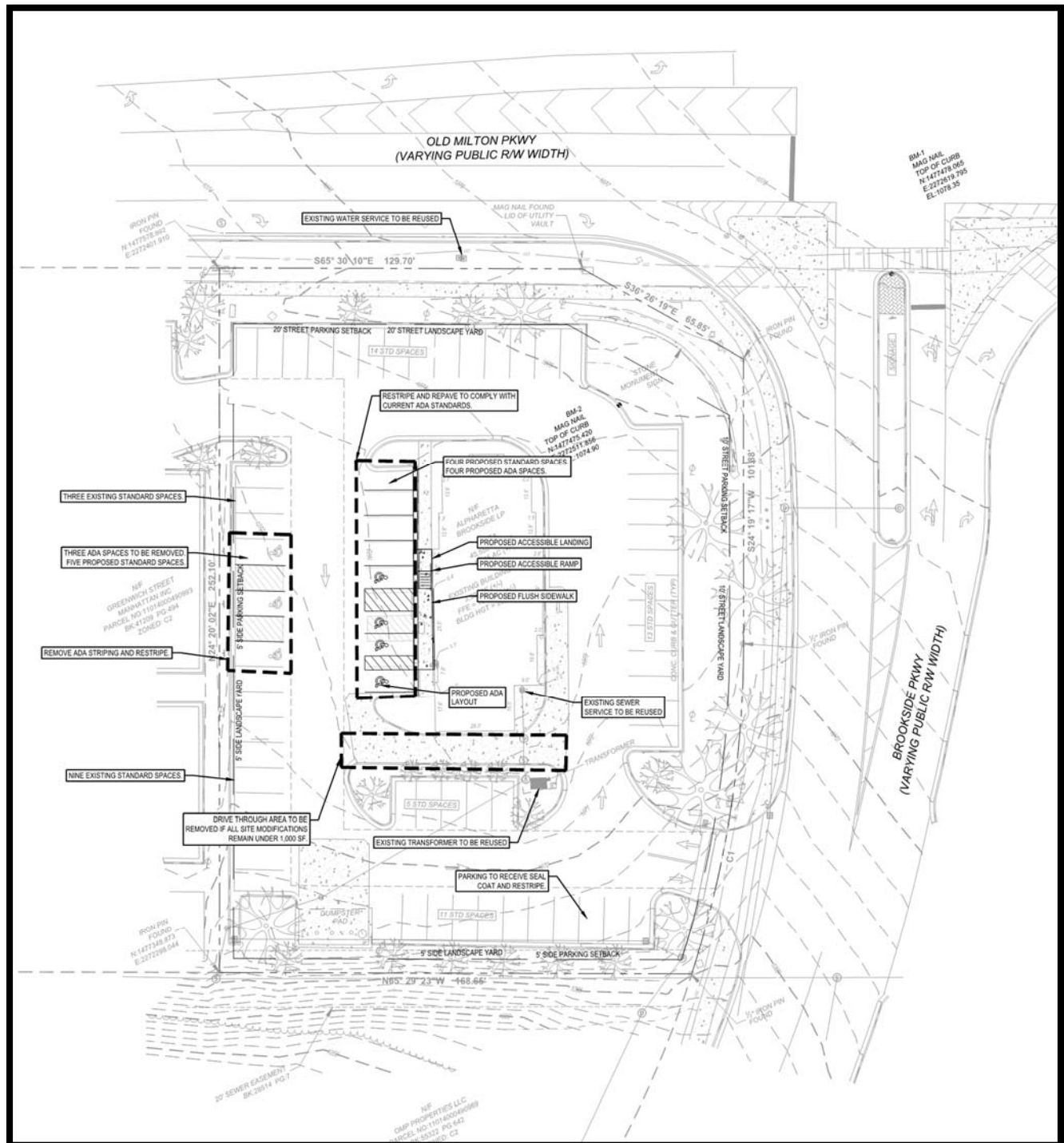
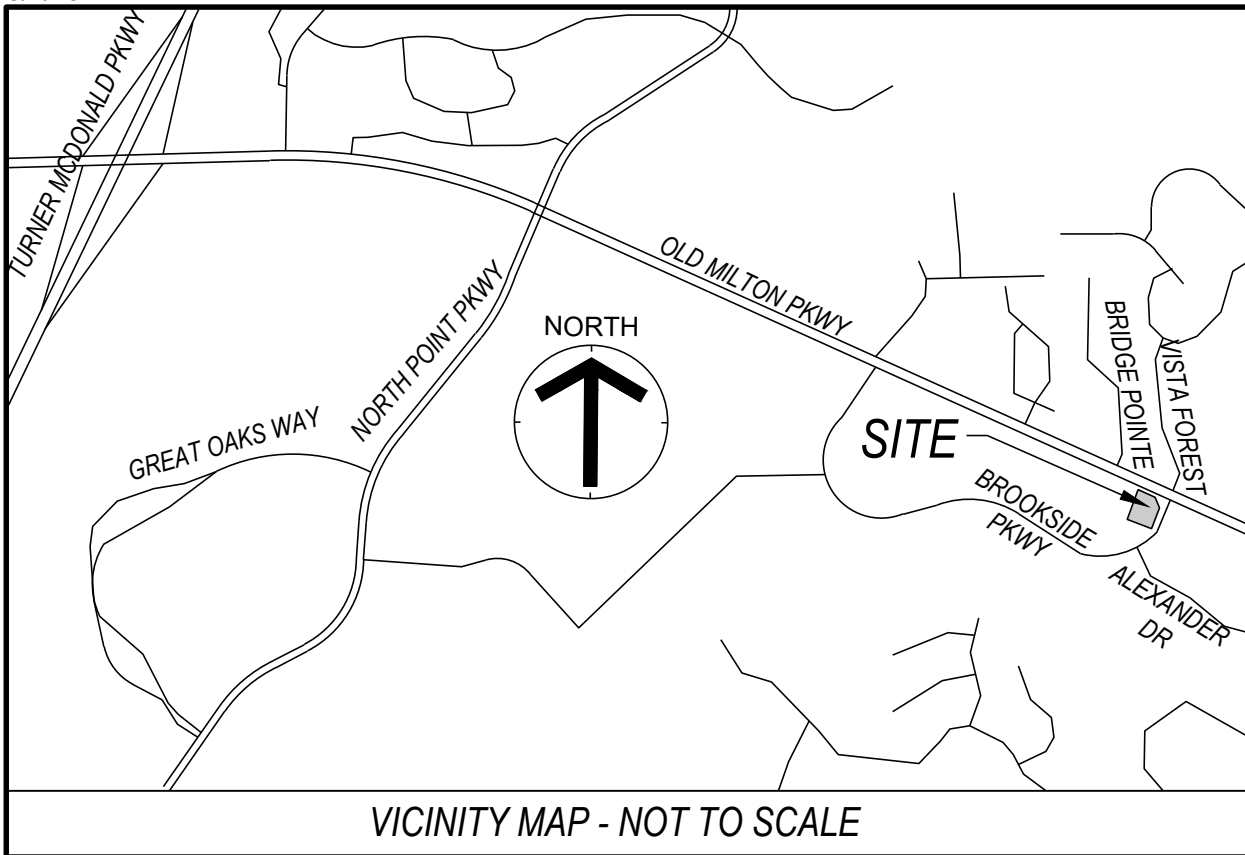


Figure 3: Site Plan



Stewart Title Guaranty Company
Schedule B, Section II - Exceptions
Commitment No: 20000090232
Commitment Date: June 9, 2020 at 5:00 PM
Revision Issued: June 18, 2020

Real property in the City of Alpharetta, County of Fulton, State of Georgia, described as follows:

PARCEL 1:

ALL THAT TRACT OR PARCEL OF LAND IN AND BEING IN LAND LOT 50 OF THE 1ST DISTRICT, 1ST SECTION OF FULTON COUNTY, CITY OF ALPHARETTA, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH REBAR SET AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF OLD MILTON PARKWAY (HAVING A VARIABLE RIGHT-OF-WAY), AND THE WESTERLY RIGHT-OF-WAY OF BROOKSIDE PARKWAY (HAVING A VARIABLE RIGHT-OF-WAY, SAID POINT BEING THE NORTHERLY END OF A MITERED RIGHT-OF-WAY LINE, AND THE POINT OF BEGINNING; THENCE ALONG THE WESTERLY RIGHT-OF-WAY OF BROOKSIDE PARKWAY THE FOLLOWING COURSES AND DISTANCES:

THENCE SOUTH 36 DEGREES 26 MINUTES 19 SECONDS EAST FOR A DISTANCE OF 65.65 FEET TO A 1/2 INCH REBAR SET; THENCE SOUTH 24 DEGREES 19 MINUTES 17 SECONDS WEST FOR A DISTANCE OF 101.88 FEET TO A 1/2 INCH REBAR SET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 386.00 FEET AND AN ARC LENGTH OF 120.24 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 33 DEGREES 14 MINUTES 53 SECONDS WEST FOR A DISTANCE OF 119.76 FEET TO A 1/2 INCH REBAR SET; THENCE NORTH 65 DEGREES 29 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 168.46 FEET LEAVING THE WESTERLY RIGHT-OF-WAY OF BROOKSIDE PARKWAY TO A 1/2 INCH REBAR SET; THENCE NORTH 24 DEGREES 20 MINUTES 02 SECONDS EAST FOR A DISTANCE OF 252.10 FEET TO A 1/2 INCH REBAR SET ON THE SOUTHERLY RIGHT-OF-WAY OF OLD MILTON PARKWAY; THENCE SOUTH 65 DEGREES 30 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 129.71 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY OF OLD MILTON PARKWAY TO THE POINT OF BEGINNING.

SAID PROPERTY CONTAINED 1.045 ACRES MORE OR LESS.

PARCEL 2:

EASEMENTS CONTAINED IN THAT CERTAIN MASTER DECLARATION OF PROTECTIVE COVENANTS FOR BROOKSIDE BY REALTICORP 528, L.L.C., A SOUTH CAROLINA LIMITED LIABILITY COMPANY, DATED OCTOBER 17, 1997, FILED FOR RECORD OCTOBER 24, 1997, AND RECORDED IN DEED BOOK 2530, PAGE 128, AFORESAID RECORDS; AS AFFECTED BY THAT CERTAIN QUITCLAIM DEED FROM REALTICORP 528, L.L.C. TO BROOKSIDE ASSOCIATION, INC., DATED MARCH 9, 20016, FILED FOR RECORD APRIL 4, 2006, AND RECORDED IN DEED BOOK 42269, PAGE 415, AFORESAID RECORDS; AS AFFECTED BY THAT CERTAIN ESTOPPEL

AND RATIFICATION AGREEMENT BY AND BETWEEN ALPHA CAPITAL EQUITY, LLC AND BROOKSIDE ASSOCIATION, INC., A GEORGIA CORPORATION, DATED MARCH 16, 2006, FILED FOR RECORD APRIL 4, 2006, AND RECORDED IN DEED BOOK 42269, PAGE 417, AFORESAID RECORDS; AS AMENDED BY THAT CERTAIN FIRST AMENDMENT TO MASTER DECLARATION OF PROTECTIVE COVENANTS FOR BROOKSIDE, DATED SEPTEMBER 29, 2014, FILED FOR RECORD OCTOBER 13, 2014, AND RECORDED IN DEED BOOK 54241, PAGE 296, AFORESAID RECORDS.

PARCEL 3:

EASEMENTS CONTAINED IN THAT CERTAIN RECIPROCAL EASEMENT AGREEMENT BY AND BETWEEN REALTICORP, L.L.C., A SOUTH CAROLINA LIMITED LIABILITY COMPANY, OLD MILTON VENTURE II, LLC, A GEORGIA LIMITED LIABILITY COMPANY, AND RTM GEORGIA, INC., A GEORGIA CORPORATION, DATED FEBRUARY 4, 2000, FILED FOR RECORD FEBRUARY 10, 2000, AND RECORDED IN DEED BOOK 28514, PAGE 7, AFORESAID RECORDS; AS AMENDED BY THAT CERTAIN AMENDMENT TO RECIPROCAL EASEMENT AGREEMENT BY AND BETWEEN REALTICORP 528, A SOUTH CAROLINA LIMITED LIABILITY COMPANY, OLD MILTON VENTURE II, LLC, A GEORGIA LIMITED LIABILITY COMPANY, AND RTM GEORGIA, INC., A GEORGIA CORPORATION, DATED AUGUST 2, 2000, FILED FOR RECORD AUGUST 7, 2000, AND RECORDED IN DEED BOOK 29341, PAGE 112, AFORESAID RECORDS; AS AFFECTED BY THAT CERTAIN QUITCLAIM DEED OF RELEASE BY AND AMONG REALTICORP 528, L.L.C., A SOUTH CAROLINA LIMITED LIABILITY COMPANY, WALTER BEIL, A CALIFORNIA RESIDENT AND THE SUCCESSOR IN TITLE TO OLD MILTON VENTURE II, LLC, AND RTM GEORGIA, INC., A GEORGIA CORPORATION, DATED JULY 10, 2002, FILED FOR RECORD JULY 11, 2002, AND RECORDED IN DEED BOOK 32708, PAGE 522, AFORESAID RECORDS.

Legal Description per Survey Performed by CESO, Inc.

Beginning at mag nail found in an utility vault lid located in the southerly margin of Old Milton Parkway (Varying Public R/W Width), thence with said southerly margin of said Old Milton Parkway, South 36°26'19" East a distance of 65.65 feet to a 1/2" iron pin found in the westerly margin of Brookside Parkway (Varying Public R/W Width), thence with said westerly margin of said Brookside Parkway the following two (2) courses and distances: 1) South 24°19'17" West a distance of 101.88 feet to a 1/2" iron pin; thence 2) with a curve turning to the right having a radius of 386.00 feet, an arc length of 120.15 feet, a chord bearing of South 33°14'44" West and a chord length of 119.66 feet to a 1/2" iron pin, thence leaving said westerly margin of said Brookside Drive and with the line of OMP Properties, LLC (Book 55322 Page 642), North 65°29'23" West a distance of 168.65 feet to a 1/2" iron pin at the common corner of the subject property, said OMP Properties, LLC and Greenwich Street Manhattan, Inc (Book 41209 Page 494), thence with the line of said Greenwich Street Manhattan, Inc, North 24°20'02" East a distance of 252.10 feet to a 1/2" iron pin found in said southerly margin of said Old Milton Parkway; thence with said southerly margin of said Old Milton Parkway, South 65°30'10" East a distance of 129.70 feet to the Point of Beginning, having an area of 1.045 acres (45,550 square feet), more or less.



CURVE TABLE				
CURVE #	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	386.00'	S33°14'44"W	119.66'	120.15'

SEWER STRUCTURE TABLE		
POINT #	TOP CASTING	INVERT ELEVATION
1048	1073.82	-----
1575	1073.09	IE IN: 1070.79 (NE)(4"PVCI)
1576	1072.76	IE OUT:1070.41 (SW)(6"PVCI)
1767	1073.50	IE IN: 1068.35 (NE)(6"PVCI) IE OUT:1068.30 (X)(6"PVCI)
1862	1067.65	IE IN: 1060.25 (NE)(6"PVCI) IE IN:1060.20 (NW)(6"PVCI) IE IN:1062.73 (NW)(6"PVCI) IE IN:1058.83 (SE)(6"PVCI) IE OUT:1058.63 (SW)(6"PVCI)
1613	1066.23	IE IN:1061.76 (NE)(18"CMPI) IE OUT:1061.76 (SW)(18"CMPI)

STORM STRUCTURE TABLE		
POINT #	TYPE	TOP CASTING
9235	DMH	1074.72
1361	DMH	1073.80
1446	CB	1067.24
1831	CB	1067.70
1700	CB	1067.77
1687	DMH	1066.22
1641	DMH	1066.76
1642	DMH	1057.09
1688	DMH	1054.85

TABLE A - INFORMATION

Item 3: FEMA Map No: 13121C0086F Dated: September 18, 2013 Zone "X"

Item 4: Total Area: 45,550 SF (+/-) 1.045 AC (+/-)

Item 6: (a)(b) No Zoning Letter provided to Surveyor

Item 7: Shown on survey

Item 8: Shown on Survey

Item 9: 63 Standard Parking Spaces

5 ADA Parking Spaces

69 Total Parking Spaces

Item 11: Shown on Survey

Item 13: Shown on Survey

Item 14: Property is located at intersection of Old Milton Parkway and Brookside Parkway.

Item 16: No evidence of current earth moving work, building construction, or building additions.

Item 17: No evidence of recent street or sidewalk construction or repairs observed.

PROPERTY INFORMATION

Tax Parcel ID: 11 014000490951

Address: 3900 Brookside Parkway

Owner: Alpharetta Brookside LP

927 Hillgard Avenue

Los Angeles, CA 90024

Recorded Documents for Property:

BK: 52806 PG: 0670

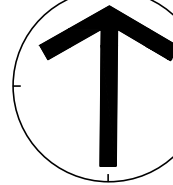
Zoning: C2

BENCHMARKS

BM- 1: MAG NAIL - TOP OF CURB
N: 1477478.065 E: 2272619.795 EL: 1078.35
SPC: (NAD 83) GA WEST ZONE, ELEV:(NAVD 88)

BM- 2: MAG NAIL - SIDEWALK
N: 1477475.420 E: 2272511.856 EL: 1074.90
SPC: (NAD 83) GA WEST ZONE, ELEV:(NAVD 88)

NORTH



Source of North
Georgia State Plane
West Zone
(NAVD 88)
(NAD 83)

Stewart Title Guaranty Company
Schedule B, Section II - Exceptions
Commitment No: 20000090232
Commitment Date: June 9, 2020 at 5:00 PM
Revision Issued: June 18, 2020

- All real property taxes and assessments for the year 2020 and subsequent years, not yet due and payable, and any additional taxes which may be assessed for current or prior years due to revised appraisal, re-assessment of taxes or an appeal.
- NOT WITHIN THE PURVIEW OF SURVEYOR**
- All assessments, taxes, and special assessments which are now a lien or payable or which may become due and payable, including, but not limited to, water bills, sanitary bills, sewer bills and solid waste bills.
- NOT WITHIN THE PURVIEW OF SURVEYOR**
- NOTE:** This exception shall be removed upon receipt of copies of water bills, sanitary bills, sewer bills and solid waste bills for the last three billing cycles and copies of paid receipts for the most current bills.
- NOT WITHIN THE PURVIEW OF SURVEYOR**
- This Commitment of Title Insurance affords assurance as to the location of the boundary lines of subject property, but does not insure the engineering calculation and computing for the exact amount of acreage and/or square footage contained therein.
- CALCULATED AREA AS SHOWN AND NOTED ON SURVEY**
- Right of Way Deed from Mrs. T. Shirley, et al., to Fulton County, dated October 26, 1938, filed November 8, 1938 and recorded in Deed Book 1720, Page 34, records of the Superior Court of Fulton County, Georgia.
- Easements as contained in that certain Right-of-Way Deed from J. A. Webb, et al., to Fulton County, dated March 9, 1943, filed March 20, 1943 and recorded in Deed Book 1855, Page 443, aforesaid records.
- DOCUMENT DOES NOT PERTAIN TO SUBJECT PROPERTY**
- Right-of-Way Easement from H.D. Vaughan to Suwanee Electric Membership Corporation, a corporation, dated December 5, 1960, filed December 12, 1960 and recorded in Deed Book 3647, Page 432, aforesaid records.
- EASEMENT DOCUMENT IS BLANKET AND THEREFORE NOT PLOTTABLE**
- Right-of-Way Easement from Howard Vaughan to Suwanee Electric Membership Corporation, a corporation, dated October 2, 1963, filed November 4, 1963 and recorded in Deed Book 4145, Page 515, aforesaid records.
- EASEMENT DOCUMENT IS BLANKET AND THEREFORE NOT PLOTTABLE**
- Right-of-Way Easement from J.T. Spuell to Suwanee Electric Membership Corporation, a corporation, dated September 3, 1974, filed October 31, 1974 and recorded in Deed Book 6164, Page 168, aforesaid records.
- EASEMENT DOCUMENT IS BLANKET AND THEREFORE NOT PLOTTABLE**
- Right-of-Way Easement from Mrs. Edna D. Vaughan to Suwanee Electric Membership Corporation, a corporation, dated December 6, 1974, filed December 30, 1974 and recorded in Deed Book 6194, Page 295, aforesaid records.
- EASEMENT DOCUMENT IS BLANKET AND THEREFORE NOT PLOTTABLE**
- Terms and provisions as set forth in that certain Indemnitor Flood Plain by and between Crow-Childress-Mobley #7A, a Texas limited partnership and Fulton County, a political subdivision of the State of Georgia, dated November 8, 1988, filed November 14, 1988 and recorded in Deed Book 12043, Page 8, aforesaid records.
- DOCUMENT DOES NOT PERTAIN TO SUBJECT PROPERTY**
- Easements as contained in that certain Right-of-Way Deed from Crow-Childress-Mobley #7A, a Texas limited partnership to Fulton County, dated November 8, 1988, filed February 23, 1989 and recorded in Deed Book 12296, Page 16, aforesaid records.
- DOCUMENT DOES NOT PERTAIN TO SUBJECT PROPERTY**
- Easements as contained in that certain Declaration of Taking styled Department of Transportation vs. 10,622 acres of land, et al., Docket No. E-26638 in the Superior Court of Fulton County, Georgia, dated February 15, 1971, filed February 23, 1971, aforesaid records.
- EASEMENTS CONVEYED BY DOCUMENT LOCATED WITHIN THE PRESENT R/W OF OLD MILTON ROAD**
- Terms and provisions as set forth in that certain Agreement Regarding Access by and among 3 Plus Limited Partnership, a Georgia limited partnership, J. McDonald Williams, Harlan R. Crow, Joel C. Peterson, Trammell Crow Company Employees, Inc., a Texas corporation, Trammell Crow Partners, Ltd., a Texas limited partnership and Trammell Crow Foundation, Ltd., a Texas limited partnership, and Jim Cowart, Inc., a Georgia corporation, dated March 6, 1995, filed March 14, 1995 and recorded in Deed Book 15369, Page 41, aforesaid records.
- DOCUMENT DOES NOT PERTAIN TO SUBJECT PROPERTY**
- Easement Agreement by and between RealCorp 528, L.L.C., a South Carolina limited liability company and Weeks Realty, L.P., a Georgia limited partnership, dated October 17, 1997, filed October 24, 1997 and recorded in Deed Book 23303, Page 39, aforesaid records.
- DOCUMENT DOES PERTAIN TO AND APPEARS TO BENEFIT THE SUBJECT PROPERTY**
- Master Declaration of Protective Covenants for Brookside by RealCorp 528, L.L.C., a South Carolina limited liability company, dated October 17, 1997, filed October 24, 1997 and recorded in Deed Book 23303, Page 128, aforesaid records; as affected by Quit Claim Deed from RealCorp 528, LLC to Brookside Association, Inc., dated March 9, 2006, filed April 4, 2006 and recorded in Deed Book 42269, Page 415, aforesaid records; as further affected by Estoppel and Ratification Agreement by and between Alpha Capital Equity, LLC and Brookside Association, Inc., dated March 16, 2006, filed April 4, 2006 and recorded in Deed Book 42269, Page 417, aforesaid records; as amended by First Amendment to Master Declaration of Protective Covenants for Brookside, dated September 29, 2014, filed October 13, 2014 and recorded in Deed Book 54241, Page 296, aforesaid records; as may be further amended and/or supplemented.
- DOCUMENT DOES NOT PERTAIN TO SUBJECT PROPERTY**
- Right-of-Way Easement from RealCorp 528, LLC to Suwanee Electric Membership Corporation, dated as of September 14, 1998, filed October 5, 1998 and recorded in Deed Book 25473, Page 35, aforesaid records.
- EASEMENT DOCUMENT IS BLANKET AND THEREFORE NOT PLOTTABLE**
- Declaration of Restrictive Covenants by RealCorp 528, L.L.C., a South Carolina limited liability company, dated as of October 2, 1998, filed October 5, 1998 and recorded in Deed Book 25473, Page 80, aforesaid records; as may be further amended and/or supplemented.
- DOCUMENT DOES PERTAIN TO AND APPEARS TO BENEFIT THE SUBJECT PROPERTY**
- Terms and conditions as set forth in that certain Lease dated as of February 4, 2000, as evidenced by Memorandum of Lease between Old Milton Venture II, LLC, a Georgia limited liability company ("Landlord") to RTM Georgia, Inc., a Georgia corporation ("Tenant"), dated February 8, 2000, filed February 10, 2000 and recorded in Deed Book 28514, Page 1, aforesaid records; as amended by First Amendment to Memorandum of Lease between Old Milton Venture II, LLC, a Georgia limited liability company ("Landlord") and RTM Georgia, Inc., a Georgia corporation ("Tenant"), dated September 22, 2000, filed October 17, 2000 and recorded in Deed Book 25581, Page 169, aforesaid records; as assigned by Assignment of Lease by and between Lucinda Rae Marino, Surviving Co-Trustee of The Beil Family Trust Dated September 22, 1975, a California trust ("Assignor") and Lucinda Rae Marino, Surviving Co-Trustee of The Beil Family Trust Dated September 22, 1975-Survivor's Trust, a California trust ("Assignee"), effective as of January 15, 2013, filed June 27, 2013 and recorded in Deed Book 52806, Page 666, aforesaid records; as further assigned by Assignment of Lease between Lucinda Rae Marino, Surviving Co-Trustee of The Beil Family Trust Dated September 22, 1975-Survivor's Trust, a California trust ("Assignor") and Alpharetta Brookside, L.P., a Delaware limited partnership ("Assignee"), effective as of June 24, 2013, filed July 18, 2013 and recorded in Deed Book 52885, Page 389, aforesaid records.
- DOCUMENT DOES PERTAIN TO THE SUBJECT PROPERTY**
- Reciprocal Easement Agreement by and among RealCorp 528, L.L.C., a South Carolina limited liability company; Old Milton Venture II, LLC, a Georgia limited liability company; and RTM Georgia, Inc., a Georgia corporation, dated as of February 4, 2000, filed February 10, 2000 and recorded in Deed Book 28514, Page 7, aforesaid records; as amended by First Amendment to Reciprocal Easement Agreement by and between RealCorp 528, L.L.C., a South Carolina limited liability company; Old Milton Venture II, LLC, a Georgia limited liability company; and RTM Georgia, Inc., a Georgia corporation, dated as of August 2, 2000, filed August 7, 2000 and recorded in Deed Book 29341, Page 112, aforesaid records; as affected by Quitclaim Deed of Release by and among Walter Beil, a California resident and successor in title to Old Milton Venture II, LLC and RTM Georgia, Inc., a Georgia corporation (collectively "Grantor"), to RealCorp 528, L.L.C., a South Carolina limited liability company ("Grantee"), dated as of July 10, 2002, filed July 11, 2002 and recorded in Deed Book 32708, Page 522, aforesaid records.
- AS SHOWN AND NOTED ON SURVEY**
- Right-of-Way Easement by Old Milton Venture II, LLC to Suwanee Electric Membership Corporation, dated as of March 15, 2000, filed April 26, 2000 and recorded in Deed Book 28935, Page 213, aforesaid records.
- AS SHOWN AND NOTED ON SURVEY**

SURVEYOR'S GPS CERTIFICATION NOTE

I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in Georgia, and meets or exceeds the requirements for a Class "A" survey as specified hereon.

For boundary and topographic aspects of this survey, RTK GPS positional data was observed on the date of June 17, 2020 utilizing a Trimble R8s dual frequency receiver. The grid coordinates of the Fixed Station(s) shown were derived using a VRS network of CORS stations referenced to NAD 83 (2011) (Epoch 2010), Geoid 12B.

Positional accuracy of the GPS vectors does not exceed: H 0.05', V 0.05'

Combined Grid Factor: 0.99985371 centered on Fixed Station BM-1 as shown hereon.

To: SFD Outside, LLC, a Tennessee Limited Liability Company; Stewart Title Guaranty Company; and their successors and/or assigns as their respective interest may appear:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS and includes Items 1, 2, 3, 4, 5, 6(a)(b), 7(a)(b)(c), 8, 9, 11, 13, 14, 16 and 17 of Table A thereof. The ratio of precision for this unadjusted survey is 1:10,000 as shown hereon.

The field work was completed in June, 2020

Date of Plat or Map: July 14, 2020

Surveyor of Record

William J. Huffman, GA No. L3803288
S: Survey Manager, CESO, INC.
216 Centerville Drive, Suite 150
Brentwood, Tennessee, 37027
Office: 615-228-6900
Mobile: 423-676-3977
Email: huffman@cesoinc.com



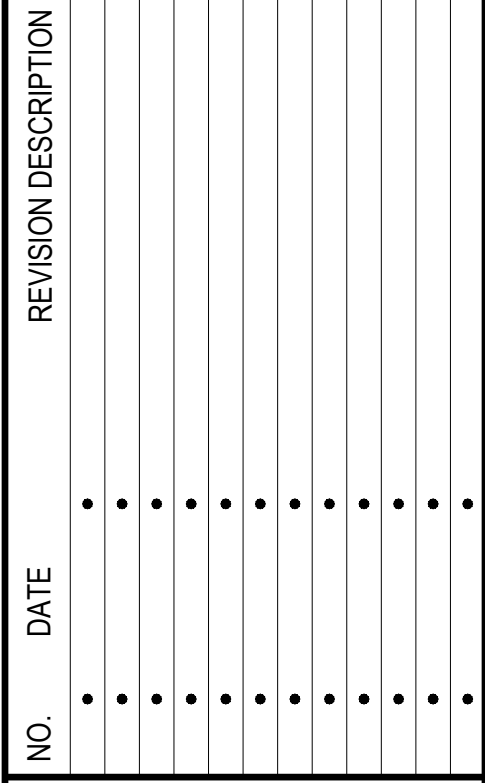
7/14/2020

LEGEND			
	BENCHMARK		SEWER MANHOLE
	IRON PIN (FOUND)		SEWER CLEANOUT
	MONUMENT (FOUND)		STORM MANHOLE
	POWERLIGHT POLE		CATCH BASIN
	LIGHT POLE		GAS METER
	POWER POLE		GAS VALVE
	GUY WIRE		WATER METER
	TELEPHONE BOX		WATER VALVE
	COMMUNICATION BOX		FIRE HYDRANT
	ELECTRIC BOX		SIGN
			HVAC UNIT
			LANDSCAPE EASEMENT LINE
			PUBLIC UTILITY & DRAINAGE ESMT.
			MINIMUM BUILDING SETBACK LINE
			PROPERTY LINE
			ADJACENT PROPERTY LINE
			EASEMENT LINE
			EDGE LANDSCAPE LINE
			FENCE LINE
			WATER LINE
			STORM LINE
			SAN SEWER LINE
			OVERHEAD ELECTRIC LINE
			UNDERGROUND ELECTRIC LINE
			UNDERGROUND COMM. LINE



UTILITY DISCLAIMER

The utilities shown hereon have been located from field survey information and/or existing drawings. The surveyor makes no guarantee that the utilities located hereon comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the utilities located in the exact location indicated although he does certify that they are located as accurately as possible from information available.

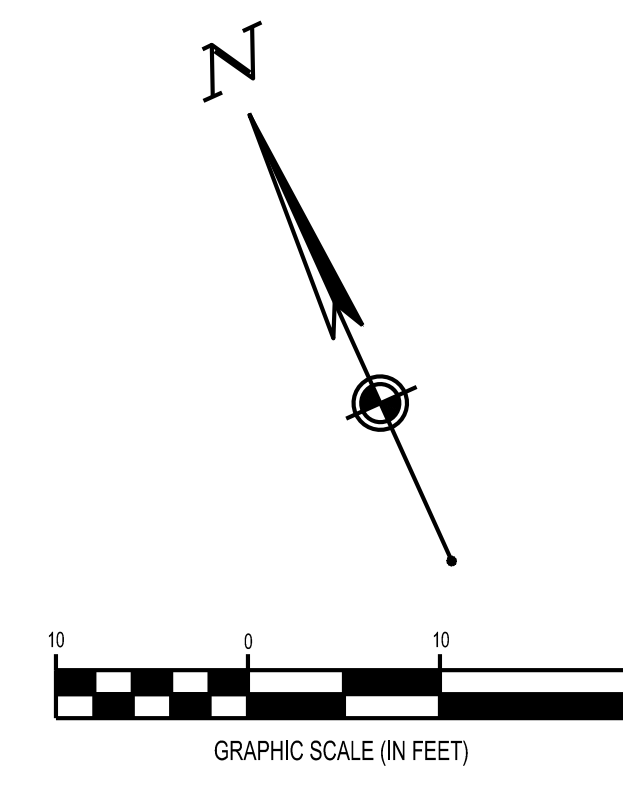


AMERICAN DEVELOPMENT PARTNERS

ACM ALPHARETTA

3900 BROOKSIDE PARKWAY,
ALPHARETTA, GA 30022

ISSUE: CONCEPT	
DATE: 07/16/2020	
JOB NO.:	758066-01
DESIGN:	KAR
DRAWN:	KAR
CHECKED:	NRC
SHEET NO. CP-01	



SITE DATA TABLE		
BUILDING SETBACK		
STREET (OLD MILTON)	REQUIRED	EXISTING
STREET (BROOKSIDE)	XX FEET	66.4 FEET
SIDE YARD (SOUTH)	XX FEET	71.6 FEET
SIDE YARD (WEST)	XX FEET	86.3 FEET
PARKING SETBACK		
STREET YARD (OLD MILTON)	REQUIRED	EXISTING
STREET YARD (BROOKSIDE)	20 FEET	20.1 FEET
SIDE YARD (SOUTH)	10 FEET	20.0 FEET
SIDE YARD (WEST)	5 FEET	9.0 FEET
LANDSCAPE YARD		
STREET (OLD MILTON)	REQUIRED	EXISTING
STREET (BROOKSIDE)	20 FEET	16.2 FEET
SIDE YARD (SOUTH)	5 FEET	21.5 FEET
SIDE YARD (WEST)	5 FEET	9.6 FEET
PARKING SPACES		
REQUIRED	REGULAR - 17 SPACES	
	ADA - 4 SPACE	
	TOTAL - 21 SPACES	
EXISTING	REGULAR - 63 SPACES	
	ADA - 5 SPACE	
	TOTAL - 68 SPACES	
PROPOSED	REGULAR - 63 SPACES	
	ADA - 4 SPACE	
	TOTAL - 67 SPACES	



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT
SUBMITTED BY: KATHI COOK
DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-20-14 UNIFIED DEVELOPMENT CODE AND CODE OF ORDINANCE TEXT AMENDMENTS – REFERENCES TO BUILDING CODES

PLANNING COMMISSION: NOVEMBER 5, 2020

CITY COUNCIL: NOVEMBER 16, 2020

II. RECOMMENDATION:

Approve text amendments to the Unified Development Code and Code of Ordinances related to references to Building Codes.

III. REPORT IN BRIEF:

Consideration of text amendments to Code of Ordinances Section 8-29 Building codes adopted, to replace specific references to various building codes with references to the City's various building permitting procedures documents. Consideration of text amendments to Unified Development Code (UDC) Subsection 2.9.5(B)(1) Building and Construction Code Exemptions, to replace specific references to the International Building Code and International Fire Code with a reference to Code of Ordinances Section 8-29. The purpose of the text amendments is to avoid updating the UDC and Code of Ordinances every time Building Codes are updated.

IV. ATTACHMENTS:

- UDC Strike Through and Underline Edits

EXHIBIT A

Sec. 8-29. - Building codes adopted.

- (a) Unless otherwise provided for by subsequent ordinance or another provision of this Code, the city hereby adopts and incorporates by reference, as if set out at length herein, the latest editions of the state minimum standard codes enumerated in O.C.G.A. § 8-2-20(9)(B), as adopted and amended by the department of community affairs.

- ~~(1) International Building Code, 2012 Edition, with 2014 and 2015 Georgia amendments.~~
- ~~(2) International Residential Code, 2012 Edition, with 2014 and 2015 Georgia Amendments.~~
- ~~(3) International Fire Code, 2012 Edition, with Georgia Amendments 2014.~~
- ~~(4) International Plumbing Code, 2012 Edition, with Georgia Amendments 2014 and 2015 Georgia Amendments.~~
- ~~(5) International Mechanical Code, 2012 Edition, with Georgia Amendments 2014 and 2015 Georgia Amendments.~~
- ~~(6) International Fuel Gas Code, 2012 Edition, with Georgia Amendments 2014 and 2015 Georgia Amendments.~~
- ~~(7) National Electrical Code, 2011 Edition.~~
- ~~(8) International Energy Conservation Code, 2009 Edition, with Georgia Supplements and Amendments 2011 and 2012.~~
- ~~(9) International Swimming Pool and Spa Code, 2012 Edition, with Georgia Amendments 2014.~~
- ~~(10) Sprinkler: City Domestic Sprinkler Installation Code (Ordinance Number 220, latest revision).~~
- ~~(11) Accessibility (voluntary): Georgia Accessibility Code, Rules and Regulations of the Georgia Safety Fire Commissioner, Chapter 120-3-20, latest revision.~~
- ~~(12) Industrialized buildings: Industrialized Buildings Rules of Georgia Commissioner of Community Affairs, Chapter 110-2, latest revision.~~
- ~~(13) Manufactured housing: Rules and Regulations of the Georgia Safety Fire Commissioner, Chapter 120-3-7, latest revision.~~
- ~~(14) (1) Site walls, walks, and drives: City Unified Development Code (UDC), section 4.4.5, or a site-specific drawing by a Georgia architect or professional engineer.~~

See:

The Alpharetta Commercial Permitting Procedures

The Alpharetta Residential Permitting Procedures

The Alpharetta Swimming Pool Permitting Procedures

- (b) If any of the publications listed in subsection (a) of this section are adopted as a state minimum code pursuant to O.C.G.A. § 8-2-20 et seq., then the edition adopted by the state shall control. If any of the publications listed in subsection (a) of this section are less stringent than the state minimum codes promulgated pursuant to O.C.G.A. § 8-2-20 et seq., then the state minimum code shall control.
- (c) A copy of each of the publications listed in subsection (a) of this section, as adopted by the state, is filed in the clerk's office and the building official's office and available for review by the public. The same is adopted and incorporated as fully as if set out at length herein, and from the date on which the ordinance from which this section is derived shall take effect, the provisions thereof shall be controlling within the city.

EXHIBIT B

SECTION 2.9 - HISTORIC PRESERVATION INCENTIVE ZONING

2.9.5 Incentives available to historic properties following designation.

Following designation by the City Council and subject to compliance with the regulations and provisions set forth in this Section 2.9 and any other applicable City, State or federal ordinances, statutes, laws, or regulations, owners of historic properties may utilize or are otherwise eligible for the following zoning incentives, construction code exemptions and other benefits, as applicable:

- A. Zoning and Development Incentives. The following zoning incentives and benefits are available to historic properties, as applicable:
 - 1. Permitted Residential Uses in C-1 and C-2 Districts. 'For-Sale' Dwelling is a permitted principal use for historic properties located within the C-1 and C-2 zoning districts.
 - 2. Permitted Mixed-Use.
 - a. Historic properties with non-residential principal use: May utilize up to 40% of the heated interior square footage of the principal building for a residential ('For-Sale' dwelling) use. The use of the residence is restricted to the property owner or tenant of the non-residential portion of the building.
 - b. Historic properties with residential principal use located in Downtown Alpharetta: May utilize up to 40% of the heated interior square footage of the principal building for a non-residential use, as listed below, provided no more than two (2) total employees and/or independent contractors, who do not also reside at the property, shall be allowed to work in the premises in connection with such non-residential use at any one time. No more than one (1) patron per 250 sq. ft. of gross floor area may patronize the non-residential space at any one time. Except as previously provided, the use of non-residential portion of the building is restricted to the property owner or tenant of the residence. Non-residential uses are limited to the following permitted uses:
 - i. Art gallery;
 - ii. Barber shop, with no more than two (2) chairs;
 - iii. Beauty shop, with no more than two (2) chairs;
 - iv. Bed and Breakfast;
 - v. Book store;
 - vi. Florist;
 - vii. Medical office, no surgery; and
 - viii. Professional office.
 - 3. Open Space and Amenity Space.
 - a. General. The area of a historic property incorporated into a development as a community amenity may be applied to and included as part of the minimum area required to be set aside as open space pursuant to regulations and requirements governing the CUP District, Conservation Subdivisions, and the Downtown Overlay District.
 - b. Permitted Uses. In addition to the uses allowed for an open space pursuant to the underlying zoning regulations or conditions of zoning, provided such use is not otherwise prohibited by this Section 2.9, the property may be used as a community amenity or amenity space for use by the occupants, licensees or guests of the development.

EXHIBIT B

- c. Lot and Development Requirements. The minimum lot size of a historic property eligible for use as an amenity/open space shall be 4,500 square feet. The area of the historic property shall be designated on any required site plans and/or development plans, and shall be subdivided and platted as an individual lot of record on the final plat. To the greatest extent practicable, the layout of the development shall be designed in a manner that allows the historic property to serve as a focal point of the surrounding neighborhood and the community. Other development improvements should be planned and designed in a manner that provides maximum visibility of the historic property from public right-of-way exterior to the development or subdivision. The use of the historic property shall be restricted in perpetuity, or for such other term of years as required by the City, through the use of an approved legal instrument, as further set forth herein.
 - d. Additional Requirements - Permanent Protection of Historic Property. An applicant or owner seeking to utilize a historic property as an open space or amenity space shall be required to comply with the additional requirements regarding the ownership, preservation and maintenance of the historic property, including the execution and recording of an instrument providing for the permanent protection of the historic property, set forth in Paragraph F below.
 4. Setback Reduction.
 - a. Side setbacks required per the underlying zoning regulations may be reduced by up to 50%.
 - b. Rear setbacks required per the underlying zoning regulations may be reduced by up to 25%.
 5. Parking reduction. Parking for office and commercial uses may be reduced up to 50%. Historic properties within Downtown Alpharetta shall not be required to contribute to the Parking Fund as a result of parking reduction.
- B. Building, Construction and Property Maintenance Code Exemptions. Designated historic properties may be exempt from certain building, construction and property maintenance code regulations.
 1. Building and Construction Code Exemptions. The following types of exemptions from building and construction code requirements and other regulations are available to certain historic properties based on the provisions of the subject code, as determined by the building official:
 - a. Exemptions from the International Energy Conservation Code;
 - b. Exemptions from and compliance alternatives to certain requirements of the International Building Code ~~(2012 Edition)~~ (See Article II of Chapter 8 of the Code of the City of Alpharetta, Georgia) regarding the construction, repair, alteration, addition, restoration and movement of buildings or structures, and change of occupancy, provided the subject condition does not constitute a distinct life safety hazard;
 - c. Exemptions from certain flood hazard area requirements;
 - d. Exemptions from the International Fire Code ~~(2012 Edition)~~ (See Article II of Chapter 8 of the Code of the City of Alpharetta, Georgia); and
 - e. Exemptions from (or compliance alternatives to) Americans with Disabilities Act (ADA) regulations and other related code regulations providing standards for accessibility.
 2. International Property Maintenance Code Exemptions. Compliance with requirements of the International Property Maintenance Code may not be mandatory for historic properties when such buildings or structures are determined to be safe and in the public interest of health, safety, and welfare by the code official.

EXHIBIT B

- C. State and Federal Tax Incentive Programs. Several state and federal tax incentive programs are available to owners who rehabilitate historic properties listed, or certified as eligible for listing, in the Georgia Register of Historic Places or National Register of Historic Places, as applicable, including the State Preferential Property Tax Assessment for Rehabilitated Historic Property, the State Income Tax Credit for Rehabilitated Historic Property, and the Federal Rehabilitation Investment Tax Credit (RITC). The HPC provides additional information regarding such programs. The provisions set forth in this Paragraph are provided for information purposes only and do not constitute any representation, commitment or assurance by the City regarding a property owner's qualification for such tax incentive programs or the continuation of such programs.
- D. Economic Incentives—Facade Grants. Subject to the City Council's adoption of an ordinance(s) providing for the appropriation of funding for the subject grant program and annual appropriations thereafter, historic properties are eligible to receive facade grants for the purpose of funding improvements for the preservation, restoration or rehabilitation of historic properties. In addition to meeting any and all other requirements of the City facade grant program for historic properties, as approved by the City Council, an owner of a historic property receiving facade grant funds shall be required to convey to the City a facade easement complying with the applicable requirements set forth in Paragraph F below. Further, any and all proposed improvements constituting a material change in the appearance of the historic property shall require the prior approval of a certificate of appropriateness by the HPC. Notwithstanding any other provision hereof to the contrary, nothing set forth in this Paragraph shall be deemed to create or confer any vested rights to such grant funds or create any obligation of the City to grant or otherwise appropriate funds for the aforementioned purposes. The City's award of facade grant funds in accordance with any facade grant program is subject to funding availability and, in accordance with O.C.G.A. § 36-30-3, any facade grant program may be terminated immediately and absolutely if the City determines that adequate funds are not appropriated or funds are de-appropriated such that the City cannot sufficiently fund the subject grant program, which determination is at the City's sole discretion and shall be conclusive.
- E. Other Available Benefits and Incentives. The following additional benefits and incentives are available to historic properties:
1. Free Design Assistance from the HPC. The HPC provides pre-application technical and design assistance regarding proposed preservation, restoration and/or rehabilitation work and its conformance with the U.S. Secretary of the Interior's Standards and Guidelines to owners of historic properties applying for a building permit or seeking to rezone historic property to the TDR-HC Overlay District.
 2. Bronze Historic Property Plaque. The City will install a bronze plaque on or within the public right-of-way adjacent to each property designated as historic by the City Council.
- F. Requirements to Provide for Permanent Protection of Historic Property — Open/Amenity Spaces and Facade Grants.
1. Applicability. In order to provide for the permanent protection of historic properties utilizing certain incentives and benefits, the following historic properties shall comply with the addition regulations set forth in this Paragraph, as applicable:
 - a. Historic properties used as open space or amenity space; and
 - b. Historic properties receiving facade grants.
 2. Responsible Party for Preservation and Maintenance of Open/Amenity Space. The fee simple owner of the historic property used as an open or amenity space shall be responsible for preserving and maintaining the historic property. The options for ownership and responsibility for preservation and maintenance of the historic property shall be as follows:

EXHIBIT B

- a. The owner of the lots or parcels of the subject development if under common ownership may be the owner of the historic property.
 - b. Property Owners' Association. A property owners' association established in accordance with the Georgia Property Owners Association Act, O.C.G.A. § 44-3-220 et seq., may be the owner of the historic property. Membership in the association shall be mandatory and automatic for all property owners of the development or subdivision for which the historic property serves as open space. Prior to the approval [of] a land disturbance permit, the developer shall submit to the Director a description of the property owners' association, including by-laws, and methods for maintaining the historic property. Prior to the issuance of a land development permit, a permanent restrictive covenant (per O.C.G.A. § 44-5-60(c)) providing for the preservation and maintenance of the historic property shall be recorded and run with the land, or a conservation easement may be conveyed in accordance with The Georgia Uniform Conservation Easement Act, O.C.G.A. § 44-10-1, et seq., as further provided herein.
 - c. Land Trust or Non-profit organization. A land trust or non-profit organization, which is primarily operated for the purpose of preserving historic properties and possesses the legal authority to own such real property in fee simple interest, may be the owner of the historic property.
3. Enforcement. In the event the party responsible for the preservation and maintenance of the historic property fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner and may include administrative costs and penalties; if a property owners' association is the owner, such costs may be charged to such association or to the individual property owners that are members of the property owners' association, and such costs shall become a lien on all properties of the development or subdivision until paid in full.
4. Historic Preservation Plan. A historic preservation plan shall be submitted to the HPC for review and approval by owners of historic properties used as open or amenity space (prior to the approval of a land disturbance permit) and owners of historic properties to whom facade grant funds are conditionally awarded (prior to the tender of grant funds by the City). The historic preservation plan shall establish an ongoing maintenance and preservation program for the historic property in order to ensure that the essential features of the historic property that enable it to convey its historical identity and significance are maintained in an excellent condition and the overall condition of the historic property is maintained in a good condition in the future. The historic preservation plan shall provide that any changes to such plan shall require the approval of the HPC. Preservation measures and required maintenance required for compliance with the ongoing preservation and maintenance program for the historic property, as required by the Historic Conservation Plan, shall be performed in a manner consistent with the United States Secretary of the Interior's Standards for Preservation and Guidelines for Preserving Historic Buildings. The historic preservation plan shall be reviewed and considered for approval by the HPC in accordance with the procedures set forth herein.
5. Legal Instrument for Permanent Protection.
 - a. The historic property shall be protected by a binding legal instrument recorded with the Fulton County Clerk of Superior Court. Notwithstanding the use of the term "permanent", the duration of the restrictions and obligations set forth in the legal instrument (providing for the continued preservation of the historic property) shall be for such term of years as determined to be reasonable by the City, considering the benefit received by the subject property owner, the useful life of the subject building, and other similar criteria. Facade easements granted to the City in consideration of facade grant funds shall meet the requirements set forth below for conservation easements, except such easements must be in favor of the City, as holder of the

EXHIBIT B

easement. For historic properties used as open/amenity space, the instrument of permanent protection, which shall be placed on the historic property at the time of issuance of a land disturbance permit, shall be one of the following:

- (i) Conservation Easement. A permanent conservation easement, in accordance with The Georgia Uniform Conservation Easement Act, O.C.G.A. § 44-10-1, et seq., in favor of either a:
 - (a) Land trust or historic preservation oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 - (b) Governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the City, then a third-party right of enforcement favoring the City shall be included in the easement; or
 - (ii) Permanent Restrictive Covenant. A permanent restrictive covenant for conservation purposes in favor of a governmental entity with an interest in pursuing goals compatible with the purposes of this Section; or
 - (iii) Other. Subject to the approval of the City, an equivalent legal tool that provides permanent protection.
- b. The legal instrument for permanent protection shall:
- (i) Describe the features of the historic property that should be permanently protected;
 - (ii) Provide the duration of the covenants set forth therein, which shall run with the land for such minimum term of years as required by the City;
 - (iii) Clearly identify the boundaries of the historic property by survey and a metes and bounds legal description;
 - (iv) Clearly list the restrictions applicable to the historic property, which shall include such restrictions regarding the use, building and development of the property, as necessary, to comply with and carry out the obligations set forth in this Section and the historic preservation plan, as well as any further restrictions the applicant chooses to place on the use of the historic property not in conflict herewith;
 - (v) Provide for inspections of such property by the owner, the holder of the easement, and the City;
 - (vi) Provide for maintenance of such property in accordance with the requirements of the historic preservation plan and this Section;
 - (vii) Be shown on a certified survey and duly recorded with the Fulton County Clerk of Superior Court prior to the issuance of a land disturbance permit;
 - (viii) Provide for amendments only with the express written permission of the property owner(s), the holder of the easement, and the City. Amendments to the legal instrument for permanent protection shall be filed with the Director and shall be recorded with the Fulton County Clerk of Superior Court; and
 - (ix) Be subject to the review and approval by the City Attorney's office and include such additional terms and provisions as deemed necessary to protect the City's interest.

EXHIBIT B

- c. Additional Requirements for Conservation Easements. In addition to the foregoing requirements, the conservation easement(s) shall:
 - (i) Comply with the requirements set forth in The Georgia Uniform Conservation Easement Act, O.C.G.A. 44-10-1 et seq.;
 - (ii) List the parties, that is, the owner(s) of such property, the holder of the easement, and, if required by the City, a person with a third-party right of enforcement;
 - (iii) Provide a third-party right of enforcement favoring the City if the City is not the grantee/holder of the easement; and
 - (iv) Specify how the easement may be transferred, as in the case of dissolution of the property owners' association or non-profit organization.



City of Alpharetta

Commercial Permitting Procedures

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COMMERCIAL BUILDING CODES

Applies to all commercial and industrial construction and accessory structures not meeting the International Residential Code (IRC) definition of residential construction

Administration: *in cases of conflict between codes / ordinances, the more restrictive shall apply*

The Code of the City of Alpharetta, Georgia – latest revision.
1994 Standard Building Code (SBC), Chapter 1 – Administration
City of Alpharetta Unified Development Code – latest revision.

Building:	2018 International Building Code (IBC), with Ga. Amendments.
Mechanical:	2018 International Mechanical Code (IMC), with Ga. Amendments
Gas Piping:	2018 International Fuel Gas Code (IFGC), with Ga. Amendments
Plumbing:	2018 International Plumbing Code (IPC), with Ga. Amendments.
Electrical:	2017 National Electrical Code, with Ga. Amendments.
Energy:	2015 International Energy Conservation Code (IECC), with Ga. Amendments; ASHRAE / IESNA Standard 90.1 – 2004, with Georgia Amendments.
Fire Safety:	2018 Standard Fire Prevention Code (IFC), with Ga. Amendments; 2018 Life Safety Code, City Sprinkler Code – Ord. No. 220, latest revision.
Water Conservation:	Alpharetta Water Conservation Requirements for New Construction
Pools:	See Swimming Pool Permitting Procedures
Soils Erosion:	Alpharetta Soil Erosion & Sediment Control Ordinance - latest revision.
Accessibility:	Georgia Accessibility Code – GSFC Rules & Regs. 120-3-20 – latest revision.
Industrialized Buildings:	Industrialized Buildings Rules of the Georgia Commissioner of Community Affairs O.C.G.A. 110-2, latest edition.
Site Walls, Walks, Drives:	City Standard Drawings or site specific design by Georgia Architect or P.E.

Georgia Amendments may be found at: www.dca.state.ga.us (See Construction Codes listed under **Fostering Sustainable Development**)

Be sure to check Errata to Georgia Amendments while on the DCA Website.



City of Alpharetta

Residential Permitting Procedures

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RESIDENTIAL BUILDING CODES

Applies to detached one and two family dwellings and one family townhouses not more than three stories in height and accessory structures located upon residential sites within the City permitted on/after 1/1/2010.

Administration: (in cases of conflict between codes / ordinances, the more restrictive shall apply)

The Code of the City of Alpharetta, Georgia – latest revision.
1994 Standard Building Code (*IBC*), Chapter 1 – Administration
City of Alpharetta Unified Development Code (*UDC*) - latest revision.

Building: 2018 International Residential Code (*IRC*), with Ga. Amendments.

Property Maintenance: 2003 City Property Maintenance Code, latest edition.

Mechanical: 2018 International Residential Code (*IRC*), with Ga. Amendments.

Gas Piping: 2018 International Residential Code (*IRC*), with Ga. Amendments.

Plumbing: 2018 International Plumbing Code (*IPC*), with Ga. Amendments.

Electrical: 2017 National Electrical Code (*NEC*), with Ga. Amendments.

Energy: 2015 Georgia Energy Code for Buildings (*IECC*), with Ga. Amendments.

Water Conservation: Alpharetta Water Conservation Requirements for New Construction

Sprinkler: City Domestic Sprinkler Installation Code, Ordinance No. 220 latest revision.

Pools: See Swimming Pool Permitting Procedures.

Accessibility: (Voluntary) Georgia Accessibility Code – Rules and Regulations of the Georgia Safety Fire Commissioner Chapter 120-3-20, latest revision.

Industrialized Buildings: Industrialized Buildings Rules of Georgia Commissioner of Community Affairs O.C.G.A. 110-2, latest revision.

Manufactured Housing: Rules and Regulations of the Georgia Safety Fire Commissioner Chapter 120-3-7, latest revision.

Site Walls, Walks, Drives: City Unified Development Code (UDC) Section 4.4.5, or site specific drawing by Georgia Architect or P.E.

Ga. Amendments may be found at:
www.dca.ga.gov (See Construction Codes listed under Local Government Assistance)

Note: Be sure to check Errata to Georgia Amendments while on the DCA Website



City of Alpharetta

Swimming Pool Permitting Procedures

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INTRODUCTION

The information within this document is prepared by the City of Alpharetta Community Development Department, Inspections and Codes Enforcement Division, hereinafter referred to as the City. The intent of this document is to reasonably inform our citizens, designers, developers, contractors, and the general public of the codes and laws related to pool construction in effect within the City and also to communicate the rules, regulations, policies, and procedures developed by the City over time to enforce these laws for safe and code compliant residential pool construction.

The information written herein is applicable to all residential pool construction related activity in the City, effective January 1, 2010. This commentary applies to both in-ground and aboveground pools and spas containing more than 2 feet of water. Subdivision pools, hotel pools, etc. are Commercial Pools which have additional requirements. See the "Commercial Pools" section.

Design codes:

This handout contains general information for designing and constructing your pool. Your pool contractor must meet many very specific requirements from various codes to complete your pool project. The following Codes govern the design and construction of swimming pools in the City of Alpharetta:

Residential Pools:

2018 International Swimming Pools and Spa Code with GA Amendments
American National Standard for Residential Inground Swimming Pools, ANSI/NSPI-5 2011.
American National Standard for Aboveground/Onground Residential Pools, ANSI/NSPI-4 2007.
American National Standard for Permanently Installed Spas, ANSI/NSPI-3 1999.
American National Standard for Residential Portable Spas, ANSI/NSPI-6 1999.
2017 National Electrical Code [NEC], NFPA 70, including but not limited to Article 680, "Swimming Pools, Fountains, and Similar Installations."
2018 International Plumbing Code [IPC] w/ Georgia Amendments (Indirect drains, backflow, etc.)
2018 International Fuel Gas Code [IFGC] w/Georgia Amendments
2018 International Mechanical Code [IMC] w/ Georgia Amendments (Pool heaters, etc.)
City of Alpharetta Unified Development Code [UDC] (Fencing, setbacks, permitting, etc.)
Building Code Requirements for Structural Concrete, ACI 318-05.

Commercial Pools:

Fulton County Environmental Health Swimming Pool Regulations, "Code of Laws of Fulton County, Chapter 34, Article XII."
2018 International Swimming Pools and Spa Code with GA Amendments
2018 International Building Code [IBC] w/Georgia Amendments including but not limited to Chapter 31.
2015 International Energy Conservation Code [IECC] Georgia Amendments, Section 504.7.
2017 National Electrical Code [NEC], NFPA 70, including but not limited to Article 680, "Swimming Pools, Fountains, and Similar Installations."
2018 International Plumbing Code [IPC] w/Georgia Amendments (Indirect drains, backflow, etc.)
2018 International Fuel Gas Code [IFGC] w/Georgia Amendments
2018 International Mechanical Code [IMC]w/ Georgia Amendments (Pool heaters, etc.)
City of Alpharetta Unified Development Code [UDC] (Fencing, setbacks, permitting, etc.)
Building Code Requirements for Structural Concrete, ACI 318-05.



STAFF REPORT

Submitting Department: Community Development

Submitted By: Kathi Cook

Sponsored By:

Meeting Date: November 5, 2020

I. AGENDA ITEM TITLE: PH-20-16 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – STORMWATER AND FLOODPLAIN MANAGEMENT

CONSIDERATION OF TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE TO AMEND
REGULATIONS ASSOCIATED WITH STORMWATER AND FLOODPLAIN MANAGEMENT.

II. RECOMMENDATION:

Approve amendments to the Unified Development Code as it relates to Stormwater and Floodplain Management.

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

IV. REPORT IN BRIEF:

Consideration of text amendments to the Unified Development Code (UDC), Article III, Subsections 3.3 and 3.4.

In 2001 the Georgia General Assembly created the Metropolitan North Georgia Water Planning District (MNGWPD) to develop comprehensive regional and watershed-specific water resource management plans to be implemented by local governments. In December 2019, the MNGWPD board approved new model stormwater management ordinances for compliance with the latest Georgia Environmental Protection Division (EPD) Municipal Separate Storm Sewer System (MS4) Permits. Local governments are required to adopt these changes by December 10, 2020.

Proposed amendments include:

- Reorganization of Section 3.3.1-3.3.14 to match the model ordinances provided by MNGWPD.
- Updated definitions.
- Renaming the Alpharetta Stormwater Management Manual to the Alpharetta Stormwater Policy Handbook.
- Regulations added to projects replacing 5,000 sf or more impervious (to meet state permit minimum standards).
- Exemption added for installation or modifications to existing structures for the purpose of providing

- ADA requirements.
- Reduction in number of design storms that must be studied for downstream analysis.
- Explanation of requirements for conceptual plan meeting, permit plan and study submittal, application process, and determination of infeasibility requests.
- Additional requirements for inspection and maintenance agreements and city response should an owner fail to maintain private stormwater management systems.
- Corrected typographic errors in current approved ordinances.

Because the revised sections of UDC are completely reorganized, the strike through / red line file is particularly difficult to follow. Therefore, attached for clarification and ease of review, please find a clean copy of the altered ordinances with state required additional text in green, city proposed additional or corrected text in blue, and items with no change beyond location within the ordinance in black. For use by Municode, strike through / red line copies of UDC Article III Section 3.3 and Section 3.4 are also attached.

V. ALTERNATIVES:

VI. ATTACHMENTS:

Staff Report, EXHIBIT A SECTION 3.3 and 3.4 Stormwater and Floodplain Management Revisions, EXHIBIT B SECTION_3.3___ STORMWATER_MANAGEMENT Redline, EXHIBIT C SECTION _3.4_FLOODPLAIN_MANAGEMENT Redline



STAFF REPORT

Submitting Department: Community Development

Submitted By: Kathi Cook

Sponsored By:

Meeting Date: July 7, 2024

I. AGENDA ITEM TITLE: PH-21-XX UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS - STORMWATER MANAGEMENT, FLOODPLAIN MANAGEMENT.

PLANNING COMMISSION: NOVEMBER 5, 2020

CITY COUNCIL: NOVEMBER 16, 2020

II. RECOMMENDATION:

Approve amendments to the Unified Development Code as it relates to Stormwater and Floodplain Management.

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

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- Updated definitions.
- Renaming the Alpharetta Stormwater Management Manual to the Alpharetta Stormwater Policy Handbook.
- Regulations added to projects replacing 5,000 sf or more impervious (to meet state permit minimum standards).
- Exemption added for installation or modifications to existing structures for the purpose of providing ADA requirements.

- Reduction in number of design storms that must be studied for downstream analysis.
- Explanation of requirements for conceptual plan meeting, permit plan and study submittal, application process, and determination of infeasibility requests.
- Additional requirements for inspection and maintenance agreements and city response should an owner fail to maintain private stormwater management systems.
- Corrected typographic errors in current approved ordinances.

Because the revised sections of UDC are completely reorganized, the strike through / red line file is particularly difficult to follow. Therefore, attached for clarification and ease of review, please find a clean copy of the altered ordinances with state required additional text in green, city proposed additional or corrected text in blue, and items with no change beyond location within the ordinance in black. For use by Municode, strike through / red line copies of UDC Article III Section 3.3 and Section 3.4 are also attached.

V. ALTERNATIVES:

VI. ATTACHMENTS:

SECTION 3.3 and 3.4 Stormwater and Floodplain Management	Revisions,
SECTION_3.3__STORMWATER_MANAGEMENT	Redline,
SECTION_3.4__FLOODPLAIN_MANAGEMENT	Redline

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Green text – changes from state

Blue text – city changes

Section 3.3 – Stormwater Management

Section 3.3.1 Post-Construction Stormwater Management for New Development and Redevelopment.

A. Purpose and Intent. The purpose of this article 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-construction stormwater runoff and nonpoint source pollution associated with new development and redevelopment. Proper management of post- construction 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. Additionally, the city is required to comply with several State and Federal laws, regulations, and permits and the requirements of the Metropolitan North Georgia Water Planning District’s regional water plan related to managing the water quantity, velocity, and quality of post- construction stormwater runoff.

B. Definitions. For this Article, the terms below shall have the following meanings:

Administrator. The person appointed to administer and implement this Section on Post-Construction Stormwater Management for New Development and Redevelopment in accordance with Section 3.3.1.

Agricultural use. The establishment, cultivation, or harvesting of products of the field or orchard; the preparation and planting of pasture land’ farm ponds; and the construction of farm buildings.

Applicant. A person submitting a land development application for approval.

ASPH. The latest edition of the Alpharetta Stormwater Policy Handbook and all its appendices.

BMP or best management practice. Both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

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

Channel. A natural or artificial watercourse with a definite bed and banks that conveys continuously or periodically flowing water.

Conservation Easement. An agreement between a land owner and the City of Alpharetta or other government agency or land trust that permanently protects open space or greenspace on

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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. The temporary storage of stormwater runoff in a stormwater **detention** facility for the purpose of controlling the peak discharge.

Detention Facility. A structure designed for the **storage** and gradual release of **stormwater runoff** at controlled rates.

Developer. A person who undertakes land development activities.

Development. **New development or redevelopment.**

Drainage Easement. 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.

Extended Detention. The **storage** of stormwater runoff for an extended period of time.

Extreme Flood Protection. Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

Flooding. A volume of surface water that exceeds the banks or walls of a BMP or channel and overflows onto adjacent lands.

GSMM. The latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook, and its Appendices.

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

Hydrologic Soils Group (HSG). 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 more runoff.

Impervious Surface. **A surface composed of any material that significantly impedes or prevents the natural infiltration of water into the soil. Pervious paving and green roof are not considered impervious only if they have a stormwater design and inspection and maintenance plan.**

Industrial Stormwater General Permit. **The National Pollutant Discharge Elimination System (NPDES) permit issued by Georgia Environmental Protection Division to an industry for stormwater discharges associated with industrial activity. The permit regulates pollutant levels**

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associated with industrial stormwater discharges or specifies on-site pollution control strategies based on Standard Industrial Classification (SIC) Code.

Infiltration. The process of percolating stormwater runoff into the subsoil.

Inspection and Maintenance Agreement. A written agreement providing for the long-term inspection, operation, and maintenance of the stormwater management system and its components on a site.

Jurisdictional Wetlands. 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.

Land Development. 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. Those actions or activities which comprise, facilitate or result in land disturbance.

Land Development Application. The application for a land development permit on a form provided by the city along with the supporting documentation required in Section 3.3.1J.

Land Development Permit. The authorization necessary to begin construction-related, land-disturbing activity

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

Linear Feasibility Program. A feasibility program developed by the city and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria for determining when implementation of stormwater management standards for linear transportation projects being constructed by the city is infeasible.

Linear Transportation Projects. Construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

Maintenance. Any action necessary to preserve stormwater management facilities or structures and pipes or ditches in proper working condition, in order to serve the intended purpose, set forth in this Ordinance and to prevent structural failure of such facilities.

MS4 Permit. The NPDES permit issued by Georgia Environmental Protection Division for discharges from the city's municipal separate storm sewer system.

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New Development. Land disturbing activities, structural development (construction, installation, or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

Nonpoint Source Pollution. A form of water pollution that does not originate from a discrete point such as a wastewater treatment facility 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 or 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.

Non-Structural Stormwater Management Practice. 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. A stormwater management facility located outside the boundaries of the site.

On-Site Facility. A stormwater management facility located within the boundaries of the site.

Overbank Flood Protection. 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).

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.

Person. 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-construction Stormwater Management. Stormwater best management practices that are used on a permanent basis to control and treat runoff once construction has been completed in accordance with a stormwater management plan.

Post-development. The conditions anticipated to exist on site immediately after completion of the proposed development.

Practicability Policy. The policy outlined in the Alpharetta Stormwater Policy Handbook.

Pre-development. The conditions that exist on a site immediately before the

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implementation of the proposed development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time before the first item being approved or permitted shall establish pre-development conditions.

Pre-development Hydrology. Is (a) for new development, the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before implementation of the proposed development; and (b) for redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property as defined by the city.

Previously Developed Site. A site that has been altered by paving, construction, and/or land disturbing activity.

Private. Property or facilities owned by individuals, corporations, and other organizations and not by the city, state, or federal government.

Project. A land development project.

Redevelopment. Structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surfaces not as part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling where footprint is unaltered.

Regional Stormwater Management Facility. 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.

Routine Maintenance. Activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Runoff. Stormwater runoff.

Runoff Reduction Measures. Preservation of an area's landscape features (vegetation, soils, and natural processes) that help manage and reduce stormwater runoff from a development or redevelopment site. Runoff reduction measures also include structurally engineered practices (such as bioretention areas, bioswales, pervious paving, greenroofs, greenwalls, stormwater street trees, and cisterns) that mimic natural processes to manage stormwater as close to its source as possible and reduce stormwater runoff from the site. In addition to stormwater management, runoff reduction measures can enhance site aesthetics, improve water quality, reduce urban heat island impacts, provide shading, create wildlife habitat, reduce energy consumption, reduce infrastructure costs, and increase property values. Above ground cisterns require architectural and / or landscape screening that compliments the architecture of the building and is of like or similar materials used in the building's construction. Location of cisterns and other vertical runoff reduction measures

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and their screening shall require approval by the Community Development Department.

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

Stormwater Better Site Design. 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 Concept Plan. An initial plan for post-construction stormwater management at the site that provides the groundwork for the stormwater management plan including the natural resources inventory, site layout concept, initial runoff characterization, and first round stormwater management system design.

Stormwater Management Plan. A plan for post-construction stormwater management at the site that meets the requirements of Section 3.3.1H and is included as part of the land development application.

Stormwater Management Standards. Those standards set forth in Section 3.3.1G.

Stormwater Management System. The entire set of non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner designed 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 Retrofit. 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 current stormwater management requirements of the site.

Stormwater Runoff. Flow on the surface of the ground, resulting from precipitation.

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.

Other terms used but not defined in this Article shall be interpreted based on how such terms are defined and used in the GSMM, the ASPH, and the city's MS4 permit.

C. Adoption and Implementation of the GSMM; Conflicts and Inconsistencies.

- (a) In implementing this Article, Alpharetta shall use and require compliance with all relevant design standards, calculations, formulas, methods, and standards from the latest

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edition of the GSMM (including all related appendices) and the Alpharetta Stormwater Policy Handbook (ASPH). The ASPH provides specific design requirements of the city and clarifies guidance language provided in the GSMM. This policy handbook may be updated and expanded periodically, based on improvements in science, engineering, monitoring, and local maintenance experience. However, failure to update the policy handbook shall not relieve any applicant from the obligation to comply with the requirements of this ordinance and shall not prevent the city from imposing the most current and effective practices. The policy handbook may establish design standards for new development and redevelopment that includes the creation of less than 5,000 square feet of impervious cover or involves land development activity of less than one (1) acre.

(b) This Article or Section is not intended to modify or repeal any other Article, Section, ordinance, rule, regulation or other provision of law, including but not limited to any applicable stream buffers under state and local laws, and the Georgia Safe Dams Act and Rules for Dam Safety. In the event of any conflict or inconsistency between any provision in the city's MS4 permit and this Article, the provision from the MS4 permit shall control. In the event of any conflict or inconsistency between any provision of this Article and the GSMM, the provision from this Article shall control. In the event of any other conflict or inconsistency between any provision of this Article or Section and any other ordinance, rule, regulation or other provision of law, the provision that is more restrictive or imposes higher protective standards for human health or the environment shall control.

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

D. Designation of Administrator. The Mayor may from time to time appoint someone to administer and implement this Section. Directors of Community Development and Public Works and their designees are appointed to administer and implement the provisions of this ordinance.

E. Applicability Criteria for Stormwater Management Standards. This Section applies to the following activities:

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

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

(c) New development and redevelopment if

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

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- (ii) the sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the threshold in (a) and (b) above;
- (d) Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot land use as defined in this Article; and
- (e) Linear transportation projects that exceed the threshold in (a) or (b) above.

F. Exemptions from Stormwater Management Standards of Section 3.3.1. This Section does not apply to the following activities:

- (a) Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs;
- (b) Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement (this exemption does not negate the requirement to obtain utility encroachments permits from the city nor does it negate the requirement to get utility locates);
- (c) Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;
- (d) Repairs to any stormwater management system deemed necessary by the administrator;
- (e) Agricultural practices as described O.C.G.A. 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in 3.3.1E a and b;
- (f) Silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in 3.3.1E a and b;
- (g) Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and
- (h) Linear transportation projects being constructed by the city to the extent the administrator determines that the stormwater management standards may be infeasible to apply, all or in part, for any portion of the linear transportation project. For this exemption to apply, an infeasibility report that is compliant with the city linear feasibility program shall first be submitted to the administrator that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the administrator.

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G. Stormwater Management Standards. Subject to the applicability criteria in 3.3.1 E and exemptions in 3.3.1 F, the following stormwater management standards apply. Additional details for each standard can be found in the GSMM Section 2.2.2.2:

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

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

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

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

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

(i) For development with a stormwater management plan submitted before February 2, 2017, the applicant may choose either (A) Runoff Reduction or (B) Water Quality.

(ii) For development with a stormwater management plan submitted on or after February 2, 2017, the applicant shall choose (A) Runoff Reduction and additional water quality shall not be required. To the extent (A) Runoff Reduction has been determined to be infeasible for all or a portion of the site using the Practicability Policy, then (B) Water Quality shall apply for the remaining runoff from a 1.2-inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.

(A) Runoff Reduction - The stormwater management system shall be designed to retain the first 1.0-inch of rainfall on the site using runoff

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reduction methods, to the maximum extent practicable.

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

(iii) If a site is determined to be a hotspot as detailed in 3.3.1 E, the city may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.

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

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

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

(iii) Preservation of any applicable stream buffer.

(iv) Channel Protection may be adjusted or waived by the city for sites that discharge directly into larger streams, rivers, wetlands, or lakes, or to a man-made channel or conveyance system where the reduction in these flows will not have impact on upstream or downstream streambank or channel integrity.

(f) Overbank Flood Protection: Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the 2, 10, and 25-year, 24-hour storm events. Overbank Flood Protection may be adjusted or waived by the city for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.

(g) Extreme Flood Protection: Extreme flood protection shall be provided by controlling and safely conveying the 100-year, 24-hour storm event such that flooding is not exacerbated. Extreme Flooding Protection may be adjusted or waived by the city for sites where the post development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.

(h) Downstream Analysis: Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater

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management system where the area of the site comprises 10% of the total drainage area in accordance with [Section 3.1.9 of the GSMM](#). This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system. [Analysis should include evaluation of 2, 25, and 100-year, 24-hour storm events at each possible “choke point” between the site and the 10% point. This should include, but is not limited to culverts, pipes, and stream confluences. Post-development flow rates should not increase from pre-development rates except in those situations where the city has approved waivers of Overbank or Extreme Flood Protection in order to protect downstream peak flows.](#)

(i) Stormwater Management System Inspection and Maintenance: The components of the stormwater management system that will not be dedicated to and accepted by the city, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This plan shall be written in accordance with the requirements in [Section 3.3.1 P, S, and T](#).

(j) Structural Stormwater Controls: All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the GSMM and the additional requirements of the [Alpharetta Stormwater Policy Handbook](#). All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the GSMM, 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 the city 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 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 GSMM for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

(k) Stormwater Credits for Nonstructural Measures: The use of one or more site design measures by the applicant may allow for a reduction in the runoff reduction volume or water quality treatment volume required under Section 3.3.1G d. The applicant may, if approved by the city, 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 GSMM. [To receive credit a conservation easement may be required by the city.](#)

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(l) 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, 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 one parcel, existing or proposed, shall meet the following requirements:

1. Methods to calculate stormwater flows shall be in accordance with the GSMM and the ASPH.
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 GSMM and the ASPH.
3. Design and construction of stormwater conveyance systems shall be in accordance with the criteria and specifications found in the GSMM, the ASPH, and Alpharetta's standard details.

(m) Dam Design Guidelines: Any land-disturbing activity that involves a site which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable [and requirements outlined in the ASPH](#).

H. Pre-Submittal Meeting, Stormwater Concept Plan, and Stormwater Management Plan Requirements.

(a) Before a land development permit application is submitted, an applicant shall request a pre-submittal meeting with the city. [The pre-submittal meeting is required prior to submittal for a Land Disturbance Permit.](#) The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. [To the extent applicable, local and regional watershed plans, greenspace plans, trails and greenway plans, and other resource protection plans should be consulted in the pre-submittal meeting.](#) Applicants must request a pre-submittal meeting with the city when applying for a Determination of Infeasibility through the Practicability Policy.

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

- (i) Develop the site layout using better site design techniques, as applicable (GSMM Section 2.3).
- (ii) Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff quality/reduction, channel protection, overbank flooding protection and extreme flood protection (GSMM Section 2.2).
- (iii) Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations (GSMM Section 4.1).

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- (c) The stormwater concept plan shall contain:
- (i) Common address and legal description of the site,
 - (ii) Vicinity map, and
 - (iii) Existing conditions and proposed site layout mapping and plans (recommended scale of 1" = 50'), which illustrate at a minimum:
 - (A) Existing and proposed topography (minimum of 2-foot contours),
 - (B) Perennial and intermittent streams,
 - (C) Mapping of predominant soils from USDA soil surveys,
 - (D) Boundaries of existing predominant vegetation and proposed limits of clearing and grading,
 - (E) Location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, specimen trees, and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.),
 - (F) Location of existing and proposed roads, buildings, parking areas and other impervious surfaces,
 - (G) Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements,
 - (H) Preliminary estimates of unified stormwater sizing criteria requirements,
 - (I) Preliminary selection and location, size, and limits of disturbance of proposed BMPs,
 - (J) Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains,
 - (K) Flow paths,
 - (L) Location of the boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as applicable) and relationship of site to upstream and downstream properties and drainage, and
 - (M) Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings.
 - (N) Documentation if requesting determination of infeasibility for runoff reduction.

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(d) The stormwater management plan shall contain the items listed in this part 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. Items (iii), (iv), (v), and (vi) shall be sealed and signed by a registered Professional Engineer licensed in the state of Georgia. The overall site plan must be stamped by a design professional licensed in the State of Georgia for such purpose. (GSMM Section 2.4.2.7) 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 the information required in the Stormwater Management Site Plan checklist found in the ASPH. 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 which shows the adequacy of the off-site or regional facility. To be eligible for modification, the applicant must demonstrate to the satisfaction of the city that the use of the off-site or regional facility will not result in the following impacts to upstream or downstream areas: a. increased threat of flood damage to public health, life, and property; b. deterioration of existing culverts, bridges, dams, and other structures; c. accelerated streambank or streambed erosion or siltation; d. degradation of in-stream biological functions or habitat; or e. water quality impairment in violation of state water quality standards, and/or violation of any state or federal regulations.

- (i) Natural Resources Inventory
- (ii) Stormwater Concept Plan
- (iii) Existing Conditions Hydrologic Analysis
- (iv) Post-Development Hydrologic Analysis
- (v) Stormwater Management System
- (vi) Downstream Analysis
- (vii) Erosion and Sedimentation Control Plan
- (viii) BMP Landscaping Plan
- (ix) Inspection and Maintenance Agreement
- (x) Evidence of Acquisition of Applicable Local and Non-Local Permits

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- (xi) Determination of Infeasibility (if applicable)
- (xii) Operations and Maintenance Plan
- (xiii) Maintenance Access Easements

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

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

(f) Deed Recordation and Indications on Plat. The approval of the permit shall require an enforceable restriction on property usage that runs with the land, such as plat, easements, recorded deed restrictions or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans. The location of all designated natural area or Conservation Easements for a site shall be recorded at the County Register of Deeds Office as “undisturbed natural area”. Designated protected stream buffer boundaries must be specified on all surveys and recorded plats. The applicable maintenance agreement pertaining to every structural BMP shall be referenced on the final plat and shall be recorded with the County Register of Deeds Office upon final plat approval and shall be provided to the city within 14 days following receipt of the recorded document.

(g) Fee-In-Lieu. The purpose of the fee-in-lieu program is to allow parcels being redeveloped to reduce on-site stormwater management requirements by paying a fee to the City. For re-development projects, the owner or designee of the proposed development site shall have the option of paying an in-lieu fee to the City which will be used by the City to construct stormwater improvement measures off-site. All the required detention (including channel protection) must be met onsite. A minimum of 75% of the runoff reduction/water quality treatment must be provided on-site. The remainder of the runoff reduction/water quality treatment may be met by a fee-in-lieu payment. The owner must demonstrate no increased downstream negative impacts where there are incised streambank conditions. Fee-in-Lieu funds will be applied to the construction of stormwater improvement projects in the same HUC-12 watershed. Program qualifications and details are provided in the ASPH.

I. Application Fee. The fee for review of any land development application shall be based on the fee structure established by the city, and payment shall be made before the issuance of any land disturbance permit or building permit for the development.

J. Application Procedures. Land development applications are handled as part of the process to obtain the land disturbance permit pursuant to the Alpharetta Unified Development Code, as

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applicable. Before any person begins development on a site, the owner of the site shall first obtain approval in accordance with the following procedure:

- (a) File a land development application with the city on the city's form of application along the following supporting materials:
 - (i) the stormwater management plan and report prepared in accordance with 3.3.1 H,
 - (ii) a certification that the development will be performed in accordance with the stormwater management plan once approved,
 - (iii) annotated checklists,
 - (iv) proof of pre-submittal meeting including a copy of the stormwater concept plan,
 - (v) documentation of preliminary determination of infeasibility of runoff reduction, as applicable, prepared in accordance with the practicability policy, and
 - (vi) an acknowledgement that applicant has reviewed the city's form of inspection and maintenance agreement and that applicant agrees to sign and record such inspection and maintenance agreement before the final CO inspection. A copy of the proposed inspection and maintenance agreement must be included in the stormwater management plan or report.
- (b) The administrator shall inform the applicant whether the application and supporting materials are approved or disapproved.
- (c) If the application or supporting materials are disapproved, the administrator 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 for the administrator to again consider and either approve or disapprove.
- (d) If the application and supporting materials are approved, the city may issue the associated land disturbance permit or building permit, provided all other legal requirements for the issuance of such permits have been met. The stormwater management plan included in such applications becomes the approved stormwater management plan.
- (e) Performance and Maintenance Bonds. The city may require performance and/or maintenance bonds for stormwater management facilities or practices and define the bond amounts. Bonds may be collected prior to issuance of a land disturbance permit, prior to approval of a final plat, prior to approval of CO, and/or prior to final closeout of the construction site.

K. Compliance with the Approved Stormwater Management Plan. All development shall be:

- (a) consistent with the approved stormwater management plan and all applicable land disturbance and building permits, and

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- (b) conducted only within the area specified in the approved stormwater management plan.
- (c) The city should be allowed to conduct periodic inspections of the project.
- (d) 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 3.3.1 M.

No changes may be made to an approved stormwater management plan without review and advanced written approval by the administrator.

L. Inspections to Ensure Plan Compliance During Construction. Periodic inspections of the stormwater management system during construction shall be conducted by the staff of the city or conducted and certified by a professional engineer who has been approved by the city. Inspections shall use the approved stormwater management plan for establishing compliance. All inspections shall be documented with written or electronic reports that contain the following information:

- (a) The date and location of the inspection;
- (b) Whether the stormwater management system is in compliance with the approved stormwater management plan;
- (c) Variations from the approved stormwater management plan; and
- (d) Any other variations or violations of the conditions of the approved stormwater management plan.

M. Final Inspection; As-Built Drawings; Delivery of Inspection and Maintenance Agreement. Upon completion of the development, the applicant is responsible for:

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

The required certification under part (a) shall include a certification of volume, or other performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and built according to the design specifications in the

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approved stormwater management plan. This certification and the required performance tests shall be performed by a qualified person and submitted to the city with the request for a final inspection. The city shall perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities. A bond inspection by the City is required before the release of any performance securities or bonds can occur.

N. Violations and Enforcement. Any violation of the approved stormwater management plan during construction, failure to submit as-built drawings, failure to submit a final BMP landscaping plan, failure to follow the approved plans, failure to submit plans or changes for approval, or failure of the final inspection shall constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit pursuant to Section 3.3.9 of this ordinance. To address a violation of this Article or Section, the city shall have all the powers and remedies that are available to it for other violations of building and land disturbance permits, including without limitation the right to issue notices and orders to ensure compliance, stop work orders, and penalties as set forth in the applicable ordinances for such permits.

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

P. Inspection and Maintenance Agreements.

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

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

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

(i) The parties to such sale or transfer may enter into and record an assignment agreement designating the owner responsible for each portion of the site and

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associated obligations under the inspection and maintenance agreement. The parties shall record and provide written notice and a copy of such assignment agreement to the city.

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

(d) The City may refuse to accept dedication of any existing or future stormwater management facility if the Director of Public Works or his/her designee determines that accepting the facility is not in the best interest of the City due to maintenance cost or other factors.

Q. Right of Entry for Maintenance Inspections. The terms of the inspection and maintenance agreement shall provide for the city's and representatives of the city's right of entry for maintenance inspections and other specified purposes. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then the city shall have the right to enter and make inspections pursuant to the city general provisions for property maintenance inspections pursuant to the Alpharetta Unified Development Code, the Alpharetta Property Maintenance Code, and the ASPH. 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

R. Owner's Failure to Maintain the Stormwater Management System. The terms of the inspection and maintenance agreement shall provide for what constitutes a failure to maintain a stormwater management system and the enforcement options available to the city. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

(a) An owner's failure to maintain the stormwater management system so that it performs as it was originally designed shall constitute and be addressed as a violation of, or failure to comply with, owner's property maintenance obligations pursuant to the Alpharetta Unified Development Code, the Alpharetta Property Maintenance Code, and the ASPH; and

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

S. Maintenance Responsibilities. For all existing and new developments, the following

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responsibilities should apply unless the existing maintenance agreement specifically defines responsibilities.

(a) Any stormwater management facility which services individual subdivisions shall be privately owned with routine maintenance provided for by the owner(s). In subdivisions with an established homeowners' association, the homeowners' association shall be assumed to be responsible for routine maintenance unless the HOA has established covenants, deeds, or restrictions placing responsibility back on specific property owners. The owner shall maintain a perpetual, non-exclusive easement which allows for access for inspection and other maintenance. Determination of whether the HOA or private property owners are responsible will be done by the legal system between the private entities, not the city.

(b) Any stormwater management facility which services an individual subdivision in which the facility is within designated open areas or an amenity with an established homeowners' association shall be privately owned and maintained by the property owner. The owner shall maintain a perpetual, non-exclusive easement which allows for access for inspection and emergency maintenance.

(c) Any stormwater management facility which services commercial and industrial development shall be privately owned and maintained. The City shall reserve the right, but not the duty to enter the premises for emergency repairs.

(d) All other stormwater management facilities, including regional stormwater detention, shall be publicly owned and/or maintained only if accepted for maintenance by the City.

(e) Drainage easements where a subdivision is traversed by a water course, drainage way, natural stream or channel off the street right-of-way shall be clearly defined on the plat and deed of the individual property for the purpose of maintaining the free flow of water. The owner shall be required to keep the easement free of obstructions and will maintain same in such a way as to assure free and maximum flow at all times. Should a drainage easement only serve one property (no off-site drainage flows through the easement, whether in a conveyance or overland), the property owner may be allowed by the city to install permanent structures within the easement or may be allowed to alter the layout of the easement.

(f) 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 city upon request.

(g) 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 and the city becomes aware of such condition, the city 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 may correct the violation as provided in 3.3.1 R.

(h) Inspection programs by the city 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

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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.

T. Special Operations and Maintenance Agreement for Homeowners' Associations or Other Associations. For all stormwater management practices required pursuant to this ordinance that are to be owned and maintained by a homeowners' association, property association, or similar entity, the required operations and maintenance agreement shall include all of the following provisions:

- (a) Acknowledgement that operations and maintenance agreements run with the land and impose pro rata liability upon individual lot owners. The developer and association agree that the operations and maintenance agreement run with the land and shall be binding upon themselves, their respective successors and assigns, including individual lot owners within the Subdivision. Any liability imposed against an individual landowner shall be pro-rated in a per lot basis as determined by the fraction of lot(s) owned by the individual lot owner.
- (b) The Developer, Association, their respective successors and assigns, including individual lot owners within the subdivision agree to regularly and routinely inspect, clean, and maintain the [Low Impact Development \(LID\) BMP](#), and otherwise keep in good repair, at their own cost and expense.
- (c) The Developer, Association, their respective successors and assigns, including individual lot owners within the subdivision agree that they will reimburse the city for its cost and expenses incurred in the process of cleaning, maintaining, and/or repairing the BMPs pursuant to this agreement in the event the BMPs are failing and the city chooses to intervene.
- (d) The Covenant of the Subdivision establishing the Association establishes that the Association is obligated to inspect, clean, maintain, and repair the BMPs; the Association has adopted the Operation and Maintenance Agreement as an obligation of the Association; and that a funding mechanism, such as an escrow account, is in place whereby individual lot owners within the subdivision pay a regular fee to the Association for the inspection, cleaning, maintenance, and repair of the stormwater management practice(s).
- (e) Upon the initial sale of any lot within the Subdivision and prior to closing on such sale, the Developer shall give a copy of the Operation and Maintenance agreement to the potential buyer.
- (f) [The developer shall consider setting aside funds in a separate account for future HOA stormwater management system maintenance. The amount should be based on offsetting anticipated future maintenance costs.](#)

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SECTION 3.3 - **STORMWATER** MANAGEMENT—GENERAL

3.3.2 Stream buffer protection.

A. *Findings and Purposes.*

1. *Findings.* Whereas, the Public Works Department of City of Alpharetta finds that buffers adjacent to streams provide numerous benefits including:
 - a. Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources.
 - b. Removing pollutants delivered in urban stormwater.
 - c. Reducing erosion and controlling sedimentation.
 - d. Protecting and stabilizing stream banks.
 - e. Providing for infiltration of stormwater runoff.
 - f. Maintaining base flow of streams.
 - g. Contributing organic matter that is a source of food and energy for the aquatic ecosystem.
 - h. Providing tree canopy to shade streams and promote desirable aquatic habitat.
 - i. Providing riparian wildlife habitat.
 - j. Furnishing scenic value and recreational opportunity.
 - k. Providing opportunities for the protection and restoration of greenspace.
2. *Purposes.* The purpose of this Ordinance 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:
 - a. Create buffer zones along the streams of the City for the protection of water resources; and,
 - b. Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

B. *Definitions.*

Buffer means, with respect to a stream, a natural or enhanced vegetated area (established by Section 3.3.2D), lying adjacent to the stream. **The area of land adjacent to the banks of State Waters in its natural state of vegetation, which facilities, when properly vegetated, the protection of water quality and aquatic habitat (O.C.G.A. 12-7-6(b)(15)).**

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.

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, asphalt, or compacted gravel.

Land Development means any land change, including but not limited to clearing, grubbing, stripping, removal or 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 or vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or other installation of impervious cover.

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Land Disturbance Activity means those actions or activities which comprise, facilitate or result in land disturbance.

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 city 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 3.3.2D extending beyond any buffer applicable to the stream.

Stream means any stream, beginning at:

1. The location of a spring, seep, or groundwater outflow that sustains streamflow; or
2. A point in the stream channel with a drainage area of 25 acres or more; or
3. Where evidence indicates the presence of a stream in a drainage area of other than 25 acres, the city may require field studies to verify the existence of a stream.

Stream Bank means the confining cut of a stream channel and is usually identified as the point where the normal stream flow has wrested the vegetation.

Stream Channel means the portion of a watercourse that contains the base flow of the stream.

Watershed means the area that drains into a particular stream.

C. *Applicability.* This ordinance shall apply to all land development activity on property containing a stream protection area. 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.

1. *Grandfather Provisions.* This ordinance shall not apply to the following activities:

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. Grandfathering provisions only apply to Section 3.3.2 Stream Buffer Protection.

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

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- a. Activities for the purpose of building one of the following:
 - (1) A stream crossing by a driveway, transportation route or utility line;
 - (2) Public water supply intake or public wastewater outfall structures;
 - (3) Intrusions necessary to provide access to a property;
 - (4) Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
 - (5) Unpaved foot trails and paths;
 - (6) 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;
 - (7) The City of Alpharetta Greenway system (exemption applies to city buffers only).
- b. 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 a., above.
- c. Land development activities within a right-of-way existing at the time this ordinance takes effect or approved under the terms of this ordinance.
- d. 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.
- e. 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 Public Works Department on the next business day after commencement of the work. Within ten (10) days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the City 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.
- f. 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.

D. Land Development Requirements.

- 1. **Buffer and Setback Requirements.** All land development activity subject to this ordinance shall meet the following requirements:
 - a. An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of a non-perennial stream as measured from the top of the stream bank. 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.
 - b. An undisturbed natural vegetative buffer shall be maintained for 100 feet, measured horizontally, on both banks (as applicable) of a perennial stream as measured from the top of the stream bank. An additional setback shall be maintained for 50 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. If approved by the City, the buffer requirement may be achieved by maintaining an average of width of 100

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feet and a minimum distance of 50 feet from each side of the stream as measured horizontally from the top of the stream bank. If approved by the City, the setback may be achieved by restricting the construction of any impervious surface within an average setback of 150 feet on each side of the stream and a minimum distance of 75 feet as measured horizontally from the top of the stream bank. No averaging shall be allowed on the following:

- (1) Big Creek.
 - (2) Foe Killer Creek.
 - (3) Any perennial stream within a seven (7) mile radius upstream of the Roswell water supply intake protected pursuant to Section 3.3.12.
 - c. No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.
 - d. No solid fences greater than four (4) feet in height are permitted within the buffer. Fences that are not private in nature (such as split rail) may be allowed for the delineation of property or other purposes not intended to disturb the buffer area.
2. *Variance Procedures.* Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:
- a. 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 City of Alpharetta finds and determines that the requirements of this ordinance prohibit the otherwise lawful use of the property by the owner, the City 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.
 - b. Requests for variances shall follow the procedures described in Section 4.5 and Section 5.2. Variances will be considered only in the following cases:
 - (1) 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.
 - (2) Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

Variances 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.
 - c. At a minimum, a variance request shall include the following information:
 - (1) A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
 - (2) A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - (3) 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;
 - (4) Documentation of unusual hardship should the buffer be maintained;
 - (5) 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;
 - (6) A calculation of the total area and length of the proposed intrusion;
 - (7) A stormwater management site plan, if applicable; and,
 - (8) Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

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- d. The following factors will be considered in determining whether to issue a variance:
 - (1) The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - (2) The locations of all streams on the property, including along property boundaries;
 - (3) The location and extent of the proposed buffer or setback intrusion; and,
 - (4) Whether alternative designs are possible which require less intrusion or no intrusion;
 - (5) The long-term and construction water-quality impacts of the proposed variance;
 - (6) Whether issuance of the variance is at least as protective of natural resources and the environment.
- E. *Additional Information Requirements for Development on Buffer Zone Properties.* All buffer and setback areas must be recorded on the final plat of the property following plan approval. Any permit applications for property requiring buffers and setbacks hereunder must include the following:
 1. A site plan showing:
 - a. The location of all streams on the property;
 - b. Limits of required stream buffers and setbacks on the property;
 - c. Buffer zone topography with contour lines at no greater than (2) two-foot contour intervals;
 - d. Delineation of forested and open areas in the buffer zone;
 - e. Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback; and
 - f. Location of the floodplain;
 2. A description of all proposed land development within the buffer and setback; and,
 3. Any other documentation that the City of Alpharetta may reasonably deem necessary for review of the application and to ensure that the buffer zone ordinance is addressed in the approval process.
- F. *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 the City of Alpharetta, its officers or employees, for injury or damage to persons or property.
- G. *Inspection.* The City 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 in making such inspections. The City 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.

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3.3.3 Wetlands.

A. Definitions.

Wetlands. 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.

Generalized Wetlands Map. The current U.S. fish and Wildlife Service National Wetlands Inventory maps for the City of Alpharetta, Georgia.

Jurisdictional Wetlands. An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

Jurisdictional Wetland Determination. A delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. § 1344, as amended.

Regulated Activity. Any activity that will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the U.S. excepting those activities exempted in Section 404 of the Federal Clean Water Act.

- B. *Establishment of the Wetlands Protection District.* The Wetlands Protection District is hereby established which shall correspond to all lands within the jurisdiction of the City of Alpharetta Georgia that are mapped as wetland areas by the U.S. Fish and Wildlife Service National Wetlands Inventory Maps. This map shall be referred to as the Wetlands Map and is hereby adopted by reference and declared to be a part of this ordinance, together with all explanatory matter thereon and attached thereto.

The Wetlands Map does not represent the boundaries of jurisdictional wetlands and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this ordinance does not relieve the landowner from federal or state permitting requirements.

- C. *Protection Criteria.* No regulated activity will be permitted within the Wetlands Protection District without a permit from the City of Alpharetta. If the area proposed for development is located within 50 feet of a Wetlands Protection District boundary, as determined by the Director using the Generalized Wetlands Map, a U.S. Army Corps of Engineers determination shall be required. If the Corps determines that wetlands are present on the proposed development site, the local permit or permission will not be granted until a Section 404 Permit or Letter of Permission is issued.

The filling in of established lakes, ponds and wetlands is discouraged.

- D. *Permitted Uses.* The following uses shall be allowed as of right within the Wetlands Protection District to the extent that they are not prohibited by any other ordinance or law, including laws of trespass, and provided they do not require structures, grading, fill, draining, or dredging except as provided herein.
1. Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided it does not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit.
 2. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
 3. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.
 4. The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
 5. The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved agricultural Best Management Practices are followed.
 6. Education, scientific research, and nature trails.

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- E. *Prohibited Uses.* The following uses are not permitted within the Wetlands Protection District.
 - 1. Receiving areas for toxic or hazardous waste or other contaminants;
 - 2. Hazardous or sanitary waste landfills;
- F. *Administration, plan review, and permitting procedures are provided for in Section 4.4 of this code.*

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3.3.4 Illicit Discharge and Illegal Connection.

A. *Findings.* It is hereby determined that:

Discharges to the City of Alpharetta's separate storm sewer system that are not composed entirely of stormwater runoff contribute to increased nonpoint source pollution and degradation of receiving waters;

These non-stormwater discharges occur due to spills, dumping and improper connections to the City's separate storm sewer system from residential, industrial, commercial or institutional establishments.

These non-stormwater discharges not only impact waterways individually, but geographically dispersed, small volume non-stormwater discharges can have cumulative impacts on receiving waters.

The impacts of these discharges adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters;

These impacts can be minimized through the regulation of spills, dumping and discharges into the City's separate storm sewer system;

Localities in the State of Georgia are required to comply with a number of State and Federal laws, regulations and permits which require a locality to address the impacts of stormwater runoff quality and nonpoint source pollution due to improper non-stormwater discharges to the City's separate storm sewer system;

Therefore, the City of Alpharetta adopts this ordinance to prohibit such non-stormwater discharges to the City's separate storm sewer system. It is determined that the regulation of spills, improper dumping and discharges to the City's separate storm sewer system is in the public interest and will prevent threats to public health and safety, and the environment.

B. *Purpose and Intent.* The purpose of this ordinance is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the City's separate storm sewer system to the maximum extent practicable as required by Federal law. This ordinance establishes methods for controlling the introduction of pollutants into the City's separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are to:

1. Regulate the contribution of pollutants to the City's separate storm sewer system by any person;
2. Prohibit illicit discharges and illegal connections to the City's separate storm sewer system;
3. Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the City's separate storm sewer system; and,
4. To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this ordinance;
5. No variances shall be granted to illicit discharge or illegal connection.

C. *Applicability, Compatibility with Other Regulations, Severability, and Responsibility for Administration*

1. The provisions of this ordinance shall apply throughout the incorporated area of Alpharetta.

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

3. 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 judgement shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

4. The City shall administer, implement, and enforce the provisions of this ordinance.

D. *Definitions.*

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Accidental Discharge means a discharge prohibited by this ordinance which occurs by chance and without planning or thought prior to occurrence.

City Separate Storm Sewer System means any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, city streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and manmade or altered drainage channels, reservoirs, and other drainage structures, and which is:

- a. Owned or maintained by the city;
- b. Not a combined sewer; and
- c. Not part of a publicly owned treatment works.

Clean Water Act means the Federal Water Pollution Control Act (33 USC § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity means activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Illicit Discharge means any direct or indirect non-stormwater discharge to the city separate storm sewer system, except as exempted in 3.3.4 D.

Illegal Connection means either of the following:

- a. Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or
- b. Any pipe, open channel, drain, or conveyance connected to the city separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26(b)(14).

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit means a permit issued by the Georgia EPD 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-Stormwater Discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

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.

Pollutant means anything which causes or contributions to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that some may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from construction or building or structure; concrete and cement; and noxious or offensive matter of any kind.

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Pollution means the contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gas, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

Premises mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

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

Stormwater Runoff or Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such 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.

- E. *Prohibition of Illicit Discharges.* No person shall throw, drain, run, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into any component of the City of Alpharetta separate storm sewer system, or to cause permit or suffer to be thrown, drained, run, or allow to seep or otherwise discharge, into such system, any pollutants or waters containing any pollutants, other than stormwater.

1. The following discharges are exempt from the prohibition provision above:

- a. Water line flushing performed by a government agency, 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 dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;
- b. Discharges or flows from firefighting, and other discharges specified in writing by the City of Alpharetta as being necessary to protect public health and safety;
- c. The prohibition provision above shall not apply to any non-stormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the State and 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 from the City has been granted for any discharge to the City's separate storm sewer system.

- F. *Prohibition of Illegal Connections.* The construction, connection, use, maintenance or continued existence of any illegal connection to the City's separate storm sewer system is prohibited.

1. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
2. A person violates this ordinance if the person connects a line conveying sewage to the City's separate storm sewer system, or allows such a connection to continue.
3. The person responsible for any connection in violation of this Ordinance shall immediately cause the illegal connection to be disconnected and redirected, if necessary to Fulton County's sanitary sewer system upon approval by the Director of Fulton County's sanitary sewer department or an approved onsite wastewater management system. Such person shall provide the City with written

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confirmation that the connection has been disconnected, and, if necessary, redirected to Fulton County sanitary sewer.

4. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the City requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the City.
- G. *Industrial or Construction Activity Discharges.* Any person subject to an industrial or construction activity NPDES stormwater 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 prior to allowing discharges to the City's separate storm sewer system.
- H. *Access and Inspection of Properties and Facilities.* Representatives of the City shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this ordinance.
1. If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the City.
 2. The owner or operator shall allow representatives of the City ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
 3. The City shall have the right to set up on any property or facility such devices as are necessary in the opinion of representatives of the City to conduct monitoring and/or sampling of flow discharges.
 4. The City may require the owner or operator to install monitoring equipment and perform monitoring as necessary and make the monitoring data available to the Public Works Department. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.
 5. Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the City and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
 6. Unreasonable delays in allowing representatives of the City access to a facility is a violation of this ordinance.
 7. If a representative of the City has been refused access to any part of the premises from which stormwater is discharged, and the representative of the City 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, environment and welfare of the community, then the representative of the City may seek issuance of a search warrant from any court of competent jurisdiction.
- I. *Notification of Accidental Discharges and Spills.* Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the City's separate storm sewer system, State Waters, or Waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

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Said person shall notify the Public Works Department by phone, facsimile, or in person within 24 hours of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Public Works Department within three business days of the phone or in person 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. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.

Failure to provide notification of a release as provided above is a violation of this ordinance.

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3.3.5 Conservation subdivision.

A. *Purposes.*

1. To provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure.
2. To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
3. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
4. To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
5. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
6. To promote interconnected greenways and corridors throughout the community.
7. To promote contiguous greenspace with adjacent jurisdictions.
8. To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
9. To encourage street designs that reduce traffic speeds and reliance on main arteries.
10. To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.
11. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.
12. To preserve important historic and archaeological sites.
13. No variances shall be granted to conservation subdivisions.

B. *General Regulations.*

1. *Applicability of Regulations.* This Conservation Subdivision option is available in the Residential Estate (RE) zoning district as a use by right. Applicant shall comply with all other provisions of the zoning code and all other applicable laws, except those that are incompatible with the provisions contained herein.
2. *Ownership of Development Site.* The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.
3. *Housing Density Determination.* The maximum number of lots in the Conservation Subdivision shall be determined by either of the following two methods, at the discretion of the City:
 - a. *Calculation:* The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:
 - (1) Slopes over 25 percent of at least 5,000 square feet contiguous area;
 - (2) The 100-year floodplain;
 - (3) Bodies of open water over 5,000 square feet contiguous area;
 - (4) Wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act;

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- (5) Anticipated right-of-way needs for roads and utilities; or,
- (6) Required stream buffers.

b. **Yield Plan:** The maximum number of lots is based on a conventional subdivision design plan prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations.

C. *Application Requirements.*

1. **Site Analysis Map Required.** Concurrent with the submission of a preliminary plat, Applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed Open Space will meet the requirements of this article. The preliminary plat shall include the following features, in addition to the other requirements of this document.
 - a. Property boundaries;
 - b. All streams, rivers, lakes, wetlands and other hydrologic features;
 - c. Topographic contours of no less than 10-foot intervals;
 - d. All Primary and Secondary Conservation Areas labeled by type, as described in Section 4 of this Article;
 - e. General vegetation characteristics;
 - f. General soil types;
 - g. The planned location of protected Open Space;
 - h. Existing roads and structures; and,
 - i. Potential connections with existing greenspace and trails.
2. **Open Space Management Plan Required.** An open space management plan, as described in Section 4, shall be prepared and submitted prior to the approval of the preliminary plat.
3. **Instrument of Permanent Protection Required.** An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in Subsection D below, shall be placed on the Open Space concurrent with the issuance of a land disturbance permit.
4. **Other Requirements.** The Applicant shall adhere to all other applicable requirements of the underlying zoning and the Unified Development Code.

D. *Open Space.*

1. **Definition.** Open Space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of an approved legal instrument.
2. **Standards to Determine Open Space.**
 - a. The minimum restricted Open Space shall comprise at least 40% of the gross tract area.
 - b. The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
 - (1) The regulatory 100-year floodplain;
 - (2) Buffer zones of at least 75 ft. width along all perennial and intermittent streams;
 - (3) Slopes above 25 percent of at least 5,000 square feet contiguous area;

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- (4) Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
 - (5) Populations of endangered or threatened species, or habitat for such species; and,
 - (6) Archaeological sites, cemeteries and burial grounds.
 - c. The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible:
 - (1) Important historic sites;
 - (2) Existing healthy, native forests of at least one acre contiguous area;
 - (3) Individual existing healthy trees greater than 8 inches caliper, as measured from their outermost drip line;
 - (4) Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;
 - (5) Prime agricultural lands of at least five acres contiguous area; and,
 - (6) Existing trails that connect the tract to neighboring areas.
 - d. Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected Open Space but cannot be counted towards the 40 percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the Open Space.
 - e. At least 75 percent of the Open Space shall be in a contiguous tract. The Open Space should adjoin any neighboring areas of Open Space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Open Space.
 - f. The Open Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Open Space.
3. *Permitted Uses of Open Space.* Uses of Open Space may include the following:
- a. Conservation of natural, archeological or historical resources;
 - b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
 - c. Walking or bicycle trails, provided they are constructed of porous paving materials;
 - d. Passive recreation areas;
 - e. Active recreation areas, provided that they are limited to no more than 10 percent of the total Open Space, are not located within Primary Conservation Areas, and do not require significant tree removal. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Open Space;
 - f. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, such activities are not conducted within Primary Conservation Areas, and such activities are in compliance with this ordinance;
 - g. Nonstructural stormwater management practices, provided that they are limited to no more than 10 percent of the total Open Space, are not located within Primary Conservation Areas, and do not require significant tree removal;
 - h. Easements for drainage, access, and underground utility lines, provided that they are limited to no more than 10 percent of the total Open Space, are not located within Primary Conservation Areas, and do not require significant tree removal; or
 - i. Other conservation-oriented uses compatible with the purposes of this ordinance.

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4. *Prohibited uses of Open Space.*

- a. Golf courses;
- b. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
- c. Agricultural and forestry activities not conducted according to accepted Best Management Practices; and,
- d. Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

5. *Ownership and Management of Open Space.*

- a. Ownership of Open Space. The applicant must identify the owner of the Open Space who is responsible for maintaining the Open Space and facilities located thereon. If a Homeowners Association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. If a Homeowners Association is the owner, the Homeowners' Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the owner.
- b. Management Plan. Applicant shall submit a Plan for Management of Open Space and Common Facilities ("Plan") that:
 - (1) Allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
 - (2) Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space and outlines the means by which such funding will be obtained or provided;
 - (3) Provides that any changes to the Plan be approved by the Board of Commissioners; and,
 - (4) Provides for enforcement of the Plan.
- c. In the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

6. *Legal Instrument for Permanent Protection.*

- a. The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
 - (1) A permanent conservation easement in favor of either:
 - (i) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 - (ii) A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.

If the entity accepting the easement is not the City, then a third right of enforcement favoring the City shall be included in the easement;

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- (2) A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or,
 - (3) An equivalent legal tool that provides permanent protection, if approved by the City.
- b. The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the Open Space.

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3.3.6 Water supply watershed protection.

A. Definitions.

Buffer. A natural or enhanced vegetated area with no or limited minor land disturbances, such as trails and picnic areas, located adjacent to reservoirs or perennial streams within a water supply watershed.

Corridor. All land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed and within other setback areas specified in Section IV of this ordinance.

Impervious Surface. A man-made structure or surface that 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.

Perennial Stream. A stream that has normal stream flows consisting of base flow (discharge that enters the stream channel mainly from groundwater) or both base flow and direct runoff during any period of the year.

Small Water Supply Watershed. A watershed that contains less than 100 square miles of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.

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, stormwater systems and railroads or other utilities identified by a local government.

Water Supply Watershed. The area of land upstream of a governmentally owned public drinking water intake.

B. *Establishment of a Water Supply Watershed District.* The Roswell Water Supply Watershed District is hereby designated and shall comprise the land that drains to City of Roswell water intake at Big Creek. The boundary of this overlay is defined by the ridgeline of the watershed and the boundary of a radius of seven (7) miles upstream of the Roswell Water Supply Intake. This overlay is delineated and defined on the Water Supply Watershed Protection District Map of The City of Alpharetta, hereafter referred to as The Map. The Map is hereby incorporated into and made a part of this ordinance by reference.

The Roswell Intake is within a small water supply watershed. An intake for the City of Roswell Georgia is located on Big Creek. This Water Supply Watershed does not contain a reservoir.

C. *Protection Criteria.* The following regulations shall apply to the Roswell Water Supply Watershed within the City of Alpharetta as identified on the Map. Stream buffer requirements are also established as part of the City of Alpharetta Soil Erosion and Sedimentation Control Ordinance and the Stormwater Owner Ordinance. In areas of conflict, the stricter Ordinance will prevail.

1. The corridors of all perennial streams within a seven mile radius upstream of the Roswell water supply intake must be protected by the following criteria:
 - a. A buffer shall be maintained for a distance of 100-feet on both sides of the stream as measured from the stream banks.
 - b. No impervious surface shall be constructed within a 150-foot setback area on both sides of the stream as measured from the stream banks. Septic tanks and septic tank drain fields are prohibited in the 150-foot setback area.
2. The corridors of all perennial streams outside a seven-mile radius upstream of the Roswell water supply intake must be protected by the following criteria:
 - a. A buffer shall be maintained for a distance of 50-feet on both sides of the stream as measured from the stream banks.
 - b. No impervious surface shall be constructed within a 75-foot setback area on both sides of the stream as measured from the stream banks. Septic tanks and septic tank drain fields are prohibited in the 75-foot setback area.
3. The impervious surface area of facilities, including all public and private structures and utilities, within the water supply watershed shall be limited to 25% of the total area within the development, or the

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existing use, whichever is greater. The total amount of impervious area may exceed the 25% impervious limit if the following conditions are met and approved by the City.

- a. The impervious surface area of facilities, including all public and private structures and utilities, within the water supply watershed shall be limited to 25% of the total area within the development, or the existing use, whichever is greater. All impervious surfaces must be included in the determination of the total impervious surface density of the City.
 - b. If the pending Big Creek Watershed Study recommendations are formally adopted by all of the local governments within the watershed, then the following approach may be considered: the total amount of impervious area may exceed the 25% impervious limit if the following conditions are met and approved by the City. The total directly connected impervious surface area within the development shall not exceed 25%. Impervious can be considered disconnected from the drainage system if the runoff from the impervious surface flows over a minimum of 25 feet of pervious surface or if the runoff from 1.2 inches of rainfall is treated by the following water quality best management practices:
 - (1) Wet ponds (extended detention for less than 20 acres)—ED-micro pool.
 - (2) Wetlands—constructed.
 - (3) Infiltration Trenches.
 - (4) Dry Swales.
 - (5) Sand Filters.
 - (6) Bio-retention.
 - (7) Vegetated filtration Systems.
 - (8) Any other best management practice approved by the city.
4. a. New facilities which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.
 - b. New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems.
 - c. New hazardous waste treatment or disposal facilities are prohibited.
- D. *Exemptions.* The following uses shall be exempted:
1. Land uses existing prior to the adoption of this ordinance.
 2. Mining activities permitted by the Department of Natural Resources under the Surface Mining Act.
 3. Utilities from the stream corridor buffer and setback area provisions in accordance with the following conditions if the utilities to be located in the buffer or setback areas cannot feasibly be located outside these areas:
 - a. The utilities shall be located as far from the stream bank as reasonably possible.
 - b. The installation and maintenance of the utilities shall be such to protect the integrity of the buffer and setback areas as best as reasonably possible.
 - c. The utilities shall not impair the quality of the drinking water stream.
 4. Specific forestry and agricultural activities in the stream corridor buffer and setback areas in accordance with the following conditions:
 - a. The activity shall be consistent with best management practices established by the Georgia Forestry Commission or the Georgia Department of Agriculture.
 - b. The activity shall not impair the quality of the drinking water stream.

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- E. *Administration.* Administration, enforcement, review and permitting shall be as per Section 4.4 of this Code.

All development activities or site work conducted after approval of the site plan shall conform to the specifications of said site plan. Changes to the approved plans must be approved by the Director.

The following activities and developments are exempt from the requirement for detailed site plans:

1. Detached 'For-Sale' dwellings constructed within a subdivision of fewer than five parcels.
 2. Repairs to a facility that is part of a previously approved and permitted development.
 3. Construction of minor structures, such as sheds or additions to residences.
 4. Commercial development of under 800 square feet within the Central Business District.
- F. *Suspension, Revocation.* The Director may suspend or revoke a permit if she finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit.

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3.3.7 Groundwater recharge areas.

A. Definitions.

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

Drastic. The standardized system for evaluating groundwater pollution potential using the hydro geologic settings described in U.S. Environmental Protection Agency document EPA-600-2-87-035.

Pollution Susceptibility. The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, application of chemicals and other human activities in the recharge area.

Pollution Susceptibility Map. The relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. (Georgia Department of Natural Resources Hydrologic Atlas 20: Groundwater Pollution Susceptibility Map of Georgia)

Recharge Area. Any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.

Significant Recharge Areas. Those areas mapped by the Georgia Department of Natural Resources in Hydrologic Atlas 18 (1989 edition).

Establishment of the Groundwater Recharge Area Protection District. The Groundwater Recharge Area District is hereby established which shall correspond to all lands within the jurisdiction of the City of Alpharetta, Georgia that are mapped as significant recharge areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1989 edition. Said map is hereby adopted and made a part of this ordinance.

Determination of Pollution Susceptibility. Each recharge area shall be determined to have a pollution susceptibility of high, medium, or low based on the Georgia Pollution Susceptibility Map, Hydrologic Atlas 20, 1992 edition. Said map is hereby adopted and made a part of this ordinance.

B. Protection Criteria.

1. No construction may proceed on a building to be served by a septic tank unless the Fulton County Health Department approves the proposed septic tank installations as meeting the requirements of the Georgia Department of Human Resource for On-Site Sewage Management (hereinafter DHR Manual), and Sections B. and C. below.
2. New homes served by a septic tank/drain field system shall be on lots having minimum size limitations as follows, based on application of Table MT-1 of the DHR Manual (hereinafter DHR Table MT-1). The minimums set forth in Table MT-1 may be increased further based on consideration of other factors (set forth in Sections A—F) of the DHR Manual.
 - a. 150% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a high pollution susceptibility area;
 - b. 125% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a medium pollution susceptibility area;
 - c. 110% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a low pollution susceptibility area.
3. New agricultural waste impoundment sites shall be lined if they are within a high pollution susceptibility area; a medium pollution susceptibility area and exceed 15 acres; or a low pollution susceptibility area and exceed 50 acres. As a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the Natural Resource and Conservation Service.
4. New above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have secondary containment for 110% of the volume of such tanks or 110% of the volume of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.

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5. New facilities that handle hazardous materials of the types listed in section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on any one day shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and local fire code requirements.
 6. Permanent storm water infiltration basins shall not be constructed in areas having high pollution susceptibility.
- C. Exemptions.
1. Any lot of record approved prior to the adoption of this ordinance is exempt from the minimum lot size requirements contained in [Article IV] Sections IV.B. and C. of this ordinance.
- D. Administration, plan review and permitting procedures are provided for in Section 4.4 of this Code.
1. The following activities and developments are exempt from the requirement for detailed site plans:
 - a. Detached 'For-Sale' dwellings constructed within a subdivision of fewer than five parcels.
 - b. Repairs to a facility that is part of a previously approved and permitted development.
 - c. Construction of minor structures, such as sheds or additions to residences.

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3.3.8 Variances from requirements **applicable to sections 3.3.2, 3.3.3, 3.3.4, 3.3.6, and 3.3.7.**

- A. The City may grant a variance in accordance with Section 5.2 if exceptional circumstances applicable to a site exist such that strict adherence to the provisions of this Ordinance will result in unnecessary hardship and will not fulfill the intent of the Ordinance.
- B. In order to have a variance considered, the applicant shall submit a written request to the City identifying the specific variance sought and the reasons that the variance should be granted. The written request shall include supporting data and all other information necessary to evaluate the proposed variance.
- C. The City will conduct a review of the request for a variance within fifteen (15) working days of receiving the request.

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3.3.9 Violations, enforcement and penalties.

Any action or inaction which violates the provisions of [Section 3.3](#) of this ordinance or the requirements of an approved [site plan](#), stormwater management plan, [report](#), 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.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this Section or may be restrained by injunction or otherwise abated in a manner provided by law. The imposition of any of the penalties described below shall not prevent such equitable relief.

In the event the violation constitutes an immediate danger to public health or public safety, representatives of the City are authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The City is authorized to seek costs of the abatement as outlined in this Section.

- A. *Notice of Violation.* If the City 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.
 1. The notice of violation shall contain:
 - a. The name and address of the owner or the applicant or the responsible person;
 - b. The address or other description of the site upon which the violation is occurring;
 - c. A statement specifying the nature of the violation;
 - d. 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 [the City 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 the violation];
 - e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed and the City's intended action; and
 - f. A statement that the determination of violation may be appealed to the City of Alpharetta 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).
 2. Such notice may require without limitation:
 - a. The performance of monitoring, analyses, and reporting;
 - b. The elimination of illicit discharges and illegal connections;
 - c. That violating discharges, practices, or operations shall cease and desist;
 - d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - e. Payment of costs to cover administrative and abatement costs; and,
 - f. The implementation of pollution prevention practices.

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- B. *Appeal of Notice of Violation.* Any person receiving a Notice of Violation may appeal the determination of the City in accordance with Section 4.5 Appeals. The notice of appeal must be received within thirty (30) days from the date of the Notice of Violation. Hearing on the appeal before the Zoning Board of Appeals of their designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the appropriate authority or their designee shall be final.
- C. *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 ten (10) days of the decision of the appropriate authority upholding the decision of the City, then representatives of the City may 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.
- D. *Costs of Abatement of the Violation.* Within thirty (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 assessment or to the amount of the assessment within fifteen (15) days of such notice. If the amount due is not paid within thirty (30) days after receipt of the notice, or if an appeal is taken, within thirty (30) days after a decision on said 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.

- E. *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 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 hour 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 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 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 may refuse to approve 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 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 may deem necessary] to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
 4. **Penalties.**
 - a. 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 shall deem appropriate (except,

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that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient), after the City has taken one or more of the actions described above, the City may impose a penalty not to exceed \$2,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

- b. For intentional and flagrant violations of this ordinance, the City may issue a citation to the applicant or other responsible person, requiring such person to appear in any court of competent jurisdiction to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$2,000 or imprisonment for 30 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.
 - c. Each violation of this Ordinance is subject to a penalty not to exceed two thousand dollars (\$2,000.00) or thirty (30) days in the City's jail.
 - (1) The City may institute appropriate actions or proceedings at law or equity for the enforcement of this Ordinance;
 - (2) Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, or other appropriate forms of remedy or relief;
 - (3) Each day of noncompliance is considered a separate offense; and
 - (4) Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief.
 - d. Any person who undertakes any development activity requiring a stormwater management plan hereunder without first submitting the plan for review and approval shall pay to the City, in addition to any permit or inspection fee, an administrative fee of five thousand dollars (\$5,000.00).
 - e. The determination by the City that a violation of this Ordinance has occurred shall be conclusive and final unless the accused violator submits a written request for a hearing within seven (7) days of the violation notice being served.
- F. *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, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.
- G. *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 the City of Alpharetta may seek cumulative remedies.

The City may recover attorney's fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses

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SECTION 3.4 - FLOODPLAIN MANAGEMENT

3.4.1 General.

A. *Introduction.* It is hereby determined that:

The flood hazard areas of the City 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, the City establishes this set of floodplain management and flood hazard reduction provisions 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 damages is in the public interest and will minimize threats to public health and safety, as well as to private and public property.

B. *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.

C. *Applicability.* This ordinance shall be applicable to all areas within the jurisdiction of the City.

D. *Designation of Ordinance Administrator.* The Directors of Community Development and Public Works and their designees are hereby appointed to administer and implement the provisions of this ordinance.

E. *Basis for Establishing Areas of Special Flood Hazard.* Areas of Future-Conditions Flood Hazard and Associated Floodplain Characteristics - Flood Area Maps and Studies.

For the purposes of defining and determining "Areas of Special Flood Hazard," "Areas of Future - conditions Flood Hazard," "Areas of Shallow Flooding," "Base Flood Elevations," "Floodplains," "Future-conditions Flood Elevations," "Future-conditions Floodplains," potential flood hazard or risk categories as

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shown on FIRM maps, and other terms used in this ordinance, the following documents and sources may be used for such purposes and are adopted by reference thereto:

1. The Flood Insurance Study (FIS), dated June 19, 2020, with accompanying maps and other supporting data and any revision thereto. For those land areas acquired by a municipality through annexation, the current effective FIS and data for Fulton County, dated June 19, 2020, with accompanying maps and other supporting data and any revision thereto.
 2. Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the base or one-percent (100-year) floodplain and floodprone areas including:
 - 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 the City; and
 - b. Any base flood study conducted by a licensed professional engineer which has been prepared utilizing FEMA approved methodology and approved by the City.
 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 including:
 - 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 the City; and
 - b. Any future-conditions flood study conducted by a licensed professional engineer which has been prepared utilizing FEMA approved methodology approved by the City.
 4. The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the Public Works Department.
- F. *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 another 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.
- G. *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.
- H. *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 the City or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

3.4.2 Definitions.

Addition means any walled and roofed expansion to the perimeter or height of a building.

Adjacent means those areas located within 200 horizontal feet (or greater as determined by the City) from the future-conditions floodplain boundary that are at or lower in elevation than either three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher, unless the area is hydraulically independent (meaning absolutely no connection to the flooding source such as through pipes, sewer laterals, down drains, foundation drains, ground seepage, overland flow, gated or valved pipes, excavated and backfilled trenches, etc. with no fill or other manmade barriers creating the separation).

Appeal means a request for a review of the Directors of Community Development and Public Works' interpretation of any provision of this ordinance.

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Area of Future-conditions Flood Hazard means the land area that would be inundated by the one-percent-annual-chance flood based on future-conditions hydrology (100-year future-conditions flood).

Area of Shallow Flooding means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater chance of flooding to an average depth of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard means the land area 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 designated as Zones A, A1-30, A-99, AE, AO, AH, and AR on a community's Flood Insurance Rate Map (FIRM).

Accessory Structure or Facility means a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the primary structure.

Base Flood means 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 means the highest water surface elevation anticipated at any given location during the base flood.

Basement means any area of a building having its floor subgrade below ground level on all sides.

Building has the same meaning as "Structure".

Critical Facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Development means 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 means a non-basement building which has its lowest elevated floor raised above the ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing Construction means any structure for which the "start of construction" commenced before December 17, 1987, the effective date of the initial floodplain management ordinance adopted by the City as a basis for its participation in the National Flood Insurance Program (NFIP).

Existing Manufactured Home Park or Subdivision means 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 before December 17, 1987, the effective date of the initial floodplain management ordinance adopted by the City as a basis for its participation in the National Flood Insurance Program (NFIP).

Expansion to an Existing Manufactured Home Park or Subdivision means 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 means the Federal Emergency Management Agency.

Flood or Flooding means 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 Insurance Rate Map or *FIRM* means an official map of a community, issued by the FEMA, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

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Flood Insurance Study or FIS means the official report by the FEMA providing an examination, evaluation, and determination of flood hazards and corresponding flood profiles and water surface elevations of the base flood.

Floodplain or Flood-prone Area means any land area susceptible to flooding.

Floodproofing means 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 means the channel of a stream, river, or other watercourse and the adjacent areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally Dependent Use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Future-conditions Flood means 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 means the highest water surface elevation anticipated at any given location during the future-conditions flood.

Future-conditions Hydrology means the flood discharges associated with projected land-use conditions based on a community's zoning maps, comprehensive land-use plans, and/or watershed study projections, and without consideration of the projected future construction of stormwater management (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 means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic Structure means 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 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 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 means 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 so as to render the structure in violation of other provisions of this code.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when attached 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 one hundred eighty (180) consecutive days or longer and intended to be improved property. The term does not include a "recreational vehicle".

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Mean Sea Level means the datum to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced. For purposes of this ordinance the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988.

New Construction means any structure (see definition) for which the "start of construction" commenced on or after December 17, 1987 [the effective date of the first floodplain management ordinance adopted by the City as a basis for participation in the National Flood Insurance Program (NFIP)] and includes any subsequent improvements to the structure.

New Manufactured Home Park or Subdivision means 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 17, 1987 [the effective date of the initial floodplain management ordinance adopted by the City as a basis for participation in the National Flood Insurance Program (NFIP)].

North American Vertical Datum (NAVD) of 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

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 to the applicant which is required for undertaking any land development activity.

Recreational Vehicle means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by light duty truck; and,
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Repetitive Loss means flood related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

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

Start of Construction includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of the structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or 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 accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure. 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 means a walled and roofed building (including a gas or liquid storage tank), that is principally above ground, or a manufactured home.

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.

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Substantial Damage means 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. This term also includes Repetitive Loss.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement to a structure, taking place during a 10-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the building 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 repair work performed. The term does not, however, include those improvements of a structure required to comply with existing state and local health, sanitary, or safety code specifications which are the minimum necessary to assure safe living conditions, which have been identified by the Code Enforcement Official. The term does also not include any alterations of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Substantially Improved Existing Manufactured Home Park or Subdivision means 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 means a grant of relief from the requirements of this ordinance.

Violation means the failure of a structure or other development to be fully compliant with the requirements of this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

3.4.3 Permit procedures and requirements.

A. *Permit Application Requirements.* No owner or developer shall perform any land development activities on a site where an Area of Special Flood Hazard or Area of Future-conditions Flood Hazard is located without first meeting the requirements of this ordinance prior to commencing the proposed activity.

Unless specifically excluded by this ordinance, any owner or developer desiring a permit for a land development activity shall submit to the City a permit application on a form provided by the City for that purpose.

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 or Area of Future-conditions Flood Hazard located on the site shall 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

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- i. Certification of the above by a licensed 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 floodproofed;
 - c. Certification that any proposed non-residential floodproofed structure meets the criteria in Subsection 3.4.5.B.2;
 - d. For enclosures below the base flood elevation, location and total net area of flood openings as required in Subsection 3.4.5.A.5; and
 - e. Design plans certified by a licensed 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 floodways, 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, including but not limited to permits required by Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334; and
6. All appropriate certifications required under this ordinance.

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.* For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the Director of Community Development a certified as-built Elevation Certificate or Floodproofing Certificate for non-residential construction including the lowest floor elevation or floodproofing level immediately after the lowest floor or floodproofing 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 licensed land surveyor or professional engineer and certified by same. When floodproofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same using the FEMA Floodproofing Certificate. This certification shall also include the design and operation/maintenance plan to assure continued viability of the floodproofing measures.

Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The Director of Community Development 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 caused to issue a stop work order for the project.

- D. *Duties and Responsibilities of the Directors of Community Development and Public Works.* Duties of the Directors of Community Development and Public Works shall include, but shall not be limited to:
1. Review all land 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;

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2. Review proposed development to assure that 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;
3. When Base Flood Elevation data or floodway data have not been provided, then the City ~~Engineer~~ 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 3.4.4 and 3.4.5;
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 and substantially improved structures;
5. Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been floodproofed;
6. When floodproofing is utilized for a non-residential structure, the Director of Community Development shall review the design and operation/maintenance plan and obtain certification from a licensed professional engineer or architect;
7. Notify affected adjacent communities and the Georgia Department of Natural Resources (GA DNR) 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 City ~~Engineer~~ 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;
9. All records pertaining to the provisions of this ordinance shall be maintained in the office of the Public Works or Community Development Departments and shall be open for public inspection.
10. Coordinate all FIRM revisions with the GA DNR and FEMA; and
11. Review variance applications and make recommendations to the City Council, Code Enforcement Board, Board of Zoning Appeals, and Planning Commission.

3.4.4 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 the City. If future-conditions elevation data is not available from the City, then it shall be determined by a licensed professional engineer using a method approved by FEMA and the City.

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 provided by the City. If floodway data is not available from the City, then it shall be determined by a licensed professional engineer using a method approved by FEMA and the City.

C. *General Standards.*

1. No development shall be allowed within any Area of Special Flood Hazard or Area of Future-conditions Flood Hazard 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;

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- 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 any Area of Special Flood Hazard or Area of Future-conditions Flood Hazard allowed under 3.4.4C1 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 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 3.4.4.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 using the Community Concurrence 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 development, the applicant shall submit as-built surveys and plans 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 floodways. This study shall be prepared by a licensed professional engineer and made a part of the application for a permit. This information shall be submitted to and approved by the City prior 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. 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;

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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 will not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A licensed 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 until an affirmative Conditional Letter of Map Revision (CLOMR) is issued by FEMA or a no-rise certification is approved by the City.
- F. *Maintenance Requirements.* The property owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on the property so that the flood-carrying or flood storage capacity is maintained. The City may direct the property owner (at no cost to the City) 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.

3.4.5 Provisions for flood damage reduction.

In all Areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard the following provisions apply:

A. *General Standards.*

1. New construction and substantial improvements of structures (residential or non-residential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sections 3.4.4.C, 3.4.4.D and 3.4.4.E have been met;
2. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. Elevated Buildings - All new construction and substantial improvements that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or 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 licensed professional engineer or architect to meet or exceed the following minimum criteria:
 - (1) 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;

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- (2) The bottom of all openings shall be no higher than one foot above grade; and
 - (3) 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 ordinance, the unfinished or flood resistant enclosure shall only 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 finished or partitioned 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, and 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. All proposed development shall include adequate drainage and stormwater management facilities per the requirements of the City to reduce exposure to flood hazards.
 9. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 10. 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;
 11. On-site waste disposal systems shall be located and constructed to avoid impairment to or contamination from such systems during flooding;
 12. Other public utilities such as gas and electric systems shall be located and **constructed** to avoid impairments to them, or public safety hazards from them, during a flood;
 13. 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.
 14. 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 flood elevation and development standards shall take precedence.
 15. When only a portion of a proposed structure is located within a flood zone or the future conditions floodplain, the entire structure shall meet the requirements of this ordinance; and
 16. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reasonably safe from flooding:
 - a. All such proposals shall be consistent with the need to minimize flood damage within the flood-prone area;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage shall be provided to reduce exposure to flood hazards.
- B. *Building Standards for Structures and Buildings Within the Future-Conditions Floodplain.*
1. *Residential Buildings.*
 - a. *New construction.* New construction of principal residential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sections

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3.4.4.C, 3.4.4.D, and 3.4.4.E have been met. If all requirements of Sections 3.4.4.C, 3.4.4.D, and 3.4.4.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 automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Subsection 3.4.5.A.5.

- b. *Substantial Improvements.* Substantial improvement of any principal residential structure 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 automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Subsection 3.4.5.A.5.

2. *Non-Residential Buildings.*

- a. *New construction.* New construction of principal non-residential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sections 3.4.4.C, 3.4.4.D, and 3.4.4.E have been met. If all of the requirements of Sections 3.4.4.C, 3.4.4.D, and 3.4.4.E have been met, all new constructions shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 3.4.5.A.5. New construction that has met all of the requirements of Section 3.4.4.C, 3.4.4.D, and 3.4.4.E may be floodproofed 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 licensed 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 Chief Building Official using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan.

- b. *Substantial Improvements.* Substantial improvement of any principal non-residential structure located in AI-30, AE, or AH zones, may be authorized by the Director of Community Development to be elevated or floodproofed. Substantial improvements shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should the solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 3.4.5.A.5. Substantial improvements may be floodproofed 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 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 licensed 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 Chief Building Official using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan.

- 3. *Accessory Structures and Facilities.* Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, recreational facilities and other similar non-habitable structures and facilities) which meet the requirements of Sections 3.4.4.C, 3.4.4.D, and 3.4.4.E and are permitted to be located within the limits of the future-conditions floodplain shall be constructed

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of flood resistant materials and designed to provide adequate flood openings in accordance with Subsection 3.4.5.A.5 and be anchored to prevent flotation, collapse, and lateral movement of the structure.

4. *Standards for Recreational Vehicles.*

a. All recreational vehicles placed on sites must either:

- (1) 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
- (2) Meet all the requirements for "Residential Buildings—Substantial Improvements" (Subsection 3.4.5.B.1), 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 Sections 3.4.4.C, 3.4.4.D, and 3.4.4.E have been met. If all the requirements of Sections 3.4.4.C, 3.4.4.D, and 3.4.4.E have been met, all new construction and substantial improvement 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 automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with section 3.4.5.A.5.

b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:

- (1) 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
- (2) 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 the standards of Subsection 3.4.5.A.7.

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

1. *Residential Buildings* - For new construction and 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. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with Section 3.4.5.A.5.

2. *Non-Residential Buildings* - For new construction and 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. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with Section 3.4.5.A.5. Non-residential buildings may be floodproofed in lieu of elevation.

D. *Building Standards for Residential Single-Lot Developments on Streams Without Established Base Flood Elevations and Floodway (A-Zones).* For a residential single-lot development not part of a

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subdivision that has Areas of Special Flood Hazard, where streams exist but no base flood data have been provided (A-Zones), the Director of Community Development or Public Works shall review and reasonably utilize any available scientific or historic flood elevation data available from a Federal, State, or other source, in order to administer the provisions and standards of this Section. If data are not available from 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 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. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided for flood prone enclosures in accordance with Subsection 3.4.5.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 new construction and 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. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided in accordance with standards of Subsection 3.4.5.A.5.
2. New construction and substantial improvement of a non-residential structure may be floodproofed 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 licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice, and shall provide such certification to the Chief Building Official using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan; and
3. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

F. *Standards for Subdivisions of Land.*

1. All subdivision proposals shall identify the Areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard therein 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 3.4.3.B.2.

G. *Critical Facilities.* Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area preferably outside the 0.2% annual chance floodplain. Construction of new critical facilities may be permissible within the 0.2% annual chance floodplain if feasible alternative sites are unavailable. Access routes elevated to or above the level of base flood elevation and future flood elevation shall be provided to all critical facilities to the maximum extent possible.

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3.4.6 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.

1. Requests for variances from the requirements of this ordinance shall be submitted to the City. All such requests shall be heard and decided in accordance with procedures to be published in writing by the City. 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 shall have the right to appeal such decision to the Board of Zoning Appeals as established by the City in accordance with procedures to be published in writing by the Board of Zoning Appeals. 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 Board of Zoning Appeals may appeal such decision to the superior court, 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 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 Article 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 City and Board of Zoning Appeals 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.
 - 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 resulting from the lowest floor elevation being placed below the base flood elevation will be commensurate with the increased risk to life and that such costs may be as high as \$25 for each \$100 of insurance coverage provided.
 - d. The Directors of Community Development and Public Works shall maintain the records of all variance actions, both granted and denied, and report them 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 City and Board of Zoning Appeals shall deem necessary for the consideration of the request.

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10. Upon consideration of the factors listed above and the purposes of this ordinance, the City and the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
11. Variances will not be issued "after the fact."

3.4.7 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.

- A. *Notice of Violation.* If the City 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 therefore, 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 by filing a written notice of appeal within fifteen (15) days after the notice of violation.
- 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 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 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 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 may refuse to approve 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 may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit

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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 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 has taken one or more of the actions described above, the City 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.
5. *Criminal Penalties* - For intentional and flagrant violations of this ordinance, the City may issue a citation to the applicant or other responsible person, requiring such person to appear in any court of competent jurisdiction 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.

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SECTION 3.3 - ~~STORM WATER~~STORMWATER MANAGEMENT—GENERAL

3.3.1 General Post-Construction Stormwater Management for New Development and Redevelopment.

A. *Introduction.*

It is hereby determined that:

~~Land development projects and other land use conversions, and their associated changes to land cover, permanently alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which in turn increase flooding, stream channel erosion, and sediment transport and deposition;~~

~~Land development projects and other land use conversions also contribute to increased nonpoint source pollution and degradation of receiving waters;~~

~~The impacts of post-development stormwater runoff quantity and quality can adversely affect public safety, public and private property, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters;~~

~~These adverse impacts can be controlled and minimized through the regulation of stormwater runoff quantity and quality from new development and redevelopment, by the use of both structural facilities as well as nonstructural measures, such as the conservation of open space and greenspace areas. The preservation and protection of natural area and greenspace for stormwater management benefits is encouraged through the use of incentives or "credits." The Georgia Greenspace Program provides a mechanism for the preservation and coordination of those greenspace areas which provide stormwater management quality and quantity benefits;~~

~~Localities in the State of Georgia are required to comply with a number of both State and Federal laws, regulations and permits which require a locality to address the impacts of post-development stormwater runoff quality and nonpoint source pollution;~~

~~Therefore, the City of Alpharetta has established this set of stormwater management policies to provide reasonable guidance for the regulation of post-development stormwater runoff for the purpose of protecting local water resources from degradation. It has determined that it is in the public interest to regulate post-development stormwater runoff discharges in order to control and minimize increases in stormwater runoff rates and volumes, post-construction soil erosion and sedimentation, stream channel erosion, and nonpoint source pollution associated with post-development stormwater runoff.~~

~~B. *Purpose and Intent.* 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 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. Additionally, the city is required to comply with several State and Federal laws, regulations, and permits and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quality, velocity, and quality of post-construction runoff. 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; to meet this purpose, where practicable, the use of on-site runoff reduction measures is encouraged, including but not limited to preservation of~~

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existing natural areas; bioretention areas; permeable pavement for parking; vegetated swales; cisterns; greenroofs; and underground detention;

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 City'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.

C. B. Definitions.

Administrator. The person appointed to administer and implement this section on Post-Construction Stormwater Management for New Development and Redevelopment in accordance with Section 3.3.1.

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Agriculture Use. The establishment, cultivation, or harvesting of products of the field or orchard; the preparation and planting of pasture land; farm ponds; and the construction of farm buildings.

ASPH. The latest edition of the Alpharetta Stormwater Policy Handbook and all its appendices.

Applicant. A person submitting a land development application for approval.

BMP or Best Management Practices. Both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

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

Channel. A natural or artificial watercourse with a definite bed and banks that conveys continuously or periodically flowing water.

Conservation Easement. An agreement between a land owner and the City of Alpharetta 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. The temporary storage of stormwater runoff in a stormwater detention facility for the purpose of controlling the peak discharge.

Detention Facility. A structure designed for the storage and gradual release of stormwater runoff at controlled rates.

Developer. A person who undertakes land development activities.

Development. New development or redevelopment..

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Drainage Easement. 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.

Extended Detention. The storage of stormwater runoff for an extended period of time.

Extreme Flood Protection. Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

Flooding. A volume of surface water that exceeds the banks or walls of a BMP or channel and overflows onto adjacent lands.

GSMM. The latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook, and its Appendices.

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

Hydrologic Soil Group (HSG). 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 Surface. A surface composed of any material that significantly impedes or prevents the natural infiltration of water into the soil. Pervious paving and green roofs are not considered impervious cover only if they have a stormwater design and inspection and maintenance plan.

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

Infiltration. The process of percolating stormwater runoff into the subsoil.

Inspection and Maintenance Agreement. A written agreement providing for the long-term inspection and maintenance of stormwater management system and its components on a site.

Jurisdictional Wetland. 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.

Land Development. 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 Application. The application for a land development permit on a form provided by the city along with the supporting documentation required in Section 3.3.1 J.

Land Development Permit. The authorization necessary to begin construction-related, land disturbing activity.

Land Disturbance Activities. Those actions or activities which comprise, facilitate or result in land disturbance.

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

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Linear Feasibility Program. A feasibility program developed by the city and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria for determining when implementation of stormwater management standards for linear transportation projects being constructed by the city is infeasible.

Linear Transportation Projects. Construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

Maintenance. Any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this Ordinance and to prevent structural failure of such facilities.

MS4 Permit. The NPDES permit issued by Georgia Environmental Protection Division for discharges from the city's municipal storm sewer system.

New Development. A land development activity, structural development (construction, installation, or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

Nonpoint Source Pollution. 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. 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. A stormwater management facility located outside the boundaries of the site.

On-Site Facility. A stormwater management facility located within the boundaries of the site.

Overbank Flood Protection. 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).

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.

Person. 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-construction Stormwater Management. Stormwater best management practices that are used on a permanent basis to control and treat runoff once construction has been completed in accordance with a stormwater management plan.

Post-development. The conditions anticipated to exist on a site immediately after completion of the proposed development.

Pre-development Hydrology. Is (a) for new development, the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before implementation of the proposed development (CN=55); and (b) for redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property as defined by the city.

Previously Developed Site. A site that has been altered by paving, construction, and/or land disturbing activity.

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Private. Property or facilities owned by individuals, corporations, and other organizations and not by city, state, or federal government.

Project. A land development project.

Redevelopment. Structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surfaces not as part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling where footprint is unaltered (removal and replacement in same location is not considered unaltered).

Regional Stormwater Management Facility or Regional Facility. 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.

Routine Maintenance. Activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or caused additional nonpoint source pollution.

Runoff. Stormwater runoff.

Runoff Reduction Measures. Preservation of an area's landscape features (vegetation, soils, and natural processes) that help manage and reduce stormwater runoff from a development or redevelopment site. Runoff reduction measures also include structurally engineered practices (such as bioretention areas, bioswales, pervious paving, greenroofs, greenwalls, stormwater street trees, and cisterns) that mimic natural processes to manage stormwater as close to its source as possible and reduce stormwater runoff from the site. In addition to stormwater management, runoff reduction measures can enhance site aesthetics, improve air quality, reduce urban heat island impacts, provide shading, create wildlife habitat, reduce energy consumption, reduce infrastructure costs, and increase property values. Above-ground cisterns require architectural and/or landscape screening that compliments the architecture of the building and is of like or similar materials used in the building's construction. Cisterns and other vertical runoff reduction measures and their screening shall require approval by the Community Development Director.

Site. An area of land where development is planned, which may include all or portions of one or more parcels. For subdivisions or other common plans of development, the site includes all areas of land cover under an applicable land development permit.

Stormwater Better Site Design. 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 Concept Plan. An initial plan for post-construction stormwater management at the site that provides the groundwork for the stormwater management plan including the natural resources inventory, site layout concept, initial runoff characterization, and first round stormwater management system design.

Stormwater Management Plan. A plan for post-construction stormwater management at the site that meets the requirements of Section 3.3.1 H and is included as part of the land development application.

Stormwater Management System. The entire set of non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner designed to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote public health, safety, and general welfare.

Stormwater Retrofit. 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.

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Stormwater Runoff. Flow on the surface of the ground, resulting from precipitation.

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.

C. Adoption and Implementation of the GSMM; Conflicts and Inconsistencies.

a. In implementing this Article, Alpharetta shall use and require compliance with all relevant design standards, calculations, formulas, methods, and standards from the latest edition of the GSMM (including all related appendices) and the Alpharetta Stormwater Policy Handbook (ASPH). The ASPH provides specific design requirements of the city and clarifies guidance language provided in the GSMM. The policy handbook may be updated and expanded periodically, based on improvements in science, engineering, monitoring, and local maintenance experience. However, failure to update the policy handbook shall not relieve any applicant from the obligation to comply with the requirements of this ordinance and shall not prevent the city from imposing the most current and effective practices. The policy handbook may establish design standards for new development and redevelopment that includes the creation of less than 5,000 square feet of impervious cover or involves land development activity of less than one (1) acre.

b. This Article or Section is not intended to modify or repeal any other Article, Section, ordinance, rule, regulation, or other provision of law, including but not limited to, any applicable stream buffers under state and local laws, and the Georgia Safe Dams Act and Rules for Dam Safety. In the event of any conflict or inconsistency between any provision in the city's MS4 permit and this Article, the provision from the MS4 permit shall control. In the event of any conflict or inconsistency between any provision of this Article and the GSMM, the provision from this Article shall control. In the event of any other conflict or inconsistency between any provision of this Article or Section and any other ordinance, rule, regulation, or other provision of law, the provision that is more restrictive or imposes higher protective standards for human health or the environment shall control.

c. If any provision of this Article or Section is invalidated by a court of competent jurisdiction, such judgement shall not affect or invalidate the remainder of this Article or Section.

D. Designation of Administrator. The Mayor may from time to time appoint someone to administer and implement this Section. Directors of Community Development and Public Works and their designees are appointed to administer and implement the provisions of this ordinance.

E. Applicability. Criteria for Stormwater Management Standards. This Section applies to the following activities:

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 b below. These standards apply to any new development or redevelopment site that meets one or more of the following criteria:

- a. New development that creates or adds Runoff reduction and water quality shall be required for any new or redevelopment that includes the creation of 1,000 square feet or greater of new impervious area or that involves land disturbing activity of 1 acre of land or more. Detention (including channel protection) shall be required for any new or redevelopment with an increase of 5,000 square feet of impervious area or more. The extent to which runoff reduction/water quality and detention must be provided (i.e. on new impervious area only, on disturbed area, or on entire site) is based on a tiered approach, and is specified in the City Stormwater Design Manual;
- b. Redevelopment (excluding routine maintenance and exterior remodeling) that creates or adds 1,000 square feet or greater of new impervious area; or redevelopment (excluding routine maintenance or exterior remodeling) that replaces 5,000 square feet or greater of impervious surface area; or redevelopment that involves land disturbance of 1 acre
Development or redevelopment that involves land development activities of one acre or more;

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- c. ~~Any new development or redevelopment, regardless of size, that is defined by the City Engineer or designee to be a hotspot land use; or, New development and redevelopment if~~
(i) such new development or redevelopment is part of a subdivision or other common plan of development, and
(ii) the sum of all associated impervious surfaces are or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the threshold in (a) or (b) above.
- d. ~~Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot land use as defined in this Article; or,~~
- e. ~~Land development activities that are smaller than the minimum applicability criteria set forth in item a 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. Linear transportation projects that exceed the threshold in (a) or (b) above.~~

~~2.-F. Exemptions from Stormwater Management Standards of Section 3.3.1. This Section does not apply to the following activities: The following activities are exempt from this ordinance:~~

- a. ~~Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs; Individual 'For-Sale' dwelling or duplex residential lots that are not part of a subdivision or phased development project;~~
- b. ~~Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement (this exemption does not negate the requirement to obtain utility encroachments permits from the city nor does it negate the requirement to get utility locate); Additions or modifications to existing 'For-Sale' dwelling or duplex residential structures;~~
- c. ~~Land disturbing activity conducted by local, state, authority, or federal agencies whose sole purpose is to implement stormwater management or environmental restoration; 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 City Engineer-Administrator;~~
- e. ~~Agricultural practices as described in O.C.G.A. 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in 3.3.1 E a and b;~~
- f. ~~Silviculture land management activities as described in O.C.G.A. 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the thresholds in 3.3.1 E a and b;~~
- g. ~~Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and~~
- h. ~~Linear transportation projects being constructed by the city to the extent the administrator determines that the stormwater management standards may be infeasible to apply, all or in part, for any portion of the linear transportation project. For this exemption to apply, an infeasibility report that is compliant with the city linear feasibility program shall be submitted to the administrator that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the administrator.~~

~~D. Stormwater Management Manual. The City of Alpharetta will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the Georgia Stormwater Management Manual and the City of Alpharetta Stormwater Management Design~~

EXHIBIT B

Manual, for the proper implementation of the requirements of this ordinance. The Public Works Department has developed a City Stormwater Management Design Manual to assist in the design and evaluation of stormwater management facilities and practices. The manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience. However, the failure to update the manual shall not relieve any applicant from the obligation to comply with the requirements of this ordinance, and shall not prevent the City Engineer from imposing the most current and effective practices. The manual may establish design standards for new development and redevelopment that includes the creation of less than 5,000 square feet of impervious cover or involves land development activity of less than one (1) acre.

E. *Effective Date.* This Ordinance shall become effective immediately upon adoption.

(~~Ord. No. 732, §§ 12-16, 2-6-2017~~)

EXHIBIT B

3.3.2 — Definitions.

~~*Accidental Discharge.* A discharge prohibited by this ordinance which occurs by chance and without planning or thought prior to occurrence.~~

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~~*Agriculture Use.* The establishment, cultivation, or harvesting of products of the field or orchard; the preparation and planting of pasture land; farm ponds; and the construction of farm buildings.~~

~~*Applicant.* A person submitting a post-development stormwater management application and plan for approval.~~

~~*Best Management Practices or "BMPs".* A wide range of management procedures, activities, and prohibitions on practices which control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use.~~

~~*Buffer.* With respect to a stream, a natural or enhanced vegetated area, lying adjacent to the stream.~~

~~*Channel.* A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.~~

~~*City of Alpharetta Separate Storm Sewer System.* Any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, City streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which is State Waters or is: Owned or maintained by the City of Alpharetta; Not a combined sewer; and Not part of a publicly-owned treatment works.~~

~~*Clean Water Act.* The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.~~

~~*Conservation Easement.* An agreement between a land owner and the City of Alpharetta 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.~~

~~*Construction Activity.* Activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.~~

~~*Detention.* The temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.~~

~~*Detention Facility.* A detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.~~

~~*Developer.* A person who undertakes land development activities.~~

EXHIBIT B

~~*Development.* A land development or land development project.~~

~~*Discharge.* The release of treated or untreated water to the stormwater system.~~

~~*Drainage Easement.* 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.* An acquired legal right for a specific use of land owned by others.~~

~~*Erosion and Sedimentation Control Plan.* A plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.~~

~~*Extended Detention.* The detention of stormwater runoff for an extended period, typically 24 hours or greater.~~

~~*Extreme Flood Protection.* Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.~~

~~*Flood or Flooding.* 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; or a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; or the unusual and rapid accumulation or runoff of surface waters from any source.~~

~~*Floodplain.* 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.~~

~~*Hotspot.* 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).* 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.~~

~~*Illegal Connection.* Either of the following:~~

~~Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or~~

~~Any pipe, open channel, drain or conveyance connected to the City of Alpharetta separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.~~

EXHIBIT B

Illicit Discharge. Any direct or indirect non-stormwater discharge to the City of Alpharetta separate storm sewer system, except as exempted in Section 3.3.9.C. of this ordinance.

Impervious Cover. A manmade structure or surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil below the structure or surface. Impervious surfaces include, but are not limited to, rooftops, buildings, walls, streets and roads, dams, wet extended or micropool detention ponds, and any concrete or asphalt surface. Streets, parking areas, sidewalks, and other surfaces constructed with pervious paving and green roofs shall not be considered impervious cover for the purposes of stormwater calculations in this Section of the UDC if it is a stormwater management practice with a recorded long-term maintenance agreement.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Industrial Stormwater Permit. 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. The process of percolating stormwater runoff into the subsoil.

Inspection and Maintenance Agreement. 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.

Jurisdictional Wetland. 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. 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. Those actions or activities which comprise, facilitate or result in land development.

Land Development Project. A discrete land development undertaking.

Land Disturbance. 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. Those actions or activities which comprise, facilitate or result in land disturbance.

Maintenance. Any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this Ordinance and to prevent structural failure of such facilities.

EXHIBIT B

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. A permit issued by the Georgia EPD 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.

New Development. A land development activity on a previously undeveloped site.

Non-perennial Stream. Any stream that is not classified as a perennial stream or that the City Engineer determines to be falsely classified as a perennial 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 City of Alpharetta may require field studies to verify the existence of a stream.

Nonpoint Source Pollution. 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.

Non-Stormwater Discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

Nonstructural Stormwater Management Practice or Nonstructural Practice. 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. A stormwater management facility located outside the boundaries of the site.

On-Site Facility. A stormwater management facility located within the boundaries of the site.

Overbank Flood Protection. 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. 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.

Parcel. Any plot, lot or acreage shown as a unit on the latest county tax assessment records.

Perennial Stream. Means any stream which is designated and shown as a permanent stream on the 7.5-minute quadrangle maps of the U.S. Geological Survey, plus any stream which the Mayor and City Council may determine to be, and designate as, a flowing stream.

EXHIBIT B

Permit. The permit issued by the City of Alpharetta to the applicant which is required for undertaking any land development activity.

Person. 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.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; chemicals; steam cleaning or laundry wastes; heated water; chlorinated water or chlorine (except as exempted above); non-hazardous liquid and solid wastes and yard wastes; bark and other fibrous material; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; animal carcasses; silt; acids or alkalis; recreational vehicle wastes; dyes (without prior permission of the Department); floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; washing of fresh concrete for cleaning and/or finishing purposes or to expose aggregates; and noxious or offensive matter of any kind.

Pollution. The contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Post-development. 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. 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.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Private. Property or facilities owned by individuals, corporations, and other organizations and not by city, state, or federal government.

Project. A land development project.

Protection Area, or Stream Protection Area. With respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

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Redevelopment. 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. 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.

Riparian. Belonging or related to the bank of a river, stream, lake, pond or impoundment.

Runoff. Stormwater runoff.

Runoff Reduction Measures. Preservation of an area's landscape features (vegetation, soils, and natural processes) that help manage and reduce stormwater runoff from a development or redevelopment site. Runoff reduction measures also include structurally engineered practices (such as bioretention areas, bioswales, pervious paving, greenroofs, greenwalls, stormwater street trees, and cisterns) that mimic natural processes to manage stormwater as close to its source as possible and reduce stormwater runoff from the site. In addition to stormwater management, runoff reduction measures can enhance site aesthetics, improve air quality, reduce urban heat island impacts, provide shading, create wildlife habitat, reduce energy consumption, reduce infrastructure costs, and increase property values. Above-ground cisterns require architectural and/or landscape screening that complements the architecture of the building and is of like or similar materials used in the building's construction. Cisterns and other vertical runoff reduction measures and their screening shall require approval by the Community Development Director.

Setback. With respect to a stream, the area extending beyond any buffer applicable to the stream.

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

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

Stormwater Better Site Design. 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. 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. Any infrastructure that controls or conveys stormwater runoff.

EXHIBIT B

~~*Stormwater Management Manual.* The most recent update of the City of Alpharetta Stormwater Management Design Manual, combined with the latest edition of the Georgia Stormwater Management Manual.~~

~~*Stormwater Management Measure.* Any stormwater management facility or nonstructural stormwater practice.~~

~~*Stormwater Management Plan.* 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.* 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.* 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 or Stormwater.* Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.~~

~~*Stream Bank.* The sloping land that contains the stream channel and the normal flows of the stream.~~

~~*Stream Channel.* The portion of a watercourse that contains the base flow of the stream.~~

~~*Structural Stormwater Control.* 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.* 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.~~

~~*Variance.* The modification of the minimum stormwater management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this Ordinance.~~

~~*Watershed.* The land area that drains into a particular stream.~~

~~(Ord. No. 732, § 17, 2-6-2017; Ord. No. 737, § 4, 5-1-2017; Ord. No. 772, § 6, 2-4-2019)~~

G. *Stormwater Management Standards.* Subject to the applicability criteria in 3.3.1 E and exemptions in 3.3.1 F the following stormwater management standards apply. Additional details for each standard can be found in the GSMM Section 2.2.2.2:

a. *Design of Stormwater Management System:* The design of the stormwater management system shall be in accordance with the applicable sections of the GSMM and the ASPH as

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directed by the administrator. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

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

(i) Topotgraphy (minimum of 2-foot contours) and Steep Slopes (i.e. Areas with Slopes Greater Than 15%).

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(ii) Natural Drainage Divides and Patterns,

(iii) Natural Drainage Features (e.g. swales, basins, depressional areas),

(iv) Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas, and river corridors,

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(v) Predominant soils (including erodible soils and karst areas), and

(vi) Existing predominant vegetation including trees, high quality habitat and other existing vegetation.

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

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d. Stormwater Runoff Quality / Redction: Stormwater Runoff Quality / Reduction shall be provided by using the following:

(i) For development with a stormwater management plan submitted before February 2, 2017, the applicant may choose either (A) Runoff Reduction or (B) Water quality.

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(ii) For development with a stormwater management plan submitted on or after February 2, 2017, the applicant shall choose (a) Runoff Reduction and additional water quality shall not be required. To the extent (a) Runoff Reduction has been determined to be infeasible for all or a portion of the site using the Practicability Policy, then (B) Water Quality shall apply for the remaining runoff from a 1.2-inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.

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

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

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(iii) If a site is determined to be a hotspot as detailed in 3.3.1 E, the city may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by the site.

e. Stream Channel Protection: Stream channel protection shall be provided by using all of the following three approaches:

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

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

(iii) Preservation of any applicable stream buffer.

(iv) Channel Protection may be adjusted or waived by the city for sites that discharge directly into larger streams, rivers, wetlands, or lakes, or to a man-made channel or conveyance system where the reduction in these flows will not have impact on upstream or downstream streambank or channel integrity.

f. Overbank Flood 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 25-year, 24-hour return frequency storm event. If control of the 1-year, 24-hour storm under Section 3.3.4.B. is exempted, then peak discharge rate attenuation of the 2-year through the 25-year return frequency storm event must be provided. This requirement may be adjusted or waived by the City Engineer for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.

g. Extreme Flood 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. This requirement may be adjusted or waived by the City Engineer for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.

h. Downstream Analysis: Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises 10% of the total drainage area in accordance with Section 3.1.9 of the GSMM. This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system. Analysis should include evaluation of 2, 5, 10, 25, and 100-year 24, hour storm events at each possible "choke point" between the site and the 10% point. This should include, but is not limited to culverts, pipes, and stream confluences. Post-development flow rates should not increase from pre-development flow

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rates except in those situations where the city has approved waivers of Overbank or Extreme Flood Protection in order to protect downstream peak flows.

i. Stormwater Management System Inspection and Maintenance: The components of the stormwater management system that will not be dedicated to and accepted by the city, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This plan shall be written in accordance with the requirements in Section 3.3.1 P, S, and T.

j. Stormwater Structural Controls: All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual and the additional requirements of the Alpharetta Stormwater Policy Handbook. 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 Engineer 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 Engineer 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.

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k. 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 3.3.4.A. The applicant may, if approved by the City Engineer, 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. To receive credit a conservation easement may be required by the city.

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l. 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, 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 one parcel, existing or proposed, shall meet the following requirements:

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(i) Methods to calculate stormwater flows shall be in accordance with the Stormwater Management Manual;

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(ii) 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 Management Manual; and,

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(iii) Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the Stormwater Management Manual.

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m. Dam Design Guidelines: Any land-disturbing activity that involves a site which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable and requirements outlined in the ASPH.

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H. Pre-Submittal Meeting, Stormwater Concept Plan, and Stormwater Management Plan Requirements.

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a. Before a land development permit application is submitted, an applicant shall request a pre-submittal meeting with the city. The pre-submittal meeting should take place based on an early step in the development process such as before site analysis and inventory (GSMM Section 2.4.2.4) or the stormwater concept plan (GSMM section 2.4.2.5). The pre-submittal meeting is required prior to submittal for a Land Disturbance Permit. The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. To the extent applicable, local and regional watershed plans, greenspace plans, trails and greenway plans, and other resource protection plans should be consulted in the pre-submittal meeting. Applicants must request a pre-submittal meeting with the city when applying for a Determination of Infeasibility through the Practicability Policy.

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b. The stormwater concept plan shall be prepared using the minimum following steps:

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

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

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

c. The stormwater concept plan shall contain:

(i) Common address and legal description of the site.

(ii) Vicinity map, and

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

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

(B) Perennial and intermittent streams.

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- (C) Mapping of predominant soils from USDA soil surveys.
- (D) Boundaries of existing predominant vegetation and proposed limits of clearing and grading.
- (E) Location and boundaries of other natural feasture protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, specimen trees, and other setbacks (e.g. drinking water well setbacks, septic setbacks, etc.).
- (F) Location of existing and proposed roads, buildings, parking areas, and other impervious surfaces.
- (G) Existing and proposed utilities (e.g. water, sewer, gas, electric) and easements.
- (H) Preliminary estimates of unified stormwater sizing criteria requirements.
- (I) Preliminary selection and location, size, and limits of disturbance of proposed BMPs.
- (J) Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains.
- (K) Flow paths.
- (L) Location of boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as applicable) and relationship of site to upstream and downstream properties and drainage.
- (M) Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings, and
- (N) Documentation if requesting determination of infeasibility for runoff reduction.

d.

3.3.3 Permit procedures and requirements.

~~A. Permit Application Requirements. No owner or developer shall perform any land development activities without first meeting the requirements of this ordinance prior to commencing the proposed activity.~~

Unless specifically exempted by this ordinance, any owner or developer proposing a land development activity shall submit to the City of Alpharetta a permit application on a form provided by the Community Development Department for that purpose.

Unless otherwise exempted by this ordinance, a permit application shall be accompanied by the following items in order to be considered:

- ~~1. Stormwater preliminary plan and consultation meeting certification in accordance with Section 3.3.3.B.;~~
- ~~2. Stormwater management plan in accordance with Section 3.3.3.C.;~~

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- 3.— Inspection and maintenance agreement in accordance with Section 3.3.3.D., if applicable;
- 4.— Performance bond in accordance with Section 3.3.3.E., if applicable; and,
- 5.— Permit application and plan review fees in accordance with Section 3.3.3.F.

B. ~~*Stormwater Preliminary Plan and Consultation Meeting.*~~ Before any stormwater management permit application is submitted, the land owner or developer shall meet with the City Engineer for a consultation meeting on a preliminary plan for the post-development stormwater management system to be utilized in the proposed land development project. This consultation meeting shall take place at the time of the preliminary plat of subdivision or other early step in the development process. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential ideas for stormwater management designs before the formal site design engineering is commenced.

To accomplish this goal the following information shall be included in the preliminary plan:

Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing topography; location of floodplain/floodway boundaries; wetland delineations; lakes and ponds; perennial and non-perennial streams; stream buffers and setbacks; mapping of predominant soils from soil surveys (when available); boundaries of existing predominant vegetation; forest cover; locations of specimen trees; zoning buffers; location of existing and proposed roads and other impervious surfaces; preliminary selection and location of proposed structural stormwater controls; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.

Local watershed plans, the City greenspace protection plan (if applicable), and any relevant resource protection plans will be consulted in the discussion of the preliminary plan.

C. ~~*Stormwater Management Plan Requirements.*~~ The stormwater management plan shall contain the items listed in this part 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. Items (iii), (iv), (v), and (vi) shall be sealed and signed by a registered Professional Engineer licensed in the state of Georgia. The overall site plan must be stamped by a design professional licensed in the State of Georgia for such purpose. (GSMM Section 2.4.2.7) 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 the information required in the Stormwater Management Site Plan checklist found in the ASPH. 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 the 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 which shows the adequacy of the off-site or regional facility. To be eligible for modification, the applicant must demonstrate to the satisfaction of the city that the use of the off-site or regional facility will not result in the following impacts to upstream or downstream areas: a. increased threat of flood damage to public health, life, and property; b. deterioration of existing culverts, bridges, dams, and other structures; c. accelerated streambank or streambed erosion or siltation; d. degradation of in-stream biological functions or habitat; or ea. Water quality impairment in violation of state water quality standards, and/or violation of any state or federal regulations. detail

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~~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 3.3.4 below.~~

~~This plan shall be in accordance with the criteria established in this Section and must be submitted with the stamp and signature of a Professional Engineer (PE) licensed in the state of Georgia, 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 Management Manual.~~

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~~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 Stormwater Management Manual. This includes:~~

- ~~1. Common address and legal description of site.~~
- ~~2. Vicinity Map.~~
- ~~3.~~

(i) Natural Resources Inventory

(ii) Stormwater Concept Plan

~~(iii) Existing Conditions Hydrologic Analysis. The existing conditions 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. The redevelopment guidelines, including how the predevelopment conditions will be modeled for redevelopment sites, will be established in the stormwater management manual.~~

(iv)

~~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; (pervious paved surfaces such as parking areas, sidewalks, and streets, and green roof areas shall be noted and included in #5. below, Stormwater Management System); 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 3.3.4; 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 of 1-acre or more of disturbance constitutes more than 50 percent of the site area for the entire site, then the runoff reduction performance standard in Section 3.3.4 must be met for the stormwater runoff from the entire site, at today's standard. The existing conditions hydrologic analysis can take into account the existing development when defining curve numbers and calculating existing runoff, except where a downstream property is negatively impacted by the current conditions (i.e. currently flooding from the existing runoff). In that instance, a forested condition must be used when defining curve numbers and calculating pre-development runoff.~~

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5. ~~_____ (v) 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 3.3.4; 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. ~~_____ (vi) 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 Management Manual.~~
7. ~~_____ (vii) Construction-Phase Erosion and Sedimentation Control Plan. An erosion and sedimentation control plan in accordance with Section 3.1.1 *Soil Erosion and Sedimentation Control* or the 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. ~~_____ (viii) BMP Landscape/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.~~

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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. The stormwater management manual establishes guidelines for easements and maintenance.~~

11. ~~(ix) Inspection and Maintenance Agreements. Unless an on-site stormwater management facility or practice is dedicated to and accepted by the City of Alpharetta as provided in Section 3.3.3.D. 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 3.3.3.D.~~

12. ~~(x) Evidence of Acquisition of Applicable Local and Non-local Permits. The applicant shall certify and provide documentation to the City Engineer that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.~~

(xi) Determination of Infeasibility (if applicable)

-(xii) Operations and Maintenance Plan

(xiii) Maintenance Access Easements

e. For redevelopment and to the extent existing stormwater management structures are being used to meet stormwater management standards the following must also be included in the stormwater management plan for existing stormwater management structures

(i) As-built Drawings

(ii) Hydrology Reports

(iii) Current inspection of existing stormwater management structures with deficiencies noted.

(iv) BMP Landscape Plans

f. Deed Recordation and Indications on Plat. The approval of the permit shall require an enforceable restriction on property usage that runs with the land, such as plat, easements, recorded deed restrictions or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans. The location of all designated natural area for a site shall be recorded at the County Register of Deeds Office as "undisturbed natural area". Designated protected stream buffer boundaries must be specified on all surveys and recorded plats. The applicable maintenance agreement pertaining to every structural BMP shall be referenced on the final plat and shall be recorded with the County Register of Deeds Office upon final plat approval, and shall be provided to the Directors of Public Works and Community Development within 14 days following receipt of the recorded document.

g. Fee-in-Lieu. The purpose of the fee-in-lieu program is to allow parcels being redeveloped to reduce on-site stormwater management requirements by paying a fee to the City. For redevelopment projects, the owner or designee of the proposed development site shall have the option of paying an in-lieu fee to the City which will be used by the City to construct stormwater improvement measures off-site. All of the required detention (including channel protection) must be met onsite. A minimum of 75% of the runoff reduction/water quality treatment must be provided on-site. The remainder of the runoff reduction/water quality treatment may be met by a fee-in-lieu payment. The owner must demonstrate no increased downstream negative impacts where there are incised streambank conditions. Fee-in-Lieu funds will be applied to the construction of stormwater improvement projects in the same HUC-12 watershed. Program qualifications and details are provided in the Stormwater Management Manual.

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I. *Application Fee.* The fee for review of any land development application shall be based on the fee structure established by the city, and payment shall be made before the issuance of any land disturbance permit or building permit for the development.

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J. *Application Procedures.* Land development applications are handled as part of the process to obtain the land disturbance permit pursuant to the Alpharetta unified Development Code, as applicable. Before any person begins development on a site, the owner of the site shall first obtain approval in accordance with the following procedure:

a. File a land development application with the city on the city's form of application along with the following supporting materials:

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(i) The stormwater management plan and report prepared in accordance with 3.3.1 H.

(ii) A certification that the development will be performed in accordance with the stormwater management plan once approved.

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(iii) Annotated checklists.

(iv) Proof of pre-submittal meeting including a copy of the stormwater concept plan.

(v) Documentation of preliminary determination of infeasibility for runoff reduction, as applicable, prepared in accordance with the practicability policy, and

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(vi) An acknowledgement that applicant has reviewed the city's form of inspection and maintenance agreement and that applicant agrees to sign and record such inspection and maintenance agreement before the final CO inspection. A copy of the proposed inspection and maintenance agreement must be included in the stormwater management plan or report.

b. The administrator shall inform the applicant whether the application and supporting materials are approved or disapproved.

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c. If the application or supporting materials are disapproved, the administrator 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 for the administrator to again consider and either approve or disapprove.

d. If the application and supporting materials are approved, the city may issue the associated land disturbance permit or building permit, provided all other legal requirements for the issuance of such permits have been met. The stormwater management plan included in such applications becomes the approved stormwater management plan.

e. Performance and Maintenance Bonds. The city may require performance and/or maintenance bonds for stormwater management facilities or practices and define the bond amounts. Bonds may be collected prior to issuance of a land disturbance permit, prior to approval of a final plat, prior to approval of a CO, and/or prior to final closeout of the construction site.

K. *Compliance with the Approved Stormwater Management Plan.* All development shall be:

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a. Consistent with the approved stormwater management plan and all applicable land disturbance and building permits.

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b. Conducted only within the areas specified in the approved stormwater management plan.

c. The city should be allowed to conduct periodic inspections of the project, and

d. Upon completion of the project, the applicant or other reasonable person shall submit the engineer's report and certificate and as-built plans required by Section 3.3.1 M.

L. *Inspections to Ensure Plan Compliance During Construction.* Periodic inspections of the stormwater management system during construction shall be conducted by the staff of the city or conducted and certified by a professional engineer who has been approved by the city. Inspections shall use the

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approved stormwater management plan for establishing compliance. All inspections shall be documented with written or electronic reports that contain the following information:

a. The date and location of the inspection;

b. Whether the stormwater management system is in compliance with the approved stormwater management plan;

c. Variations from the approved stormwater management plan; and

d. Any other variations or violations of the conditions of the approved stormwater management plan.

M. *Final Inspections; As-Built Drawings; Delivery of Inspection and Maintenance Agreement.* Upon completion of the development, the applicant is responsible for:

a. Certifying the stormwater management system is functioning properly and was constructed in conformance with the approved stormwater management plan and associated hydrologic analysis.

b. Submitting as-built drawings showing the final design specifications for all components of the stormwater management system as certified by a professional engineer.

c. Certifying that the landscaping is established and installed in conformance with the BMP landscaping plan, and

d. Delivering to the city a signed inspection and maintenance agreement that has been recorded by the owner in the property record for all parcel(s) that make up the site.

The required certification under part (a) shall include a certification of volume, or other performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and built according to the design specifications in the approved stormwater management plan. This certification and the required performance tests shall be performed by a qualified person and submitted to the city with the request for a final inspection. The city shall perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities. A final inspection by the city is required before the release of any performance securities or bonds can occur.

N. *Violations and Enforcement.* Any violation of the approved stormwater management plan during construction, failure to submit as-built drawings, failure to submit a final BMP landscaping plan, failure to follow the approved plans, failure to submit plans or changes for approval, or failure of the final inspection shall constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit pursuant to Section 3.3.9 of this ordinance. To address a violation of this Article or Section, the city shall have all the powers and remedies that are available to it for other violations of building and land disturbance permits, including without limitation the right to issue notices and orders to ensure compliance, stop work orders, and penalties as set forth in the applicable ordinances for such permits.

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

P.

D. ~~Stormwater Management~~ Inspection and Maintenance Agreements.

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1. a. General. 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 requires ongoing maintenance (as defined in the stormwater management manual), the applicant or The owner shall of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the City, execute an inspection and maintenance agreement with the city obligating the owner to inspect, clean, maintain, and repair the stormwater management system; including vegetation in the final BMP landscaping plan. The form of the inspection and maintenance agreement shall be for the form provided by the city or a city approved alternate. After the inspection and maintenance agreement has been signed by the owner and approved by the city, the owner shall promptly record such agreement at the owner's cost in the property record for all parcel(s) that make up the site, 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 Engineer prior to plan approval, and recorded in the deed records upon final plat approval.

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

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

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

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

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.

In addition to enforcing the terms of the inspection and maintenance agreement, the City may also enforce all of the provisions for ongoing inspection and maintenance in Section 3.3.8 of this ordinance.

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The City, 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. The City may refuse to accept dedication of any existing or future stormwater management facility if the City Engineer Director of Public Works or his/her designee determines that accepting the facility is not in the best interest of the City due to maintenance costs or other factors.

Q. Right-of-Entry for Maintenance Inspection. The terms of the inspection and maintenance agreement shall provide for the city's and representatives of the city's right of entry for maintenance inspections and other specified purposes. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then the city shall have the right to enter and make inspections pursuant to the city general provisions for property maintenance inspections pursuant to the Alpharetta Unified Development Code, the Alpharetta Property Maintenance Code, and the ASPH. 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.

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R. Owner's Failure to Maintain the Stormwater Management System. The terms of the inspection and maintenance agreement shall provide for what constitutes failure to maintain a stormwater management system and the enforcement options available to the city. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

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a. An owner's failure to maintain the stormwater management system so that it performs as it was originally designed shall constitute and be addressed as a violation of, or failure to comply with the owner's property maintenance obligations pursuant to the Alpharetta Unified Development Code, the Alpharetta Property Maintenance Code, and the ASPH.

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b. To address such a failure to maintain the stormwater management system, the city shall have all the powers and remedies that are available to it for other violations of an owner's property maintenance obligations, including without limitation prosecution, penalties, abatements, and emergency operations.

S. Maintenance Responsibilities. For all existing and new development, the following responsibilities should apply unless the existing maintenance agreement specifically denies responsibilities:

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a. Any stormwater management facility which services individual subdivisions shall be privately owned with routine maintenance provided for by the owner(s). In subdivisions with an established homeowners association, the homeowners association shall be assumed to be responsible for routine maintenance unless the HOA has established covenants, deeds, or restrictions placing responsibility back on specific property owners. The owner shall maintain a perpetual, non-exclusive easement which allows for access for inspection and other maintenance. Determination of whether the HOA or private property owners are responsible will be done by the legal system between the private entities, not the city.

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b. Any stormwater management facility which services an individual subdivision in which the facility is within designated open areas or an amenity with an established homeowners' association shall be privately owned and maintained by the property owner. The owner shall maintain a perpetual, non-exclusive easement which allows for access for inspection and emergency maintenance.

c. Any stormwater management facility which services commercial and industrial development shall be privately owned and maintained. The City shall reserve the right, but not the duty to enter the premises for emergency repairs.

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d. All other stormwater management facilities, including regional stormwater detention, shall be publicly owned, and/or maintained only if accepted for maintenance by the City.

e. Drainage easements where a subdivision is traversed by a water course, drainage way, natural stream or channel off the street right-of-way shall be clearly defined on the plat and deed of the individual property for the purpose of maintaining the free flow of water. The owner shall be required to keep the easement free of obstructions and will maintain same in such a way as to assure free and maximum flow at all times.

f. Records of Maintenance Activities. Parties responsible for the operation and maintenance of the stormwater management facility shall provide records of all maintenance and repairs to the Public Works Department.

g. 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 and the city becomes aware of such condition, the city 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 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 may correct the violation as provided in 3.3.1 R.

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

I.

2. Special Operations and Maintenance Agreement for Homeowners' Associations or Other Associations. For all stormwater management practices required pursuant to this ordinance that are to be owned and maintained by a homeowners' association, property association, or similar entity, the required operations and maintenance agreement shall include all of the following provisions:

- a. Acknowledgement that operations and maintenance agreements run with the land and impose pro rata liability upon individual lot owners. The developer and association agree that the operations and maintenance agreement run with the land and shall be binding upon themselves, their respective successors and assigns, including individual lot owners within the Subdivision. Any liability imposed against an individual landowner shall be prorated in a per lot basis as determined by the fraction of lot(s) owned by the individual lot owner.
- b. The Developer, Association, their respective successors and assigns, including individual lot owners within the subdivision agree to regularly and routinely inspect, clean, and maintain the LID BMP, and otherwise keep in good repair, at their own cost and expense.
- c. The Developer, Association, their respective successors and assigns, including individual lot owners within the subdivision agree that they will reimburse the city for its cost and expenses incurred in the process of cleaning, maintaining, and/or repairing the BMPs pursuant to this agreement in the event the BMPs are failing and the city chooses to intervene.

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- d. The Covenant of the Subdivision establishing the Association establishes that the Association is obligated to inspect, clean, maintain, and repair the BMPs; the Association has adopted the Operation and Maintenance Agreement as an obligation of the Association; and that a funding mechanism, such as an escrow account, is in place whereby individual lot owners within the subdivision pay a regular fee to the Association for the inspection, cleaning, maintenance, and repair of the stormwater management practice(s).
- e. Upon the initial sale of any lot within the Subdivision and prior to closing on such sale, the Developer shall give a copy of the Operation and Maintenance agreement to the potential buyer.
- f. The developer shall consider setting aside funds in a separate account for future HOA stormwater management system maintenance. The amount should be based on offsetting anticipated future maintenance costs.

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~~Both developer contribution and annual sinking funds shall fund the operations and maintenance escrow account. Prior to plat recordation, the developer shall pay into the escrow account an amount equal to 15 percent of the initial construction costs of the BMPs. A portion of the annual assessments of the association shall include an allocation into the escrow account. In the event the escrow account is not sufficient to fund ongoing maintenance or repayment of the City for emergency maintenance, the City may place a lien on the property.~~

~~E. Performance and Maintenance Bonds. The Stormwater Management Manual may require performance and/or maintenance bonds for stormwater management facilities or practices and define the bond amounts.~~

~~F. Application Procedure.~~

- ~~1. Applications for land development permits shall be filed with the Community Development Department in accordance with Section 4.4.3 Land Disturbance Permits.~~
- ~~2. Permit applications shall include the items set forth in Section 3.3.3.A. above (two copies of the stormwater management plan and the inspection maintenance agreement, if applicable, shall be included).~~
- ~~3. Upon a finding by the City Engineer that the permit application, stormwater management plan and inspection and maintenance agreement, if applicable, meet the requirements of this ordinance, the City Engineer will approve the plans. The land disturbance permit may then be issued by the Community Development Department, provided all other legal requirements for the issuance of such permit have been met.~~
- ~~4. 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 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; 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 3.3.5.B.~~

~~G. 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~~

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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 Engineer 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 Engineer 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.

H.—~~Deed Recordation and Indications on Plat.~~ The approval of the permit shall require an enforceable restriction on property usage that runs with the land, such as plat, easements, recorded deed restrictions or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans. The location of all designated natural area for a site shall be recorded at the County Register of Deeds Office as "undisturbed natural area". Designated protected stream buffer boundaries must be specified on all surveys and recorded plats. The applicable maintenance agreement pertaining to every structural BMP shall be referenced on the final plat and shall be recorded with the County Register of Deeds Office upon final plat approval, and shall be provided to the Directors of Public Works and Community Development within 14 days following receipt of the recorded document.

I.—~~Fee-In-Lieu.~~ The purpose of the fee-in-lieu program is to allow parcels being redeveloped to reduce on-site stormwater management requirements by paying a fee to the City. For re-development projects, the owner or designee of the proposed development site shall have the option of paying an in-lieu fee to the City which will be used by the City to construct stormwater improvement measures off-site. All of the required detention (including channel protection) must be met onsite. A minimum of 75% of the runoff reduction/water quality treatment must be provided on-site. The remainder of the runoff reduction/water quality treatment may be met by a fee-in-lieu payment. The owner must demonstrate no increased downstream negative impacts where there are incised streambank conditions. Fee-in-Lieu funds will be applied to the construction of stormwater improvement projects in the same HUC-12 watershed. Program qualifications and details are provided in the Stormwater Management Manual.

(Ord. No. 732, §§ 18—22, 2-6-2017)

3.3.4—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: Where practicable, the use of on-site runoff reduction measures is encouraged in meeting these criteria in conjunction with traditional stormwater management measures and/or off-site mitigation.

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:

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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 Public Works Department 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, this requirement may be adjusted or waived by the City Engineer for sites that discharge directly into larger streams, rivers, wetlands, or lakes, or to a man-made channel or conveyance system where the reduction in these flows will not have an impact on upstream or downstream streambank or channel integrity;~~
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 25-year, 24-hour return frequency storm event. If control of the 1-year, 24-hour storm under Section 3.3.4.B. is exempted, then peak discharge rate attenuation of the 2-year through the 25-year return frequency storm event must be provided. This requirement may be adjusted or waived by the City Engineer for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.~~

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. This requirement may be adjusted or waived by the City Engineer for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.~~

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 Engineer 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 Engineer 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.

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~~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 3.3.4.A. The applicant may, if approved by the City Engineer, 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, 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 one parcel, existing or proposed, shall meet the following requirements:~~

- ~~1. Methods to calculate stormwater flows shall be in accordance with the Stormwater Management 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 Management Manual; and,~~
- ~~3. Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the Stormwater Management Manual.~~

~~H. *Dam Design Guidelines.* Any land-disturbing activity that involves a site which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.~~

~~I. *Runoff Reduction.* Runoff reduction practices shall be sized and designed to retain the first 1.0 inch of rainfall on the site to the maximum extent practicable. If the entire 1.0 inch of rainfall can be retained onsite using runoff reduction methods, the City may waive the water quality volume. If the entire 1.0 inch runoff reduction standard cannot be achieved, the remaining runoff from the 1.2 inch rainfall event must be treated by BMPs to remove at least 80% of the calculated average annual post-development TSS loading from the site per the Water Quality criteria.~~

~~(Ord. No. 732, §§ 23–25, 2-6-2017)~~

3.3.5 — 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 City staff or conducted and certified by a professional engineer who has been approved by the City. 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~~

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~~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 is required before the release of any performance securities can occur.~~

~~(Ord. No. 732, § 26, 2-6-2017)~~

3.3.6-2 Stream buffer protection.

A. *Findings and Purposes.*

1. *Findings.* Whereas, the Public Works Department of City of Alpharetta finds that buffers adjacent to streams provide numerous benefits including:
 - a. Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources.
 - b. Removing pollutants delivered in urban stormwater.
 - c. Reducing erosion and controlling sedimentation.
 - d. Protecting and stabilizing stream banks.
 - e. Providing for infiltration of stormwater runoff.
 - f. Maintaining base flow of streams.
 - g. Contributing organic matter that is a source of food and energy for the aquatic ecosystem.
 - h. Providing tree canopy to shade streams and promote desirable aquatic habitat.
 - i. Providing riparian wildlife habitat.
 - j. Furnishing scenic value and recreational opportunity.
 - k. Providing opportunities for the protection and restoration of greenspace.
2. *Purposes.* The purpose of this Ordinance 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:
 - a. Create buffer zones along the streams of the City for the protection of water resources; and,
 - b. Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

B. Definitions

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Buffer means, with respect to a stream, a natural or enhanced vegetated area (established by Section 3.3.2 D), lying adjacent to the stream. The area of land adjacent to the banks of State waters in its natural state of vegetation, which facilitates, when properly vegetated, the protection of water quality and aquatic habitat (O.C.G.A. 12-7-6 (b)(15)).

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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.

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Impervious Cover means any manmade paved, hardened or structural surface regardless of the material. Impervious cover includes but is not limited to rooftops, buildings, streets, roads, decks, swimming pools, and any concrete, asphalt, or compacted gravel.

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Land Development means any land change, including but not limited to clearing, grubbing, stripping, removal or vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.

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Land Development Activity means those actions or activities which comprise, facilitate or result in land development.

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Land Disturbance means any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal or vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or other installation of impervious cover.

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Land Disturbance Activity means those actions or activities which comprise, facilitate or result in land disturbance.

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 city 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 3.3.2D extending beyond any buffer applicable to the stream.

Stream means any stream, beginning at:

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1. The location of a spring, seep, or groundwater outflow that sustains streamflow; or

2. A point in the stream channel with a drainage area of 25 acres or more; or

3. Where evidence indicates the presence of a stream in a drainage area of other than 25 acres, the city may require field studies to verify the existence of a stream.

Stream Bank means the confining cut of a stream channel and is usually identified as the point where the normal stream flow has wrested the vegetation.

Stream Channel means the portion of a watercourse that contains the base flow of the stream.

Watershed means the area that drains into a particular stream.

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C. *Applicability.* This ordinance shall apply to all land development activity on property containing a stream protection area. 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.

1. *Grandfather Provisions.* This ordinance shall not apply to the following activities:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. Grandfathering provisions only apply to Section 3.3.6-2 Stream Buffer Protection.
2. *Exemptions.* The following specific activities are exempt from this ordinance. 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 C below. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.
 - a. Activities for the purpose of building one of the following:
 - (1) A stream crossing by a driveway, transportation route or utility line;
 - (2) Public water supply intake or public wastewater outfall structures;
 - (3) Intrusions necessary to provide access to a property;
 - (4) Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
 - (5) Unpaved foot trails and paths;
 - (6) 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;
 - (7) The City of Alpharetta Greenway system (exemption applies to city buffers only).
 - b. 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 a., above.

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- c. Land development activities within a right-of-way existing at the time this ordinance takes effect or approved under the terms of this ordinance.
- d. 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.
- e. 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 Public Works Department on the next business day after commencement of the work. Within ten (10) days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the City ~~Engineer~~ 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.
- f. 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.

~~C.~~ D. Land Development Requirements.

1. **Buffer and Setback Requirements.** All land development activity subject to this ordinance shall meet the following requirements:
 - a. An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of a non-perennial stream as measured from the top of the stream bank. 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.
 - b. An undisturbed natural vegetative buffer shall be maintained for 100 feet, measured horizontally, on both banks (as applicable) of a perennial stream as measured from the top of the stream bank. An additional setback shall be maintained for 50 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. If approved by the City ~~Engineer~~, the buffer requirement may be achieved by maintaining an average of width of 100 feet and a minimum distance of 50 feet from each side of the stream as measured horizontally from the top of the stream bank. If approved by the City ~~Engineer~~, the setback may be achieved by restricting the construction of any impervious surface within an average setback of 150 feet on each side of the stream and a minimum distance of 75 feet as measured horizontally from the top of the stream bank. No averaging shall be allowed on the following:
 - (1) Big Creek.
 - (2) Foe Killer Creek.
 - (3) Any perennial stream within a seven (7) mile radius upstream of the Roswell water supply intake protected pursuant to Section 3.3.12.
 - c. No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.
 - d. No solid fences greater than four (4) feet in height are permitted within the buffer. Fences that are not private in nature (such as split rail) may be allowed for the delineation of property or other purposes not intended to disturb the buffer area.

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2. *Variance Procedures.* Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:

- a. 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 City of Alpharetta finds and determines that the requirements of this ordinance prohibit the otherwise lawful use of the property by the owner, the City ~~Engineer~~ 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.
- b. Requests for variances shall follow the procedures described in Section 4.5 and Section 5.2. Variances will be considered only in the following cases:
 - (1) 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.
 - (2) Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

Variances 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.

- c. At a minimum, a variance request shall include the following information:
 - (1) A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
 - (2) A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - (3) 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;
 - (4) Documentation of unusual hardship should the buffer be maintained;
 - (5) 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;
 - (6) A calculation of the total area and length of the proposed intrusion;
 - (7) A stormwater management site plan, if applicable; and,
 - (8) Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
- d. The following factors will be considered in determining whether to issue a variance:
 - (1) The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - (2) The locations of all streams on the property, including along property boundaries;
 - (3) The location and extent of the proposed buffer or setback intrusion; and,
 - (4) Whether alternative designs are possible which require less intrusion or no intrusion;
 - (5) The long-term and construction water-quality impacts of the proposed variance;
 - (6) Whether issuance of the variance is at least as protective of natural resources and the environment.

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~~D.E.~~ *Additional Information Requirements for Development on Buffer Zone Properties.* All buffer and setback areas must be recorded on the final plat of the property following plan approval. Any permit applications for property requiring buffers and setbacks hereunder must include the following:

1. A site plan showing:
 - a. The location of all streams on the property;
 - b. Limits of required stream buffers and setbacks on the property;
 - c. Buffer zone topography with contour lines at no greater than (2) two-foot contour intervals;
 - d. Delineation of forested and open areas in the buffer zone;
 - e. Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback; and
 - f. Location of the floodplain;
2. A description of all proposed land development within the buffer and setback; and,
3. Any other documentation that the City of Alpharetta may reasonably deem necessary for review of the application and to ~~insure~~ensure that the buffer zone ordinance is addressed in the approval process.

~~EE.~~ *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 the City of Alpharetta, its officers or employees, for injury or damage to persons or property.

~~FG.~~ *Inspection.* The City 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 in making such inspections. The City 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.

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([Ord. No. 732](#), § 27, 2-6-2017)

3.3.7-3 Wetlands.

A. Definitions.

~~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. Wetlands generally include swamps, marshes, bogs, and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation. 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.~~

Generalized Wetlands Map. The current U.S. fish and Wildlife Service National Wetlands Inventory maps for the City of Alpharetta, Georgia.

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Jurisdictional Wetlands. An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

Jurisdictional Wetland Determination. A delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. § 1344, as amended.

Regulated Activity. Any activity that will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the U.S. excepting those activities exempted in Section 404 of the Federal Clean Water Act.

B. *Establishment of the Wetlands Protection District.* The Wetlands Protection District is hereby established which shall correspond to all lands within the jurisdiction of the City of Alpharetta Georgia that are mapped as wetland areas by the U.S. Fish and Wildlife Service National Wetlands Inventory Maps. This map shall be referred to as the Wetlands Map and is hereby adopted by reference and declared to be a part of this ordinance, together with all explanatory matter thereon and attached thereto.

The Wetlands Map does not represent the boundaries of jurisdictional wetlands and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this ordinance does not relieve the landowner from federal or state permitting requirements.

C. *Protection Criteria.* No regulated activity will be permitted within the Wetlands Protection District without a permit from the City of Alpharetta. If the area proposed for development is located within 50 feet of a Wetlands Protection District boundary, as determined by the Director using the Generalized Wetlands Map, a U.S. Army Corps of Engineers determination shall be required. If the Corps determines that wetlands are present on the proposed development site, the local permit or permission will not be granted until a Section 404 Permit or Letter of Permission is issued.

The filling in of established lakes, ponds and wetlands is discouraged.

D. *Permitted Uses.* The following uses shall be allowed as of right within the Wetlands Protection District to the extent that they are not prohibited by any other ordinance or law, including laws of trespass, and provided they do not require structures, grading, fill, draining, or dredging except as provided herein.

1. Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided it does not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit.
2. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
3. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.
4. The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
5. The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved agricultural Best Management Practices are followed.
6. Education, scientific research, and nature trails.

E. *Prohibited Uses.* The following uses are not permitted within the Wetlands Protection District.

1. Receiving areas for toxic or hazardous waste or other contaminants;
2. Hazardous or sanitary waste landfills;

F. *Administration, plan review, and permitting procedures are provided for in Section 4.4 of this code.*

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3.3.8—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 Engineer 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 Public Works Department may correct the violation as provided in Subsection D hereof.~~

~~Inspection programs by the Public Works Department 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 representatives of the City 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 Public Works Department.~~

~~D. *Failure to Maintain.* If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the Public Works Department, 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 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.~~

~~E. *Maintenance Responsibility.* For all existing and new development the following maintenance responsibilities shall apply:~~

- ~~1. Any stormwater management facility which services individual subdivisions shall be privately owned with routine maintenance provided for by the owner(s). In subdivisions with an established homeowners association, the homeowners association shall be responsible for routine maintenance. The owner shall maintain a perpetual, non-exclusive easement which allows for access for inspection and other maintenance.~~
- ~~2. Any stormwater management facility which services an individual subdivision in which the facility is within designated open areas or an amenity with an established homeowners association shall be privately owned and maintained. The owner shall maintain a perpetual, non-exclusive easement which allows for access for inspection and emergency maintenance.~~

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- ~~3. Any stormwater management facility which services commercial and industrial development shall be privately owned and maintained. The City shall reserve the right, but not the duty to enter the premises for emergency repairs.~~
- ~~4. All other stormwater management facilities, including regional stormwater detention, shall be publicly owned and/or maintained only if accepted for maintenance by the City.~~
- ~~5. The director may require dedication of privately owned stormwater facilities, which discharge to the City's stormwater system, to the City.~~
- ~~6. Drainage easements where a subdivision is traversed by a water course, drainage way, natural stream or channel off the street right-of-way shall be clearly defined on the plat and deed of the individual property owner for the purpose of maintaining the free flow of water. The owner shall be required to keep the easement free of obstructions and will maintain same in such a way as to assure free and maximum flow at all times.~~

~~(Ord. No. 732, § 28, 2-6-2017)~~

3.3.9-4 Illicit Discharge and Illegal connection.

A. Findings. It is hereby determined that:

Discharges to the City of Alpharetta's separate storm sewer system that are not composed entirely of stormwater runoff contribute to increased nonpoint source pollution and degradation of receiving waters;

These non-stormwater discharges occur due to spills, dumping and improper connections to the City's separate storm sewer system from residential, industrial, commercial or institutional establishments.

These non-stormwater discharges not only impact waterways individually, but geographically dispersed, small volume non-stormwater discharges can have cumulative impacts on receiving waters.

The impacts of these discharges adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters;

These impacts can be minimized through the regulation of spills, dumping and discharges into the City's separate storm sewer system;

Localities in the State of Georgia are required to comply with a number of State and Federal laws, regulations and permits which require a locality to address the impacts of stormwater runoff quality and nonpoint source pollution due to improper non-stormwater discharges to the City's separate storm sewer system;

Therefore, the City of Alpharetta adopts this ordinance to prohibit such non-stormwater discharges to the City's separate storm sewer system. It is determined that the regulation of spills, improper dumping and discharges to the City's separate storm sewer system is in the public interest and will prevent threats to public health and safety, and the environment.

B. Purpose and Intent. The purpose of this ordinance is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the City's separate storm sewer system to the maximum extent practicable as required by Federal law. This ordinance establishes methods for controlling the introduction of pollutants into the City's separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are to:

1. Regulate the contribution of pollutants to the City's separate storm sewer system by any person;
2. Prohibit illicit discharges and illegal connections to the City's separate storm sewer system;
3. Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the City's separate storm sewer system; and,

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4. To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this ordinance;

5. No variances shall be granted to illicit discharge or illegal connection.

C. Applicability, Compatibility and Other Regulations, Severability, and Responsibility for Administration.

1. The provisions of this ordinance shall apply throughout the incorporated area of Alpharetta.

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

3. 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 judgement shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

4. The City shall administer, implement, and enforce the provisions of this ordinance.

D. Definitions.

Accidental Discharge means a discharge prohibited by this ordinance which occurs by chance and without planning or thought prior to occurrence.

City Separate Storm Sewer System means any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, city streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and manmade or altered drainage channels, reservoirs, and other drainage structures, and which is:

- a. Owned or maintained by the city;
- b. Not a combined sewer; and
- c. Not part of a publicly owned treatment works.

Clean Water Act means the Federal Water Pollution Control Act (33 USC § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity means activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Illicit Discharge means any direct or indirect non-stormwater discharge to the city separate storm sewer system, except as exempted in 3.3.4 D.

Illegal Connection means either of the following:

- a. Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or
- b. Any pipe, open channel, drain, or conveyance connected to the city separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

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Industrial Activity means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26(b)(14).

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit means a permit issued by the Georgia EPD 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-Stormwater Discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

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.

Pollutant means anything which causes or contributions to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that some may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from construction or building or structure; concrete and cement; and noxious or offensive matter of any kind.

Pollution means the contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gas, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

Premises mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

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

Stormwater Runoff or Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such 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.

E. Prohibition of Illicit Discharges. No person shall throw, drain, run, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into any component of the City of Alpharetta separate storm sewer system, or to cause permit or suffer to be thrown, drained, run, or allow to seep or otherwise discharge, into such system, any pollutants or waters containing any pollutants, other than stormwater.

1. The following discharges are exempt from the prohibition provision above:

- a. Water line flushing performed by a government agency, 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 dewatering systems), crawl space pumps,

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air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;

- b. Discharges or flows from firefighting, and other discharges specified in writing by the City of Alpharetta as being necessary to protect public health and safety;
- c. The prohibition provision above shall not apply to any non-stormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the State and 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 from the City ~~Engineer~~ has been granted for any discharge to the City's separate storm sewer system.

DE. *Prohibition of Illegal Connections.* The construction, connection, use, maintenance or continued existence of any illegal connection to the City's separate storm sewer system is prohibited.

1. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
2. A person violates this ordinance if the person connects a line conveying sewage to the City's separate storm sewer system, or allows such a connection to continue.
3. The person responsible for any connection in violation of this Ordinance shall immediately cause the illegal connection to be disconnected and redirected, if necessary to Fulton County's sanitary sewer system upon approval by the Director of Fulton County' sanitary sewer department or an approved onsite wastewater management system. Such person shall provide the City ~~Engineer~~ with written confirmation that the connection has been disconnected, and, if necessary, redirected to Fulton County sanitary sewer.
4. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the City ~~Engineer~~ requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the City ~~Engineer~~.

EG. *Industrial or Construction Activity Discharges.* Any person subject to an industrial or construction activity NPDES stormwater 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 ~~Engineer~~ prior to allowing discharges to the City's separate storm sewer system.

FH. *Access and Inspection of Properties and Facilities.* Representatives of the City shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this ordinance.

1. If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the City.
2. The owner or operator shall allow representatives of the City ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
3. The City shall have the right to set up on any property or facility such devices as are necessary in the opinion of representatives of the City to conduct monitoring and/or sampling of flow discharges.

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4. The City may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the Public Works Department. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.
 5. Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the City ~~Engineer~~ and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
 6. Unreasonable delays in allowing representatives of the City access to a facility is a violation of this ordinance.
 7. If a representative of the City has been refused access to any part of the premises from which stormwater is discharged, and the representative of the City 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, environment and welfare of the community, then the representative of the City may seek issuance of a search warrant from any court of competent jurisdiction.
- G. *Notification of Accidental Discharges and Spills.* Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the City's separate storm sewer system, State Waters, or Waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

Said person shall notify the Public Works Department by phone, facsimile, or in person within 24 hours of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Public Works Department within three business days of the phone or in person 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. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.

Failure to provide notification of a release as provided above is a violation of this ordinance.

([Ord. No. 732](#), § 29, 2-6-2017)

~~3.3.10 — Variances from requirements.~~

- ~~A. — The City Engineer may grant a variance in accordance with Section 5.2 if exceptional circumstances applicable to a site exist such that strict adherence to the provisions of this Ordinance will result in unnecessary hardship and will not fulfill the intent of the Ordinance.~~
- ~~B. — In order to have a variance considered, the applicant shall submit a written request to the City Engineer identifying the specific variance sought and the reasons that the variance should be granted. The written request shall include supporting data and all other information necessary to evaluate the proposed variance.~~
- ~~C. — The City Engineer will conduct a review of the request for a variance within fifteen (15) working days of receiving the request.~~

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3.3.11 ~~5~~ Conservation subdivision.

A. *Purposes.*

1. To provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure.
2. To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
3. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
4. To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
5. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
6. To promote interconnected greenways and corridors throughout the community.
7. To promote contiguous greenspace with adjacent jurisdictions.
8. To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
9. To encourage street designs that reduce traffic speeds and reliance on main arteries.
10. To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.
11. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.
12. To preserve important historic and archaeological sites.
13. No variances shall be granted to conservation subdivisions.

B. *General Regulations.*

1. *Applicability of Regulations.* This Conservation Subdivision option is available in the Residential Estate (RE) zoning district as a use by right. Applicant shall comply with all other provisions of the zoning code and all other applicable laws, except those that are incompatible with the provisions contained herein.
2. *Ownership of Development Site.* The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.
3. *Housing Density Determination.* The maximum number of lots in the Conservation Subdivision shall be determined by either of the following two methods, at the discretion of the City:
 - a. *Calculation:* The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:
 - (1) Slopes over 25 percent of at least 5,000 square feet contiguous area;
 - (2) The 100-year floodplain;
 - (3) Bodies of open water over 5,000 square feet contiguous area;

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- (4) Wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act;
- (5) Anticipated right-of-way needs for roads and utilities; or
- (6) Required stream buffers.

b. Yield Plan: The maximum number of lots is based on a conventional subdivision design plan prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given the site features and all applicable regulations.

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C. Application Requirements.

1. *Site Analysis Map Required.* Concurrent with the submission of a preliminary plat, Applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed Open Space will meet the requirements of this article. The preliminary plat shall include the following features, in addition to the other requirements of this document.
 - a. Property boundaries;
 - b. All streams, rivers, lakes, wetlands and other hydrologic features;
 - c. Topographic contours of no less than 10-foot intervals;
 - d. All Primary and Secondary Conservation Areas labeled by type, as described in Section 4 of this Article;
 - e. General vegetation characteristics;
 - f. General soil types;
 - g. The planned location of protected Open Space;
 - h. Existing roads and structures; and,
 - i. Potential connections with existing greenspace and trails.
2. *Open Space Management Plan Required.* An open space management plan, as described in Section 4, shall be prepared and submitted prior to the approval of the preliminary plat.
3. *Instrument of Permanent Protection Required.* An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in Subsection D below, shall be placed on the Open Space concurrent with the issuance of a land disturbance permit.
4. *Other Requirements.* The Applicant shall adhere to all other applicable requirements of the underlying zoning and the Unified Development Code.

D. Open Space.

1. *Definition.* Open Space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of an approved legal instrument.
2. *Standards to Determine Open Space.*
 - a. The minimum restricted Open Space shall comprise at least 40% of the gross tract area.
 - b. The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
 - (1) The regulatory 100-year floodplain;

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- (2) Buffer zones of at least 75 ft. width along all perennial and intermittent streams;
 - (3) Slopes above 25 percent of at least 5,000 square feet contiguous area;
 - (4) Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
 - (5) Populations of endangered or threatened species, or habitat for such species; and,
 - (6) Archaeological sites, cemeteries and burial grounds.
 - c. The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible:
 - (1) Important historic sites;
 - (2) Existing healthy, native forests of at least one acre contiguous area;
 - (3) Individual existing healthy trees greater than 8 inches caliper, as measured from their outermost drip line;
 - (4) Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;
 - (5) Prime agricultural lands of at least five acres contiguous area; and,
 - (6) Existing trails that connect the tract to neighboring areas.
 - d. Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected Open Space but cannot be counted towards the 40 percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the Open Space.
 - e. At least 75 percent of the Open Space shall be in a contiguous tract. The Open Space should adjoin any neighboring areas of Open Space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Open Space.
 - f. The Open Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Open Space.
3. *Permitted Uses of Open Space.* Uses of Open Space may include the following:
- a. Conservation of natural, archeological or historical resources;
 - b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
 - c. Walking or bicycle trails, provided they are constructed of porous paving materials;
 - d. Passive recreation areas;
 - e. Active recreation areas, provided that they are limited to no more than 10 percent of the total Open Space, are not located within Primary Conservation Areas, and do not require significant tree removal. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Open Space;
 - f. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, such activities are not conducted within Primary Conservation Areas, and such activities are in compliance with this ordinance;

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- g. Nonstructural stormwater management practices, provided that they are limited to no more than 10 percent of the total Open Space, are not located within Primary Conservation Areas, and do not require significant tree removal;
 - h. Easements for drainage, access, and underground utility lines, provided that they are limited to no more than 10 percent of the total Open Space, are not located within Primary Conservation Areas, and do not require significant tree removal; or
 - i. Other conservation-oriented uses compatible with the purposes of this ordinance.
- 4. *Prohibited uses of Open Space.*
 - a. Golf courses;
 - b. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
 - c. Agricultural and forestry activities not conducted according to accepted Best Management Practices; and,
 - d. Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.
- 5. *Ownership and Management of Open Space.*
 - a. Ownership of Open Space. The applicant must identify the owner of the Open Space who is responsible for maintaining the Open Space and facilities located thereon. If a Homeowners Association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. If a Homeowners Association is the owner, the Homeowners' Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the owner.
 - b. Management Plan. Applicant shall submit a Plan for Management of Open Space and Common Facilities ("Plan") that:
 - (1) Allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
 - (2) Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space and outlines the means by which such funding will be obtained or provided;
 - (3) Provides that any changes to the Plan be approved by the Board of Commissioners; and,
 - (4) Provides for enforcement of the Plan.
 - c. In the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.
- 6. *Legal Instrument for Permanent Protection.*
 - a. The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
 - (1) A permanent conservation easement in favor of either:

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- (i) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
- (ii) A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.

If the entity accepting the easement is not the City, then a third right of enforcement favoring the City shall be included in the easement;

- (2) A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or,
 - (3) An equivalent legal tool that provides permanent protection, if approved by the City.
- b. The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the Open Space.

3.3.12-6 Water supply watershed protection.

A. Definitions.

Buffer. A natural or enhanced vegetated area with no or limited minor land disturbances, such as trails and picnic areas, located adjacent to reservoirs or perennial streams within a water supply watershed.

Corridor. All land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed and within other setback areas specified in Section IV of this ordinance.

Impervious Surface. A man-made structure or surface that 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.

Perennial Stream. A stream that has normal stream flow consisting of base flow (discharge that enters the stream channel mainly from groundwater) or both base flow and direct runoff during any period of the year, flows throughout the whole year as indicated on a USGS Quad map.

Small Water Supply Watershed. A watershed that contains less than 100 square miles of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.

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, stormwater systems and railroads or other utilities identified by a local government.

Water Supply Watershed. The area of land upstream of a governmentally owned public drinking water intake.

- B. **Establishment of a Water Supply Watershed District.** The Roswell Water Supply Watershed District is hereby designated and shall comprise the land that drains to City of Roswell water intake at Big Creek. The boundary of this overlay is defined by the ridgeline of the watershed and the boundary of a radius of seven (7) miles upstream of the Roswell Water Supply Intake. This overlay is delineated and defined on the Water Supply Watershed Protection District Map of The City of Alpharetta, hereafter referred to as The Map. The Map is hereby incorporated into and made a part of this ordinance by reference.

The Roswell Intake is within a small water supply watershed. An intake for the City of Roswell Georgia is located on Big Creek. This Water Supply Watershed does not contain a reservoir.

- C. **Protection Criteria.** The following regulations shall apply to the Roswell Water Supply Watershed within the City of Alpharetta as identified on the Map. Stream buffer requirements are also

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established as part of the City of Alpharetta Soil Erosion and Sedimentation Control Ordinance and the Stormwater Owner Ordinance. In areas of conflict, the stricter Ordinance will prevail.

1. The corridors of all perennial streams within a seven mile radius upstream of the Roswell water supply intake must be protected by the following criteria:
 - a. A buffer shall be maintained for a distance of 100-feet on both sides of the stream as measured from the stream banks.
 - b. No impervious surface shall be constructed within a 150-foot setback area on both sides of the stream as measured from the stream banks. Septic tanks and septic tank drain fields are prohibited in the 150-foot setback area.
2. The corridors of all perennial streams outside a seven-mile radius upstream of the Roswell water supply intake must be protected by the following criteria:
 - a. A buffer shall be maintained for a distance of 50-feet on both sides of the stream as measured from the stream banks.
 - b. No impervious surface shall be constructed within a 75-foot setback area on both sides of the stream as measured from the stream banks. Septic tanks and septic tank drain fields are prohibited in the 75-foot setback area.
3. The impervious surface area of facilities, including all public and private structures and utilities, within the water supply watershed shall be limited to 25% of the total area within the development, or the existing use, whichever is greater. The total amount of impervious area may exceed the 25% impervious limit if the following conditions are met and approved by the City-Engineer.
 - a. The impervious surface area of facilities, including all public and private structures and utilities, within the water supply watershed shall be limited to 25% of the total area within the development, or the existing use, whichever is greater. All impervious surfaces must be included in the determination of the total impervious surface density of the City.
 - b. If the pending Big Creek Watershed Study recommendations are formally adopted by all of the local governments within the watershed, then the following approach may be considered: the total amount of impervious area may exceed the 25% impervious limit if the following conditions are met and approved by the City-Engineer. The total directly connected impervious surface area within the development shall not exceed 25%. Impervious can be considered disconnected from the drainage system if the runoff from the impervious surface flows over a minimum of 25 feet of pervious surface or if the runoff from 1.2 inches of rainfall is treated by the following water quality best management practices:
 - (1) Wet ponds (extended detention for less than 20 acres)—ED-micro pool.
 - (2) Wetlands—constructed.
 - (3) Infiltration Trenches.
 - (4) Dry Swales.
 - (5) Sand Filters.
 - (6) Bio-retention.
 - (7) Vegetated filtration Systems.
 - (8) Any other best management practice approved by the city-Engineer.
4. a. New facilities which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.

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b. New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems.

c. New hazardous waste treatment or disposal facilities are prohibited.

D. *Exemptions.* The following uses shall be exempted:

1. Land uses existing prior to the adoption of this ordinance.
2. Mining activities permitted by the Department of Natural Resources under the Surface Mining Act.
3. Utilities from the stream corridor buffer and setback area provisions in accordance with the following conditions if the utilities to be located in the buffer or setback areas cannot feasibly be located outside these areas:
 - a. The utilities shall be located as far from the stream bank as reasonably possible.
 - b. The installation and maintenance of the utilities shall be such to protect the integrity of the buffer and setback areas as best as reasonably possible.
 - c. The utilities shall not impair the quality of the drinking water stream.
4. Specific forestry and agricultural activities in the stream corridor buffer and setback areas in accordance with the following conditions:
 - a. The activity shall be consistent with best management practices established by the Georgia Forestry Commission or the Georgia Department of Agriculture.
 - b. The activity shall not impair the quality of the drinking water stream.

E. *Administration.* Administration, enforcement, review and permitting shall be as per Section 4.4 of this Code.

All development activities or site work conducted after approval of the site plan shall conform to the specifications of said site plan. Changes to the approved plans must be approved by the Director.

The following activities and developments are exempt from the requirement for detailed site plans:

1. Detached 'For-Sale' dwellings constructed within a subdivision of fewer than five parcels.
2. Repairs to a facility that is part of a previously approved and permitted development.
3. Construction of minor structures, such as sheds or additions to residences.
4. Commercial development of under 800 square feet within the Downtown Overlay.

F. *Suspension, Revocation.* The Director may suspend or revoke a permit if she finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit.

3.3.13 ~~7~~ Groundwater recharge areas.

A. Definitions.

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

Drastic. The standardized system for evaluating groundwater pollution potential using the hydro geologic settings described in U.S. Environmental Protection Agency document EPA-600-2-87-035.

Pollution Susceptibility. The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, application of chemicals and other human activities in the recharge area.

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Pollution Susceptibility Map. The relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. (Georgia Department of Natural Resources Hydrologic Atlas 20: Groundwater Pollution Susceptibility Map of Georgia)

Recharge Area. Any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.

Significant Recharge Areas. Those areas mapped by the Georgia Department of Natural Resources in Hydrologic Atlas 18 (1989 edition).

Establishment of the Groundwater Recharge Area Protection District. The Groundwater Recharge Area District is hereby established which shall correspond to all lands within the jurisdiction of the City of Alpharetta, Georgia that are mapped as significant recharge areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1989 edition. Said map is hereby adopted and made a part of this ordinance.

Determination of Pollution Susceptibility. Each recharge area shall be determined to have a pollution susceptibility of high, medium, or low based on the Georgia Pollution Susceptibility Map, Hydrologic Atlas 20, 1992 edition. Said map is hereby adopted and made a part of this ordinance.

B. Protection Criteria.

1. No construction may proceed on a building to be served by a septic tank unless the Fulton County Health Department approves the proposed septic tank installations as meeting the requirements of the Georgia Department of Human Resource for On-Site Sewage Management (hereinafter DHR Manual), and Sections B. and C. below.
2. New homes served by a septic tank/drain field system shall be on lots having minimum size limitations as follows, based on application of Table MT-1 of the DHR Manual (hereinafter DHR Table MT-1). The minimums set forth in Table MT-1 may be increased further based on consideration of other factors (set forth in Sections A—F) of the DHR Manual.
 - a. 150% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a high pollution susceptibility area;
 - b. 125% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a medium pollution susceptibility area;
 - c. 110% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a low pollution susceptibility area.
3. New agricultural waste impoundment sites shall be lined if they are within a high pollution susceptibility area; a medium pollution susceptibility area and exceed 15 acres; or a low pollution susceptibility area and exceed 50 acres. As a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the Natural Resource and Conservation Service.
4. New above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have secondary containment for 110% of the volume of such tanks or 110% of the volume of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.
5. New facilities that handle hazardous materials of the types listed in section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on any one day shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and local fire code requirements.
6. Permanent storm water infiltration basins shall not be constructed in areas having high pollution susceptibility.

C. Exemptions.

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1. Any lot of record approved prior to the adoption of this ordinance is exempt from the minimum lot size requirements contained in [Article IV] Sections IV.B. and C. of this ordinance.
- D. Administration, plan review and permitting procedures are provided for in Section 4.4 of this Code.
 1. The following activities and developments are exempt from the requirement for detailed site plans:
 - a. Detached 'For-Sale' dwellings constructed within a subdivision of fewer than five parcels.
 - b. Repairs to a facility that is part of a previously approved and permitted development.
 - c. Construction of minor structures, such as sheds or additions to residences.

3.3.8 Variances from requirements applicable to sections 3.3.2, 3.3.3, 3.3.4, 3.3.6, and 3.3.7.

- A. The City may grant a variance in accordance with Section 5.2 if exceptional circumstances applicable to a site exist such that strict adherence to the provisions of this Ordinance will result in unnecessary hardship and will not fulfill the intent of the Ordinance.
- B. In order to have a variance considered, the applicant shall submit a written request to the City identifying the specific variance sought and the reasons that the variance should be granted. The written request shall include supporting data and all other information necessary to evaluate the proposed variance.
- C. The City will conduct a review of the request for a variance within fifteen (15) working days of receiving the request.

3.3.14 9 Violations, enforcement and penalties.

Any action or inaction which violates the provisions of Section 3.3 this ordinance or the requirements of an approved site plan, stormwater management plan, report, 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.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this Section or may be restrained by injunction or otherwise abated in a manner provided by law. The imposition of any of the penalties described below shall not prevent such equitable relief.

In the event the violation constitutes an immediate danger to public health or public safety, representatives of the City are authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The City is authorized to seek costs of the abatement as outlined in this Section.

- A. *Notice of Violation.* If the City 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.
 1. The notice of violation shall contain:
 - a. The name and address of the owner or the applicant or the responsible person;
 - b. The address or other description of the site upon which the violation is occurring;
 - c. A statement specifying the nature of the violation;

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- d. 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 [the City ~~Engineer~~ 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 the violation];
 - e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed and the City's intended action; and
 - f. A statement that the determination of violation may be appealed to the City of Alpharetta by filing a written notice of appeal within ~~fifteen (15)~~ 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).
2. Such notice may require without limitation:
- a. The performance of monitoring, analyses, and reporting;
 - b. The elimination of illicit discharges and illegal connections;
 - c. That violating discharges, practices, or operations shall cease and desist;
 - d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - e. Payment of costs to cover administrative and abatement costs; and,
 - f. The implementation of pollution prevention practices.
- B. *Appeal of Notice of Violation.* Any person receiving a Notice of Violation may appeal the determination of the City ~~Engineer~~ in accordance with Section 4.5 Appeals. The notice of appeal must be received within thirty (30) days from the notice of violation. Hearing on appeal before the Zoning Board of Appeals or their designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the appropriate authority or their designee will be final.
- C. *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 ten (10) days of the decision of the appropriate authority upholding the decision of the City Engineer, then representatives of the City may 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.
- D. *Costs of Abatement of the Violation.* Within thirty (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 assessment or to the amount of the assessment within fifteen (15) days of such notice. If the amount due is not paid within thirty (30) days after receipt of the notice, or if an appeal is taken, within thirty (30) days after a decision on said 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.
- E. *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 shall first notify the applicant or other responsible person in

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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 hour 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 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 ~~Engineer~~ 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 ~~Engineer~~ may refuse to approve 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 ~~Engineer~~ 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 Engineer may deem necessary] to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
4. Penalties.
 - a. 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 shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient), after the City has taken one or more of the actions described above, the City may impose a penalty not to exceed \$2,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
 - b. For intentional and flagrant violations of this ordinance, the City may issue a citation to the applicant or other responsible person, requiring such person to appear in any court of competent jurisdiction to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$2,000 or imprisonment for 30 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.
 - c. —Each violation of this Ordinance is subject to a penalty not to exceed two thousand dollars (\$2,000.00) or thirty (30) days in the City's jail.
 - (1) The City may institute appropriate actions or proceedings at law or equity for the enforcement of this Ordinance;
 - (2) Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, or other appropriate forms of remedy or relief;
 - (3) Each day of noncompliance is considered a separate offense; and

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(4) Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief.

~~bd.~~ Any person who undertakes any development activity requiring a stormwater management plan hereunder without first submitting the plan for review and approval shall pay to the City, in addition to any permit or inspection fee, an administrative fee of five thousand dollars (\$5,000.00).

~~ee.~~ The determination by the City ~~Engineer~~ that a violation of this Ordinance has occurred shall be conclusive and final unless the accused violator submits a written request for a hearing within seven (7) days of the violation notice being served.

F. *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, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.

G. *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 the City of Alpharetta may seek cumulative remedies.

The City may recover attorney's fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

([Ord. No. 732](#), § 30, 2-6-2017)

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SECTION 3.4 - FLOODPLAIN MANAGEMENT

3.4.1 General.

A. *Introduction.* It is hereby determined that:

The flood hazard areas of the City 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, the City establishes this set of floodplain management and flood hazard reduction provisions 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 damages is in the public interest and will minimize threats to public health and safety, as well as to private and public property.

B. *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.

C. *Applicability.* This ordinance shall be applicable to all Areas of Special Flood Hazard within the jurisdiction of the City.

D. *Designation of Ordinance Administrator.* The Directors of Community Development and Public Works and their designees are hereby appointed to administer and implement the provisions of this ordinance.

E. *Basis for Establishing Areas of Special Flood Hazard.* Areas of Future-Conditions Flood Hazard and Associated Floodplain Characteristics - Flood Area Maps and Studies.

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For the purposes of defining and determining "Areas of Special Flood Hazard," "Areas of Future - conditions Flood Hazard," "Areas of Shallow Flooding," "Base Flood Elevations," "Floodplains," "Future-conditions Flood Elevations," "Future-conditions Floodplains," potential flood hazard or risk categories as shown on FIRM maps, and other terms used in this ordinance, the following documents and sources may be used for such purposes and are adopted by reference thereto:

1. The Flood Insurance Study (FIS), dated September 18, 2013, with accompanying maps and other supporting data and any revision thereto. For those land areas acquired by a municipality through annexation, the current effective FIS and data for Fulton County, dated September 18, 2013, with accompanying maps and other supporting data and any revision thereto.
 2. Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the base or one-percent (100-year) floodplain and floodprone areas including:
 - 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 the City; and
 - b. Any base flood study conducted by a licensed professional engineer which has been prepared utilizing FEMA approved methodology and approved by the City.
 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 including:
 - 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 the City; and
 - b. Any future-conditions flood study conducted by a licensed professional engineer which has been prepared utilizing FEMA approved methodology approved by the City.
 4. The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the Public Works Department.
- F. *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 another 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.
- G. *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.
- H. *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 the City or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

([Ord. No. 693, 9-2-2014](#))

3.4.2 Definitions.

Addition means any walled and roofed expansion to the perimeter or height of a building.

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Adjacent means those areas located within 200 horizontal feet (or greater as determined by the City) from the future-conditions floodplain boundary that are at or lower in elevation than either three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher, unless the area is hydraulically independent (meaning absolutely no connection to the flooding source such as through pipes, sewer laterals, down drains, foundation drains, ground seepage, overland flow, gated or valved pipes, excavated and backfilled trenches, etc. with no fill or other manmade barriers creating the separation).

Appeal means a request for a review of the Directors of Community Development and Public Works' interpretation of any provision of this ordinance.

Area of Future-conditions Flood Hazard means the land area that would be inundated by the one-percent-annual-chance flood based on future-conditions hydrology (100-year future-conditions flood).

Area of Shallow Flooding means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater chance of flooding to an average depth of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard means the land area 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 designated as Zones A, A1-30, A-99, AE, AO, AH, and AR on a community's Flood Insurance Rate Map (FIRM).

Accessory Structure or Facility means a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the primary structure.

Base Flood means 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 means the highest water surface elevation anticipated at any given location during the base flood.

Basement means any area of a building having its floor subgrade below ground level on all sides.

Building has the same meaning as "Structure".

Critical Facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Development means 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 means a non-basement building which has its lowest elevated floor raised above the ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing Construction means any structure for which the "start of construction" commenced before December 17, 1987, the effective date of the initial floodplain management ordinance adopted by the City as a basis for its participation in the National Flood Insurance Program (NFIP).

Existing Manufactured Home Park or Subdivision means 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 before December 17, 1987, the effective date of the initial floodplain management ordinance adopted by the City as a basis for its participation in the National Flood Insurance Program (NFIP).

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are

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to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA means the Federal Emergency Management Agency.

Flood or Flooding means 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 Insurance Rate Map or FIRM means an official map of a community, issued by the FEMA, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood Insurance Study or FIS means the official report by the FEMA providing an examination, evaluation, and determination of flood hazards and corresponding flood profiles and water surface elevations of the base flood.

Floodplain or Flood-prone Area means any land area susceptible to flooding.

Floodproofing means 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 means the channel of a stream, river, or other watercourse and the adjacent areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally Dependent Use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Future-conditions Flood means 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 means the highest water surface elevation anticipated at any given location during the future-conditions flood.

Future-conditions Hydrology means the flood discharges associated with projected land-use conditions based on a community's zoning maps, comprehensive land-use plans, and/or watershed study projections, and without consideration of the projected future construction of stormwater management (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 means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic Structure means 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 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 by communities with historic preservation programs that have been certified either:

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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 means 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 so as to render the structure in violation of other provisions of this code.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when attached 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 one hundred eighty (180) consecutive days or longer and intended to be improved property. The term does not include a "recreational vehicle".

Mean Sea Level means the datum to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced. For purposes of this ordinance the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988.

New Construction means any structure (see definition) for which the "start of construction" commenced on or after December 17, 1987 [the effective date of the first floodplain management ordinance adopted by the City as a basis for participation in the National Flood Insurance Program (NFIP)] and includes any subsequent improvements to the structure.

New Manufactured Home Park or Subdivision means 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 17, 1987 [the effective date of the initial floodplain management ordinance adopted by the City as a basis for participation in the National Flood Insurance Program (NFIP)].

North American Vertical Datum (NAVD) of 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

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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 to the applicant which is required for undertaking any land development activity.

Recreational Vehicle means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by light duty truck; and,
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Repetitive Loss means flood related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

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

Start of Construction includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of the structure on a site, such as the pouring of slabs or footings, the installation

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of piles, the construction of columns, or any work beyond the stage of excavation; or 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 accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure. 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 means a walled and roofed building (including a gas or liquid storage tank), that is principally above ground, or a manufactured home.

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.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to ~~it's~~ its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. This term also includes Repetitive Loss.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement to a structure, taking place during a 10-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the building 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 repair work performed. The term does not, however, include those improvements of a structure required to comply with existing state and local health, sanitary, or safety code specifications which are the minimum necessary to assure safe living conditions, which have been identified by the Code Enforcement Official. The term does also not include any alterations of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Substantially Improved Existing Manufactured Home Park or Subdivision means 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 means a grant of relief from the requirements of this ordinance.

Violation means the failure of a structure or other development to be fully compliant with the requirements of this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

([Ord. No. 693, 9-2-2014](#))

3.4.3 Permit procedures and requirements.

- A. *Permit Application Requirements.* No owner or developer shall perform any land development activities on a site where an Area of Special Flood Hazard or Area of Future-conditions Flood Hazard is located without first meeting the requirements of this ordinance prior to commencing the proposed activity.

Unless specifically excluded by this ordinance, any owner or developer desiring a permit for a land development activity shall submit to the City a permit application on a form provided by the City for that purpose.

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

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B. *Floodplain Management Plan Requirements.* An application for a development project with any Area of Special Flood Hazard or Area of Future-conditions Flood Hazard located on the site shall 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 licensed 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 floodproofed;
 - c. Certification that any proposed non-residential floodproofed structure meets the criteria in Subsection 3.4.5.B.2;
 - d. For enclosures below the base flood elevation, location and total net area of flood openings as required in Subsection 3.4.5.A.5; and
 - e. Design plans certified by a licensed 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 floodways, 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, including but not limited to permits required by Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334; and
6. All appropriate certifications required under this ordinance.

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.

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- C. *Construction Stage Submittal Requirements.* For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the Director of Community Development a certified as-built Elevation Certificate or Floodproofing Certificate for non-residential construction including the lowest floor elevation or floodproofing level immediately after the lowest floor or floodproofing 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 licensed land surveyor or professional engineer and certified by same. When floodproofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same using the FEMA Floodproofing Certificate. This certification shall also include the design and operation/maintenance plan to assure continued viability of the floodproofing measures.

Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The Director of Community Development 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 caused to issue a stop work order for the project.

- D. *Duties and Responsibilities of the Directors of Community Development and Public Works.* Duties of the Directors of Community Development and Public Works shall include, but shall not be limited to:

1. Review all land 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. Review proposed development to assure that 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;
3. When Base Flood Elevation data or floodway data have not been provided, then the City ~~Engineer~~ 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 3.4.4 and 3.4.5;
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 and substantially improved structures;
5. Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been floodproofed;
6. When floodproofing is utilized for a non-residential structure, the Director of Community Development shall review the design and operation/maintenance plan and obtain certification from a licensed professional engineer or architect;
7. Notify affected adjacent communities and the Georgia Department of Natural Resources (GA DNR) 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 City ~~Engineer~~ 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;
9. All records pertaining to the provisions of this ordinance shall be maintained in the office of the Public Works or Community Development Departments and shall be open for public inspection.
10. Coordinate all FIRM revisions with the GA DNR and FEMA; and

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11. Review variance applications and make recommendations to the City Council, Code Enforcement Board, Board of Zoning Appeals, and Planning Commission.

([Ord. No. 693, 9-2-2014](#).)

3.4.4 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 the City. If future-conditions elevation data is not available from the City, then it shall be determined by a licensed professional engineer using a method approved by FEMA and the City.

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 provided by the City. If floodway data is not available from the City, then it shall be determined by a licensed professional engineer using a method approved by FEMA and the City.

C. *General Standards.*

1. No development shall be allowed within any Area of Special Flood Hazard or Area of Future-conditions Flood Hazard 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 any Area of Special Flood Hazard or Area of Future-conditions Flood Hazard allowed under 3.4.4C1 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 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;

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- 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 3.4.4.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 using the Community Concurrence 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 development, the applicant shall submit as-built surveys and plans 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 floodways. This study shall be prepared by a licensed professional engineer and made a part of the application for a permit. This information shall be submitted to and approved by the City prior 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. 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 will not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A licensed 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 until an affirmative

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Conditional Letter of Map Revision (CLOMR) is issued by FEMA or a no-rise certification is approved by the City.

- F. *Maintenance Requirements.* The property owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on the property so that the flood-carrying or flood storage capacity is maintained. The City may direct the property owner (at no cost to the City) 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.

([Ord. No. 693, 9-2-2014](#))

3.4.5 Provisions for flood damage reduction.

In all Areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard the following provisions apply:

A. *General Standards.*

1. New construction and substantial improvements of structures (residential or non-residential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sections 3.4.4.C, 3.4.4.D and 3.4.4.E have been met;
2. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. Elevated Buildings - All new construction and substantial improvements that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or 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 licensed professional engineer or architect to meet or exceed the following minimum criteria:
 - (1) 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;
 - (2) The bottom of all openings shall be no higher than one foot above grade; and
 - (3) 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 ordinance, the unfinished or flood resistant enclosure shall only 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 finished or partitioned 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-

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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, and 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. All proposed development shall include adequate drainage and stormwater management facilities per the requirements of the City to reduce exposure to flood hazards.
 9. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 10. 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;
 11. On-site waste disposal systems shall be located and constructed to avoid impairment to or contamination from such systems during flooding;
 12. Other public utilities such as gas and electric systems shall be located and ~~constructure~~ constructed to avoid impairments to them, or public safety hazards from them, during a flood;
 13. 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.
 14. 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 flood elevation and development standards shall take precedence.
 15. When only a portion of a proposed structure is located within a flood zone or the future conditions floodplain, the entire structure shall meet the requirements of this ordinance; and
 16. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reasonably safe from flooding:
 - a. All such proposals shall be consistent with the need to minimize flood damage within the flood-prone area;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage shall be provided to reduce exposure to flood hazards.
- B. *Building Standards for Structures and Buildings Within the Future-Conditions Floodplain.*
1. *Residential Buildings.*
 - a. *New construction.* New construction of principal residential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sections 3.4.4.C, 3.4.4.D, and 3.4.4.E have been met. If all requirements of Sections 3.4.4.C, 3.4.4.D, and 3.4.4.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 automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Subsection 3.4.5.A.5.
 - b. *Substantial Improvements.* Substantial improvement of any principal residential structure shall have the lowest floor, including basement, elevated no lower than three

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(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 automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Subsection 3.4.5.A.5.

2. *Non-Residential Buildings.*

- a. *New construction.* New construction of principal non-residential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sections 3.4.4.C, 3.4.4.D, and 3.4.4.E have been met. If all of the requirements of Sections 3.4.4.C, 3.4.4.D, and 3.4.4.E have been met, all new constructions shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 3.4.5.A.5. New construction that has met all of the requirements of Section 3.4.4.C, 3.4.4.D, and 3.4.4.E may be floodproofed 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 licensed 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 Chief Building Official using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan.
- b. *Substantial Improvements.* Substantial improvement of any principal non-residential structure located in AI-30, AE, or AH zones, may be authorized by the Director of Community Development to be elevated or floodproofed. Substantial improvements shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should the solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 3.4.5.A.5. Substantial improvements may be floodproofed 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 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 licensed 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 Chief Building Official using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan.
3. *Accessory Structures and Facilities.* Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, recreational facilities and other similar non-habitable structures and facilities) which meet the requirements of Sections 3.4.4.C, 3.4.4.D, and 3.4.4.E and are permitted to be located within the limits of the future-conditions floodplain shall be constructed of flood resistant materials and designed to provide adequate flood openings in accordance with Subsection 3.4.5.A.5 and be anchored to prevent flotation, collapse, and lateral movement of the structure.
4. *Standards for Recreational Vehicles.*

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- a. All recreational vehicles placed on sites must either:
 - (1) 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
 - (2) Meet all the requirements for "Residential Buildings—Substantial Improvements" (Subsection 3.4.5.B.1), 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 Sections 3.4.4.C, 3.4.4.D, and 3.4.4.E have been met. If all the requirements of Sections 3.4.4.C, 3.4.4.D, and 3.4.4.E have been met, all new construction and substantial improvement 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 automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with section 3.4.5.A.5.
 - b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:
 - (1) 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
 - (2) 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 the standards of Subsection 3.4.5.A.7.
- C. *Building Standards for Structures and Buildings Authorized Adjacent to the Future-Conditions Floodplain.*
 - 1. *Residential Buildings* - For new construction and 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. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with Section 3.4.5.A.5.
 - 2. *Non-Residential Buildings* - For new construction and 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. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with Section 3.4.5.A.5. Non-residential buildings may be floodproofed in lieu of elevation.
- D. *Building Standards for Residential Single-Lot Developments on Streams Without Established Base Flood Elevations and Floodway (A-Zones).* For a residential single-lot development not 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 Director of Community Development or Public

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Works shall review and reasonably utilize any available scientific or historic flood elevation data available from a Federal, State, or other source, in order to administer the provisions and standards of this Section. If data are not available from 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 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. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided for flood prone enclosures in accordance with Subsection 3.4.5.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 new construction and 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. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided in accordance with standards of Subsection 3.4.5.A.5.
 2. New construction and substantial improvement of a non-residential structure may be floodproofed 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 licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice, and shall provide such certification to the Chief Building Official using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan; and
 3. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.
- F. *Standards for Subdivisions of Land.*
1. All subdivision proposals shall identify the Areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard therein 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 3.4.3.B.2.
- G. *Critical Facilities.* Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area preferably outside the 0.2% annual chance floodplain. Construction of new critical facilities may be permissible within the 0.2% annual chance floodplain if feasible alternative sites are unavailable. Access routes elevated to or

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above the level of base flood elevation and future flood elevation shall be provided to all critical facilities to the maximum extent possible.

([Ord. No. 693, 9-2-2014](#))

3.4.6 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.

1. Requests for variances from the requirements of this ordinance shall be submitted to the City. All such requests shall be heard and decided in accordance with procedures to be published in writing by the City. 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 shall have the right to appeal such decision to the Board of Zoning Appeals as established by the City in accordance with procedures to be published in writing by the Board of Zoning Appeals. 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 Board of Zoning Appeals may appeal such decision to the superior court, 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 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 Article 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 City and Board of Zoning Appeals 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.
 - 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

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and stating that the cost of flood insurance resulting from the lowest floor elevation being placed below the base flood elevation will be commensurate with the increased risk to life and that such costs may be as high as \$25 for each \$100 of insurance coverage provided.

- d. The Directors of Community Development and Public Works shall maintain the records of all variance actions, both granted and denied, and report them 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 City and Board of Zoning Appeals shall deem necessary for the consideration of the request.
10. Upon consideration of the factors listed above and the purposes of this ordinance, the City and the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
11. Variances will not be issued "after the fact."

([Ord. No. 693, 9-2-2014](#))

3.4.7 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.

- A. *Notice of Violation.* If the City 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 therefore, 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 by filing a written notice of appeal within fifteen (15) days after the notice of violation.
- 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 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

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other responsible person fails to cure such violation after such notice and cure period, the City 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 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 may refuse to approve 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 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 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 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 has taken one or more of the actions described above, the City 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.
5. *Criminal Penalties* - For intentional and flagrant violations of this ordinance, the City may issue a citation to the applicant or other responsible person, requiring such person to appear in any court of competent jurisdiction 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.

([Ord. No. 693, 9-2-2014](#))